

TOTAL
BELLA
WHITE
PETIT
UZELAC
MINCCHUK
HARDAWAY
NEAL

- |         |
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| TOTAL   |
| BELLA   |
| WHITE   |
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| UZELAC  |
| MINCHUK |
| HARDWAY |
| NEAL    |



11. BZA & LARGE GATHERING ACTIONS

**Petitioner:** Justin Hanuscin  
**Owner:** Peach Tree Partners  
**Request:** Variance of use Approval  
**Purpose:** Storage Facility  
**Location:** 2200 West 79<sup>th</sup> Place  
**Zoning:** C-3 Highway Commercial Zoning District

**Petitioner:** Tiffany Blakemore  
**Owner:** LBD Properties LLC  
**Request:** Variance of Use Approval  
**Purpose:** Fitness and Cycling Center  
**Location:** 6110 Broadway Unit 5  
**Zoning:** M-2, Limited Industrial Corridor Overlay Zoning District Commercial

**Petitioner:** 430 Legacy LLC  
**Owner:** Dr. Venture III LLC  
**Request:** Special Exception Approval  
**Purpose:** Dine-In Restaurant  
**Location:** 610 West Lincoln Highway  
**Zoning:** C-3 Highway Commercial Zoning District

**Petitioner:** Daniel El Ashmawi  
**Owner:** LBD Properties LLC  
**Request:** Variance of Use Approval  
**Purpose:** Pet Grooming Service and Retail Store  
**Location:** 6110 Broadway Unity 3  
**Zoning:** M-2, Limited Industrial Corridor Overlay District

**Petitioner:** Stylesavers LLC  
**Owner:** LBD Properties LLC  
**Request:** Variance of Use Approval  
**Purpose:** Retail Store  
**Location:** 6110 Broadway  
**Zoning:** M-2, Limited Industrial Corridor Overlay District

**Applicant:** Kris Simonovski  
**Request:** Large Gathering Permit  
**Purpose:** Winter Wonderland Lights  
**Location:** Approximately 7595 E Lincoln HWY  
**Dates:** November 4<sup>th</sup> -- December 29<sup>th</sup> 2023 Sun-Sat from 5 pm-10 pm

12. Old Business

13. New Business

14. Special Presentations

15. **Public Comment:** Please state your name & address for the record and limit your comment to three (3) minutes.

16. Announcements

- RDC Meeting November 28<sup>th</sup> at 6:15 pm
- Twon Council Meeting November 28<sup>th</sup> at 6:00 pm
- Tree Lighting Family Night December 1, from 5:30 pm- 7:30 pm
- Merrillville House Decorating Contest applications are now available
- Town Hall is an Official Toys for Tots Drop off location through December 8th

17. Adjournment

N E A L	H A R D A W A Y	M I N C H U K	U Z E L A C	P E T I T	W H I T E	B E L L A	T O T A L



## INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N758  
Indianapolis, Indiana 46204

PHONE: (855) 463-6848

**Eric Holcomb, Governor**  
**Michael Smith, Commissioner**

November 03, 2023

Merrillville  
Rick Bella  
7820 Broadway  
Merrillville, IN 46410

RE: Community Crossing Matching Grant Fund 2023-2

Dear Rick Bella:

The Indiana Department of Transportation (INDOT) has completed the review and selection of projects for funding in the 2023-2 Community Crossings Matching Grant Fund Program. Your community has preliminarily been awarded \$1,000,000.00 in Community Crossings Matching Grant Funds based upon your estimates from your project application(s). INDOT will be transmitting an award letter in the upcoming weeks.

The Community Crossings Matching Grand Funds, which are administered by INDOT, will be used for funding up to 50 percent of the construction of your project or the purchase of materials. These grant dollars will enable you to help build and improve Indiana's infrastructure.

The state of Indiana looks forward to partnering with all Hoosier communities, both urban and rural, to invest in road and bridge infrastructure projects. Improvement to local roads and bridges will bring about economic development, create jobs, and strengthen local transportation networks for all of Indiana.

Sincerely,

Eric J. Holcomb, Governor

Michael Smith, INDOT Commissioner



# ACCOUNTS PAYABLE VOUCHER REGISTER SUMMARY

TOWN OF MERRILLVILLE

GOVERNMENTAL UNIT

AGENCY

APV Register Batch - NOVEMBER 14, 2023 TC MEETING

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General Form No. 364 (1997) APVREGISTER\_SUMFRX

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Check Date	Vendor	Name of Claimant	Office Department	Amount of Voucher	Amount Allowed	Warrant	Check/Memorandum (See Note (2) Above)
//	237	LAFAYETTE WAREHOUSE INC.	POLICE EQUIP/REPAIRS	-16.00			CORE RETURN ON BATTERY
//	423	ROBINSON ENGINEERING,	WHEEL TAX	1222.50			ENGINEERING FEES
//	373	A.E.BOYCE COMPANY, INC	GENERAL/FREIGHT	18.67			FREIGHT
//	237	LAFAYETTE WAREHOUSE INC.	POLICE EQUIP/REPAIRS	-120.00			CORE RETURN ON CALIPER
//	423	ROBINSON ENGINEERING,	WHEEL TAX	1160.50			ENGINEERING FEES
//	373	A.E.BOYCE COMPANY, INC	GENERAL/FREIGHT	49.68			FREIGHT
//	237	LAFAYETTE WAREHOUSE INC.	POLICE EQUIP/REPAIRS	659.62			BATTERY, ALTER. V BELT #305
//	251	LEAF CAPITAL FUNDING LLC	PNR/COPIER LEASE	363.00			PARKS COPIER LEASE NEW
//	423	ROBINSON ENGINEERING,	WHEEL TAX	7977.00			ENGINEERING FEES
//	314	9275 INCORPORATED	POLICE EQUIP/REPAIRS	100.00			REPAIRS TIRE TO 422 #JGB90090
//	373	A.E.BOYCE COMPANY, INC	GENERAL/FREIGHT	16.79			FREIGHT
//	195	AMERICAN EXPRESS	GENERAL/INSTRUCTION-E	199.00			PROFESSIONALISM & DIPLOMACY
//	700	INDIANA AMERICAN WATER	GENERAL/WATER	164.82			PRUZIN 220015152639
//	1206	KOPKA PINKUS & DOLIN, PC	GENERAL/ATTORNEY	12091.59			MISC TOWN MATTERS
//	237	LAFAYETTE WAREHOUSE INC.	POLICE EQUIP/REPAIRS	-75.00			CORE RETURN ON ALTERNATOR
//	251	LEAF CAPITAL FUNDING LLC	LRS/COPIER	363.00			STREETS COPIER LEASE NEW
//	691	POWER BRAKE & SPRING	LRS/REPAIR PARTS	19.79			BRAKE FLUID
//	423	ROBINSON ENGINEERING,	WHEEL TAX	3426.50			ENGINEERING FEES
//	539	USA BLUEBOOK	SW/FREIGHT	127.75			SW FREIGHT
//	314	9275 INCORPORATED	POLICE EQUIP/REPAIRS	590.00			FLUSH COOLING SYSTEM #429
//	373	A.E.BOYCE COMPANY, INC	GENERAL/OTHER	418.00			LASER CHECKS A/P RED
//	195	AMERICAN EXPRESS	GENERAL/REPAIRS TO	329.60			ROTORS FOR #133 (JAMES DODGE)
//	1241	ARC DOCUMENT SOLUTIONS	GENERAL/HQWE,-SOFTWA	166.66			SEPTEMBER SKYSITE
//	65	BATTERIES PLUS BULBS	FD/BUILDING SUPPLIES	10.85			C ALKALINE DURMN - 4PK. BATTERIES
//	140	FIRE SERVICE, INC	GENERAL/CLOTHING	39.34			UNIFORM SHIRT FOR 207
//	700	INDIANA AMERICAN WATER	FD/WATER	258.97			sprinkler system @st. #74
//	1206	KOPKA PINKUS & DOLIN, PC	GENERAL/ATTORNEY	5407.50			TC ADVICE
//	237	LAFAYETTE WAREHOUSE INC.	POLICE EQUIP/REPAIRS	568.36			BRAKES & ROTORS #UNIT #2
//	251	LEAF CAPITAL FUNDING LLC	GENERAL/ECON DEV	363.00			HR/ECON COPIER LEASE NEW
//	381	LEVIN TIRE CENTER OF	POLICE EQUIP/REPAIRS	403.71			R&R BRAKES #LGC51109
//	1315	MENARDS	PARKS/REPAIR PARTS	258.23			REPAIR PARTS
//	232	NEXTHILL CAPITAL	GENERAL/CLOTHING	95.00			NEW HIRE CLASS A HAT
//	691	POWER BRAKE & SPRING	LRS/REPAIR PARTS	184.43			PIPE KIT
//	423	ROBINSON ENGINEERING,	WHEEL TAX	16244.00			ENGINEERING FEES
//	539	USA BLUEBOOK	SW/DRAINAGE SUPPLIES	483.90			SW PVC DISCHARGE HOSE QUICK
//	1153	WISCONSIN QUICK LUBE, INC.	GENERAL/REPAIRS TO	72.97			OIL CHANGE #410 MC764108
//	314	9275 INCORPORATED	POLICE EQUIP/REPAIRS	880.00			OIL CHANGE, BUFLER #371 GGC07652
//	373	A.E.BOYCE COMPANY, INC	GENERAL/OTHER	1076.00			LASER CHECKS A/P GREEN
//	195	AMERICAN EXPRESS	GENERAL/TRAVEL	98.00			HOTEL FOR #326

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## TOWN OF MERRILLVILLE

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//	1241	ARC DOCUMENT SOLUTIONS	GENERAL/HDW.-SOFTWA	166.66			AUGUST SKYSITE
//	65	BATTERIES PLUS BULBS	FD/BUILDING SUPPLIES	56.88			C ALKALINE- 72 PK BATTERIES
//	39	COAST MACHINERY LLC	SW/FREIGHT	14.59			SW FREIGHT-COST MACHINERY-
//	140	FIRE SERVICE, INC	GENERAL/CLOTHING	342.92			NEW HIRE UNIFORMS #430
//	183	FIRST GROUP ENGINEERING,	WHEEL TAX	4032.33			ENGINEERING SERVICES
//	700	INDIANA AMERICAN WATER	FD/WATER	88.24			sprinkler system @st. #72
//	21	JOE E. FISH	SW/REPAIRS TO	16.00			REIMBURSEMENT FOR VEHICLE CAR
//	557	KATHY PETTIT	GENERAL/HR EMPLOYEE	81.20			EMPLOYEE APPRECIATION LUNCH
//	1206	KOPKA PINKUS & DOLIN, PC	GENERAL/ATTORNEY	560.00			BZA ADVICE
//	237	LAFAYETTE WAREHOUSE INC.	POLICE EQUIP/REPAIRS	324.74			BRAKES & ROTORS #413
//	251	LEAF CAPITAL FUNDING LLC	GENERAL/CONTRACTUAL	363.00			ADMIN COPIER LEASE NEW
//	381	LEVIN TIRE CENTER OF	POLICE EQUIP/REPAIRS	759.76			R&R BRAKES #MC764108
//	99	MACQUEEN EMERGENCY	CUML FIRE	437.22			7- CAIRNS 1044 HELMENT + FRT
//	1315	MENARDS	PARKS/REPAIR PARTS	753.95			REPAIR PARTS
//	1380	McCANN INDUSTRIES, INC.	SW/REPAIRS TO	4215.08			SW LOADER BACKHOE SERVICE,
//	232	NEXTHILL CAPITAL	GENERAL/CLOTHING	95.00			NEW HIRE CLASS A HAT # 380
//	691	POWER BRAKE & SPRING	LRS/REPAIR PARTS	4.25			AIR CHUCK
//	423	ROBINSON ENGINEERING,	WHEEL TAX	17401.50			ENGINEERING FEES
//	539	USA BLUEBOOK	SW/DRAINAGE SUPPLIES	197.18			SW 3'X3 TIGERTAIL W/24" ROPE
//	1153	WISCONSIN QUICK LUBE, INC.	GENERAL/REPAIRS TO	95.96			OIL CHANGE #430 GB13043
//	314	9275 INCORPORATED	POLICE EQUIP/REPAIRS	460.00			INSTALL BRAKES #411 HGA77145
//	418	A & K HAULING LLC	FD/CONTRACTUAL	350.00			DUMPSTER RENTAL FOR ROOFING
//	373	A.E. BOYCE COMPANY, INC	GENERAL/INSTRUCTION-E	918.54			YEAR END CLOSE
//	202	AB LAB & DIAGNOSTICS LLC	GENERAL/PSYCHOLOGICA	70.00			DRUG TESTING NEW EMPLOYEE PER
//	168	ACME PRINT COPY DESIGN	GENERAL/STATIONERY &	200.00			BUSINESS CARDS
//	132	ADCO PREVENTIVE SECURITY	SW/BUILDING MAINT.	72.00			SW QUARTERLY MONITORING FEB,
//	721	ADVANCE AUTO PART	FD/REPAIR PARTS	193.10			10- DIESEL EXHAUST FLUID
//	195	AMERICAN EXPRESS	GENERAL/OFFICE	22.27			OFFICE SUPPLIES (AMAZON)
//	353	ANGIE CHILCOTT	GENERAL/ECON DEV	68.12			MILEAGE
//	1241	ARC DOCUMENT SOLUTIONS	GENERAL/HDW.-SOFTWA	166.66			JULY SKYSITE
//	867	BAKOS AND RICHARDS	GENERAL/CONT SVCS IT	75.00			NETWORK FIX
//	65	BATTERIES PLUS BULBS	FD/BUILDING SUPPLIES	9.48			C ALKALINE- 12 PK BATTERIES
//	123	BRYAN CHOVANEC	FD/WEELLNESS PROGRAM	279.00			GYM MEMBERSHIP REIMBURSEMENT
//	355	CENDER/DALTON	SW/FINANCIAL	562.50			SW FIANCIAL SERVICES
//	954	CHICAGO COMMUNICATIONS	POLICE EQUIP/REPAIRS	876.92			REPAIRS TO RADIO EQUI,
//	39	COAST MACHINERY LLC	SW CONS/OTHER CAPITAL	20353.16			SW BACKHOE-ATTACHEMENTS
//	43	COASTAL VALLEY WATER CO.	GENERAL/CONTRACTUAL	143.75			WATER SUB
//	416	COMCAST	GENERAL/TELEPHONE	365.77			TELEPHONE
//	374	CRAIG LAMB	GENERAL/CONTRACTUAL	350.00			OCTOBER VIDEO

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TOWN OF MERRILLVILLE

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//	93	CROSSROADS REGIONAL	GENERAL/TOWN ADMIN	2030.00			GALA TABLES
//	421	CURRIE MOTORS	POLICE EQUIP/OTHER	47089.26			2022 FORD F150 NFB48260 4265
//	364	DAVID BARRON	PNR/SECURITY	210.00			SECURITY
//	442	DAVID DESALLE	GENERAL/GASOLINE	20.03			REIMB FOR FUEL
//	420	DELTA III, INC.	SW CONS/OTHER CAPITAL	34970.31			SW 55TH & TANEY PL REPLACE 2 MHS
//	188	ERIC REID	GENERAL/TRAVEL	130.05			REIMB FOR FOOD FOR SNIPER
//	220	FIRE SERVICE MANAGEMENT	FD/CONTRACTUAL	234.11			REPAIRS TO BUNKER GEAR FOR
//	140	FIRE SERVICE, INC	GENERAL/CLOTHING	1204.22			NEW HIRE UNIFORMS #433
//	183	FIRST GROUP ENGINEERING,	WHEEL TAX	1958.57			ENGINEERING SERVICES
//	403	FLOW MSP, LLC	FD/RADIO CONTRACTS	4000.00			ANNUAL FIRE APP. LICENSE FEE
//	1194	GRACE THROUGH FAITH	GENERAL/CLOTHING	903.03			TOWN CLOTHING FOR CT STAFF
//	1218	H-FIT OCCUPATIONAL	LRS/CDL PHYSICALS	90.00			PHYSICAL KYLE ASHLOCK
//	1096	HARRIS CHAMBER TEAM	GENERAL/TOWN	950.00			CHAMBER YEARLY ADD
//	802	HELLMAN'S TIRE SERVICE	PARKS/REPAIR PARTS	35.00			REPAIRS
//	751	HIGGINS OVERHEAD DOOR,	FD/BLDG-GROUND	1788.60			REPLACE SPRINGS, BRACKETS ON
//	1039	HQ PRODUCTION AUDIO	GENERAL/TOWN	1417.00			TOWN TALK AV
//	264	HUBINGER LANDSCAPING	MISS ST	3743.00			PLANTER MAINTENANCE
//	379	HWC ENGINEERING	WHEEL TAX	1987.50			CCMG PROJECT DEV/ APPL
//	296	ILLINOIS TOLLWAY	GENERAL/TRAVEL	13.90			TOLLS
//	700	INDIANA AMERICAN WATER	FD/WATER	362.14			sprinkler system @st. #71
//	429	INDIANA FIRE CHIEFS	FD/SUBS & DUES	250.00			IFCA MEMBERSHIP DUES FOR YERGA
//	378	INDIANA GROCERY GROUP,	SW/OFFICE SUPPLIES	154.98			SW FUNERAL ARRANGEMENT
//	64	INDIANA OFFICE OF	GENERAL/IDACS	221.20			IT SERVICES FOR OCTOBER
//	1187	INDIANA SPORTS AND	FD/WEELNESS PROGRAM	260.00			5- HEP B VACCINES
//	1164	J & L FASTENERS	LRS/G&M SUPPLIES	257.10			SHOP PARTS
//	1140	JAMES LILLEY	FD/TRAVEL	150.76			REIMBURSEMENT FOR PARKING &
//	21	JOE E. FISH	SW/REPAIRS TO	16.00			REIMBURSEMENT FOR VEHICLE CAR
//	557	KATHY PETTIT	GENERAL/HR EMPLOYEE	29.40			EMPLOYEE APPRECIATION LUNCH
//	413	KKT SPECIALTIES LLC	LRS/G&M SUPPLIES	110.00			TENT ON DIRECTORS VEHICLE
//	1206	KOPKA PINKUS & DOLIN, PC	GENERAL/ATTORNEY	892.50			PLAN COMMISSION
//	237	LAFAYETTE WAREHOUSE INC,	POLICE EQUIP/REPAIRS	352.37			BRAKES & ROTORS #411
//	251	LEAF CAPITAL FUNDING LLC	GENERAL/COPIER MTCE,	631.00			PLANNING COPIER NEW
//	381	LEVIN TIRE CENTER OF	GENERAL/TIRES	626.00			TIRES FOR #LGC51109 #398
//	99	MACQUEEN EMERGENCY	CUML FIRE EQPT/OTHER	14779.26			2- SUPERVAC 18" PPV FANS
//	742	MARTINEZ, SHARMAT &	BDWY TIF/CONTRACTUAL	1300.00			7900 MADISON APPRAISAL
//	669	MATTHEW A REYNOLDS	PNR/SECURITY	420.00			SECURITY
//	493	MATTHEW LAKE	SW/TELEPHONE	142.54			SW EX DIR REIMBURSEMENT FOR
//	547	MATTHEW PAUNICKA	GENERAL/OTHER	11.77			REIMB. FOR KEYS FOR PD
//	275	MAVIS TIRE SUPPLY LLC	SW/REPAIRS TO	59.98			SW OIL CHANGE AND FILTER , 22

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//	1315	MENARDS	PARKS/REPAIR PARTS	2623.83			REPAIR PARTS
//	189	MICHAEL L. DEPPE, P.C./	GENERAL/ATTORNEY	2750.00			COURT ATTORNEY
//	73	MICHAEL MAHY	SW/LIABILITY & WORKERS	78.00			SW DOT PHYSICAL- REQUIRED ( MAX
//	1320	MIDWESTERN ELECTRIC LLC	LRS/STOP & STREET	390.00			73RS & VAN BUREN, 93RD & MISS,
//	1380	McCANN INDUSTRIES, INC.	SW/FREIGHT	67.11			SW FREIGHT
//	367	NEXTECH SOLUTIONS	PK IMP/PK IMPROVEMENT	19843.00			PARKS IMPROVEMENTS
//	232	NEXTHILL CAPITAL	GENERAL/CLOTHING	95.00			NEW HIRE CLASS A HAT # 385
//	653	NICK BERZAC	PNR/SECURITY	105.00			SECURITY
//	1506	ORKIN EXTERMINATING	GENERAL/CONTRACTUAL	131.99			PAST CONTROL
//	169	PERFORMANCE CHEMICAL &	PNR/CLEANING SUPPLIES	238.48			CLEANING SUPPLIES
//	691	POWER BRAKE & SPRING	LRS/REPAIR PARTS	50.32			FUEL FILTER
//	1339	PULSE TECHNOLOGY	CCD/OTHER EQUIP	5627.15			PLANNING OFFICE EQUIPMENT
//	1108	REVIZE LLC	GENERAL/CONTRACTUAL	3900.00			WEBSITE HOSTING
//	909	RICK C. GIKAS	GENERAL/ ATTY	168.75			CLASSICA DUNN DRUG TEST
//	885	RICOH USA, INC.	SW/CONTRACTUAL SERV	846.09			SW COPIER MAINT
//	423	ROBINSON ENGINEERING,	WHEEL TAX	21924.00			ENGINEERING FEES
//	919	SAFE HIRING SOLUTIONS	FD/CONTRACTUAL	163.80			BACKGROUND CHECK FEES
//	14	SKM, LLC	FD/REPAIR PARTS	2265.94			LABOR, MATERIALS & PARTS TO
//	563	STAPLES BUSINESS CREDIT	FD/BUILDING SUPPLIES	439.31			MISC. SUPPLIES
//	1053	THOMAS DECERO	GENERAL/TRAVEL	140.13			REIMB FOR FOOD FOR SNIPER
//	190	TIMOTHY MICHELS	GENERAL/TRAVEL	37.00			REIMB FOR FOOD FOR TRAINING
//	947	TRANS CHICAGO TRUCK	LRS/REPAIR PARTS	139.87			TANK & SURGE TANK
//	679	TRANSUNION RISK AND	GENERAL/TELEPHONE	161.40			TLO SEPTEMBER 2023
//	426	TYRE DOC INC,	GENERAL/TIRES	1123.04			TIRES
//	1197	US BANK	GENERAL/CONTRACTUAL	3339.04			OLD COPIER CONTRACT OCT & NOV x5
//	539	USA BLUEBOOK	SW/UNIFORMS	120.95			SW ICON CLASS J3 JACKET- SEN OP
//	1236	WAYNE'S FRAME & BODY	FD/REPAIR PARTS	470.00			LABOR & MATERIALS TO REPAIR AXEL
//	427	WESLEY FELKEMA & SON	FD/CONTRACTUAL	250.00			PUMP OUT SEPTIC TANK AT TRAINING
//	299	WEX BANK	FD/UNLEADED GASOLINE	65.80			UNLEADED FUEL PURCHASES
//	1153	WISCONSIN QUICK LUBE, INC,	GENERAL/REPAIRS TO	103.16			OIL CHANGE #368 LGC51110
//	430	WRIGHT TOUCH HAND CAR	GENERAL/OTHER	200.00			COURT CAR DETAIL
10/30/2023	216	AFLAC	PAYROLL - AFLAC	7114.44	7114.44	24303	EMPLOYEE PREMIUMS - OCTOBER
10/30/2023	609	F.O.P. #168	PAYROLL - F. O. P. DUES	1338.92	1338.92	24304	UNION DUES - OCTOBER 2023
10/30/2023	2104	NATIONWIDE RETIREMENT	PAYROLL - DEFERRED	4007.63	4007.63	24305	EMPLOYEE DEPOSITS 10/27/23
10/30/2023	650	TRUSTMARK VOLUNTARY	PAYROLL - TRUSTMARK	819.91	819.91	24306	EMPLOYEE PREMIUMS
10/30/2023	847	STARKE CIRCUIT COURT	PAYROLL - COURT	1239.38	1239.38	24307	GEORGE WAYNE FIELDS - CAUSE #
10/30/2023	333	LAKE SUPERIOR COURT 8	PAYROLL - COURT	273.23	273.23	24308	J WHITESIDE CAUSE #
10/30/2023	494	LAKE COUNTY SUPERIOR	PAYROLL - COURT	651.04	651.04	24309	LISA ROBERTS CUASE#
10/30/2023	332	LAKE COUNTY SUPERIOR	PAYROLL - COURT	535.76	535.76	24310	DIAMOND JACKSON CAUSE #

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10/30/2023	331	OFFICE OF THE STANDING	PAYROLL - COURT	1338.46	1338.46	24311	JOHN R COSTELLO
10/30/2023	61	GUARDIAN LIFE INS CO.	SW/HEALTH INS.	20522.18	20522.18	24312	SW EMPLOYEE PREMIUMS
11/02/2023	104	AFLAC GROUP INS	PAYROLL - AFLAC	520.48	520.48	24316	EMPLOYEE PREMIUMS - OCT 2023
11/02/2023	274	ALLSTATE	PAYROLL - ALLSTATE	333.46	333.46	24317	MONTHLY EMPLOYEE PREMIUMS
10/20/2023	1401	NIPSCO	FD/GAS & ELECTRIC	3737.39	3737.39	62361	GAS/ELECTRIC AT ALL STATIONS
10/20/2023	281	ROSHAUD BELL	GENERAL/CONTRACTUAL	150.00	150.00	62362	REMOVAL OF SBOA AUDIT BOXES FOR
10/20/2023	776	COMCAST	FD/TELEPHONE	2051.20	2051.20	62363	INTERNET & PHONE AT ALL STATIONS
10/20/2023	899	ROBYN L. JOHNSON	GENERAL/REFUNDS.	104.17	104.17	62364	TRUNK OR TREAT ITEMS
10/23/2023	416	COMCAST	LRS/TELEPHONE	265.36	265.36	62365	PHONE, INTERNET & TV SVC
10/23/2023	627	JOI WHITESIDE	GENERAL/REFUNDS.	72.73	72.73	62366	TRUNK OR TREAT
10/23/2023	2101	U.S. POSTAL SERVICE	GENERAL/POSTAGE	1561.25	1561.25	62367	PASSPORT PRIORITY STAMPS @ 9.65 X
10/25/2023	1600	PAYROLL FUND	GENERAL/TC PRESIDENT	59032.76	59032.76	62370	TC-Tn Council President
10/25/2023	565	MATTIE M. COLLINS	GENERAL/CONTRACTUAL	961.54	961.54	62371	CONTRACTUAL PAY
10/25/2023	830	ORALIA SANTOS	GENERAL/CONTRACTUAL	800.00	800.00	62372	CONTRACTUAL PAY
10/25/2023	718	GOJKO COMPANY	PNR/SUB-CONTRACTORS	990.00	990.00	62373	YOGA INSTRUCTOR
10/25/2023	1175	AMAZON CAPITAL SERVICES	GENERAL/CLEANING	192.24	192.24	62374	CLEANING SUPPLIES
10/25/2023	1197	US BANK	GENERAL/CONTRACTUAL	244.76	244.76	62375	US BANK PLANNING OLD COPIER
10/25/2023	40	CHAS REILLY	GENERAL/CONT SVCS IT	950.00	950.00	62376	CONTENT MANAGER PAY
10/25/2023	1600	PAYROLL FUND	GENERAL/CLERK-TREAS.	427022.74	427022.74	62440	CT-Clerk-treasurer
10/30/2023	1175	AMAZON CAPITAL SERVICES	GENERAL/OTHER	159.31	159.31	62441	2 PK TONER TN760
10/30/2023	417	PHIL & SON, INC.	FD/CONTRACTUAL	863.80	863.80	62442	HOSTING SERVICES AT HQ
10/30/2023	1163	BRITNI REILLO	GENERAL/REFUNDS.	13.86	13.86	62443	TRUNK OR TREAT
10/30/2023	517	CITI CARDS	FD/TRAVEL	660.63	660.63	62444	AIR FARE TO NATIONAL EMERGENCY
10/30/2023	1175	AMAZON CAPITAL SERVICES	GENERAL/HR OTHER	96.98	96.98	62445	TRUNK OR TREAT (HR+ED)
10/30/2023	1175	AMAZON CAPITAL SERVICES	GENERAL/HR OFFICE	30.98	30.98	62446	TRUNK OR TREAT ( HR+ED)
10/30/2023	563	STAPLES BUSINESS CREDIT	FD/BUILDING SUPPLIES	100.74	100.74	62447	MISC. SUPPLIES
10/30/2023	592	LEE ENTERPRISES, INC	FD/LEGAL ADS	27.22	27.22	62448	NOTICE OF ADDT'L APPROP. FOR
10/30/2023	1075	ORALIA C. SANTOS	GENERAL/REFUNDS.	42.82	42.82	62449	TRUNK OR TREAT
10/30/2023	419	BOING US HOLDCO, INC	SW/REPAIRS TO	674.79	674.79	62450	SW 12 MO PREPAID WASH PLAN PRO5
10/30/2023	1175	AMAZON CAPITAL SERVICES	SW/OFFICE SUPPLIES	70.32	70.32	62451	SW OFFICE SUPPLIES AND PARTS
10/30/2023	551	MONROE PEST CONTROL INC.	FD/CONTRACTUAL	172.00	172.00	62452	MONTHLY PEST CONTROL AT STATION
10/30/2023	299	WEX BANK	FD/UNLEADED GASOLINE	233.57	233.57	62453	UNLEADED FUEL PURCHASES
10/30/2023	1600	PAYROLL FUND	PNR/CUSTODIAN (P-T)	1317.64	1317.64	62454	PNR CUSTODIAN
11/01/2023	132	ADCO PREVENTIVE SECURITY	PNR/INSPECTIONS	210.00	210.00	62455	INSPECTIONS
11/01/2023	99999	MONIQUE WATSON	PNR/UNAPPROPRIATED	836.00	836.00	62456	ROOM RENTAL REFUND
11/01/2023	69	ASIANN JACKSON	PNR/MARKETING &	180.00	180.00	62457	CONTRACTED MARKETING
11/01/2023	1401	NIPSCO	PNR/GAS & ELECTRIC	866.41	866.41	62458	GAS & ELECTRIC BILL
11/01/2023	7	FORD LEGACY INVESTMENT	PNR/MARKETING &	500.00	500.00	62459	CONTRACTED MARKETING
11/01/2023	402	AT & T MOBILITY	FD/TELEPHONE	1011.26	1011.26	62460	E7011 MIFI + NEW IPHONE

# 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)
11/01/2023	1060	CREEKSIDE OUTDOOR LIVING	SW/CONTRACTUAL SERV	4205.20	4205.20	62461	SW MOWING MSU 7404 BROADWAY
11/01/2023	700	INDIANA AMERICAN WATER	FD/WATER	941.38	941.38	62462	WATER SERVICE FOR STATION #71
11/01/2023	453	NEIL VELDMAN	FD/OFFICE SUPPLIES	220.00	220.00	62463	OCTOBER COPIER RENTAL
11/01/2023	818	INDEPENDENCE HILL	FD/SEWER	20.00	20.00	62464	WASTEWATER FOR OCTOBER
11/01/2023	850	GARY PUBLIC	CCI/CONTRACTUAL	11130.00	11130.00	62465	GARY 3RD QUARTER 2023
11/01/2023	1165	JACQUELINE PERKINS	GENERAL/POSTAGE	28.75	28.75	62466	OVERNIGHT SHIPPING
11/01/2023	876	TREASURER OF STATE	GENERAL/INSTRUCTION	40.00	40.00	62467	BTO RECERT #411
11/01/2023	673	CARD SERVICE CENTER	GENERAL/SUBS. & DUES	74.92	74.92	62468	MICROSOFT 365 SUB
11/01/2023	402	AT & T MOBILITY	GENERAL/TELEPHONE	552.12	552.12	62469	LPR HOT SPOTS & CELLS SVC
11/01/2023	416	COMCAST	GENERAL/TELEPHONE	209.69	209.69	62470	SVC 10/25 - 11/24 TRAINING CENTER
11/01/2023	416	COMCAST	GENERAL/TELEPHONE	270.47	270.47	62471	SVC 10/26 TO 11/25 PD
11/01/2023	416	COMCAST	GENERAL/TELEPHONE	130.76	130.76	62472	SVC 10/29-11/28 IDACS
11/01/2023	470	VERIZON WIRELESS	GENERAL/HQWE-SOFTWA	2788.91	2788.91	62473	SVC 9/24-10/23 PLANNING & BUILDING
11/01/2023	195	AMERICAN EXPRESS	GENERAL/OTHER	534.67	534.67	62474	REFRESHMENTS MEMORIAL SERVICE
11/01/2023	1600	PAYROLL FUND	GENERAL/SOCIAL	135630.10	135630.10	62475	Empr Liability FICA
11/03/2023	673	CARD SERVICE CENTER	PARKS/GASOLINE	4298.10	4298.10	62476	GASOLINE
11/03/2023	425	INDIA MAYNOR	PNR/MARKETING &	150.00	150.00	62477	CONTRACTED MARKETING
11/03/2023	99999	KELLI SMITH	PNR/UNAPPROPRIATED	200.00	200.00	62478	DAMAGE DEPOSIT REFUND
11/03/2023	299	WEX BANK	GENERAL/GASOLINE	20323.45	20323.45	62479	PD FUEL 9/24-10/23
11/03/2023	416	COMCAST	GENERAL/TELEPHONE	216.30	216.30	62480	SVC 10/18 TO 11/17 N. STATION
11/03/2023	510	FEDEX	GENERAL/FREIGHT	8.55	8.55	62481	SHIPPING
11/03/2023	546	DAN BROWN	GENERAL/INSPECTORS	3125.00	3125.00	62482	125 INSPECTIONS IN OCTOBER
11/03/2023	15	TERRY GUTHRIE	GENERAL/INSPECTORS	925.99	925.99	62483	34 INSPECTIONS IN OCTOBER
11/03/2023	1146	MIKE LASKARIN	GENERAL/TRAVEL	800.44	800.44	62484	77 MILES IN OCTOBER PAYBLE IN
11/03/2023	1201	PAUL H. ANDERSON	GENERAL/INSPECTORS	1720.53	1720.53	62485	64 INSPECTIONS IN OCTOBER PAYBLE
11/03/2023	898	JOHN L. POWERS	GENERAL/INSPECTORS	587.23	587.23	62486	21 INSPECTIONS IN OCTOBER PAYBLE
11/03/2023	246	WILLIAM JACK VIRGIN	GENERAL/INSPECTORS	159.04	159.04	62487	6 INSPECTIONS IN OCTOBER PAYBLE
11/03/2023	1132	JOHN WALSDORF	GENERAL/INSPECTORS	2543.12	2543.12	62488	99 INSPECTIONS IN OCTOBER PAYBLE
11/03/2023	1175	AMAZON CAPITAL SERVICES	GENERAL/ECON DEV	146.35	146.35	62489	SUPPLIES
11/03/2023	1175	AMAZON CAPITAL SERVICES	FD/OTHER SUPPLIES	233.26	233.26	62490	MISC. SUPPLIES FOR TRUNK OR
11/03/2023	391	HOWARD'S TREE SERVICE	SW/CONTRACTUAL SERV	8500.00	8500.00	62491	SW 7799 DELAWARE PI CLEAN BANKS
11/03/2023	75	SHEILA SHINE	GENERAL/OTHER	84.10	84.10	62492	TRUNK OR TREAT DONATION
11/03/2023	85	THE LAW OFFICE OF ANGELA	FD/ATTORNEY FEES	1000.00	1000.00	62493	LEGAL SERVICES FOR OCTOBER
11/03/2023	329	PINKERTON OIL COMPANY	FD/DIESEL GAS	1983.51	1983.51	62494	550.10 GL OF #2 DIESEL, HAZMAT FEE
11/03/2023	299	WEX BANK	SW/GASOLINE	518.52	518.52	62495	SW MONTHLY UNLEADED FUEL USAGE
11/08/2023	93	CROSSROADS REGIONAL	PNR/PERMITS & FEES	325.00	325.00	62496	FEES
11/08/2023	565	MATTIE M. COLLINS	GENERAL/CONTRACTUAL	961.54	961.54	62497	CONTRACTUAL PAY
11/08/2023	563	STAPLES BUSINESS CREDIT	PARKS/OFFICE SUPPLIES	391.98	391.98	62498	OFFICE SUPPLIES
11/08/2023	830	ORALIA SANTOS	GENERAL/CONTRACTUAL	800.00	800.00	62499	CONTRACTUAL PAY

# ACCOUNTS PAYABLE VOUCHER REGISTER SUMMARY

TOWN OF MERRILLVILLE

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Check Date	Vendor	Name of Claimant	Office Department	Amount of Voucher	Amount Allowed	Warrant	Check/ Memorandum (See Note (2) Above)
11/08/2023	358	CULLIGAN WATER	GENERAL/MACHINE	9.95	9.95	62500	RENTAL COOLER
11/08/2023	81	SERVICE SANITATION INC	PNR/WATER & SEWER	2277.24	2277.24	62501	PORTA POTTIES WATER SERVICE
11/08/2023	334	COMCAST BUSINESS	PNR/TELEPHONE	555.71	555.71	62502	TELEPHONE
11/08/2023	201	SAFETY TRAINING SERVICES,	GENERAL/CONTRACTUAL	275.00	275.00	62505	FIRE SAFETY CHECK AND RENEWAL
11/08/2023	416	COMCAST	FD/TELEPHONE	63.44	63.44	62506	CABLE AT STATION #71
11/08/2023	470	VERIZON WIRELESS	FD/TELEPHONE	461.93	461.93	62507	WIRELESS SERVICE
11/08/2023	416	COMCAST	SW/TELEPHONE	158.93	158.93	62508	SW INTERNET SERVICES NOV 1 2023
10/28/2023	739	CENTIER BANK	PNR/UNAPPROPRIATED	501.72	501.72	150380	AUTO DEBIT FOR PARKS SALES TAX
10/30/2023	739	CENTIER BANK	PAYROLL - NET SALARIES	299867.54	299867.54	150401	NET SALARIES FOR 10/27/2023 PAYDAY
10/30/2023	739	CENTIER BANK	PAYROLL - FEDERAL	74308.67	74308.67	150405	941 AUTO/DEBIT 10/27/23 PAYDAY
10/30/2023	739	CENTIER BANK	PAYROLL - FEDERAL	2097.51	2097.51	150406	941 AUTO DEBIT FOR 10/27/23 EOM
10/30/2023	739	CENTIER BANK	PAYROLL - FEDERAL	4796.67	4796.67	150408	945 AUTO DEBIT FOR 10/27/23 PAYDAY
10/30/2023	917	INDIANA CHILD SUPPORT	PAYROLL - COURT	1480.16	1480.16	150409	CHILD SUPPORT FOR 10/27/23 PAYDAY
10/30/2023	1630	IN Public Retirement System	PAYROLL - SW PERF	20395.90	20395.90	150410	SW PERF FOR 10/27/23 PAYDAY
10/30/2023	1630	IN Public Retirement System	POLICE PENSION - P.E.R.F.	43113.10	43113.10	150411	POLICE PERF FOR 10/27/23 PAYDAY
10/30/2023	1630	IN Public Retirement System	FIRE PENSION-PERF	9855.44	9855.44	150412	FIRE PERF FOR 10/27/23 PAYDAY
10/30/2023	739	CENTIER BANK	PAYROLL - NET SALARIES	975.87	975.87	150430	NET SALARIES FOR 10/27/23 PK CORR
10/30/2023	739	CENTIER BANK	PAYROLL - FEDERAL	261.78	261.78	150431	941 AUTO DEBIT FOR 10/27/23 PK
10/31/2023	739	CENTIER BANK	PAYROLL - NET SALARIES	49424.50	49424.50	150433	NET SALARIES FOR 10/27/23 EOM
11/02/2023	739	CENTIER BANK	PAYROLL - NET SALARIES	105919.18	105919.18	150477	NET SALARIES FOR 11/03/2023
11/02/2023	739	CENTIER BANK	PAYROLL - FEDERAL	22423.61	22423.61	150478	941 AUTO DEBIT 11/3/23 LONGEVITY
11/07/2023	371	PAYMENTGATEWAY	GENERAL/CONTRACTUAL	20.06	20.06	150508	MERCHANT BANCARD BILLING
11/06/2023	50	THE BANK OF NEW YORK	FD/SUBS & DUES	1337.50	1337.50	150555	ADMIN FEE 08/14/23 - 02/01/24
		Checks: 0- 150555		1695139.75	1392239.75		



**Town Council of Merrillville**  
**Town Hall**  
**7820 Broadway**  
**Merrillville, IN 46410**  
**Town Council Meeting Minutes**  
**October 24, 2023**  
**6:30 P.M.**

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

**INVOCATION/MOMENT OF SILENCE:** A brief invocation was given along with a moment of silence by Pastor Paul Anderson of First Presbyterian Church.

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

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

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

**Employee of the Month for October 2023**

Chief of Police Nuses and Interim Town Manager Griffin presented to the council and audience Chief's Admin Assistant Lori Sanfratello as October's Employee of the Month for the Town of Merrillville. Mrs. Sanfratello received a certificate of recognition and a gift card on behalf of the Town of Merrillville. Chief Nuses elaborated on Mrs. Sanfratello's exemplary qualities as an employee at the Police Department.

Councilor Bella elaborated on Breast Cancer Awareness Month explaining why the council and department heads were wearing pink colored shirts.

Councilor Bella informed the council that an additional item would be added to the agenda. Ordinance 23-25 will be added to the agenda due to the Budget and Finance Committee finding ways to conserve the current year's budget authority to make it available for a proposed budget of 2024. Ordinance 23-25 identifies current appropriations that might produce up to \$100,000.00 of savings in the current year's budget that can be applied towards the benefit for fiscal year 2024.

It was moved by Councilor Minchuk and seconded by Councilor Pettit to add to the agenda Ordinance 23-25. Upon a voice vote the Ordinance 23-25 was added to the agenda. The motion passed.

***CONSENT AGENDA***

Accts. Payable Register Voucher Approval for October 24, 2023.  
Approval of Town Council Meeting Minutes of October 10, 2023.  
Approval of Budget & Finance Committee Meeting Minutes of October 9, 2023.  
Approval of Budget & Finance Committee Meeting Minutes of October 12, 2023.  
Approval of Budget & Finance Committee Meeting Minutes of October 17, 2023

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



**STANDING & SPECIAL COMMITTEES REPORTS**

**BUDGET & FINANCE- HARDAWAY** – Councilor Hardaway reported that on the agenda there will be Ordinance 23-24 and Ordinance 23-25.

**COUNCIL AFFAIRS- PETTIT** – Councilor Pettit had nothing to report at this time.

**STREET DEPARTMENT- MINCHUK** – Councilor Minchuk reported that the Street Department is waiting for the leaves to fall.

**ELECTIONS, PUBLIC RELATIONS, & TOWN BEAUTIFICATION - NEAL**- Councilor Neal reported the following:

**Quick Response Code (QR CODE)**

120 residents have signed up to receive updates and information using the QR Code printed in the Town's Newsletter.

**Trunk or Treat Program**

This event will be held at the Dean and Barbara White Community Center on October 26<sup>th</sup> from 5:30 p.m. until 7:30 p.m. The information is included in the Town's newsletter and on the website at merrillville.in.gov.

**Tree Lighting and Decorating Contest**

This event will be held at the Dean and Barbara White Community Center on December 1<sup>st</sup> from 5:30 p.m. until 7:30 p.m. The contest will involve all five elementary schools in Merrillville. The information is included in the Town's newsletter and on the website. Councilor Hardaway informed the council that the mold at City Mall is the county's responsibility not the Town of Merrillville.

**ENVIRONMENTAL AFFAIRS- WHITE** - Councilor White reported that according to the Centers for Disease Control (CDC), Lake County is still at a low level for COVID-19 transmissions and zero deaths. Councilor Uzelac added that Walgreens and other drugstores are giving the flu and COVID-19 vaccines. Doctor's offices are giving the flu vaccine.

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

**PUBLIC SAFETY- MINCHUK**- Councilor Minchuk reported that the traffic in Merrillville is still a problem despite the traffic measures that have been put into place. Once the traffic study is complete, the council will look into further measures to help with this overwhelming traffic problem.

**ECONOMIC DEVELOPMENT-PETTIT** – Councilor Pettit deferred to Councilor Minchuk. Councilor Minchuk reported that the property formerly known as Moe's Garage has been acquired by the Town of Merrillville and will be used temporarily to house equipment for the Parks Department until Spring 2024. Councilor Pettit added that Silos at Sanders Farms have started construction on the third building which is 455,000 square feet. The permit fee was \$127,576.20. The Advante Building has all of its walls up. This is a 55,000-square-foot building being constructed by Holiday Corporation.

**PARKS & RECREATION- UZELAC** - Councilor Uzelac reported a birthday party in Crescent Parks and that the parks are in order except for leaves being picked up.

**ABANDONED -BLIGHTED PROPERTIES-HARDAWAY** – Councilor Hardaway had nothing to report at this time.

**DEAN & BARBARA WHITE COMMUNITY CENTER-PETTIT** – Councilor Pettit reported that the committee met and in attendance were Interim Town Manager Griffin, Director Price, and Financial Advisor Hudson. The yoga problem is being resolved this week with the yoga instructor. Councilor Pettit also elaborated on other items from the meeting including Capital Projects and Pop Warner Football League.

**SPECIAL PROJECTS (F & B TAX, DIVERSITY, 4<sup>TH</sup> of JULY CELEBRATION-HARDAWAY** – Councilor Hardaway had nothing to report at this time.

**DEPARTMENT & COMMISSION REPORTS**

**LAKE COUNTY SOLID WASTE MANAGEMENT-WHITE** – Councilor White reported that the Lake County Solid Waste District's Leaf Back program for unincorporated parts of Lake County including these Townships, Calumet, Union, and Dyer has started. The next bi-monthly meeting will be on November 17, 2023

**NORTHERN INDIANA REGIONAL PLANNING COMMISSION-HARDAWAY** – Councilor Hardaway reported that the Northern Indiana Regional Planning Commission (NIRPC) was audited by the State Board of Accounts and no problems were reported.

**STORMWATER MANAGEMENT RESOURCES-LAKE** – Director Lake wasn't present at the meeting.

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

**FIRE TERRITORY BOARD-MINCHUK** – Councilor Minchuk reported that a meeting is scheduled for November 6, 2023.

### **DEPARTMENT REPORTS/INTERIM TOWN MANAGER**

#### **Director Price– Parks Department**

Director Price reported that if the weather holds up, the Parks Department will continue mowing the lawns at the parks. The department will also monitor the leaves. The trackers from NIRPC are in place to track the number of people using the trails.

#### **Chief Nuses – Police Department**

Chief Nuses reported that planning has begun for the holidays. The Police Department will be increasing officers in certain areas of the Town because thefts and armed robberies usually increase during this time of year. There's been a slight increase in vehicle break-ins throughout the Town and 90% of them are due to people leaving their car doors unlocked. The Traffic Blitz is still ongoing and is working. The Police Department is continuing with crime suppression in problem areas. Tickets are being written by Code Enforcement for debris on the property.

The Town Police Department Talk will give residents an overview of the Merrillville Police Department. This event will be held on October 26<sup>th</sup> at the Mike Anderson Event Center located in Dean and Barbara White Community Center at 6:00 p.m.

#### **Director Shine – Building and Planning**

Director Shine reported that the Edgewater Health Clinic has moved to the Town of Merrillville. The location is 5495 Broadway. The open house is on October 28<sup>th</sup> from 12:00 p.m. until 4:00 p.m. The ribbon cutting will be on Thursday, October 26<sup>th</sup> from 4:00 until 6:00 p.m.

#### **Interim Town Manager Griffin**

Interim Town Manager Griffin reported to the Councilors that he submitted a detailed report to them and to Madam Clerk-Treasurer Kelly White Gibson.

The next staff meeting will be held on Thursday, October 26<sup>th</sup> at 2:00 p.m. instead of Wednesday, October 25<sup>th</sup> at the request of Dr. Lackey. Dr. Lackey asked to brief our staff and leadership about his early findings on our diversity initiatives. This meeting will be on October 25<sup>th</sup> at 2:00 p.m.

### **GENERAL ORDERS**

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

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

#### **Ordinance 23-25 (Discussion and Roll Call Vote)**

Interim Town Manager Griffin elaborated on the reductions listed in Ordinance 23-25.

### **TOWN OF MERRILLVILLE APPROPRIATION ORDINANCE ENACTMENT NO. 2023-25**

**AN ORDINANCE REDUCING APPROPRIATIONS IN THE ANNUAL BUDGET FOR SOME DEPARTMENTS OF THE GENERAL FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.**

WHEREAS, It has been determined that it is now necessary to reduce appropriations from what was appropriated in the budget for the several identified departments of the General Fund;and,

WHEREAS, It has been determined that such diminished and reduced appropriations as may be approved by this enactment, will neither increase nor decrease the levy set under I.C. 6-1.1-17 and in the course of collection for FY 2023, however such reduction will work to preserve and reconcile the proposed 2024 budget, all pursuant to I.C. 36-5-3-5,

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

**Section 1.** That for the expenses of said municipality, the following appropriations of money are hereby reduced and ordered returned and reverted to the fund herein named and for the purposes herein specified, subject to the laws governing the same:

CORPORATION GENERAL FUND

**Department 002 Office of TOWN COUNCIL**

1101.002.141.00	IT Director	\$	6,000.00
1101.002.391.00	INSTRUCTION	\$	4,000.00
Subtotal Departmental reductions		\$	10,000.00

**Department 004 Building and Planning**

1101.004.117.00	Building Director	\$	11,000.00
1101.004.140.00	Special Services Officer	\$	19,000.00
Subtotal Departmental reductions		\$	30,000.00

**Department 005 Metropolitan Police Department**

1101.005.393.00	Hardware/Software	\$	20,000.00
Subtotal Departmental reductions		\$	20,000.00

**Department 010 Code Enforcement Department**

1101.010.144.00	P/T Part-Time Code Enforcement	\$	10,000.00
Subtotal Departmental reductions		\$	10,000.00

**Department 011 Engineering Department**

1101.011.394.00	Enginnering Contractual	\$	30,000.00
Subtotal Departmental reductions		\$	30,000.00

**Total GENERAL FUND** \$ 100,000.00

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these reductions be used to reinforce the available financial support for the adopted and filed budget for FY 2024, pursuant to IC 6-1.1-17;

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

Introduced and Filed on the 24<sup>th</sup> day of October 2023.

**Duly Passed and Adopted** this \_\_\_\_ Day of October 2023, by the Town Council of the Town of Merrillville, Indiana. Having passed by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed, with a duly constituted enactment, all pursuant to I.C. 36-5-2-9.6;I.C. 36-5-3-5; I.C. 36-5-4-2.

**TOWN COUNCIL of the TOWN of  
MERRILLVILLE, INDIANA**

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**Rick Bella, President (IC 36-5-2-10)**

*Attest:*

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**Kelly White Gibson, Esq.**  
**Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)**

It was moved by Councilor Hardaway and seconded by Councilor Pettit, to approve the Ordinance 23-25. Upon a roll call vote, there were seven affirmatives and no negatives. With Councilors Hardaway, White, Minchuk, Pettit, Neal, Uzelac, and Bella voting in the affirmative, the motion passed. The ordinance was approved on first reading.

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

**Ordinance 23-24 (Discussion, Public Comment, and Roll Call Vote)**

An Ordinance of the Town of Merrillville, Lake County, Indiana Regarding Taxes and Budget for 2024

Councilor Hardaway asked Madam Clerk-Treasurer Kelly White Gibson to read into the record the following:

The funds' total for the adopted budget is \$26,548,600.00  
The adopted tax level is \$14,278,418.00  
The adopted tax rate is .6899  
Under our home-rule funds, the total amount is 18,881,130.00

It was moved by Councilor Hardaway and seconded by Councilor Pettit for adoption of Ordinance 23.24. Upon a roll call vote, there were seven affirmatives and no negatives. With Councilors Hardaway, White, Minchuk, Pettit, Neal, Uzelac, and Bella voting in the affirmative, the motion passed. The ordinance was approved on first reading.  
Madam Clerk-Treasurer Kelly White Gibson read into the record:

Ordinance / Resolution Number: 23-24

Be it ordained/resolved by the **Merrillville Town Council** that for the expenses of **MERRILLVILLE CIVIL TOWN** for the year ending December 31, **2024** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MERRILLVILLE CIVIL TOWN**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

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

***Second Reading Public Hearing***

Democratic nominee for Clerk-Treasurer Eric January, Merrillville Indiana, opposes the role of the financial consultants when it comes to the Town Finances and wants changes made in January to the 2024 budget. He also opposed the 20% in income taxes going towards building a railroad.

Interim Town Manager Griffin reported that in the budget process with the help of department heads the general fund line-item was decreased to \$12,300,018 in the budget for 2024.

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

**Resolution 23-36 (Discussion and Voice Vote)**

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

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

**Resolution 23-37 (Discussion and Voice Vote)**

A Resolution of the Town of Merrillville, Lake County, Indiana Transferring Appropriations Within the 2023 Budget of the Parks Departments.

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

**Resolution 23-38 (Discussion and Voice Vote)**

A Resolution of the Town of Merrillville, Lake County, Indiana Transferring Appropriations Within the General Fund of the 2023 Budget.

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

**Resolution 23-39 (Discussion and Voice Vote)**

A Resolution of the Town of Merrillville, Lake County, Indiana Transferring Monies Within the 2023 Local Roads and Street Budget.

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

***C. American Rescue Plan***

Councilor Hardaway reported that the AP Voucher Register Summary for ARP Purchases for October 24, 2023 is \$23,591.16.

It was moved by Councilor Hardaway and seconded by Councilor Minchuk, to approve the ARP AP Voucher Register Summary for \$23,591.16, Upon a voice vote the ARP AP Voucher was approved. The motion passed.

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

*None*

***OLD BUSINESS***

*None*

***NEW BUSINESS***

*None*

***SPECIAL PRESENTATIONS***

*None*

***PUBLIC COMMENT***

1. Sabine Miller, Merrillville Indiana asked about the twenty-year agreement for 20% of the Town of Merrillville income tax dollars and when the agreement ends. She also asked about License Plate Recognition and Eminent Domain.
2. Ursula Peppers, Merrillville, Indiana requested that the council look into installing speed bumps in her neighborhood.
3. Alice Smedstad of the Merrillville Historical Society, Merrillville, Indiana explained how historical signs are handled.
4. Bryon Mesarch, Merrillville, Indiana asked about the Eminent Domain and why was it enforced on Moe's property and no other property in Merrillville.
5. Chris Hiltz, Merrillville Indiana asked for a private meeting to bring the project of the Turkey Creek sign to a close.

***ANNOUNCEMENTS***

- TRUNK or TREAT Thursday, October 26<sup>th</sup> from 5:30 p.m. -- 7:30 p.m. at the Community Center 6600 Broadway
- Town Council Meeting November 12<sup>th</sup> at 6:30 p.m.
- Town Hall is an Official Toys for Tots drop-off location through December 8th

***ADJOURNMENT***

A motion and a second were made. The motion passed by voice vote.

The meeting adjourned at 7:35 p.m.

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***Rick Bella, President***

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

***Respectfully Submitted By Angela Lewis***



**Town Council of Merrillville**

**Town Hall**

**7820 Broadway**

**Merrillville, IN 46410**

**Amended - Town Council Meeting Minutes**

**October 10, 2023**

**6:30 P.M.**

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

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

**PLEDGE OF ALLEGIANCE:** Led by Commissioner Ward.

**ROLL CALL** – Present at the meeting were Councilors Richard Hardaway, Jeffrey Minchuk, Shawn Pettit, Leonard White, Rhonda Neal, and Rick Bella. The Madam Clerk-Treasurer Pro Tempore Robyn Johnson was present to memorialize the proceedings. A quorum was attained.

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

**Swearing in New Patrolman Kraig Caridine**

Patrolman Kraig Caridine was sworn in by Judge Velazco.

Chief Nuses gave a brief overview of Patrolman Caridine's qualifications and experience.

**CONSENT AGENDA**

Accts. Payable Register Voucher Approval for October 10, 2023.  
Approval of Town Council Meeting Minutes of September 12, 2023.  
Approval of Budget Meeting minutes of September 21, 2023.  
Approval of ARP Meeting Minutes of September 26, 2023.

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

**STANDING & SPECIAL COMMITTEES REPORTS**

**BUDGET & FINANCE- HARDAWAY** – Councilor Hardaway reported that he will make a motion for the adoption hearing on the proposed 2024 budget. This is Ordinance 23-24 listed on the agenda under General Orders.

A budget meeting will be held on Thursday, October 12<sup>th</sup>, and Tuesday, October 17<sup>th</sup> at 11:30 am at Cender and Dalton location 233 E. 84<sup>th</sup> Dr. Ste. #103, Merrillville, IN 46410.

**COUNCIL AFFAIRS- PETTIT** – Councilor Pettit had nothing to report at this time.

**STREET DEPARTMENT- MINCHUK** – Councilor Minchuk reported that the Town's Newsletter was mailed out to the residents and the schedule for leaf collection is listed in the newsletter.

Director King reported that a new five-way stop sign was installed on 86<sup>th</sup> Avenue Merrillville Road.

**ELECTIONS, PUBLIC RELATIONS, & TOWN BEAUTIFICATION - NEAL**- Councilor Neal reported the following:

**Trunk or Treat Program**

This event will be held at the Dean and Barbara White Community Center on October 26<sup>th</sup> from 5:30 p.m. until 7:30 p.m. The information is included in the Town's newsletter and on the website at merrillville.in.gov.

**Tree Lighting and Decorating Contest**

This event will be held at the Dean and Barbara White Community Center on December 1<sup>st</sup> from 5:30 p.m. until 7:30 p.m. The contest will involve all five elementary schools in Merrillville. The information is included in the Town's newsletter and on the website.

**Signage**

The Town of Merrillville is updating the Gateway signage and looking for input from the residents. The details are listed on the Town's website.

**ENVIRONMENTAL AFFAIRS- WHITE** - Councilor White reported that there is an issue at City Mall with mold. Interim Town Manager Griffin is in contact with the county regarding mold.

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

**PUBLIC SAFETY- MINCHUK**- Councilor Minchuk had nothing to report at this time.

**ECONOMIC DEVELOPMENT-PETTIT** – Councilor Pettit had nothing to report at this time.

**PARKS & RECREATION- UZELAC** - Councilor Uzelac was absent.

**ABANDONED -BLIGHTED PROPERTIES-HARDAWAY** – Councilor Hardaway reported that as you ride around Town you see a lot of flags on residents' property, and this is in violation of the Town's ordinance. Chief Nuses will meet with Councilor Hardaway and the Director of Code Enforcement regarding the issue.

Councilor White asked Chief Nuses to look into the number of cars that are on the property with no or expired license plates.

**DEAN & BARBARA WHITE COMMUNITY CENTER-PETTIT** – Councilor Pettit reported that the committee met last week. Individuals who were concerned about the yoga class being canceled attended the meeting to voice their concerns. A meeting has been scheduled for Tuesday, October 18<sup>th</sup> at 4:30 pm that will include the committee, Interim Town Manager Griffin, and Financial Advisor Hudson to tackle some of these issues.

Councilor White voiced concerns about the lights being left on at the Dean and Barabara White Community Center at night.

**SPECIAL PROJECTS (F & B TAX, DIVERSITY, 4<sup>TH</sup> of JULY CELEBRATION-HARDAWAY**– Councilor Hardaway reported that the nominations for the Diversity Equity and Inclusion (DEI) have been submitted and the final list of members will be shared with the council. The initial training will be on October 19<sup>th</sup> from 9:00 am until 1: 00 pm. A culture and climate survey developed by Dr. Lackey will be distributed to the Department Head on October 24<sup>th</sup>.

Councilor White requested that Dr. Lackey give the council a report.

**DEPARTMENT & COMMISSION REPORTS**

**LAKE COUNTY SOLID WASTE MANAGEMENT-WHITE** – Councilor White reported that the Solid Waste Management meets by-monthly.

**NORTHERN INDIANA REGIONAL PLANNING COMMISSION-HARDAWAY** – Councilor Hardaway reported that the next meeting is October 19<sup>th</sup> in Portage, Indiana.

**STORMWATER MANAGEMENT RESOURCES-LAKE** – Director Lake reported the following:

**Stormwater Ordinance**

The updated ordinance with regulatory changes and limitations on enforcement of things we can't do because of state law changes should be ready by the October 24<sup>th</sup> council meeting.



**Comprehensive Emergency Plan**

He is working with the Fire Department on the flood aspect of the plan to get an update to Senator Dalton.

**Community Block Grant**

The Town of Merrillville received a Community Block Grant from Lake County Economic Development.

Director Lake elaborated on other plans and projects Stormwater is working on for the Town of Merrillville.

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

***FIRE TERRITORY BOARD-MINCHUK*** – Councilor Minchuk reported that no meetings are scheduled at this time.

***DEPARTMENT REPORTS/INTERIM TOWN MANAGER***

**Director Price-- Parks Department**

Director Price was absent. Chaz Reilly reported he has met with Director Price on how to enhance Parks and Recreation's website and social media presence. He elaborated on how this will be done to make the site more user-friendly. The October 7<sup>th</sup> Midwest JUCO/ PREP Jamboree that was held at the Dean and Barbara White Community Center was a well-attended event.

**Chief Nuses – Police Department**

Chief Nuses reported the following:

**Traffic Blitz**

The Traffic Blitz is still ongoing in Merrillville. The last one on October 6<sup>th</sup> resulted in 30 traffic stops, 39 traffic tickets were issued with 13 warnings.

**Crime Reporting**

Instead of posting crimes on Facebook Messenger after they have already occurred, please contact 911 or call the Dispatch Center at (219) 660-0001.

**Town PD Talk**

The Town PD Talk will give residents an overview of the Merrillville Police Department. This event will be held on October 26<sup>th</sup> at the Mike Anderson Event Center located in Dean and Barbara White Community Center at 6:00 p.m.

**Director Shine – Building and Planning**

Director Shine reported that the Building and Planning Department continues to issue building permits to businesses. She reminded the resident to be careful with contractors. There is an Asphalt contractor going door to door quoting a price of \$99.00 and issuing a contract, but the agreement states \$99.00 per pound. She advised residents to take the contractor card, but don't sign any paperwork.

**Director King – Street Department**

Director King reported the following:

- The North Barn closed on October 1<sup>st</sup> for the season. Branches can be brought to the facility located at 13 West 73<sup>rd</sup> Avenue.
- The Fall Leaf Collection will start on October 16<sup>th</sup>. The schedule is listed in the newsletter and on the Town's website. If the schedule has to be adjusted because leaves aren't falling, the Street Department will accommodate this adjustment.
- The Department has received two proposals for the Town of Merrillville Traffic Study, and they will be reviewed this week to select a firm.
- 86<sup>th</sup> Avenue between Broadway and Merrillville Road opened on October 6<sup>th</sup>. This was a \$1,500,000.00 project funded locally by the Town of Merrillville.

**Interim Town Manager Griffin**

Interim Town Manager Griffin reported to the Councilors that he submitted a detailed report to them, and Madam Clerk-Treasurer Pro Tempore Robyn Johnson. He will be brief for this meeting; The next staff meeting will be held on Thursday, October 26<sup>th</sup> at 2:00 p.m. instead of Wednesday, October 25<sup>th</sup>. In our staff meeting in November, we will be working on a Capital Management Plan for our Capital assets and rolling stock policy with Mr. Jon Peterson. The staff will be briefed on some of the new protocols for capital management.

Councilor White requested a pie chart of all funding each of Wards receive in federal funding. The Interim Town Manager will respond to the request in an alternative report other than the pie chart and share the report with the council members.

**GENERAL ORDERS**

***A. Ordinances***

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

None

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

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

An Ordinance of the Town of Merrillville, Lake County, Indiana Appropriation Additional Monies Within the Various Fire Protection Territory Fund for the Year 2023 Not Included in the Current Budget.

It was moved by Councilor Pettit and second by Councilor Minchuk, to approve the ordinance. Upon a roll call vote, there were six affirmatives and no negatives. With Councilors Hardaway, White, Minchuk, Pettit, Neal, and Bella voting in the affirmative, the motion passed. The ordinance was approved on the second reading.

**Ordinance 23-24 (Discussion, Public Comment, and Roll Call Vote)**

An Ordinance of the Town of Merrillville, Lake County, Indiana Regarding Taxes and Budget for 2024

Financial Advisor Hudson elaborated on why adjustments need to be made to reduce the budget request by \$2,500,000.00 because of revenues coming in at lower than what was expected.

It was moved by Councilor Hardaway and second by Councilor Pettit, to table the ordinance until the next Town Council Meeting on October 24, 2023.

Councilor Bella asked for clarity regarding the motion to be tabled. He asked Councilor Hardway if he wanted to continue the matter until the Town Council Meeting on October 24<sup>th</sup>.

Councilor Hardway affirmed that he would like a continuation of the matter.

Councilor Bella stated to clarify the motion, Councilor Hardaway's motion was to continue the matter for consideration at our next Town Council Meeting on Tuesday, October 24 2023 at 6:30 pm.

Councilor Bella asked Councilor Pettit if the second still stands.

Councilor Pettit affirmed that his second still stands.

No taxpayers' petitions have been filed.

Upon a roll call vote, there were seven affirmatives and no negatives. With Councilors Hardaway, Uzelac, White, Minchuk, Councilors Pettit, Neal, and Bella voting in the affirmative, the motion passed. The ordinance was continued on second reading until October 24, 2023.

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

A Resolution of the Town of Merrillville, Lake County, Indiana Transferring Monies of the 2023 Budget of the General Fund.

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

***C. American Rescue Plan***

Councilor Hardaway reported that the AP Voucher Register Summary for ARP Purchases for October 10, 2023 is \$21,123.05

It was moved by Councilor Hardaway and second by Councilor Minchuk, to approve the ARP AP Voucher Register Summary for \$21,123.05, Upon a voice votes the ARP AP Voucher was approved. The motion passed.

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

**Petitioner:** Town of Merrillville  
**Owner:** Town of Merrillville  
**Request:** Variance of Use Approval  
**Purpose:** To Allow an LED Message Center  
**Location:** 13 West 73<sup>rd</sup> Avenue  
**Zoning:** C-2, Community Commercial Zoning District

Planning and Building Director Shine elaborated on the BZA.

The Town of Merrillville Street Department is seeking approval to install an LED Message Board.

It was moved by Councilor Pettit and second by Councilor White, to approve the BZA Action, Upon a voice vote the BZA was approved. The motion passed.

*None*

***OLD BUSINESS***

*None*

***NEW BUSINESS***

Councilor White informed the council that he filed a complaint with the Secretary of State regarding the redistricting.

Councilor Bella reported that the Community Development Block Grant funding is \$143,000 that was awarded to the Town of Merrillville by Lake County Economic Development.

***SPECIAL PRESENTATIONS***

*None*

***PUBLIC COMMENT***

Christ Host, Merrillville Indiana asked about the cost of replicating the Turkey Creek sign. The council informed him that the original sign would be installed not a replicate,

Jenny Weber, Director of the Human Society of Hobart, Indiana reported that they are taking in animals from Merrillville 92 so far and would like to have a meeting to discuss the Town helping with the cost of their housing and care.

Varron Butts, Merrillville, Indiana reported problems with Indiana American Water and NIPSCO doing damage to his front yard because of a busted water pipe and a gas leak. He also has a dead tree in his yard. The council will look into these concerns.

Maceo Rainey, Prairie Creek Homeowners Association, Merrillville, Indiana asked would the council consider having a trained parliamentarian accompany the Town Council Meeting to help move it along and keep order. Councilor Bella asked Mr. Rainey to send the council a proposal.

Curtis Pearson, Elected Precinct Committeeman and Board Member of Ross Township, Merrillville, Indiana inquired about getting information on the Star Plaza property. The Councilors Bella and Pettit informed him that contact information is on the for-sale sign.

Bryon Mesarch, Merrillville, Indiana asked how decisions are made which Wards get funding for stop signs and repairs. He also asked about the Turkey Creek sign and eminent domain. The council answered his questions.

Trina Barandal, Merrillville Indiana reported a nuisance home that sits across the street from Pierce Middle School that has garbage everywhere and a refrigerator in the yard. The council and Chief Nuses addressed her concerns. She also asked about a Community Night.

Vern Hines, Merrillville Indiana attended a meeting at the Dean Barbara White Community Center regarding the Comprehensive Plan. He feels that the plan doesn't address senior citizens.

#### ***ANNOUNCEMENTS***

- RDC Meeting October 24<sup>th</sup> at 6:30 p.m.
- Town Council Meeting October 24<sup>th</sup> at 6:30 p.m.
- Trunk or Treat October 26<sup>th</sup> from 5:30 p.m. – 7:30 p.m.
- Trick or Treat October 31<sup>st</sup> from 5:30 p.m. – 7:30 p.m.

#### ***ADJOURNMENT***

A motion and a second were made. The motion passed by voice vote.

The meeting adjourned at 8:00 p.m.

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***Rick Bella, President***

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

***Respectfully Submitted By Angela Lewis***

**Enrolled Memorandum of the Meeting  
American Rescue Plan Act (ARPA) Committee  
Town Council of Merrillville  
Tuesday, October 23, 2023**

The American Rescue Plan Act (ARPA) Committee of the Town Council of the Town of Merrillville, Lake County, Indiana met on **Tuesday, October 23, 2023** at 4:30 O'clock P.M in the Merrillville Town Complex, 7820 Broadway Avenue, Merrillville, Indiana 46410.

**Silent Roll Call:** Councilors Richard Hardaway, Committee Chair; Matt Lake, CPMSM, Stormwater Director; and Michael Griffin, Interim Town Manager, were present. The Interim Town Manager, Michael W. Griffin memorialized the proceedings.

**Others Present:** Trista Hudson, Esq., Senior Associate with Cender Dalton and Fiscal Advisor; and Sheila Shine, Planning Director; were present.

**General Substance of Matters Discussed.**

**1. Grant Application of Michael R. Crist, C & C Iron, 6306 Hendricks Street, Merrillville, Indiana.**

Mr. L.J. "Bud" Crist, an officer of the business, was present to speak on the merits of the application.

The members of the ARPA Committee reviewed the supporting documentation related to the application. The members deliberated on the merits of the grant application.

It was noted that the contractor was fully paid by the applicant. The applicant had photocopies of the cancelled checks to the contractor. It was further noted that the procedure was for the grant to be limited to a cap of \$10,000. It was further noted that the prescribed process was for the grantee to pay the contractor up to the grant amount. The grant amount if awarded would be paid to the contractor.

The members further deliberated on the merits of the grant application, noting it met the conditions of the grant except in seeking the grant payment to be paid to the applicant rather than the selected vendor.

Mr. Griffin moved the approval of the grant in an amount not to exceed \$10,000, and that notwithstanding the usual procedures, the grant proceeds be paid to the grant applicant. Mr. Lake seconded. Upon a vote *viva voce*, the motion passed. The grant was approved.

It was noted that Mr. Matt Lake asked that his abstention be recorded as he wanted to avoid the appearance of a conflict. Mr. Bud Crist is chair of the Merrillville Stormwater Management Board of Directors.

**2. Grant Application of Town of Merrillville Holiday Committee, 7820 Broadway, Merrillville, Indiana.**

The Holiday Committee of the Town of Merrillville submitted a request for funding for replacement and acquisition of large scale, illuminated decorations designed to be affixed to street light poles, and stand-alone Christmas trees.

The Holiday Committee submitted a written request and proposed two alternatives. Alternative One, provided for a decorative holiday devise on each of 128 light poles on Broadway Avenue. Alternative two provided for a decorative holiday devise on each of 64 light poles on Broadway Avenue. The second alternative was also described as the Holiday Committee's choice.

It was further noted that notice of a proposed additional appropriation in the Municipal Cumulative Capital Development Fund, for the amount of \$43,590 is advertised for the Town Council Meeting of November 14, 2023. It was believed that this would also fully support all the costs associated with the Holiday Committee's Choice.

It was further noted that there had been an informal discussion regarding preserving the balance of the unobligated ARPA Funds for larger asset acquisitions for the Town.

The members of the ARPA Committee reviewed the quotes and the supporting documentation related to the application. The members deliberated on the merits of the grant application.

Mr. Griffin moved to deny using the ARPA Fund for the Holiday Decorations but instead allow the MCCD Fund to support purchase request from the proposed additional appropriation, proposed in the amount of \$43,590. Mr. Lake seconded. Upon a vote *viva voce*, the motion passed. The use of ARPA Funds to support the Holiday Committee request, was denied in favor of the use of the additional appropriation in the MCCD Fund, which would support the [preferred decoration choice by the Holiday Committee.

**3. Grant Application of the Town of Merrillville, Administration, 7820 Broadway Avenue, Merrillville, Indiana.**

A series of proposals on the refurbishment and retrofit of the current lighting in the Town hall converting it to Light Emitting Diode (LED) systems. The committee reviewed one from Midwestern Electric dated from October 18, 2021, and some from Midwest Lighting Services, LLC, dated from June 2023 were presented for the consideration of the ARPA Board.

It was noted that each proposal did not seem to base its presentation on the same specification of work, some suggesting a full retro fit and some suggesting a smaller retrofit.

The Interim Town Manager reported that he was in receipt of a proposal from the IT Consultant as well.

The members of the ARPA Committee reviewed the quotes and the supporting documentation related to the application. The members deliberated on the merits of the grant application. It was noted that given the disparity in basis of the proposals and the age of the them as well, the request for funding may not be in a state ready for action by the board.

Mr. Lake moved to delay the consideration of the application to allow the Interim Town Manager to send RFPs with common specifications to them be reviewed by the Board. Mr. Griffin seconded. Upon a vote *viva voce*, the motion passed. The matter was delayed as indicated.

There being no further business necessary or desired to be discussed by the American Rescue Plan Act (ARPA) Committee of the Town Council of the Town of Merrillville, the American Rescue Plan Act (ARPA) Committee of the Merrillville Town Council of **Tuesday, October 23, 2023**, was adjourned by the Committee Chair, at 5:10 O'clock p.m.

Michael W. Griffin

Michael W. Griffin, M.P.A., IAMC/MMC/CPFA/ACPFIM/CMO  
Recorder Pro-Tempore  
Interim Town Manager

Approved by the proper body at its meeting of \_\_\_\_\_,  
- 2023.

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Kelly White Gipson, Esq.  
Merrillville Town Clerk-Treasurer

**Enrolled Memorandum of the Meeting**  
**Budget & Finance Committee**  
**Town Council of Merrillville**  
**Monday, October 23, 2023**

The Budget and Finance Committee of the Town Council of the Town of Merrillville, Lake County, Indiana met in a work study session on **Monday, October 23, 2023** at 10:00 a.m. in the office of Cender Dalton, 233 East 84<sup>th</sup> Place, Suite 103 Merrillville, Indiana.

**Silent Roll Call:** Councilors Richard Hardaway, Committee Chair; and Town Council President Rick Bella were present. The Interim Town Manager, Michael W. Griffin was present and memorialized the proceedings.

**Others Present:** Trista Hudson, Esq., Senior Associate with Cender Dalton and Fiscal Advisor; and Mr. Eric January, Democratic Nominee for the Office of Merrillville Clerk-Treasurer.

**General Substance of Matters Discussed.**

1. **Discussion:** *Continued Review of the Proposed Budget for the Town of Merrillville FY 2024 and further measures to revise and reconcile.*

The Budget and Finance Committee and Interim Town Manager were briefed on the budget as proposed. The Fiscal Advisor suggested that it was desirable to revise the submitted and proposed budgets filed by the departments and hosted in the General Fund. The fiscal Advisor and the Interim Town manger discussed their joint recommendation as they were tasked from the last meeting of the Budget and Finance Committee. The Interim Town Manager and the Fiscal Advisor presented the following suggested reductions that would be made to the current FY 2023 Budget, that would conserve up to \$100,000 for use in the FY 2024 budget.

The following suggested reductions by department and account were discussed:

<b>Department 002 Office of TOWN COUNCIL</b>		
1101.002.141.00	IT Director	\$ 6,000.00
1101.002.391.00	INSTRUCTION	\$ 4,000.00
	Subtotal Departmental reductions	\$ 10,000.00
<b>Department 004 Building and Planning</b>		
1101.004.117.00	Building Director	\$ 11,000.00
1101.004.140.00	Special Services Officer	\$ 19,000.00
	Subtotal Departmental reductions	\$ 30,000.00
<b>Department 005 Metropolitan Police Department</b>		
1101.005.393.00	Hardware/Software	\$ 20,000.00
	Subtotal Departmental reductions	\$ 20,000.00
<b>Department 010 Code Enforcement Department</b>		
1101.010.144.00	P/T Part-Time Code Enforcement	\$ 10,000.00
	Subtotal Departmental reductions	\$ 10,000.00
<b>Department 011 Engineering Department</b>		
1101.011.394.00	Enginnering Contractual	\$ 30,000.00
	Subtotal Departmental reductions	\$ 30,000.00
	<b>Total GENERAL FUND</b>	<b>\$ 100,000.00</b>



2. **Discussion: Parks and Recreation Budgets.** Councilor and Committee Chair Hardaway and Town Council President Bella were briefed on the status of the Parks Non-Reverting Fund and its Department in the General Fund by the Interim Town Manager and the Fiscal Advisor. It was noted that Parks Director was working a new schedule of fees for the Dean and Barbara White Community Center based upon determining a true cost of operation, and then recommend some added fee options for the Council to consider. The goal is to have this by the end of November.

The fiscal advisor indicated that with the proposed changes she would finalize the changes in the budget portal.

There being no further business necessary or desired to be discussed by the Budget and Finance Committee of the Town Council of the Town of Merrillville, the Budget and Finance Committee Meeting of the Merrillville Town Council of **Tuesday, October 23, 2023**, was adjourned by the Budget and Finance Committee Chair, at 11:10 O'clock a.m.

*Michael*

Michael W. Griffin, M.P.A., IAMC/MMC/CPFA/ACPFIM/CMO  
Recorder Pro-Tempore  
Interim Town Manager

Approved by the Town Council at its meeting of \_\_\_\_\_, 2023.

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Kelly White Gipson, Esq.  
Merrillville Town Clerk-Treasurer





THE TOWN OF  
MERRILLVILLE

# *Holiday* HOME DECORATING CONTEST

**APPLICATION DEADLINE:**

DECEMBER 8TH BY 4PM!

**JUDGING:**

DECEMBER 11TH-20TH

**APPLICATIONS CAN BE FOUND AT:**

MERRILLVILLE.IN.GOV  
FACEBOOK "THE TOWN OF MERRILLVILLE"  
TOWN HALL-7820 BROADWAY  
THE DEAN & BARBARA WHITE COMMUNITY CENTER  
6600 BROADWAY

**COMPLETED APPLICATIONS CAN BE  
EMAILED TO:**

TOWNEVENTS2023@MERRILLVILLE.IN.GOV

**DROPPED OFF OR MAILED TO:**

THE TOWN OF MERRILLVILLE  
ATT: LINDA ROSAS  
TOWN ADMINISTRATION  
7820 BROADWAY MERRILLVILLE 46410

APPLICATIONS MUST BE POSTMARKED BY  
DECEMBER 8TH TO BE CONSIDERED

**FOR MORE INFORMATION:**

PLEASE GO ONLINE TO OUR WEBSITE @ MERRILLVILLE.IN.GOV  
OR EMAIL TOWNEVENTS2023@MERRILLVILLE.IN.GOV





# THE TOWN OF MERRILLVILLE HOLIDAY DECORATING CONTEST APPLICATION & RULES



PLEASE COMPLETE THIS APPLICATION AND SUBMIT VIA EMAIL TO:

TOWNEVENTS2023@MERRILLVILLE.IN.GOV.

IN PERSON OR USPS (MUST BE POSTMARKED BY DECEMBER 8TH) TO:

TOWN OF MERRILLVILLE: TOWN ADMIN. 7820 BROADWAY MERRILLVILLE, 46410

\*PLEASE PRINT LEGIBLY. IF WE CANNOT READ IT WE CANNOT CONSIDER YOUR APPLICATION

HOMEOWNER NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

EMAIL: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

BY SIGNING YOU ARE GRANTING THE TOWN OF MERRILLVILLE OR ITS DESIGNEE PERMISSION TO LIST AND PUBLISH YOUR ADDRESS & PHOTOGRAPHS OF YOUR HOME FOR PROMOTIONAL PURPOSES ON OUR WEBSITE AND SOCIAL MEDIA.

## INFORMATION & RULES

JUDGING TO TAKE PLACE TOWN WIDE FROM DECEMBER 11TH THRU THE 20TH

1ST, 2ND AND 3RD PLACE WINNERS WILL BE NOTIFIED ON DECEMBER 21ST VIA EMAIL.

PRIZES AWARDED DECEMBER 26TH AT THE TOWN COUNCIL MEETING (YOU DO NOT HAVE TO BE PRESENT TO WIN)

THERE WILL BE 3 WINNING HOMES TOWN WIDE

CONTESTANT DECORATIONS ARE TO REMAIN LIT FROM 6-9PM DAILY THRU JANUARY 8TH

WINNERS AGREE TO DISPLAY A WINNING HOME YARD SIGN FOR THE DURATION

PRIZES ARE AS FOLLOWS:

1ST: TROPHY, \$200 GIFT CARD, & YARD SIGN BRAGGING RIGHTS

2ND: RUNNER UP TROPHY, \$150 GIFT CARD & YARD SIGN BRAGGING RIGHTS

3RD: \$100 GIFT CARD & YARD SIGN BRAGGING RIGHTS

\*PLEASE NOTE YARD SIGNS WILL BE PLACED AND COLLECTED FOR YOUR CONVENIENCE





## OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Northwest Indiana Times** on the dates indicated below. If changes are needed, please contact us prior to deadline at [help@column.us](mailto:help@column.us)

Notice ID: OuLdtAwF3yWx6t8uVKaF | **Proof Updated: Nov. 08, 2023 at 09:01am CST**  
Notice Name: Ordinance 23-20 Addtl Appr (CCD - Parks) NTC | Publisher ID: 63374

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

<b>FILER</b>	<b>FILING FOR</b>
TOWN OF MERRILLVILLE CLERK	Northwest Indiana
TREASURER /Legals	Times
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(219) 769-5711	

<b>Columns Wide: 2</b>	<b>Ad</b>	<b>Legals</b>
	<b>Class:</b>	

11/10/2023: Legal Notice Notice	17.14
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<b>Total</b>	<b>\$17.14</b>
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See Proof on Next Page

**NOTICE OF ADDITIONAL APPROPRIATIONS ORDINANCE 23-20**

Notice is hereby given to the taxpayers of the Town of Merrillville, Lake County, Indiana, that the proper legal officers will consider the following additional appropriation in excess of the budget for the current year during the regular Merrillville Town Council Meeting at the Merrillville Town Complex, 7820 Broadway, Merrillville, IN, at 6:30 p.m. on Tuesday, November 28, 2023.

**AMOUNT**

Fund 4402 CCD Fund \$40,000.00

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriation that will be made will be referred to the Department of Local Government Finance (Department). The Department will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of the action taken.

Kelly White Gibson, Clerk-Treasurer

November 2023

11/10 - 63374

HSPAXLP

ORDINANCE NO. 23-20

AN ORDINANCE OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA,  
AUTHORIZING ADDITIONAL APPROPRIATIONS  
IN THE 2023 BUDGET

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

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

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

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROVED BY FISCAL BODY</u>
<u>Fund 4402: CCD FUND</u>		
4402010363 CCD/Park Improvements	\$ 40,000.00	\$ 40,000.00
Total for CCD FUND	<u>\$ 40,000.00</u>	<u>\$ 40,000.00</u>

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

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

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

\_\_\_\_\_  
Marge Uzelac, Councilwoman  
Ward 4

\_\_\_\_\_  
Rhonda Neal, Councilwoman  
Ward 1

\_\_\_\_\_  
Shawn Pettit, Councilman  
Ward 6

\_\_\_\_\_  
Richard Hardaway, Vice President  
Ward 2

\_\_\_\_\_  
Leonard White, Councilman  
Ward 7

\_\_\_\_\_  
Jeff Minchuk, Councilman  
Ward 3

ATTEST: Kelly White-Gibson  
Clerk-Treasurer

**TOWN of MERRILLVILLE  
APPROPRIATION ORDINANCE  
ENACTMENT No. 23-25**

**AN ORDINANCE REDUCING APPROPRIATIONS IN THE ANNUAL BUDGET FOR THE SEVERAL DEPARTMENTS OF THE GENERAL FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.**

**WHEREAS**, It has been determined that it is now necessary to reduce appropriations from what was appropriated in the budget for the several identified departments of the General Fund;and,

**WHEREAS**, It has been determined that such diminished and reduced appropriations as may be approved by this enactment, will neither increase nor decrease the levy set under I.C. 6-1.1-17 and in the course of collection for FY 2023, however such reduction will work to preserve and reconcile the proposed 2024 budget, all pursuant to I.C. 36-5-3-5,

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

**Section 1.** That for the expenses of said municipality, the following appropriations of money are hereby reduced and ordered returned and reverted to the fund herein named and for the purposes herein specified, subject to the laws governing the same:

**CORPORATION GENERAL FUND:**

**Department 002 Office of TOWN COUNCIL**

1101.002.141.00	IT Director	\$	6,000.00
1101.002.391.00	INSTRUCTION	\$	4,000.00
<b>Subtotal Departmental reductions</b>		\$	10,000.00

**Department 004 Building and Planning**

1101.004.117.00	Building Director	\$	11,000.00
1101.004.140.00	Special Services Officer	\$	19,000.00
<b>Subtotal Departmental reductions</b>		\$	30,000.00

**Department 005 Metropolitan Police Department**

1101.005.393.00	Hardware/Software	\$	20,000.00
<b>Subtotal Departmental reductions</b>		\$	20,000.00

**Department 010 Code Enforcement Department**

1101.010.144.00	P/T Part-Time Code Enforcement	\$	10,000.00
<b>Subtotal Departmental reductions</b>		\$	10,000.00

**Department 011 Engineering Department**

1101.011.394.00	Engineering Contractual	\$	30,000.00
<b>Subtotal Departmental reductions</b>		\$	30,000.00

<b>Total GENERAL FUND</b>	<b>\$</b>	<b>100,000.00</b>
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**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these reductions be used to reinforce the available financial support for the adopted and filed budget for FY 2024, pursuant to IC 6-1.1-17;

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

Introduced and Filed on the 24<sup>th</sup> day of October 2023. Consent to consider this enactment on same day or at same meeting of introduction sustained a vote of \_\_\_\_\_ in Favor and \_\_\_\_\_ opposed, pursuant to IC 36-5-2-9.8.

**Duly Passed and Adopted** this \_\_\_\_\_ Day of October 2023, by the Town Council of the Town of Merrillville, Indiana. Having passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed, with a duly constituted enactment, all pursuant to I.C. 36-5-2-9.6; I.C. 36-5-3-5; I.C. 36-5-4-2.

**TOWN COUNCIL of the TOWN of  
MERRILLVILLE, INDIANA**

\_\_\_\_\_  
**Rick Bella, President (IC 36-5-2-10)**

*Attest:*

\_\_\_\_\_  
**Kelly White Gipson, Esq.**  
**Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)**

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## ORDINANCE 23-26

### AN ORDINANCE OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, AMENDING ORDINANCES 23-18, 23-16, 23-01 and 22-29A, AND PAY FOR EMPLOYEES OF THE TOWN OF MERRILLVILLE, INDIANA, FOR THE CALENDAR YEAR 2024

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, INDIANA:**

**SECTION 1:** That from and after the 1st day of January, 2024, the salary and pay schedule for elected, and appointed officers and employees of the Town of Merrillville, Indiana, be fixed as follows, with the rates, salaries and quantities listed being the maximum allowed for each position:

Position Amended: All Full Time Employees

Elected Officials	Hiring	Compensation		
	Limit	Type	Rate	Annual
Town Council President	1	Monthly	\$ 1,433.33	\$ 17,199.96
Town Council Members	3	Monthly	\$ 1,333.33	\$ 15,999.96
Town Council Members + Plan Commission	3	Monthly	\$ 1,383.33	\$ 16,599.96
Clerk-Treasurer	1	Bi-weekly	\$ 2,326.94	\$ 60,500.44
Town Judge	1	Bi-weekly	\$ 2,269.24	\$ 59,000.24
Town Administration				
Town Manager/Director of Municipal Operations	1	Bi-weekly	\$ 3,557.69	\$ 92,499.94
Administrative Manager, Council/Town Manager	1	Bi-weekly	\$ 1,919.35	\$ 49,903.10
Information Technology Director (partial PNR)	1	Bi-weekly	\$ 2,692.30	\$ 69,999.80
Content Manager	\$ 25,000	Hourly	\$ 25.00	
Town Hall Building Maintenance	1	Bi-weekly	\$ 1,260.72	\$ 32,778.72
Human Resources Director	1	Bi-weekly	\$ 2,626.50	\$ 68,289.00
Administrative Secretary	1	Bi-weekly	\$ 1,575.90	\$ 40,973.40
Economic Development Director	1	Bi-weekly	\$ 2,626.50	\$ 68,289.00
Administrative Secretary	1	Bi-weekly	\$ 1,575.90	\$ 40,973.40
Town Court				
Judge Pro Temp (Ref.)	1	Bi-weekly	\$ 698.46	\$ 18,159.96
Part Time Judge Pro Temp (Ref.)	-	Bi-weekly	\$ 557.70	-
Administrative Assistant, Court	1	Bi-weekly	\$ 2,138.85	\$ 55,610.10
Civil Court Administrator	1	Bi-weekly	\$ 1,750.00	\$ 45,500.00
Secretary Class I, Court	1	Bi-weekly	\$ 1,509.62	\$ 39,250.12
Secretary Class II, Court	-	Bi-weekly	\$ 1,375.00	-
Secretary Class III, Court	2	Bi-weekly	\$ 1,192.31	\$ 31,000.06
Part Time Secretaries, Court	\$ 55,915	Hourly	\$ 15.79	-
Public Defender I	1	Bi-weekly	\$ 663.46	\$ 17,249.96
Public Defender II	1	Bi-weekly	\$ 625.01	\$ 16,250.26
Full Time Bailiff	-	Bi-weekly	\$ 1,365.39	-
Part Time Bailiffs	\$ 39,690	Hourly	\$ 14.48	-
Probation Officer	1	Bi-weekly	\$ 598.46	\$ 15,559.96
Part Time Staff, Court	-	Hourly	\$ 13.04	-
Clerk-Treasurer				
Administrative Bookkeeper, Clerk-Treasurer	1	Bi-weekly	\$ 2,295.79	\$ 59,690.54
Office Manager, Clerk-Treasurer	1	Bi-weekly	\$ 1,978.83	\$ 51,449.58
Payroll Administrator, Clerk-Treasurer	1	Bi-weekly	\$ 1,978.83	\$ 51,449.58
Admin. Secretary, Class I, Clerk-Treasurer	3	Bi-weekly	\$ 1,650.59	\$ 42,915.34
Admin. Secretary, Class II, Clerk-Treasurer	-	Bi-weekly	\$ 1,591.35	\$ 41,375.10
Admin. Secretary, Class III, Clerk-Treasurer	-	Bi-weekly	\$ 1,495.09	\$ 38,872.34
Admin. Secretary, Class II, Clerk-Treasurer (F&H)	1	Bi-weekly	\$ 1,591.35	\$ 41,375.10
Part Time Secretary	\$ 15,300	Hourly	\$ 16.60	-
Police Department				
Police Commissioner	5	Monthly	\$ 100.00	\$ 1,200.00
Chief of Police	1	Bi-weekly	\$ 3,243.91	\$ 84,341.66
Assistant Police Chief	1	Bi-weekly	\$ 3,039.89	\$ 79,037.14
Operations Commander	1	Bi-weekly	\$ 2,937.88	\$ 76,384.88
Police Captain	-	Bi-weekly	\$ 2,876.68	\$ 74,793.68
Police Department Commander	3	Bi-weekly	\$ 2,876.68	\$ 74,793.68
Police Lieutenant	5	Bi-weekly	\$ 2,815.46	\$ 73,201.96
Shift Commander	4	Bi-weekly	\$ 2,815.46	\$ 73,201.96
Police Sergeant	4	Bi-weekly	\$ 2,754.26	\$ 71,610.76
Police Corporal	6	Bi-weekly	\$ 2,693.06	\$ 70,019.56



**Police Department (cont.)**

Detective	7	Bi-weekly	\$ 2,693.06	\$ 70,019.56
Patrolman, Special First Class	1	Bi-weekly	\$ 3,070.18	\$ 79,824.68
Master Patrolman	32	Bi-weekly	\$ 2,631.86	\$ 68,428.36
Patrolman, First Class (after 24 months)		Bi-weekly	\$ 2,631.86	\$ 68,428.36
Patrolman, Second Class (13-24 months)		Bi-weekly	\$ 2,550.24	\$ 66,306.24
Patrolman, Probationary (1-12 months)		Bi-weekly	\$ 2,468.63	\$ 64,184.38
Administrative Assistant, Police	1	Bi-weekly	\$ 1,946.52	\$ 50,609.52
Senior Secretary, Class I Police	1	Hourly	\$ 21.50	\$ 36,915.50 <sup>(1)</sup>
Senior Secretary, Class II Police	1	Hourly	\$ 19.96	\$ 34,271.32 <sup>(1)</sup>
Secretary Class I	-	Hourly	\$ 19.42	-
Secretary Class II	-	Hourly	\$ 18.81	-
Secretary Class III (Probation)	1	Hourly	\$ 17.84	\$ 37,107.20 <sup>(2)</sup>
Secretary, Part Time	-	Hourly	\$ 16.60	-
Law Enforcement Technician	1	Hourly	\$ 21.50	\$ 44,720.00
Information Technology Technician	-	Bi-weekly	\$ 2,222.42	\$ 57,782.92
Special Service Officer	1	Bi-weekly	\$ 1,666.82	\$ 43,337.32
Animal Control Officer, Part Time	\$ 10,000	Hourly	\$ 15.00	-

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

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

Board of Zoning Appeals Member	3	Monthly	\$ 100.00	\$ 1,200.00
Plan Commission Member	3	Monthly	\$ 200.00	\$ 2,400.00
Planning & Building Director	1	Bi-weekly	\$ 3,030.58	\$ 78,795.08
Planning & Building Assistant	1	Bi-weekly	\$ 1,777.93	\$ 46,226.18
Fire Inspector	1	Bi-weekly	\$ 2,020.38	\$ 52,529.88
Secretary, Senior, Planning & Building	1	Bi-weekly	\$ 1,600.15	\$ 41,603.90
Secretary, Planning & Building	1	Bi-weekly	\$ 1,535.49	\$ 39,922.74
Part Time Secretary, Planning & Building	\$ 26,520	Hourly	\$ 20.00	-

**Code Enforcement**

Director of Code Enforcement	1	Bi-weekly	\$ 2,060.77	\$ 53,580.02
Code Enforcement Officer	1	Bi-weekly	\$ 1,571.86	\$ 40,868.36
Code Enforcement Officer	2	Bi-weekly	\$ 1,373.86	\$ 35,720.36

**Public Works**

Public Works Director/Engineering Administrator	1	Bi-weekly	\$ 3,111.38	\$ 80,895.88
Street Superintendent	1	Hourly	\$ 28.69	\$ 59,675.20 **
Public Works Administrative Secretary	1	Bi-weekly	\$ 1,666.82	\$ 43,337.32
Part Time Secretary	-	Hourly	\$ 16.60	- **
Foreman	1	Hourly	\$ 27.63	\$ 57,470.40 **
Senior Operator	4	Hourly	\$ 24.81	\$ 51,604.80 **
Mechanic/Shop Foreman	1	Hourly	\$ 26.04	\$ 54,163.20 **
Mechanic	2	Hourly	\$ 24.81	\$ 51,604.80 **
Operator II	5	Hourly	\$ 24.41	\$ 50,772.80 **
Operator I	1	Hourly	\$ 24.04	\$ 50,003.20 **
Labor Class II	3	Hourly	\$ 23.51	\$ 48,900.80 **
Labor Class I	7	Hourly	\$ 22.73	\$ 47,278.40 **
Summer Help Class I	\$ 60,000	Hourly	\$ 14.60	-
Summer Help Class II		Hourly	\$ 15.10	-
Part Time, Regular	\$ 40,762	Hourly	\$ 21.64	-

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

**Parks Department**

Parks Director (partial PNR)	1	Bi-weekly	\$ 3,030.57	\$ 78,794.82
Assistant Director (partial PNR)	1	Bi-weekly	\$ 2,002.60	\$ 52,067.60
Recreation Coordinator / Office Manager (PNR)	2	Bi-weekly	\$ 1,616.31	\$ 42,024.06
Building Manager (PNR)	2	Bi-weekly	\$ 1,616.31	\$ 42,024.06
Site Supervisor, Full Time (PNR)	\$ 120,000	Hourly	\$ 15.76	-
Site Supervisor, Part Time (PNR)		Hourly	\$ 15.30	-
Front Desk Supervisor (PNR)	1	Bi-weekly	\$ 1,616.31	\$ 42,024.06
Front Desk Attendant, Level I (PNR)	\$ 80,000	Hourly	\$ 13.00	-
Front Desk Attendant, Level II (PNR)		Hourly	\$ 9.00	-
Event Center Manager (PNR)	1	Bi-weekly	\$ 1,616.31	\$ 42,024.06
Event Center Coordinator (PNR)	\$ 50,000	Hourly	\$ 12.00	-

**Parks Department (cont.)**

Maintenance Supervisor (PNR)	1	Bi-weekly	\$ 1,818.35	\$ 47,277.10
Custodian (PNR)	2	Bi-weekly	\$ 1,260.72	\$ 32,778.72
Maintenance Crew	\$ 40,000	Hourly	\$ 14.60	-
Laborer (PNR)	\$ 25,000	Hourly	\$ 11.00	-
Activity Leader, Level I (PNR)	\$ 10,000	Hourly	\$ 15.00	-
Activity Leader, Level II (PNR)		Hourly	\$ 9.00	-

**Fire Protection Territory**

Fire Chief	1	Bi-weekly	\$ 3,556.07	\$ 92,457.82
Deputy Fire Chief	1	Bi-weekly	\$ 3,310.29	\$ 86,067.54
Fire Captain	3	Bi-weekly	\$ 2,818.69	\$ 73,285.94
Lieutenant	3	Bi-weekly	\$ 2,683.49	\$ 69,770.74
Firefighter/EMT(special)	1	Bi-weekly	\$ 3,082.14	\$ 80,135.56
Firefighter/EMT	\$ 331,277	Bi-weekly	\$ 2,548.29	\$ 66,255.54
Firefighter - Probationary		Bi-weekly	\$ 2,376.22	\$ 61,781.72
Fire Department Administrative Assistant	1	Hourly	\$ 25.73	\$ 53,518.40
Volunteer Firefighter (on scene)		Per Call	\$ 22.04	
Volunteer Firefighter (on standby)		Per Call	\$ 17.15	
Volunteer Firefighter (in training)		Per Training	\$ 24.51	
Volunteer Officer (on scene)	\$ 440,000	Per Call	\$ 24.51	
Part Time Firefighter		Hourly	\$ 16.50	
Part Time Firefighter/EMT		Hourly	\$ 22.00	

**Stormwater**

Stormwater Management Board Member	3	Monthly	\$ 100.00	\$ 1,200.00
Stormwater Director	1	Bi-weekly	\$ 3,580.00	\$ 93,080.00
Stormwater Administrative Secretary	1	Bi-weekly	\$ 1,968.60	\$ 51,183.60
Stormwater Superintendent	1	Bi-weekly	\$ 1,736.94	\$ 45,160.44
Stormwater Senior Operator	1	Hourly	\$ 28.31	\$ 58,884.80 **
Stormwater Crew Member/Part Time I	\$ 44,000	Hourly	\$ 20.00	
Stormwater Crew Member/Part Time II		Hourly	\$ 20.00	

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

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

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

**LONGEVITY - FULL TIME EMPLOYEES ONLY:**

The Longevity Program is again adopted for full time employees and elected officials. Please refer to the current Personnel Policy Manual for the policy and levels of longevity compensation.

**SECTION 2 - Holidays:**

The Holiday Schedule for Calendar Year 2023 is to follow that adopted by the Town Council in Resolution 23-42, or any superceding Resolution thereto.

**SECTION 3 - Overtime, Holiday Pay, Vacation Leave, Sick Leave and Personal Days:**

Refer to the current Personnel Policy Manual for the Overtime, Holiday Pay, Vacation Leave, Sick Leave and Personal Days policies.

**SECTION 4 - Merrillville Police Depart specific policies:**

Refer to APPENDIX A for policies involving the employees of the Merrillville Police Department.

**SECTION 5 - Merrillville Fire Protection Territory specific policies:**

Refer to APPENDIX B for policies involving the employees of the Merrillville Fire Protection Territory.

This ordinance shall be in full force and effect from and after its passage. DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

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

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

\_\_\_\_\_  
Rhonda Neal, Councilwoman  
Ward 1

\_\_\_\_\_  
Shawn Michael Pettit, Councilman  
Ward 6

\_\_\_\_\_  
Richard Hardaway, Vice-President  
Ward 2

\_\_\_\_\_  
Leonard White, Councilman  
Ward 7

ATTEST:

\_\_\_\_\_  
Jeff Minchuk, Councilman, Ward 3

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



## APPENDIX A TO ORDINANCE 23-26

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

### **SECTION A-1 - Credit for Previous Law Enforcement Service:**

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

### **SECTION A-2 - Specialty Pay:**

The Chief of Police will establish approved categories classified as Specialists. Officers on the approved Specialist list will receive an additional \$500.00 annually. Specialists serving on more than one (1) approved category will receive no more than \$500.00 annually.

### **SECTION A-3 - Overtime and Compensatory Time:**

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

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

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

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

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

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

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

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

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

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

### **SECTION A-4 - Sick Leave:**

Police Officers may accumulate sick leave from year to year, up to a maximum of three hundred sixty (360) hours. Sick leave is accumulated at six (6) hours per month of service.

End of APPENDIX A TO ORDINANCE 23-26

**APPENDIX B TO ORDINANCE 23-26**

The following sections relate to the employees of the Merrillville Fire Protection Territory.

**SECTION B-1 - Additional Compensation:**

The Fire Chief and Deputy Fire Chief are authorized to fill in any open duty rig positions that are available. These positions need to be filled due to call-offs, vacations, compensatory days, or lack of part-time firefighter/EMT's to fill in. This is necessary to have adequate staffing to provide service. When the Fire Chief or Deputy Fire Chief fills in, he will be compensated at the part-time firefighter/EMT rate for hours worked beyond the daily respective schedule, which is additional compensation to the respective salary listed herein.

End of APPENDIX B TO ORDINANCE 23-26

Welcome to  
*Merrillville, Indiana*

incorporated 1971



EXHIBIT A

ORDINANCE No.23-27

# **The TOWN OF MERRILLVILLE, INDIANA STORMWATER MANAGEMENT ORDINANCE**

WITNESS WHEREOF, the Town of Merrillville, Indiana has caused these documents to be signed in its name and behalf by the President of its Town Council, President of its Planning Commission and attest by its Clerk-Treasurer, and to evidence its acceptance of these documents hereby created.

TOWN OF MERRILLVILLE, INDIANA

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Rick Bella, President, Town Council

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Marge Uzelac President, Planning Commission

Attest:

\_\_\_\_\_ Date: \_\_\_\_\_  
Kelly White Gibson, Clerk Treasurer



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## CHAPTER ONE

# GENERAL INFORMATION

---

### 1. AUTHORITY AND TITLE

This Ordinance is adopted in accordance with statutory authority granted to the Town of Merrillville under "Home Rule" as well as the "Indiana Drainage Code", and further is required by IC 36-9-28.5, IC 36-9-27-69.5, Phase II of the National Pollution Discharge Elimination System program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management's (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP) and the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP) Based on this authority and these requirements, this Ordinance regulates:

- A. Discharges of prohibited non-stormwater flows into the stormwater drainage system.
- B. Stormwater drainage improvements related to development of lands located within The Town of Merrillville, Indiana.
- C. Drainage control systems installed during new construction and grading of lots and other parcels of land.
- D. Stormwater, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity.
- E. Stormwater discharges from construction support activities directly related to construction sites subject to this ordinance.
- F. Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.
- G. The design, construction, and maintenance of stormwater drainage facilities and systems.
- H. The design, construction, and maintenance of stormwater quality facilities and systems.
- I. Land disturbing activities affecting wetlands.

This Ordinance shall be known and may be cited as the Town of Merrillville Stormwater Management Ordinance. Once adopted, this Ordinance will supersede any conflicting ordinances previously adopted by the Town of Merrillville.

### 2. APPLICABILITY AND EXEMPTIONS

This Ordinance shall regulate all development and redevelopment occurring within the Town of Merrillville, Indiana, falling under the jurisdiction of the Town of Merrillville government and any significant discharge into the Town's stormwater conveyance facilities. No building permit shall be issued and no land disturbance started for any construction for any development or redevelopment, until the plans required by this Ordinance for such construction have been accepted in writing by the Stormwater Utility Executive Director on behalf of the Town of Merrillville Stormwater Management Board. With the exception of the requirements of Chapter Two, Chapter Eight – Section 4, and Chapter 9 of this Ordinance, single-family dwelling houses in approved subdivisions, and land-disturbing activities affecting less than 10,000 square feet area shall be exempt from the requirements of this Ordinance. Also exempt from this Ordinance shall be standard agricultural land-disturbing activities.

In addition to the requirements of this Ordinance, compliance with the requirements set forth in local Zoning Ordinances is also necessary. Compliance with all applicable ordinances of The Town of Merrillville as well as with applicable Federal or State of Indiana statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available.

The Town of Merrillville government public works projects shall be exempt from obtaining a permit, but are expected to meet all applicable technical requirements of this Ordinance and the Town of Merrillville Stormwater Technical Standards Manual. If the project site is located within a Lake County Regulated Drain Easement, the applicant will need to apply to the Lake County Surveyor's Office through the Lake County Surveyor's Office for necessary permits to work with the regulated drain easement. In case there are conflicts between the requirements contained in this Ordinance and applicable requirements contained in other regulatory documents referenced above, the most restrictive shall prevail.

Any construction project which has had its final drainage plan approved by the Stormwater Utility Executive Director within a 2-year period prior to the effective date of this Ordinance shall be exempt from all requirements of this Ordinance, with the exception of the requirements of Chapter 4 and applicable sections of Chapter 8, that are in excess of the requirements of ordinances in effect at the time of approval. Such an exemption is not applicable to the requirements detailed in Chapter 2 of this Ordinance.

The Town of Merrillville has the authority to modify, grant exemptions, and/or waive any and all the local requirements of this Ordinance and its associated technical standards document. A pre-submittal meeting with the Stormwater Utility Executive Director may be requested by the applicant to discuss the applicability of various provisions of the Ordinance and its associated technical standards document with regards to unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of the Stormwater Utility Executive Director that may be based on the review of more detailed information and plans.

### **3. BACKGROUND**

On December 8, 1999, Phase II of the National Pollutant Discharge Elimination System (NPDES) permit program, was published in the Federal Register. The NPDES program, as authorized by the 1972 amendments to the Clean Water Act, controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Phase II of NPDES requires permit coverage for stormwater discharges from regulated small municipal separate storm sewer systems (MS4s) and for small construction activity that results in the disturbance of equal to or greater than one acre. This Federal regulation went into effect March 10, 2003. In response to Phase II of NPDES, the Indiana Department of Environmental Management enacted Rule 13 (327 IAC 15-13) and revised Rule 5 (327 IAC 15-5). Under State and Federal regulations, The Town of Merrillville is required to establish a regulatory mechanism for regulating stormwater quality management. In 2021, The Indiana Department of Environmental Management (IDEM) replaced 327 IAC 15-5 (Rule 5) with an updated Construction Stormwater General Permit (CSGP) and 327 IAC 15-13 (Rule 13) with and updated MS4 General Permit (MS4GP).

The Town Council of The Town of Merrillville, State of Indiana, adopted Ordinance No. 04-56 and 04-57, which established "A General Ordinance Establishing Stormwater Management and Sediment Control in order to govern the control of runoff of Stormwater and to protect, conserve and promote the orderly development of the land in The Town of Merrillville and its water resources. These ordinances were primarily targeted at Stormwater discharge quantity, and erosion and sediment control which were replaced by ordinances 07-24 and 10-22 to address stormwater quality in addition to quantity. The Town now includes additional requirements to implement low impact development to improve stormwater quality and quantity. Therefore, this document replaces ordinance 10-22 in its entirety.

### **4. FINDINGS**

The Town of Merrillville Town Council finds that:

- A. Water bodies, roadways, structures, and other property within, and downstream of The Town of Merrillville are at times subjected to flooding;
- B. Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the region;
- C. Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;
- D. Soil erosion resulting from land-disturbing activities causes a significant amount of sediment and other pollutants to be transported off-site and deposited in ditches, streams, wetlands, lakes, and reservoirs;
- E. Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within The Town of Merrillville will, absent reasonable regulation and control, adversely affect The Town of Merrillville's water bodies and water resources;
- F. Pollutant contributions from illicit discharges within The Town of Merrillville will, absent reasonable regulation, monitoring, and enforcement, adversely affect The Town of Merrillville's water bodies and water resources;
- G. stormwater runoff, soil erosion, non-point source pollution, and illicit sources of pollution can be controlled and minimized by the regulation of stormwater management;
- H. Adopting the standards, criteria, and procedures contained and referenced in this Ordinance and implementing the same will address many of the deleterious effects of stormwater runoff and illicit discharges;
- I. Adopting this Ordinance is necessary for the preservation of the public health, safety, and welfare, for the conservation of our natural resources, and for compliance with State and Federal regulations.

## **5. PURPOSE**

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of The Town of Merrillville through the regulation of stormwater and non-stormwater discharges to the storm drainage system and to protect, conserve and promote the coordinated development of land and water resources within The Town of Merrillville. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the stormwater drainage system in order to comply with State and Federal requirements. The objectives of this Ordinance are:

- A. To reduce the hazard to public health and safety caused by excessive stormwater runoff.
- B. To regulate the contribution of pollutants to the stormwater drainage system from construction site runoff.
- C. To regulate the contribution of pollutants to the stormwater drainage system and public waters from runoff from new development and re-development.
- D. To prohibit illicit discharges into the stormwater drainage system.
- E. To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

## **6. ABBREVIATIONS AND DEFINITIONS**

For the purpose of this Ordinance, the abbreviations and definitions provided in Appendix A shall apply.

## **7. RESPONSIBILITY FOR ADMINISTRATION**

The Town of Merrillville Stormwater Management Board shall administer, implement, and enforce the provisions of this Ordinance through the Stormwater Utility Executive Director, the Plan Commission, the

Zoning Director, the Community Development Director, and the MS4 Administrator. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by Town of Merrillville Stormwater Management Board to qualified persons or entities acting in the beneficial interest of or in the employ of The Town of Merrillville government.

## **8. CONFLICTING ORDINANCES**

In case of conflicting requirements, the most restrictive shall apply.

## **9. INTERPRETATION**

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Appendix A shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this Ordinance but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

## **10. SEVERABILITY**

The provisions of this Ordinance are hereby declared severable, and if any court of competent jurisdiction should declare any part or provision of this Ordinance invalid or unenforceable, such invalidity or unenforceability shall not affect any other part or provision of the ordinance.

## **11. EFFECTIVE DATE**

This Ordinance shall become effective after its final passage, approval, and publication as required by law.

## **12. DISCLAIMER OF LIABILITY**

The degree of protection required by this Ordinance is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. Larger storms may occur or stormwater runoff amounts and/or stormwater quality may be altered by man-made or natural causes. This Ordinance does not imply that land uses permitted will be free from stormwater damage. This Ordinance shall not create liability on the part of Town of Merrillville Town Council, Town of Merrillville Stormwater Management Board, the Town of Merrillville Plan Commission, the Stormwater Utility Executive Director, the Town of Merrillville Department of Public Works, or any officer, representative, or employee thereof, for any damage which may result from reliance on this Ordinance or on any administrative decision lawfully made there under.

The words "approve" and "accept", and their common derivations as used in this Ordinance in relation to plans, reports, calculations, and permits shall mean that Merrillville has reviewed the material produced and submitted by the applicant or his/her agents for general compliance with this Ordinance and the Merrillville Stormwater Technical Standards Manual, and that such compliance would qualify the applicant to receive a stormwater management approval or permit. Such an "approval" or "acceptance" is based on the assumption that the project engineer has followed all appropriate engineering methods in the design. Any stormwater quantity (drainage) or water quality problems associated with the project caused by poor construction by the contractor and/or poor engineering design or judgment, either on-site or off-site, are the responsibility of the developer and the project engineer.

Consideration, design, construction, and maintenance of safety measures for proposed or existing stormwater facilities shall be the responsibility of the developer, applicant, and/or the property owner. Jurisdiction Entity and its officials and representatives shall not be responsible for maintenance or liable for any accidents.





## CHAPTER TWO

# PROHIBITED DISCHARGES AND CONNECTIONS

---

### 1. APPLICABILITY AND EXEMPTIONS

This chapter shall apply to all discharges, including illegal dumping, entering the stormwater drainage system under the control of The Town of Merrillville, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site. These discharges include flows from direct connections to the stormwater drainage system, illegal dumping, and contaminated runoff.

Stormwater runoff from agricultural, timber harvesting, and mining activities is exempted from the requirements of this chapter unless determined to contain pollutants not associated with such activities or in excess of standard practices. Farm residences are *not* included in this exemption.

Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver (unless the waiver is solely based on point source considerations, still allowing non-point source discharge of a pollutant), or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for the subject discharge to the storm drain system, is also exempted from this section.

### 2. PROHIBITED DISCHARGES AND CONNECTIONS

No person shall discharge to a MS4 conveyance, watercourse, or waterbody, directly or indirectly, any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater, through the use of best management practices (BMPs).

The Stormwater Utility Executive Director is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into The Town of Merrillville's Stormwater drainage system.

### 3. EXEMPTED DISCHARGES AND CONNECTIONS

Notwithstanding other requirements in this Ordinance, the following categories of non-stormwater discharges or flows are exempted from the requirements of this chapter:

- A. Water line flushing;
- B. Landscape irrigation;
- C. Diverted streamflows;
- D. Rising ground waters;
- E. Uncontaminated groundwater infiltration;
- F. Uncontaminated pumped ground water;
- G. Discharges from potable water sources;
- H. Foundation drains;
- I. Air conditioning condensation;
- J. Irrigation water;

- K. Springs;
- L. Water from crawl space pumps;
- M. Footing drains;
- N. Lawn watering;
- O. Individual residential car washing;
- P. Flows from riparian habitats and wetlands;
- Q. Dechlorinated swimming pool discharges;
- R. Street wash water;
- S. Discharges from firefighting activities;
- T. Naturally introduced detritus (e.g. leaves and twigs).

#### **4. STORAGE OF HAZARDOUS OR TOXIC MATERIAL**

Storage or stockpiling of hazardous or toxic material within any watercourse, or in its associated floodway or floodplain, is strictly prohibited. Storage or stockpiling of hazardous or toxic material, including sewage treatment plant stockpiles, on active construction sites must include adequate protection and/or containment so as to prevent any such materials from entering any temporary or permanent stormwater conveyance or watercourse.

#### **5. PRIVATE PROPERTY MAINTENANCE DUTIES**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse located within their property boundaries, free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The Town of Merrillville will continue to maintain the stormwater drainage system on Town-owned property including the roadway ROW, as long as those water courses are not private retention / detention ponds and/or private drainage easements.

#### **6. SPILL REPORTING**

Any discharger who accidentally discharges into a waterbody any substance other than stormwater or an exempted discharge shall immediately inform the Town of Merrillville Fire Department concerning the discharge. A written report concerning the discharge shall be filed with the Town of Merrillville Stormwater Management Board through the Stormwater Utility Executive Director's Office and IDEM, by the dischargers, within five (5) days. The written report shall specify:

- A. The composition of the discharge and the cause thereof;
- B. The date, time, and estimated volume of the discharge;
- C. All measures taken to clean up the accidental discharge, and all measures proposed to be taken to prevent any recurrence;
- D. The name and telephone number of the person making the report, and the name and telephone number of a person who may be contacted for additional information on the matter.

A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this Ordinance against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief because of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of this section. This requirement does not relieve discharger from notifying other entities as required by State or Federal regulations.

## **7. INSPECTIONS AND MONITORING**

### **A. Storm Drainage System**

The Town of Merrillville Stormwater Management Board and the Stormwater Utility Executive Director has the authority to periodically inspect the portion of the storm drainage system under the Town of Merrillville's control, in an effort to detect and eliminate illicit connections and discharges into the system. This inspection will include a screening of discharges from outfalls connected to the system in order to determine if prohibited flows are being conveyed into the storm drainage system. It could also include spot testing of waters contained in the storm drainage system itself to detect the introduction of pollutants into the system by means other than a defined outfall, such as dumping or contaminated sheet runoff.

### **B. Potential Polluters**

If, as a result of the storm drainage system inspection, a discharger is suspected of an illicit discharge, the Town of Merrillville Stormwater Management Board and the Stormwater Utility Executive Director may inspect and/or obtain Stormwater samples from Stormwater runoff facilities of the subject discharger, to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the Town of Merrillville Stormwater Management Board and the Stormwater Utility Executive Director's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The Town of Merrillville Stormwater Management Board and the Stormwater Utility Executive Director or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Identified illicit connections or discharges shall be subject to enforcement action as described in Chapter 8 of this Ordinance.

### **C. New Development and Re-Development**

Following the final completion of construction and the receipt of as-built drawings by the Stormwater Utility Executive Director's Office, the Stormwater Utility Executive Director has the authority to inspect new development and re-development sites to verify that all on-site stormwater conveyances and connections to the storm drainage system are in compliance with this chapter.



## CHAPTER THREE

# STORMWATER QUANTITY MANAGEMENT

---

## 1. APPLICABILITY AND EXEMPTIONS

The storage and controlled release rate of excess stormwater runoff shall be required for all new business, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions, and any redevelopment or other new construction with greater than 10,000 square feet of land-disturbing activities located within The Town of Merrillville. The Stormwater Utility Executive Director, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization. Additional exemptions regarding the detention requirements are provided under Section 2.A.v (below).

## 2. POLICY ON STORMWATER QUANTITY MANAGEMENT

### A. Detention Policy

It is recognized that most streams and drainage channels serving The Town of Merrillville do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, except for situations provided in Sections v (below), the storage and controlled release of excess stormwater runoff as well as compensation for loss of floodplain storage shall be required for all developments and redevelopments (as defined in Appendix A) located within The Town of Merrillville.

#### i. General Release Rates

In general, the post-development release rates for developments up to and including the 100-year return period storm may not exceed 0.2 cfs per acre of development. For sites where the pre-developed area has more than one (1) outlet, the release rate should be computed based on pre-developed drainage area to each outlet point. The computed release rate for each outlet point shall not be exceeded at the respective outlet point even if the post developed conditions would involve a different arrangement of outlet points.

#### ii. Site-Specific Release Rates for Sites with Depressional Storage

For sites where depressional storage exists, the general release rates provided above may have to be further reduced. If depressional storage exists at the site, site-specific release rates must be calculated according to methodology described in the Town of Merrillville Stormwater Technical Standards Manual, accounting for the depressional storage by modeling it as a pond whose outlet is a weir at an elevation that Stormwater can currently overflow the depressional storage area. Post developed release rate for sites with depressional storage shall be the 2-year pre-developed peak runoff rate for the post-developed 100-year storm. In no case shall the calculated site-specific release rates be larger than general release rates provided above.

Also note that for determining the post-developed peak runoff rate, the depressional storage must be assumed to be filled unless the Stormwater Utility Executive Director can be assured, through dedicated easement, that the noted storage will be preserved in perpetuity.

#### iii. Management of Off-site Runoff

Runoff from all upstream tributary areas (off-site land areas) may be bypassed around the detention/retention facility. Such runoff may also be bypassed through the detention/retention facility, provided that a separate outlet system or channel is incorporated for the safe passage of such flows, i.e., not through the primary outlet of a

detention facility. Unless the pond is being designed as a regional detention facility, the primary outlet structure shall be sized and the invert elevation of the emergency overflow weir determined according to the on-site runoff only. Once the size and location of primary outlet structure and the invert elevation of the emergency overflow weir are determined by considering on-site runoff, the 100-year pond elevation is determined by routing the entire inflow, on-site and off-site, through the pond.

Note that the efficiency of the detention/retention facility in controlling the on-site runoff may be severely affected if the off-site area is considerably larger than the on-site area. As a general guidance, on-line detention may not be effective in controlling on-site runoff where the ratio of off-site area to on-site area is larger than 5:1. Additional detention (above and beyond that required for on-site area) may be required by the Stormwater Utility Executive Director when the ratio of off-site area to on-site area is larger than 5:1.

**iv. Downstream Restrictions**

In the event the downstream receiving channel or storm sewer system is inadequate to accommodate the post-developed release rate provided above, then the allowable release rate shall be reduced to that rate permitted by the capacity of the receiving downstream channel or storm sewer system. Additional detention, as determined by the Stormwater Utility Executive Director, shall be required to store that portion of the runoff exceeding the capacity of the receiving storm sewers or watercourses. When such downstream restrictions are known, the Stormwater Utility Executive Director may require additional analysis to determine the receiving system's limiting downstream capacity.

If the proposed development makes up only a portion of the undeveloped watershed upstream of the limiting restriction, the allowable release rate for the development shall be in direct proportion to the ratio of its drainage area to the drainage area of the entire watershed upstream of the restriction.

**v. Direct Release Provisions**

Due to unknowns regarding the future development patterns and the associated proposed Stormwater quantity and quality management systems within a watershed, it is the policy of the Town of Merrillville Stormwater Management Board to discourage direct release of runoff from a new development or redevelopment without providing detention. However, in rare circumstances, where a comprehensive watershed-wide hydrologic study or watershed plan of a major stream adopted by the Stormwater Utility Executive Director (not a "beat the peak" analysis) substantiates the benefits of (or allows for) direct release for a proposed development located adjacent to a major stream, the detention requirements set in this Ordinance may be waived. Other special circumstances when such a waiver may be considered by the Stormwater Utility Executive Director include situations where the design of a regional pond has already taken into account the provision of direct release in certain areas in the watershed.

**B. Grading and Building Pad Elevations**

Maximum yard slopes are 3:1 where soil has been disturbed during construction processes. Finished floor elevation must be no less than 1 foot above finished grade and a minimum of 18 inches above an adjacent road elevation unless a written variance is granted by the Stormwater Utility Executive Director.

For all structures located in the Special Flood Hazards Area (SFHA) as shown on the FEMA maps, the lowest floor elevations of all residential, commercial, or industrial buildings, shall be such that Lowest Floor elevation, including basement, shall be at the flood protection grade and therefore have 2 feet of freeboard above the 100-year flood elevation.

The Lowest Adjacent Grade for residential, commercial, or industrial buildings outside a FEMA or

IDNR designated floodplain shall have 2 feet of freeboard above the flooding source's 100-year flood elevation under proposed conditions, unless the flooding source is a rear-yard swale. When the flooding source is a rear-yard swale, the Lowest Adjacent Grade for residential, commercial, or industrial buildings shall have 1 foot of freeboard above the 100-year flood elevation under proposed conditions.

For areas outside a FEMA or IDNR designated floodplain, the Lowest Adjacent Grade (including walkout basement floor elevation) for all residential, commercial, or industrial buildings adjacent to ponds shall be set a minimum of 2 feet above the 100-year pond elevation or 2 feet above the emergency overflow weir elevation, whichever is higher. In addition to the Lowest Adjacent Grade requirements, any basement floor must be at least a foot above the permanent water level (normal pool elevation).

The 100-year overflow paths throughout the development, whether shown on FEMA maps or not, must be shown as hatched area on the plans and 30 feet along the centerline of the flow path contained within permanent drainage easements. A statement shall be added to the plat that would refer the viewer to the construction plans to see the entire extent of overflow path as hatched areas. No fences, landscaping, or other obstruction can be constructed within the easement that may impede the free flow of stormwater. These areas are to be maintained by the property owners or be designated as common areas that are to be maintained by the homeowner's association. The Lowest Adjacent Grade for all residential, commercial, or industrial buildings shall be set a minimum of 1 foot above the noted overflow path/ponding elevation, calculated based on all contributing drainage areas, on-site and off-site, in their proposed or reasonably anticipated land use and with storm pipe system assumed completely plugged.

It shall be the property owners' responsibility to maintain the natural features on their lots and to take preventive measures against any and all erosion and/or deterioration of natural or manmade features on their lots.

**C. Acceptable Outlet and Adjoining Property Impact Policies**

Design and construction of the stormwater facility shall provide for the discharge of the stormwater runoff from off-site land areas as well as the stormwater from the area being developed (on-site land areas) to an acceptable outlet(s) (as determined by the Stormwater Utility Executive Director) having capacity to receive upstream (off-site) and on-site drainage. The flow path from the development outfall(s) to a regulated drain or natural watercourse (as determined by the Stormwater Utility Executive Director) shall be provided on an exhibit that includes topographic information. Any existing field tile encountered during the construction shall also be incorporated into the proposed Stormwater drainage system or tied to an acceptable outlet. In addition, no activities conducted as part of the development shall be allowed to obstruct the free flow of flood waters from an upstream property.

Where the outfall from the Stormwater drainage system of any development drains to real estate owned by others prior to reaching a regulated drain or watercourse, no acceptance shall be granted for such drainage system until all owners of real estate and/or tenants crossed by the outfall consent in writing to the use of their real estate through a recorded easement.

If an adequate outlet is not located on site, then off-site drainage improvements may be required. Those improvements may include, but are not limited to, extending storm sewers, clearing, dredging and/or removal of obstructions to open drains or natural water courses, and the removal or replacement of undersized culvert pipes as required by the Stormwater Utility Executive Director.

**D. No Net Loss Floodplain Storage Policy**

Floodplains exist adjacent to all natural and man-made streams, regardless of contributing

drainage area or whether they have been previously identified or mapped. Due to potential impacts of floodplain loss on peak flows in streams and on the environment, disturbance to floodplains should be avoided. When the avoidance of floodplain disturbance is not practical, the natural functions of floodplain should be preserved to the extent possible.

In an attempt to strike a balance between the legitimate need for economic development within The Town of Merrillville and the need to preserve the natural functions of floodplains to the extent possible, compensatory excavation 1.5 times the floodplain storage lost shall be required for all activities within floodplain of streams located in The Town of Merrillville where drainage area of the stream is equal or larger than one square mile. The Stormwater Utility Executive Director may alter the compensation ratio, based on extenuating circumstances, for a specific project.

Note that by definition, compensatory storage is the replacement of the existing floodplain and, in rare exceptions, the floodway storage lost due to fill. Compensatory storage is required when a portion of the floodplain is filled, occupied by a structure, or when as a result of a project a change in the channel hydraulics occurs that reduces the existing available floodplain storage. The compensatory storage should be located adjacent or opposite the placement of the fill and maintain an unimpeded connection to an adjoining floodplain area.

Computations must show 1.5 times the provision of compensatory floodplain storage for 10-year and 100-year storm events. That is, the post-development 10-year floodplain storage along a stream shall be 1.5 times the 10-year pre-development floodplain storage along the stream within the property limits, and the post-development 100-year floodplain storage along a stream shall be 1.5 times the 100-year pre-development floodplain storage along the stream within the property limits. For sites that are not able to provide the full volume of required compensatory storage, and at the discretion of the Stormwater Executive Director, floodplain compensatory storage may be mitigated off-site within the watershed on a separate property with the Town's corporate limits.

Calculations for floodplain volume shall be submitted in tabular form showing calculations by cross-section. The volume of floodplain storage under the without-project conditions and the with-project conditions should be determined using the average-end-area method with plotted cross-sections at a horizontal to vertical ratio of between 5:1 and 10:1, with 10- through 100-year flood elevations noted on each cross section. The scale chosen should be large enough to show the intent of proposed grading. Cross-sections should reflect both the existing and proposed conditions on the same plot. The location and extent of the compensatory storage area as well as the location and orientation of cross-sections should be shown on the grading plan.

### **3. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS**

The calculation methods as well as the type, sizing, and placement of all stormwater facilities shall meet the design criteria, standards, and specifications outlined in the Town of Merrillville Stormwater Technical Standards Manual. The methods and procedures in the Stormwater Technical Standards Manual are consistent with the policy stated above.

### **4. DRAINAGE EASEMENT REQUIREMENTS**

There shall be no trees or shrubs planted, nor any structures or fences erected, in any drainage easement, unless otherwise accepted by the Stormwater Utility Executive Director in writing. The following specific areas shall be included in a petition:

#### **A. Subdivisions**

- i. All new channels, storm sewers equal to or greater than 12 inches in diameter (no storm sewer shall be less than 12 inches in diameter), inlet and outlet structures of detention and retention

ponds, and appurtenances thereto as required by this Chapter, that are installed in subdivisions requiring a stormwater management permit from the Town of Merrillville shall be contained within a minimum 10 feet of drainage easement. New storm sewers refer to all sub-surface stormwater piping, tubing, tiles, manholes, inlets, catch basins, risers, etc.

- ii. New storm sewers, 12 inches or larger in diameter shall be placed in a 10-foot easement (5 feet from centerline on each side) and shall be designated on the record plat as 10-foot Drainage Easement. Wider easements may be required by the Stormwater Utility Executive Director when the depth of pipe is greater than 6 to 10 feet, depending on the pipe size.
- iii. A minimum of 10 feet from top of the bank on each side of a new channel shall be designated on the record plat as a Drainage Easement.
- iv. Rear-yard swales and emergency overflow paths associated with detention ponds shall be contained within a minimum of 10 feet width (5 feet from centerline on each side) of drainage easement.
- v. A minimum of 10 feet beyond the actual footprint (High Water Level) of stormwater detention facilities shall be designated as drainage easement. A minimum 10-foot width easement shall also be required as access easement from a public right-of-way to the facility, unless the pond is immediately next to a public right-of-way.
- vi. Any crossing and/or encroachment of a Lake County Regulated Drainage Easement requires application and acceptance from the Lake County Surveyor's office.

#### **B. Municipalities and Schools**

All new channels, swales, storm sewers, inlet and outlet structures of detention and retention ponds, and appurtenances thereto as required by this chapter, that are installed on the municipal or school property will be maintained, repaired, and constructed by the entity. The design must meet the standards of the Town of Merrillville Stormwater Management Ordinance and the Stormwater Utility Executive Director for sizing and installation. Any off-site portion of the drainage system must be within easements and have clearly defined maintenance agreements.

### **5. PLACEMENT OF UTILITIES**

No utility company may disturb existing storm management facilities without the consent of the Stormwater Utility Executive Director, whose decision may be appealed to the Town of Merrillville Stormwater Management Board. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in Chapter 8 of this ordinance.

### **6. STRUCTURES NEAR COUNTY REGULATED DRAINS**

For regulated drains not located in platted subdivisions, no permanent structure (including fences) shall be constructed within seventy-five feet measured at right angles from a) the existing top edge of each bank of a regulated open drain; or b) the center line of a tiled Regulated Drain, unless otherwise accepted by the Lake County Drainage Board. The Indiana Drainage Code may be consulted for further details.



## **7. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING**

After the approval of the Stormwater management permit by the Stormwater Utility Executive Director and the Plan Commission, and the commencement of construction activities, the Town of Merrillville Stormwater Management Board and the Stormwater Utility Executive Director has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this chapter, the Stormwater Technical Standards Manual, and the terms and conditions of the approved permit.

The Stormwater Utility Executive Director and the Town of Merrillville Stormwater Management Board also have the authority to perform long-term, post-construction inspection of all public or privately owned Stormwater quantity facilities. The inspection will cover physical conditions, available storage capacity, and the operational condition of key facility elements. A performance bond is required for 100% of the cost of improvements for all Stormwater infrastructure improvements and stabilization of rights-of-way. Stormwater quantity facilities shall be maintained in good condition, in accordance with the terms and conditions of the approved Stormwater management permit, and shall not be subsequently altered, revised or replaced except in accordance with the approved Stormwater permit, or in accordance with approved amendments or revisions to the permit. If deficiencies are found during the inspection, the owner of the facility will be notified by Town of Merrillville Stormwater Management Board and the Stormwater Utility Executive Director and has the authority to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Town of Merrillville Stormwater Management Board may undertake the work and collect from the owner using compliance and enforcement actions noted in Chapter 8 if necessary.

Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the final stormwater permit is approved.



## CHAPTER FOUR

# STORMWATER POLLUTION PREVENTION FOR CONSTRUCTION SITES

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## 1. APPLICABILITY AND EXEMPTIONS

The Stormwater Utility Executive Director will require a Stormwater Pollution Prevention Plan (SWPPP), which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of the construction plans and specifications. Any project located within The Town of Merrillville that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of or impact on one 10,000 square feet or more of total land area, is subject to the requirements of this chapter. This includes both new development and re-development. This chapter also applies to disturbances of less than one 10,000 square feet of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 10,000 square feet or more land, within the MS4 area. Section 3 of this chapter provides guidelines for calculating land disturbance. Projects meeting the coverage requirements of IDEM's CSGP shall also be in compliance with the requirements contained in that permit.

The requirements under this chapter do not apply to the following activities:

- a. Standard agricultural land disturbing activities; or
- b. Typical forest harvesting activities.

The requirements under this chapter do not apply to the following activities, provided other applicable State permits contain provisions requiring immediate implementation of soil erosion control measures:

- a. Landfills that have been issued a certification of closure under 329 IAC 10.
- b. Coal mining activities permitted under IC 14-34.
- c. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

For an individual lot where land disturbance is expected to be one (1) acre or more, the individual lot owner must complete their own notice of intent letter, apply for a stormwater permit from the Town of Merrillville Planning and Building Department, and ensure that a sufficient construction and stormwater pollution prevention plan is completed and submitted in accordance with Chapter 7 of this Ordinance; regardless of whether the individual lot is part of a larger permitted project site.

An individual lot with land disturbance or impact less than one (1) acre, located within a larger permitted project site, is considered part of the larger permitted project site, and the individual lot operator must comply with the terms and conditions of the stormwater permit approved for the larger project site. The stormwater permit application for the larger project site must include detailed erosion and sediment control measures for individual lots. In addition, these individual lots are required to submit Individual Lot Plot Plan Permit applications prior to receiving a building permit. Details of the permitting process are contained in Chapter 7.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the Stormwater Utility Executive Director in accordance with Chapter 7 of this Ordinance. It will be the responsibility of the project site owner and/or permit holder to ensure compliance with this Ordinance during the construction activity and implementation of the construction plan, and in following and implementing all best management practices, and to notify the Stormwater Utility Executive Director with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However, all persons engaging in

construction and land disturbing activities on a permitted project site meeting the applicability requirements must comply with the requirements of this chapter and this Ordinance.

## **2. POLICY ON STORMWATER POLLUTION PREVENTION**

Effective stormwater pollution prevention on construction sites is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control), and proper on-site materials handling. The developer must submit to the Stormwater Utility Executive Director, a SWPPP with detailed erosion and sediment control plans as well as a narrative describing materials type and specification, handling and storage, and construction sequencing. The SWPPP and the project management log must be retained for at least three (3) years from the date the project permit is terminated. The following principles apply to all land-disturbing activities and should be considered in the preparation of a SWPPP within The Town of Merrillville.

- A. Minimize the potential for soil erosion by designing a development that fits the topography and soils of the site. Deep cuts and fills in areas with steep slopes should be avoided wherever possible, and natural contours should be followed as closely as possible.
- B. Existing natural buffer vegetation next to Waters of the State shall be retained and protected in accordance with IDEM's CSGP.
- C. All activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.
- D. The length and steepness of designed slopes should be minimized to reduce erosion potential. Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet. Methods for determining acceptable velocities are included Stormwater Technical Standards Manual.
- E. Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation. A stable and erosion resistant construction site access point (i.e., crushed stone, slag, aggregate, etc.) shall be provided at all points of construction traffic ingress and egress to the project site.
  - a. Crushed stone, slag, and or aggregate shall be at least 6 inches deep from the surface elevation and such material shall be between 3 – 5 inches in diameter.
- F. Appropriate measures shall be implemented to prevent wastes or unused building materials, including, garbage, debris, packaging material, fuels and petroleum products, hazardous materials or wastes, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by runoff or wind. Identification of the area where concrete truck washout is permissible must be clearly posted on the site. Only one washout location shall be allowed for each building site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable State statutes and regulations. Proper storage and handling of materials such as fuels or hazardous wastes, and spill prevention and cleanup measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.
- G. Public or private roadways shall be kept cleared of accumulated sediment that is a result of runoff or tracking. Bulk clearing of accumulated sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.

- H. Collected runoff leaving a project site must be either discharged directly into a well-defined, stable receiving channel, or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.
- I. Natural features, including wetlands, shall be protected from pollutants associated with stormwater runoff.

### **3. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS**

In calculating the total area of land disturbance, for the purposes of determining applicability of this chapter to the project, the following guidelines should be used:

- A. Off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a land disturbing project site, must be considered as a part of the total land disturbance calculation for the project site, when the activity is under the control of the project site owner.
- B. To determine if multi-lot project sites are regulated by this rule, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as, roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
  - i. For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land disturbance must be used as the expected lot disturbance.
  - ii. For a single-family residential project site where the lots are less than one half (0.5) acre in size, the total lot must be calculated as being disturbed.
  - iii. To calculate lot disturbance on all other types of project sites, such as industrial and commercial projects project sites, a minimum of one (1) acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one (1) acre in size, in which case the total lot must be calculated as being disturbed.

The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet the design criteria, standards, and specifications outlined in the "Indiana Stormwater Quality Manual" or the Town of Merrillville Stormwater Technical Standards Manual. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's CSGP.

The design requirements that would apply to all land-disturbing activities and shall be considered in the selection, design, and implementation of all stormwater quality and management measures contained in the SWPPP are contained in the Town of Merrillville Stormwater Technical Standards Manual.

### **4. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING**

Following approval of the stormwater management permit by the Town of Merrillville Plan Commission and/or Planning and Building Department and commencement of construction activities, the Stormwater Utility Executive Director, the Town Manager, Community Development Director, Zoning Director and the Town of Merrillville Stormwater Management Board have the authority to conduct inspections of the site to ensure full compliance with the provisions of this chapter, the *Indiana Stormwater Quality Manual*, and the terms and conditions of the approved permit.

A self-monitoring program must be implemented by the project site owner and/or permit holder to ensure the Stormwater pollution prevention plan is working effectively. A trained individual, acceptable to Stormwater Utility Executive Director, shall perform a written evaluation of the project site by the end of

the next business day following each measurable storm event. There shall be one designated on-site person to complete such evaluations, maintain a storm log, and to be contacted in the event of any concerns. An alternate should be identified in the event that the designated monitor is unavailable. If there are no measurable storm events within a given week, the site should be monitored at least once in that week. Weekly inspections by the trained individual shall continue until the entire site has been stabilized and a Notice of Termination has been issued. The trained individual should look at the maintenance of existing stormwater pollution prevention measures, including erosion and sediment control measures, drainage structures, and construction materials storage/containment facilities, to ensure they are functioning properly. The trained individual should also identify additional measures, beyond those originally identified in the stormwater pollution prevention plan, necessary to remain in compliance with all applicable statutes and regulations.

The resulting evaluation reports must include the name of the individual performing the evaluation, the date of the evaluation, problems identified at the project site, and details of maintenance, additional measures, and corrective actions recommended and completed.

The stormwater pollution prevention plan shall serve as a guideline for stormwater quality, but should not be interpreted to be the only basis for implementation of stormwater quality measures for a project site. The project site owner and/or permit holder is responsible for implementing, in accordance with this chapter, all measures necessary to adequately prevent polluted stormwater runoff. Recommendations by the trained individual for modified stormwater quality measures should be implemented.

Although self-monitoring reports do not need to be submitted to Stormwater Utility Executive Director, the Stormwater Utility Executive Director has the right to request complete records of maintenance and monitoring activities involving Stormwater pollution prevention measures. All evaluation reports for the project site must be made available to Stormwater Utility Executive Director and/or the Town of Merrillville Stormwater Management Board, in an organized fashion, within forty-eight (48) hours upon request.



## CHAPTER FIVE

# STORMWATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION

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## 1. APPLICABILITY AND EXEMPTIONS

In addition to the requirements of Chapter 4, the Stormwater pollution prevention plan, which is to be submitted to the Stormwater Utility Executive Director as part of the stormwater management permit application, must also include post-construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. Any project located within The Town of Merrillville that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of or impact on 10,000 square feet or more of total land area, is subject to the requirements of this chapter. This includes both new development and re-development, and disturbances of less than 10,000 square feet of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 10,000 square feet or more of land, within the MS4 area. In addition, regardless of the amount of disturbance, the Town of Merrillville reserves the right to require pre-treatment BMPs for proposed hot spot developments in accordance to provisions contained in the Town of Merrillville Stormwater Technical Standards Manual.

The requirements under this chapter do not apply to the following activities:

- A. agricultural land disturbing activities; or
- B. forest harvesting activities; or
- C. oil and gas exploration, production, processing, or treatment operations, or transmission facilities; or
- D. construction activities associated with a single-family residential dwelling disturbing less than 1 acre when the dwelling is not part of a larger common plan of development or sale; or
- E. individual building lots within a larger permitted project.

The requirements under this chapter do not apply to the following activities, provided other applicable State permits contain provisions requiring immediate implementation of soil erosion control measures:

- A. Landfills that have been issued a certification of closure under 329 IAC 10.
- B. Coal mining activities permitted under IC 14-34.
- C. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

It will be the responsibility of the project site owner to complete a Stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the Stormwater Utility Executive Director in accordance with Chapter 7 of this Ordinance. It will be the responsibility of the project site owner and/or permit holder to ensure proper construction and installation of all Stormwater BMPs in compliance with this Ordinance and with the approved Stormwater management permit, and to notify the Stormwater Utility Executive Director with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However, all eventual property owners of Stormwater quality management facilities meeting the applicability requirements must comply with the requirements of this chapter and this Ordinance.

## **2. POLICY ON STORMWATER QUALITY MANAGEMENT**

It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues in The Town of Merrillville, measures must be taken to intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, and rivers. Through the use of Best Management Practices (BMP), stormwater runoff will be filtered and harmful amounts of sediment, nutrients, and contaminants will be removed. The Town of Merrillville has established a minimum standard that the measurement of the effectiveness of the control of stormwater quality will be based on the management of Total Suspended Solids (TSS).

It is also recognized that another major source of pollution in many Indiana streams, including those within the corporate boundaries of the Town of Merrillville, is the streambank erosion associated with urbanizing watersheds. Stream channels develop their shape in response to the volume and rate of runoff that they receive from their contributing watersheds. When land is developed, the volume and rate of runoff from that land increases for these comparatively small flooding events that are not normally addressed by the detention practices and the stream channel will adapt by changing its shape. As the stream channel works to reach a new stable shape, excess erosion occurs. As new development and re-development continues within the corporate boundaries of the Town of Merrillville, measures must be taken to minimize the impact of such development or re-development on streambank erosion. Through the use of appropriate Best Management Practices (BMP's), the volume and rate of runoff for channel forming flows will be reduced in an attempt to minimize increased streambank erosion in the receiving streams and channels.

The project site owner must submit to the Stormwater Utility Executive Director, SWPPP that would show placement of appropriate BMP(s) from a pre-approved list of BMPs specified in the Town of Merrillville Stormwater Technical Standards Manual. The SWPPP submittal shall include an Operation and Maintenance Manual for all post-construction BMP(s) included in the project and a notarized Maintenance Agreement, consistent with the sample agreement provided in the Stormwater Technical Standards Manual, providing for the long-term maintenance of those BMPs, both of which shall be recorded with the deed for the property on which the project is located. The noted BMPs must be designed, constructed, and maintained according to guidelines provided or referenced in the Town of Merrillville Stormwater Technical Standards Manual. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance (minimum 80% TSS removal) and ease of maintenance of such practices will be according to guidelines provided in the Town of Merrillville Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMPs are provided in the Town of Merrillville Stormwater Technical Standards Manual.

Gasoline outlets and refueling areas must install appropriate practices to reduce lead, copper, zinc, and hydrocarbons in stormwater runoff. Infiltration of stormwater in these areas may not be allowed per the discretion of the Stormwater Utility Executive Director. These requirements will apply to all new facilities and existing facilities that replace their tanks, regardless of the size of the facility.

## **3. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS**

Calculation of land disturbance should follow the guidelines discussed in Chapter 4, Section 3.

The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMPs shall meet the design criteria, standards, and specifications outlined in the *Indiana Stormwater Quality Manual* or the Town of Merrillville Stormwater Technical Standards Manual. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's MS4 GP.

#### **4. EASEMENT REQUIREMENTS**

All stormwater quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures and appurtenances located outside of the right-of-way shall be incorporated into permanent easements. For the purposes of monitoring, inspection, and general maintenance activities, a 30-foot-wide perimeter beyond the actual footprint of the stormwater quality management facility as well as a 30-foot-wide access easement from a public right-of-way to each BMP shall be provided. The easement size may be adjusted at the discretion of the Stormwater Utility Executive Director.

#### **5. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING**

After the approval of the Stormwater management permit by the Stormwater Utility Executive Director or, if applicable, the Town of Merrillville Plan Commission and the commencement of construction activities, the Stormwater Utility Executive Director and the Town of Merrillville Stormwater Management Board have the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this chapter, the Stormwater Technical Standards Manual, and the terms and conditions of the approved permit.

Stormwater quality management facilities shall be maintained in good condition, in accordance with the Operation and Maintenance procedures and schedules listed in the *Indiana Stormwater Quality Manual* or the Town of Merrillville Stormwater Technical Standards Manual, and the terms and conditions of the approved stormwater permit, and shall not be subsequently altered, revised, or replaced except in accordance with the approved stormwater permit, or in accordance with approved amendments or revisions in the permit. Following construction completion, maintenance of stormwater quality facilities shall be the long-term responsibility of the facility's owner.

Details regarding the required stormwater BMP Maintenance Agreement, O&M Maintenance Manual, and a Maintenance Escrow account and their transfer to other parties or subsequent owners prior to release of the maintenance bond discussed in Chapter 8 of this Ordinance is provided in the Town of Merrillville Stormwater Technical Standards Manual.

The Stormwater Utility Executive Director and the Town of Merrillville Stormwater Management Board have the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quality facilities. The inspections will follow the Operation and Maintenance procedures included in the Stormwater Technical Standards Manual and/or permit application for each specific BMP. The inspection will cover physical conditions, available water quality storage capacity and the operational condition of key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report. If deficiencies are found during the inspection, the owner of the facility will be notified by the Stormwater Utility Executive Director and the Town of Merrillville Stormwater Management Board and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Town of Merrillville Stormwater Management Board will undertake the work and collect from the owner using lien rights if necessary.





## CHAPTER SIX

# LOW IMPACT DEVELOPMENT (LID) FOR STORMWATER MANAGEMENT

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## 1. APPLICABILITY AND EXEMPTIONS

The following activities shall be exempt from this chapter:

- Permitted surface or deep mining operations and projects, or oil and gas operations.
- Tilling, planting, or harvesting of agricultural, horticultural, or forest crops.
- Linear development projects, provided that (i) less than one acre of land will be disturbed per outfall or watershed, (ii) there will be insignificant increases in peak flow rates, and (iii) there are no existing or anticipated flooding or erosion problems downstream of the discharge points.
- Single-family detached residences separately built and not part of a subdivision, including additions or modifications to existing single-family detached residential structures.
- Structures considered ancillary to single-family detached and semidetached residences, duplexes, and townhouses, including, but not limited to, garages, decks, patios, and barns.

Any project located within The Town of Merrillville that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of or impact on one (1) acre or more of total land area, is subject to the requirements of this chapter. Residential, commercial or industrial development or re-development shall apply LID stormwater management criteria when feasible. If the Developer or Owner feels that their project is not capable of meeting the criteria or want to alter standards then all appeals will be directed to the Town of Merrillville Stormwater Management Board. After the Boards review, a recommendation will be made to the Plan Commission where final approval or denial will take place. Residential, commercial or industrial developments shall apply these stormwater management criteria to land development as a whole. Individual residential lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land development and shall be used in all engineering calculations.

## 2. POLICY ON LOW IMPACT DEVELOPMENT

The Town of Merrillville recognizes that Low Impact Development (LID) is an innovative Stormwater Management approach with a basic principle that is modeled after nature: manage rainfall at the source using site design techniques that store, infiltrate, filter, evaporate and detain runoff. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate and detain runoff close to its source. A goal of LID is to use site and subdivision design techniques in coordination with stormwater management engineering to mimic the hydrologic conditions associated with an undeveloped site. The Town also recognizes that development tends to degrade receiving waters through increased flooding, stream channel erosion, and the transport and deposition of waterborne pollutants. This degradation is due, in part, to increased stormwater runoff as property is developed. The regulation of stormwater runoff from developments can control the negative impacts of generating increased flooding, erosion, and non-point source pollutant runoff. The intent of this chapter is to establish minimum LID requirements which: protect the safety and welfare of Merrillville residents and businesses; reduce flood damage to property; minimize the impacts of increased stormwater runoff from new land development; maintain the adequacy of existing and proposed culverts, bridges, dams, and other structures; prevent, to the maximum extent practicable (MEP), non-point source pollution; maintain the integrity of stream channels for their biological functions and drainage; minimize the impact of

development upon stream erosion; and preserve and protect water supply facilities from increased flood discharges, stream erosion, and non-point source pollution.

### **3. SITE DESIGN**

Site Designs shall minimize the generation of stormwater and maximize pervious area for stormwater treatment. Structural and Non-structural infiltration BMPs shall be encouraged to provide stormwater quality and quantity control and ground water recharge. The basic LID strategy for handling runoff is to reduce the volume of runoff and decentralize flows.

Natural channel characteristics shall be preserved to the maximum extent practicable (MEP).

The use of LID site planning and integrated management practices shall be encouraged to control stormwater runoff at the source and closely approximate predevelopment runoff conditions.

Clustering homes on slightly smaller lot areas is permissible provided that it allows more preserved open space to be used for recreation, visual aesthetics, and conservation of natural areas.

Site design must consider directing impervious area stormwater flows collected from structures, driveways, or street sections, into separate localized detention cells instead of combining it in drainpipes with additional sources of runoff.

All low impact development stormwater management practices consistent with the requirements of this chapter shall satisfy the water quality and quantity performance criteria of this Ordinance and Town of Merrillville Stormwater Technical Standards Manual or equivalent document.

LID design plans shall not conflict with existing state, town or local laws, ordinances, regulations or policies.

Property owners shall not remove or structurally alter integrated management practices without prior written approval from the Town Administrator.

All structural stormwater management BMPs shall have an Operations and Maintenance (O&M) Plan and agreement which identify the owner(s) and/or responsible party for implementation.

Innovative and alternative water quality BMPs may be allowed for land development at the discretion of the MS4 Coordinator subject to pollution removal efficiencies recognized by IDEM.

Stormwater discharges for stormwater hotspots may require the use of specific structural BMPs and pollution prevention practices. Stormwater from a hotspot shall not be infiltrated without proper pre-treatment.

A landscaping plan shall describe woody and herbaceous vegetative stabilization and management techniques as well as tree protection measures to be used within and adjacent to the stormwater management facility in accordance the Town of Merrillville's Tree Ordinance and Landscaping Standards.

Safety measures shall be incorporated into the design of all stormwater management facilities.

Stormwater management facilities shall be designed to minimize the propagation of insects, particularly mosquitoes, provided that design features proposed will not negatively impact the functions of the facility.

Storm drainage easements shall be required on lots or parcels where the conveyance, storage or treatment of stormwater is proposed or can reasonably be expected to occur.

#### 4. RECEIVING WATERS

Outflows from a stormwater management facility shall be discharged to an adequate channel, and velocity dissipaters shall be placed at the outfall of all stormwater management facilities and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the facility to a channel.

Properties and receiving waterways downstream of any land development project shall be protected from erosion and damage due to increases in volume, velocity and frequency of peak flow rate of stormwater runoff.

Stream channel erosion impacts to receiving streams due to land development projects shall be addressed for each point of discharge from the development project.

#### 5. STORMWATER PRE-TREATMENT BMPS FOR SITE PLANS

In addition to the 80% Total Suspended Solids removal rate requirements at the 50 to 125-micron range, all development shall have additional BMPS to pre-treat stormwater runoff prior to releasing off-site. Stormwater quality BMPs shall be used to the MEP to satisfy the applicable water quality control requirements in this chapter. These LID techniques must be installed and maintained to control stormwater at the source and allow the natural ability of a developed site to absorb stormwater. They must also be effective in removing common urban non-point source pollutants such as nutrients, sediments and metals thereby protecting human health and the environment as well as reducing flow of stormwater entering storm sewers. The post-developed stormwater runoff shall be treated by an approved technology-based water quality BMP(s) based on the imperviousness of the drainage area. The design shall be certified by a Professional Engineer licensed in Indiana to perform such work.

The following is a list of approved water quality BMPs that can be used to satisfy the applicable water quality control requirements in for the Town of Merrillville:

- Stormwater Management Retention and Extended Detention Basins
- Stormwater Management Wetlands / Wetland Restoration
- Rain Gardens/Bio-retention Cells
- Stormwater Management Infiltration Basins
- Open Space Conservation
- Conservation of Existing Resources, Wetlands, Native Trees, Shrubs and other Vegetation
- Vegetated/Green Roofs
- Sediment Control Devices
- Catch Basin Inserts
- Hydrodynamic Separators
- Two Stage Ditches
- Stormwater Management Filtering Systems
- Grassed Buffer Strips
- Vegetated Swales
- Pervious Pavement
- Soft/Green Armoring
- Green Parking/Emergency Access
- Regional Stormwater Management Facilities
- Low-Impact/Conservation Development Site Planning and Integrated Management Practices
- Approved Alternative Measures (Emerging Technology)

## 6. COMPLIANCE - LID WATER QUALITY BMP POINTS SYSTEM

Compliance with LID non-point source pollution control requirements is based on a points system. This is a tool for screening BMPs to ensure that the site is adequately covered by preferred practices. The points assigned to each BMP are weighted by the proportion of the site served by the BMP. To achieve compliance, a stormwater management plan must attain at least **100 LID Points per each Disturbed Acre** of development through implementation of approved practices. A minimum of three (3) different BMPs must be incorporated for each development. Practices utilized must be approved by the Stormwater Management Board. The BMPs utilized to satisfy the 80% TSS removal rate requirements cannot be counted as part of the required LID point total.

The LID Point System is applied as outlined below:

**Table 6-1: LID Point System for evaluating acceptable water quality BMPs**

<b>Factsheet #</b>	<b>LOW IMPACT DEVELOPMENT BMP</b>	<b>Quantity</b>	<b>LID Points</b>
PC-101	Bio-Retention Facility (Rain Garden)	100sf	20
PC-102	Catch Basin Inserts	1ea	10
PC-103	Cistern / Dry Well	1ea	10
PC-104	Constructed Wetland	100sf	20
PC-105	Dry Extended Detention Basins	100sf	20
PC-106	Infiltration Basin	100sf	10
PC-107	Infiltration Trench	100sf	10
PC-108	Media Filtration	1ea	10
PC-109	Storm Drain Inserts/ Hydrocarbon Filter	1ea	10
PC-110	Vegetated Filter Strips	100sf	10
PC-111	Vegetated Swales	100 linear ft	10
PC-112	Wet Ponds / Retention Basins	100sf	20
LID-101	Pervious Pavement with Infiltration Bed	100sf	10
LID-102	Vegetated Roof	100sf	15
LID-103	Level Spreaders	100 linear ft	15
LID-104	Hydrodynamic Separator	1ea	50
LID-105	Two Stage Ditch	100 linear ft	15
LID-106	Riparian Buffer Restoration	100sf	5
LID-107	Wetland Restoration/Creation	100sf	20
LID-108	Cluster Design	1ac	10
LID-109	Open Space Conservation	100sf	10
LID-110	Sensitive Area Protection	100sf	10
LID-111	Design for LEED Certification	1ac	20
LID-112	Native Revegetation	100sf	10
LID-113	Stormwater Disconnection	1ea	5-commercial 1-residential
LID-114	Additional Tree Installation	1ea	5
LID-115	Soft Armoring	100sf	20
LID-116	Recycled Pipe (60% or more recycled HDPE)	100 linear ft	10
N/A	Emerging Technology	variable	variable

## 7. SMART GROWTH PRINCIPALS

The following smart growth principals shall be applied when feasible in order to allow for stormwater infiltration and promote green space.

- Compact building design
- Mixed land uses
- Preserve open space and critical environmental areas

- Cluster development

## **8. ROADWAY AND PARKING LOT RUNOFF**

Stormwater runoff from parking lots shall utilize stormwater management infiltration facilities and/or stormwater management filter systems placed within or near parking lot islands.

Permeable roadway or parking areas can be constructed from a variety of materials, including traditional asphalt and concrete, gravel or pavers, they must allow water to flow through to replenish soil areas directly beneath. However, the sub-base underneath permeable pavements must be engineered to accommodate both filtration and the quantity of water storage.

Vegetated swales may function as alternatives to curb and gutter systems, along residential streets or highways as allowed by the Planning Commission utilizing grasses or other vegetation to reduce runoff velocity and allow filtration, while high volume flows are channeled away safely to a quantity management facility. Features like plantings and check dams may be incorporated to further reduce water velocity and encourage additional filtration. In areas where salts are commonly used for winter de-icing, plant species must be salt tolerant.

## **9. THREATENED AND ENDANGERED SPECIES**

Prior to any land disturbance, written proof from the U.S. Fish and Wildlife Service at <http://www.fws.gov/midwest/Bloomington/> indicating the absence of threatened or endangered species or their habitat must be provided. This may be submitted along with the SWPPP to ensure the project is not likely to jeopardize the continued existence of endangered or threatened species or modify critical habitat of such species. The Indiana Heritage Data Center maintained by IDNR Division of Nature Preserves shall also be utilized assist with the assessment. A list of Indiana endangered, threatened and rare species can be viewed at: <http://www.in.gov/dnr/naturepreserve/>

## **10. OPEN SPACE REQUIREMENTS**

See Town of Merrillville Code: ARTICLE XII. OPEN SPACE REQUIREMENTS Sec. 19-225 found in the Town of Merrillville Zoning Ordinance.

**LID Compliance Summary Worksheet (Table 6-2)**

<b>Project Information</b>				
Project Name		Developer/ Owner		
Plan Preparer		Developer/Owner Address		
Plan Preparer Telephone		Developer/Owner Telephone		
This worksheet is a tool to allow both the Municipality and the Developer/Owner to reference various measures implemented within the development in order to meet the development's Stormwater Management Ordinance requirements.				
<b>Site Specific Information</b>				
		Total Site Area (ac)		
		Total Disturbed Area (ac)		
		Total Required LID Points (disturbed acres x 100)		
LOW IMPACT DEVELOPMENT BMP	Quantity of BMP	LID Points	Proposed Quantity	Proposed LID Points
Bio-Retention Facility (Rain Garden)	100sf	20		
Catch Basin Inserts	1ea	10		
Cistern/Dry Well	1ea	10		
Constructed Wetland	100sf	20		
Dry Extended Detention Basins	100sf	20		
Infiltration Basin	100sf	10		
Infiltration Trench	100sf	10		
Media Filtration	1ea	10		
Storm Drain Inserts / Hydrocarbon Filters	1ea	10		
Vegetated Filter Strips	100sf	10		
Vegetated Swales	100 linear ft	10		
Wet Ponds/Retention Basins	100sf	20		
Pervious Pavement with Infiltration Bed	100sf	10		
Vegetated Roof	100sf	15		
Level Spreaders	100 linear ft	15		
Hydrodynamic Separator	1ea	50		
Two Stage Ditch	100 linear ft	15		
Riparian Buffer Restoration	100sf	5		
Wetland Restoration/Creation	100sf	20		
Cluster Design	1ac	10		
Open Space Conservation	100sf	10		
Sensitive Area Protection	100 linear ft	10		
LEED Certification	1ac	20		
Native Revegetation	100sf	10		
Stormwater Dysconnectivity	1ea	5-commercial 1-residential		
Additional Tree Installation	1ea	5		
Soft Armoring	100sf	20		
Recycled Pipe (60% or more recycled HDPE)	100 linear ft	10		
OTHER: Emerging Technology	variable	variable		
OTHER: Emerging Technology	variable	variable		
<b>Total Proposed LID Points</b>				

Note: Not all LID measures are necessary or appropriate for every site. It is imperative that proper site assessments and due diligence is completed by the Developer and/or Engineer prior to design.



## CHAPTER SEVEN

# DEVELOPMENT IN WETLANDS REGULATIONS

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### 1. APPLICABILITY AND EXEMPTIONS

This chapter shall apply to all land-disturbing activities regulated by this Ordinance. No building permit shall be issued and no land disturbance started for any construction in a development, as defined in Appendix A, identified as containing wetlands until the owner thereof has obtained all required state and federal permits or releases related to the dredging or filling of wetlands. As a pre-condition to receiving a building or land disturbance permit for a development identified as containing wetlands where the applicant for the permit does not intend to fill a wetland, such unaffected wetland must be identified in one of the methods enumerated in Section 3 of this Chapter, shown on the proposed development plans, and submitted to the Stormwater Utility Executive Director along with plans to protect and avoid any disturbance to such unaffected wetland.

The requirements under this chapter do not apply to the following:

- A. For the purpose of Town's regulations, artificially-constructed ponds, drainage ditches, stormwater retention/detention basins, gravel pits, stone quarries, and treatment lagoons that exist at the site and that may appear to display wetland-like properties. However, the applicant would need to independently contact IDEM or the U.S. Army Corps of Engineers for appropriate Federal and State requirements;
- B. Wetlands or portions thereof for which federal or state permits for fill were issued prior to the enactment of this Chapter; or to
- C. Any area or use excluded from local planning and zoning jurisdiction by federal or state law.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that all wetlands identified to be present at the project site are sufficiently protected and preserved as set forth in this Chapter.

### 2. POLICY ON WETLANDS DISTURBANCE PREVENTION

- A. It is the public policy of The Town of Merrillville to preserve, protect, and conserve freshwater wetlands, and the benefits derived wherefrom, to prevent the despoliation and destruction of freshwater wetlands, and to regulate use and development of such wetlands to secure the natural benefits of freshwater wetlands, consistent with the general welfare and beneficial to economic, social, and agricultural development of The Town of Merrillville.
- B. Any depressional storage associated with wetlands must be preserved. In the event the depressional storage is filled, it must be compensated for at a rate of 1.5:1. This storage must be provided in addition to any stormwater detention that is required for the site development.

### 3. WETLANDS IDENTIFICATION

In implementing the terms of this Chapter, any of the following materials shall be prima facie evidence which may be relied upon by the Stormwater Utility Executive Director for the identification, delineation, and existence of a wetland:

- A. National Wetlands inventory (NWI) maps produced or maintained by the United States Fish and Wildlife Service (USFWS).
- B. Maps produced, or maintained and utilized, by the United States Corps of Engineers for identification and/or delineation of wetlands.
- C. Maps produced, or maintained and utilized, by the United States Natural Resources Conservation Service (NRCS) for the identification and/or delineation of wetlands.
- D. USDA – NRCS Soil Survey of The Town of Merrillville hydric soils list.
- E. Field investigations performed by the United States Army Corps of Engineers or private consultants recognized by the Corps as authorities in wetland identification and delineation.

NOTE:

NWI maps are intended to identify *potential* wetlands. Due to the lack of field verification, NWI classified wetlands are sometimes erroneously identified, missed, or misidentified. Additionally, the criteria used in identifying these wetlands, as established by USFWS, are different from those currently used by the U.S. Army Corps of Engineers. NWI maps best serve as an indicator of potential jurisdictional wetlands.

Likewise, soil survey maps were developed from actual field investigations by soil scientists from the NRCS but they address only one of the three required wetland criteria and may reflect historical conditions rather than current site conditions.

It is recommended that all sites be field reviewed by a qualified person with experience in wetland identification in order to determine the presence or absence of wetlands. In the event a suspected wetland area is proposed to be impacted by the proposed development, it must first be field verified with a delineation report by an environmental scientist, soil scientist or Professional Wetland Scientist (PWS),





## CHAPTER EIGHT

# PERMIT REQUIREMENTS AND PROCEDURES

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### 1. CONCEPTUAL DRAINAGE PLAN REVIEW

In order to establish that proper stormwater planning and adequate drainage outlet(s) exists for a proposed development seeking a Preliminary Plat approval or Development Plan approval from the Town of Merrillville Plan Commission, a developer may apply for a conceptual drainage plan review by the Stormwater Utility Executive Director's office. As part of the noted Conceptual Drainage Plan Review, a developer shall submit conceptual drainage plans for review by the Stormwater Utility Executive Director prior to the Plan Commission hearing. Note that any preliminary drainage approval by the Town of Merrillville Plan Commission and/or Stormwater Utility Executive Director as a result of such a review is based on preliminary data and shall not be construed as a final drainage approval or considered binding on either party. The following is a general listing of minimum data requirements for the review of conceptual drainage plans:

- A. Conceptual plans showing general project layout, including existing and proposed drainage systems and proposed outlets.
- B. General description of the existing and proposed drainage systems in narrative form.
- C. Map showing on-site 100-year floodplain and floodway (please note if none exists).
- D. Map showing all wetlands, lakes, and ponds on or adjacent to the site.
- E. Watershed Boundaries on County's 1-foot topographic mapping.
- F. Existing watercourse or regulated drains.
- G. Drainage calculations detailing existing and proposed discharges from the site.
- H. Letter of Intent for obtaining any needed consents, off-site easements, right-of-way, or regulatory permits.

### 2. PERMIT PROCEDURES

Except as provided in Chapter 5, Section 1, this section applies to all development, or re-development of land, that results in land disturbance of 10,000 square feet or more. Individual lots with land disturbance less than 10,000 square feet that are developed within a larger permitted project site, should refer to Section 4 for plan review requirements and procedures.

The project site owner shall submit an application for a stormwater management permit to the Town of Merrillville. The application will include a Draft Notice of Intent letter (NOI) that would also act as permit application form, construction plan sheets, stormwater drainage technical report, a stormwater pollution prevention plan, and any other necessary support information. Specific information to be included in the application can be found in Section 3 below. Application material must be submitted to the Town of Merrillville. Additionally, a digital copy of the construction plans is required in a format accepted by the Stormwater Utility Executive Director.

After the Town of Merrillville receipt of the application, the applicant will be notified as to whether their application was complete or insufficient. The applicant will be asked for additional information if the application is insufficient. The information provided will be reviewed in detail by the Stormwater Utility Executive Director and/or its plan review consultant(s). Once all comments have been received and review completed, the Stormwater Utility Executive Director will either approve the project or request modifications.

Once the Merrillville Stormwater Permit has been issued, the project site owner must file a Notice of Intent. The IDEM CSGP must be provided to the Town prior to the start of construction and proof of permit coverage shall be posted on-site. For Town of Merrillville, copies of the final, approved

construction plans, stormwater drainage technical report, stormwater pollution prevention plan for construction sites, and post-construction stormwater pollution prevention plan shall also accompany the above-noted written notification and proof of publication. The number of required copies varies from case to case and should be determined by contacting the Town of Merrillville. A pre-construction may be held with the participation of the Town of Merrillville prior to any grading activity to ensure that appropriate perimeter control measures have been implemented on the site and the location of any existing tiles has been properly marked.

Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this Ordinance and the terms and conditions of the approved permit. Upon completion of construction activities, as-built plans must be submitted to the Town of Merrillville. A Notice of Termination (NOT) shall be sent to the Town of Merrillville once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed. The Stormwater Utility Executive Director, or a representative, shall inspect the construction site to verify the requirements for an NOT have been met. Permits issued under this scenario will expire 5 years from the date of issuance. If construction is not completed within 5 years, the NOI must be resubmitted at least 90 days prior to expiration.

### **3. SWPPP Review Time Limits**

Pursuant to IC 13-18-27, an MS4-designated entity or other review authority such as SWCD must make a preliminary determination as to whether the construction plan associated with SWPPP is substantially complete before the end of the tenth (10th) working day after the day on which the construction plan associated with SWPPP is submitted to the review authority, in the case of a less than 5 acres construction activity site or the fourteenth (14th) working day after the day on which the construction plan associated with SWPPP is submitted to the review authority, in the case of a 5 acres or larger construction activity site. Depending on the outcome of the SWPPP review, the following scenarios may play out:

- a. No SWPPP review notification received: If the review authority does not notify of its preliminary determination as to whether the construction plan is substantially complete within either 10 or 14 days as noted above, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Ordinance and the Town of Merrillville Stormwater Technical Standards Manual, and after submission of the notice of intent letter to IDEM, may begin the construction project, including the land disturbing activities of the construction project.
- b. SWPPP not substantially complete: If the review authority notifies the construction plan is not substantially complete, the project site owner may not submit a notice of intent letter to IDEM until the review authority makes a conclusive favorable determination concerning the construction plan under the IDEM rule/permit, or this Ordinance and the Town of Merrillville Stormwater Technical Standards Manual.
- c. Unfavorable SWPPP: If the review authority notifies the construction plan is substantially complete; and makes a conclusive unfavorable determination concerning the construction plan under IDEM rule/permit, or this Ordinance and the Town of Merrillville Stormwater Technical Standards Manual; the land disturbing activities of the construction project must stop when the review authority notifies the project site owner of the review authority's conclusive unfavorable determination concerning the construction plan.

Note that the above time limits only apply to the SWPPP portion of the overall stormwater permit submittal and does not affect any official or non-official permit review timelines set by the entity for other aspects of the stormwater permit application.

### **3. INFORMATION REQUIREMENTS**

Specific projects or activities may be exempt from all or part of the informational requirements listed below. Exemptions are detailed in the "Applicability and Exemptions" Sections of Chapters 2 through 5. If a project or activity is exempt from any or all requirements of this Ordinance, an application should be filed listing the exemption criteria met, in lieu of the information requirements listed below. This level of detailed information is not required from individual lots, disturbing or impacting less than 1 acre of land, developed within a larger permitted project site. Review and acceptance of such lots is covered under Section 4 of this Chapter.

The different elements of a permit submittal for a Secondary Stormwater Plan approval include an IDEM Notice of Intent (NOI), proof of publication of a public notice, construction plans, a stormwater drainage technical report, a stormwater pollution prevention plan for active construction sites, a post-construction stormwater pollution prevention plan, and any other necessary supporting information. All plans, reports, calculations, and narratives shall be signed and sealed by a professional engineer or a licensed surveyor, registered in the State of Indiana.

#### **A. Application Checklist**

As part of the Town of Merrillville Stormwater Permit application package, the application checklist provided in the Town of Merrillville Stormwater Technical Standards Manual must be completed by the applicant and provided along with other required supporting material.

#### **A. Construction Plans**

Construction plan sheets (larger than 11" by 17", but not to exceed 24" by 36" in size) in pdf digital format or hard copy and an accompanying narrative report shall describe and depict the existing and proposed conditions. This must be submitted in digital format acceptable to the Stormwater Utility Executive Director. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. Construction plans need to include the detailed items from the most recent version of the Technical Standards Manual.

#### **B. Stormwater Drainage Technical Report**

A written stormwater drainage technical report must contain a discussion of the steps taken in the design of the stormwater drainage system. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. The technical report needs to include the following detailed items:

- i. A summary report, including the following information:
  - a. Description of the nature and purpose of the project.
  - b. The significant drainage problems associated with the project.

- c. The analysis procedure used to evaluate these problems and to propose solutions.
  - d. Any assumptions or special conditions associated with the use of these procedures, especially the hydrologic or hydraulic methods.
  - e. The proposed design of the drainage control system.
  - f. The results of the analysis of the proposed drainage control system showing that it does solve the project's drainage problems. Any hydrologic or hydraulic calculations or modeling results must be adequately cited and described in the summary description. If hydrologic or hydraulic models are used, the input and output files for all necessary runs must be included in the appendices. A map showing any drainage area subdivisions used in the analysis must accompany the report.
  - g. Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions.
  - h. Identification of any other State or Federal water quality permits that are required for construction activities associated with the owner's project site.
- ii. A Hydrologic/Hydraulic Analysis, consistent with the methodologies and calculation included in the Town of Merrillville Stormwater Technical Standards Manual, and including the following information:
- a. A hydraulic report detailing existing and proposed drainage patterns on the subject site. The report should include a description of present land use and proposed land use. Any off-site drainage entering the site or any downstream restrictions should be addressed as well. This report should be comprehensive and detail all of the steps the engineer took during the design process.
  - b. All hydrologic and hydraulic computations should be included in the submittal. These calculations should include, but are not limited to the following: runoff curve numbers and runoff coefficients, runoff calculations, stage-discharge relationships, times-of-concentration and storage volumes.
  - c. Copies of all computer runs. These computer runs should include both the input and the outputs. Electronic copies of the computer runs with input files must also be included.
  - d. A set of exhibits should be included showing the drainage sub-areas and a schematic detailing of how the computer models were set up.
  - e. A conclusion which summarizes the hydraulic design and details how this design satisfies this Ordinance.
  - f. Signed and Certified (stamped) by a Professional Engineer registered in the State of Indiana.

### **C. Stormwater Pollution Prevention Plan for Construction Sites**

A stormwater pollution prevention plan associated with construction activities must be designed to, at least, meet the requirements of this Ordinance and must include the following at a minimum:

- i. Location, dimensions, detailed specifications, and construction details of all temporary and permanent stormwater quality measures.
- ii. Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or as determined by a soil scientist. Hydrologic classification for soils should be shown when hydrologic methods requiring soils information are used. A soil legend must be included with the soil map.
- iii. 14-Digit Watershed Hydrologic Unit Code.

- iv. An estimate of the peak discharge, based on the ten (10) year storm 24-hour event, of the project site for post-construction conditions.
- v. Locations where stormwater may be directly discharged into groundwater, such as abandoned wells or sinkholes. Please note if none exists.
- vi. Locations of specific points where stormwater discharge will leave the project site.
- vii. Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.
- viii. Temporary stabilization plans and sequence of implementation.
- ix. Permanent stabilization plans and sequence of implementation.
- x. Temporary and permanent stabilization plans shall include the following:
  - a. Specifications and application rates for soil amendments and seed mixtures.
  - b. The type and application rate for anchored mulch.
- xi. General construction sequence of how the project site will be built, including phases of construction and the associated time of year they are expected to be done.
- xii. Construction sequence describing the relationship between implementation of stormwater quality measures and stages of construction activities.
- xiii. Location of all soil stockpiles and borrow areas.
- xiv. A typical erosion and sediment control plan for individual lot development.
- xv. Self-monitoring program including plan and procedures.
- xvi. A description of potential pollutant sources associated with the construction activities, which may reasonably be expected to add a significant quantity of pollutants to stormwater discharges.
- xvii. Material handling and storage associated with construction activity shall meet the spill prevention and spill response requirements in 327 IAC 2-6.1.
- xviii. Name, address, telephone number, and list of qualifications of the trained individual in charge of the mandatory stormwater pollution prevention self-monitoring program for the project site.

#### **D. Post-Construction Stormwater Pollution Prevention Plan**

The post-construction Stormwater pollution prevention plan must include the following information at a minimum:

- i. A description of potential pollutant sources from the proposed land use, which may reasonably be expected to add a significant quantity of pollutants to stormwater discharges.
- ii. Location, dimensions, detailed specifications, and construction details of all post-construction stormwater quality measures.
- iii. A description of measures that will be installed to control pollutants in stormwater discharges that will occur after construction activities have been completed. Such practices include infiltration of runoff, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and stormwater retention and detention ponds.
- iv. A sequence describing when each post-construction stormwater quality measure will be installed.
- v. Stormwater quality measures that will remove or minimize pollutants from stormwater run-off.
- vi. Stormwater quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.
- vii. An operation and maintenance manual for all post-construction stormwater quality measures to facilitate their proper long-term function. This operation and maintenance manual shall be made available to future parties who will assume responsibility for the

operation and maintenance of the post-construction stormwater quality measures. The manual shall include the following:

- a. Contact information for the BMP owner (i.e., name, address, business phone number, cell phone number, pager number, e-mail address, etc.).
- b. A statement that the BMP owner is responsible for all costs associated with maintaining the BMP.
- c. A right-of-entry statement allowing Town personnel to inspect and maintain the BMP.
- d. Specific actions to be taken regarding routine maintenance, remedial maintenance of structural components, and sediment removal. Sediment removal procedures should be explained in both narrative and graphical forms. A tabular schedule should be provided listing all maintenance activities and dates for performing these required maintenance activities.
- e. Site drawings showing the location of the BMP and access easement, cross sections of BMP features (i.e., pond, forebay(s), structural components, etc.), and the point of discharge for stormwater treated by the BMP. Additionally, the drawings should provide dimensional information and indicate where applicable warning signs will be placed around a stormwater quality pond. These drawings need to be submitted both in hard copy and in digital format acceptable to the Stormwater Utility Executive Director.

#### **4. REVIEW OF INDIVIDUAL LOTS WITHIN A PERMITTED PROJECT**

For individual lots disturbing or impacting less 10,000 square feet developed within a larger permitted project, a formal review and issuance of an Individual Lot Plot Plan Permit will be required before a building permit can be issued. All stormwater management measures necessary to comply with this Ordinance must be implemented in accordance with permitted plan for the larger project.

The following information must be submitted to the Planning and Building Department, for review and acceptance, by the individual lot operator, whether owning the property or acting as the agent of the property owner, as part of a request for review and issuance of an Individual Lot Plot Plan Permit that must be obtained prior to the issuance of a building permit.

- A. 1. A site layout for the subject lot and all adjacent lots showing building pad location, dimensions, and elevations, and the drainage patterns and swales.
- B. A lot plan sealed/signed by an Indiana Registered land Surveyor with following minimum requirements:
  - i. Drainage Patterns and Swales
  - ii. Flood Zone Designation
  - iii. Proposed or Existing Structures tied to lot lines to nearest tenth of a foot.
  - iv. Bearings and distances of lots including: set-back lines, square footage, easements, streets, alleys, sidewalks, building set-back lines, width of lots at building set-back line and lot grades.
  - v. Proposed elevations required to nearest tenth [must be in accordance with approved subdivision plan (including Benchmark) for the following:
    - a. entry way
    - b. main floor
    - c. top of foundation
    - d. ground grade at each corner of building
    - e. ground grade at lot corners
    - f. grade at side yard
    - g. slope of Driveway expressed as a percentage

- h. elevations of adjacent properties including top finished floor, lot and building corners.
- vi. A certified as-built with all the Lot Plan information and as-built information will be required for Occupancy. Any difference of over 0.5 feet, either vertically or horizontally between proposed and actual, shall be highlighted by the registered land surveyor signing the as-built. If winter conditions do not allow final grading, a certificate of future compliance must be noted on as-built drawing.
- C. Erosion and sediment control plan that, at a minimum, includes the following measures:
  - i. Installation and maintenance of a stable construction site access.
  - ii. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
  - iii. Minimization of sediment discharge and tracking from the lot.
  - iv. Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.
  - v. Implementation of concrete washout practices that securely contain and allow for the proper disposal of washout waste.
  - vi. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
  - vii. Self-monitoring program including plan and procedures.
- D. Certification of Compliance stating that the individual lot plan is consistent with the stormwater management permit, as approved by the Stormwater Utility Executive Director or, if applicable, the Town of Merrillville Plan Commission, for the larger project.
- E. Name, address, telephone number, and list of qualifications of the trained individual in charge of the mandatory stormwater pollution prevention self-monitoring program for the project site.

The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized.

## **5. CHANGES TO PLANS**

Any changes or deviations in the detailed plans and specifications after approval of the applicable stormwater management permit shall be filed with, and accepted by, the Stormwater Utility Executive Director prior to land development involving the change. Copies of the changes, if accepted, shall be attached to the original plans and specifications.

## **6. REQUIRED ASSURANCES**

Performance bonds, maintenance bonds or other assurances may be required by the Town of Merrillville Planning and Building Department in accordance with any and all other ordinances.

## **7. TERMS AND CONDITIONS OF PERMITS**

In granting a stormwater management permit, the Stormwater Utility Executive Director may impose such terms and conditions as are reasonably necessary to meet the purposes of this Ordinance. The project site owner shall insure compliance with such terms and conditions. Non-compliance with the terms and conditions of permits will be subject to enforcement as described in Chapter 8.

The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of the stormwater management permit and the schedule for proposed implementation.

It is the intent of this Ordinance to direct the community's physical growth away from sensitive areas and towards areas that can support it without compromising water quality. In the event that a project site is determined to impact or discharge to a Sensitive Area or is located in an Impact Drainage Area, the Stormwater Utility Executive Director may require more stringent stormwater quantity and quality measures than detailed in this Ordinance or in the latest edition of the *Indiana Stormwater Quality Manual*.

**A. Determination of Sensitive Areas**

Sensitive Areas include highly erodible soils, wetlands, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. Any discharge from a stormwater practice that is a Class V injection well shall meet the Indiana groundwater quality standards and registered with US EPA as required by the IDEM MS4 GP. If wetlands are suspected on a site, wetland delineation should be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (COE) and the wetland addressed in accordance with the requirements of Chapter 7 of this Ordinance. If the presence of threatened or endangered species habitat is suspected on a site, the site must be evaluated and inspected by a professional experienced in such and the results reported to the Stormwater Utility Executive Director. Special terms and conditions for development determined to impact or discharge to any Sensitive Area shall be included in the stormwater management permit.

**B. Determination of Impact Drainage Areas**

The following areas shall be designated as Impact Drainage Areas, unless good reason for not including them is presented to the Stormwater Utility Executive Director.

- i. A floodway or floodplain as designated by the most updated The Town of Merrillville Code dealing with floodplain regulation and/or by the Best Available Data through IDNR Division of Water.
- ii. Land within 75 feet of each bank of any ditch within the Lake County Regulated Drainage System.
- iii. Land within 75 feet of the centerline of any drain tile or enclosed conduit within the Lake County Regulated Drainage System.
- iv. Land within the Fluvial Erosion Hazard (FEH) corridor.
- v. viii. Land within the expected breach inundation zone of an existing or proposed new dam, and areas protected from flooding by a levee.

The Town of Merrillville Stormwater Management Board or, if applicable, the Town of Merrillville Plan Commission is authorized, but is not required, to classify certain additional geographical areas as Impact Drainage Areas. In determining Impact Drainage Areas, the Town of Merrillville Stormwater Management Board or, if applicable, the Town of Merrillville Plan Commission shall consider such factors as land use, topography, soil type, capacity of existing drains, and distance from adequate drainage facility.

Land that does not have an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as an Impact Drainage Area by the Town of Merrillville Stormwater Management Board or, if applicable, the Town of Merrillville Plan Commission. Special terms and conditions for development within any Impact Drainage Area shall be included in the stormwater management permit.



## 8. CERTIFICATION OF AS-BUILT PLANS

This section shall apply to all projects whether the stormwater management system or portions thereof will be dedicated to the Town of Merrillville or retained privately. After completion of construction of the project and before final project acceptance of the stormwater management plan (the issuance of a "verified" NOT), a professionally prepared and certified 'as-built' set of plans by a Professional Engineer or licensed Land Surveyor registered in the State of Indiana shall be submitted to the Town Consulting Engineer for review. Additionally, a digital copy of the 'as-built' plans is required in a format accepted by the Stormwater Utility Executive Director. These plans shall include all pertinent data relevant to the completed storm drainage system and stormwater management facilities, and shall include:

- A. Pipe size and pipe material
- B. Invert elevations
- C. Top rim elevations
- D. Elevation of the emergency overflow (spillway) for ponds
- E. Grades along the emergency flood routing path(s)
- F. Pipe structure lengths
- G. BMP types, dimensions, and boundaries/easements
- H. "As-planted" plans for BMPs, as applicable
- I. Data and calculations showing detention basin storage volume
- J. Data and calculations showing BMP treatment capacity
- K. Certified statement on plans stating the completed storm drainage system and stormwater management facilities substantially comply with construction plans and the stormwater management permit as approved by the Stormwater Utility Executive Director and/or the Town of Merrillville Plan Commission. (See certificate in Stormwater Technical Standards Manual.)

In addition to as-built plans and the certification of completion and compliance, following the release of performance assurances, the property owner, developer, or contractor shall be required to file a two-year maintenance bond or other acceptable guarantee with the Town of Merrillville Planning and Building, prior to final project acceptance (the issuance of a "verified" NOT), in an amount not less than twenty five percent (25%) of the cost of the stormwater drainage system, and in a form satisfactory to the Town Attorney in order to assure that such stormwater system installation was done according to standards of good workmanship, that the materials used in the construction and installation were of good quality and construction, that such project was done in accordance with the accepted plans, and this Ordinance, and that any off-site drainage problems that may arise, whether upstream or downstream of such project, will be corrected if such drainage problems are determined by the Town to have been caused by the development of such project. The bond or other acceptable guarantee shall be in effect for a period of two years after the date of the final project acceptance by the Town of Merrillville.

To verify that all enclosed drains are functioning properly, visual recordings (via closed circuit television) of such tile drains may be required, once following the completion of installation (including the installation of all utility mains) and the second time before release of maintenance bonds. Reports summarizing the results of the noted visual recordings shall be reviewed and accepted by the Town of

Merrillville before the plat is recommended for recording and again before maintenance bond would be recommended to be released.



## CHAPTER NINE

# COMPLIANCE AND ENFORCEMENT

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### 1. COMPLIANCE WITH THIS ORDINANCE

In addition to the requirements of this Ordinance, compliance with the requirements set forth in the Town Ordinances is also necessary. Compliance with all applicable ordinances of The Town of Merrillville as well as with applicable State of Indiana statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available. Violations of the requirements of this Ordinance are subject to the penalties listed below.

### 2. PENALTIES FOR VIOLATIONS

Any action or inaction which violates this Ordinance, the requirements of an approved stormwater management design plan, SWPPP, or permit, and/or the requirements of a recorded stormwater maintenance agreement may be subject to the enforcement actions outlined in this Section.

If the Town of Merrillville becomes aware of an MS4 violation, as prohibited under this Ordinance, the Town through any of its departments may issue a written notice of violation to the offender. The notice shall identify the violation, and suggest appropriate remedial actions, if applicable. The notice of violation shall contain its date and time. The notice shall give the offender 72 hours from the time of the notice to remedy or cure the violation. The offender has 72 hours after notice of violation to appeal under subsection 7 of this Chapter. At the time of notice of violation offender shall be notified of the range of the fine called for by this Ordinance and that a stop work order may be issued if the violation is not cured or remedied within an additional 48 hours. Fines will be levied upon the entity who has been approved for a building permit on the suspect area. If the violator is a developer who is installing infrastructure pursuant to a development plan approved by the Plan Commission, the developer is responsible for the fines. Each day such violation occurs or continues beyond the initial 72 hours, shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day.

If the offending entity, or any of its principals, commit a similar violation within a 24-month period it shall be considered a second offense even if at a different location in the Town of Merrillville. A principal for this Ordinance includes any person or entity involved in the initial violation and a change in business name does not relieve the person or entity from the increased fines for a second violation.

#### **Fines:**

Any party and/or person(s) found in violation of any provision of this Ordinance shall be fined not less than one hundred fifty dollars (\$150.00) and not more than two thousand five hundred dollars (\$2,500) for a first offense, not less than five hundred dollars (\$500) and not more than three thousand dollars (\$3,000) for a second offense, and not less than one thousand dollars (\$1,000) and not more than seven thousand five hundred dollars (\$7,500) for a third offense. For purposes of this section, each lot in which a violation occurs will be issued a separate fine.

The Town of Merrillville has deemed it necessary to identify fine amounts on first offenses for common violations of this Ordinance. The following lists of violations are not inclusive and in no way indicates that only these infractions are finable.

- A. A fine of \$150 dollars per day, per lot shall be enforced for first offenses on the following violations:
  - I. For each disturbed lot that does not maintain vegetation coverage of 70% of the entire site and does not have a silt fence (properly installed and functioning) surrounding it, as per approved site plan, pollution prevention plan, stormwater drainage plan, and or any approved plats / development plans.

- II. Constructions lots that do not have a stone drive 6 inches deep and of a material 3-5 inches in diameter.
  - III. Each manhole and or drain which does not have a sediment filter covering;
  - IV. Failure to have a proper record keeping log on site detailing storm events and stormwater management issues;
  - V. Failure to properly maintain BMP's including silt fences, stone drives, sediment filter coverings, etc.
- B. A fine of \$300 dollars per day, per lot shall be enforced for first offenses on the following violations:
- I. Streets littered with dirt and debris;
  - II. Debris (including construction material) located in wetlands, streams, or drainage areas.
  - III. Cleaning our trucks or chutes (i.e., concrete mix trucks, concrete pump trucks, etc.) in non-approved areas.
- C. A fine of \$500 dollars per day, per lot shall be enforced for first offenses on the following violations:
- I. A disturbed area for purposes of installing infrastructure generally prior to the division and delineation of individual lots, which does not maintain vegetation coverage of 70% and does not have a silt fence surrounding the entire site, as per approved site plan, pollution prevention plan, stormwater drainage plan, and or any approved plats / development plans.
  - II. Storage of pollutants such as diesel fuel, gasoline, and lubricants in unauthorized areas or in an unapproved manner.

The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the Offender from compliance with the requirements of this Ordinance. Any party and/or person(s) who aids or abets any party and/or person(s) in a violation of this Ordinance shall be subject to the penalties provided in this section.

### **3. STOP WORK ORDER**

In addition to the penalties listed above, if land disturbance or impact activities are conducted contrary to the provisions of this Ordinance or accepted final Stormwater management plans, the Town of Merrillville Stormwater Management Board through the Stormwater Utility Executive Director, the Town Manager, The Community Development Director, and or the Zoning Director may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the Town of Merrillville Stormwater Management Board through the Stormwater Utility Executive Director to proceed with the work. Unless there is a public health hazard or safety hazard, a Stop Work Order shall not be issued until at least 72 hours after the initial notice of violation. A Stop Work Order will be posted on the site by the Town of Merrillville and it is unlawful for any person to remove the notice or continue any work on the site without permission from the Town of Merrillville. The Town of Merrillville Stormwater Management Board through the Town of Merrillville Department of Public Works may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

Any person who neglects or fails to comply with a stop work order shall, upon conviction, be subject to a fine of not less than \$1,000, and such person shall also pay such costs as may be imposed in the discretion of the court. A permit reinstatement fee may also be assessed by the Town of Merrillville.

However, for construction projects that are operating under a SWPPP approved by the Town of Merrillville, if a Stop Work Order is issued on the grounds that the erosion and sediment control measures included in the construction plan are not adequate, the project site owner must be notified in writing of the inadequacies in the erosion and sediment control measures and the project site owner has seventy-two (72) hours after receiving written notice to resolve the identified inadequacies before the Stop Work Order can take effect.

The seventy-two (72) hour period to resolve identified inadequacies on a construction project does not apply if the Stop Work Order is issued to a construction project where the project site owner is creating a public health hazard or safety hazard.

#### **4. FAILURE TO COMPLY OR COMPLETE**

In addition to any other remedies, should any owner fail to comply with the provisions of this Ordinance, the Town of Merrillville Stormwater Management Board through the Stormwater Utility Executive Director may, after giving reasonable written notice and a reasonable opportunity for compliance, have the necessary work done, and the owner shall be required to promptly reimburse the Town of Merrillville Stormwater Management Board for all costs of such work. If the owner has not reimbursed the Town for the cost of the work within 30 days of being billed for it, the Board may have a lien in the amount of that cost recorded against the real estate parcel(s) upon which the work was performed.

#### **5. SUSPENSION OF ACCESS TO THE STORM DRAIN SYSTEM**

##### **A. Suspension due to Emergency Situations**

The Town of Merrillville Stormwater Management Board and/or the Stormwater Utility Executive Director may, without prior notice, suspend Stormwater drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the Stormwater drainage system or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Town of Merrillville Stormwater Management Board and/or the Stormwater Utility Executive Director may take such steps as deemed necessary to prevent or minimize damage to the stormwater drainage system or Waters of the United States, or to minimize danger to persons.

##### **B. Suspension due to the Detection of Illicit Discharge**

Any person discharging to the stormwater drainage system in violation of this Ordinance may have their stormwater drainage system access terminated if such termination would abate or reduce an illicit discharge. The Town of Merrillville Stormwater Management Board through the Stormwater Utility Executive Director will notify a violator of the proposed termination of its MS4 access. The violator may petition the Town of Merrillville Stormwater Management Board through the Stormwater Utility Executive Director for a reconsideration and hearing.

##### **C. Suspension due to damage to stormwater drainage system within the development**

Any person committing acts that result in damage to the stormwater drainage system that was approved for the subdivision or development may have all of his/her approvals for the subdivision or project revoked and denied access to any stormwater outlet for the subdivision or project.

## **6. CORRECTIVE ACTION**

Nothing herein contained shall prevent the Town of Merrillville Stormwater Management Board through the Stormwater Utility Executive Director, from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the Stormwater drainage system made necessary by the violation; civil penalties provided for in this Ordinance, as well as those penalties levied by the EPA or IDEM for violation of the Town of Merrillville's NPDES permit; reasonable attorney fees; and other related costs and expenses incurred by the Board. Property owners are ultimately responsible and bear full liability for actions on their properties.

## **7. APPEALS**

An appeal may be filled with Stormwater Management Board contesting the first written notice issued to a builder, developer and / or principal. Any entity or person appealing a notice of violation must pay a \$100 administrative appeal cost. If such an appeal is not filled within the 72-hour time frame given to remedy the violation, then the violator waives any right to appeal the violation. The failure to appeal the initial notice of violation also waives any right to challenge a subsequent civil penalty and/or stop work order based on the violation. Any appeal made to the Stormwater Management Board shall be heard by the Board within fourteen (14) days of the Board's receipt of the appeal. Appeals shall be made in writing to the Stormwater Management Board and identify the matter being appealed, and the basis for the appeal. The Board shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the Board may consider the recommendations of the Stormwater Utility Executive Director and the comments of other persons having knowledge of the matter. In considering any such appeal, the Board may grant a variance from the terms of this Ordinance to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- A. The application of the Ordinance provisions being appealed will present or cause substantial practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the Ordinance; and
- B. The granting of the relief requested will not substantially prevent the goals and purposes of this Ordinance, nor result in less effective management of stormwater runoff.
- C. If the appeal is denied by the Board, the violator will be liable for the fines for the violations as provided for in this Chapter.

## **8. Enforcement Measures After Appeal**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 7 days after a decision of the Board upholding the action of the Stormwater Utility Executive Director, then representatives of the Board may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the representatives of the Stormwater Management Board or its designated contractor to enter upon the premises for the purposes set forth above. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the Stormwater drainage system made necessary by the violation; civil penalties provided for in this Ordinance, as well as those penalties levied by the EPA or IDEM for the Town of Merrillville's violation of the General NPDES Stormwater permit; reasonable attorney fees; and other related costs and expenses incurred by the Board. Property owners are ultimately



## APPENDIX A

# ABBREVIATIONS AND DEFINITIONS

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### ABBREVIATIONS

<b>BMP</b>	Best Management Practice
<b>COE</b>	United States Army Corps of Engineers
<b>CWA</b>	Clean Water Act
<b>EPA</b>	Environmental Protection Agency
<b>GIS</b>	Geographical Information System
<b>IDEM</b>	Indiana Department of Environmental Management
<b>MS4</b>	Municipal Separate Storm Sewer System
<b>NRCS</b>	USDA-Natural Resources Conservation Service
<b>NPDES</b>	National Pollution Discharge Elimination System
<b>POTW</b>	Publicly Owned Treatment Works
<b>SWCD</b>	Soil and Water Conservation District
<b>SWPPP</b>	Stormwater Pollution Prevention Plan
<b>USDA</b>	United States Department of Agriculture
<b>USFWS</b>	United States Fish and Wildlife Service

### DEFINITIONS

**A B C D E F G H I J K L M N O P Q R S T U V W X Y Z**

**Agricultural Land Disturbing Activity.** Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile. For purposes of this rule, the term does not include land disturbing activities for the construction of agricultural related facilities, such as barns, buildings to house livestock, roads associated with infrastructure, agricultural waste lagoons and facilities, lakes and ponds, wetlands; and other infrastructure.

**Base Flow.** Stream discharge derived from groundwater sources as differentiated from surface runoff. Sometimes considered to include flows from regulated lakes or reservoirs.

**Best Management Practices.** Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volumes, prevent erosion, and capture pollutants.

**Buffer Strip.** An existing, variable width strip of vegetated land intended to protect water quality and habitat.

**Capacity (of a Storm Drainage Facility).** The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.

**Catch Basin.** A chamber usually built at the curb line of a street for the admission of surface water to a storm drain or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow.

**Channel.** A portion of a natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine the water.

**Comprehensive Stormwater Management.** A comprehensive stormwater program for effective management of stormwater quantity and quality throughout the community.

**Constructed Wetland.** A manmade shallow pool that creates growing conditions suitable for wetland vegetation and is designed to maximize pollutant removal.

**Construction Activity.** Land disturbing activities, and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.

**Construction Site Access.** A stabilized stone surface at all points of ingress or egress to a project site, for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

**Contiguous.** Adjoining or in actual contact with.

**Contour.** An imaginary line on the surface of the earth connecting points of the same elevation.

**Contour Line.** Line on a map which represents a contour or points of equal elevation.

**Contractor or Subcontractor.** An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.

**Conveyance.** Any structural method for transferring stormwater between at least two points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

**Cross Section.** A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.

**Culvert.** A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal or other impediment.

**Dechlorinated Swimming Pool Discharge.** Chlorinated water that has either sat idle for seven (7) days following chlorination prior to discharge to the MS4 conveyance, or, by analysis, does not contain detectable concentrations (less than five-hundredths (0.05) milligram per liter) of chlorinated residual.

**Design Storm.** A selected storm event, described in terms of the probability of occurring once within a given number of years, for which drainage or flood control improvements are designed and built.

**Detention.** Managing stormwater runoff by temporary holding and controlled release.



**Detention Basin.** A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to detain concurrently the excess waters that accumulate behind the outlet.

**Detention Storage.** The temporary detaining of storage of stormwater in storage facilities, on rooftops, in streets, parking lots, school yards, parks, open spaces or other areas under predetermined and controlled conditions, with the rate of release regulated by appropriately installed devices.

**Detention Time.** The theoretical time required to displace the contents of a tank or unit at a given rate of discharge (volume divided by rate of discharge).

**Detritus.** Dead or decaying organic matter; generally contributed to stormwater as fallen leaves and sticks or as dead aquatic organisms.

**Developer.** Any person financially responsible for construction activity, or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

**Development.** Any man-made change to improved or unimproved real estate including but not limited to:

1. Construction, reconstruction, or placement of a building or any addition to a building;
2. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site;
3. for more than hundred eighty (180) days;
4. Installing utilities, construction of walls, construction of roads, or similar projects;
5. Construction of flood control structures such as levees, dikes, dams, or channel improvements;
6. Mining, dredging, filling, grading, excavation, or drilling operations;
7. Construction 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 buildings 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 buildings.

**Discharge.** Usually the rate of water flow. A volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day.

**Disposal.** The discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.

**Ditch.** A man-made, open watercourse in or into which excess surface water or groundwater drained from land, stormwater runoff, or floodwaters flow either continuously or intermittently.

**Drain.** A buried slotted or perforated pipe or other conduit (subsurface drain) or a ditch (open drain) for carrying off surplus groundwater or surface water.

**Drainage.** The removal of excess surface water or groundwater from land by means of ditches or subsurface drains. Also see Natural drainage.

**Drainage Area.** The area draining into a stream at a given point. It may be of different sizes for surface runoff, subsurface flow and base flow, but generally the surface runoff area is considered as the drainage area.

**Dry Well.** A type of infiltration practice that allows stormwater runoff to flow directly into the ground via a bored or otherwise excavated opening in the ground surface.

**Duration.** The time period of a rainfall event.

**Environment.** The sum total of all the external conditions that may act upon a living organism or community to influence its development or existence.

**Erodibility Index (EI).** The soil erodibility index (EI) provides a numerical expression of the potential for a soil to erode considering the physical and chemical properties of the soil and the climatic conditions where it is located. The higher the index, the greater the investment needed to maintain the sustainability of the soil resource base if intensively cropped. It is defined to be the maximum of  $(R \times K \times LS)/T$  (from the Universal Soil Loss Equation) and  $(C \times I)/T$  (from the Wind Erosion Equation), where R is a measure of rainfall and runoff, K is a factor of the susceptibility of the soil to water erosion, LS is a measure of the combined effects of slope length and steepness, C is a climatic characterization of windspeed and surface soil moisture and I is a measure of the susceptibility of the soil to wind erosion. Erodibility Index scores equal to or greater than 8 are considered highly erodible land.

**Erosion.** The wearing away of the land surface by water, wind, ice, gravity, or other geological agents. The following terms are used to describe different types of water erosion:

- *Accelerated erosion*--Erosion much more rapid than normal or geologic erosion, primarily as a result of the activities of man.
- *Channel erosion*--An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.
- *Gully erosion*--An erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from 1-2 ft. to as much as 75-100 ft.
- *Rill erosion*--An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils (see Rill).
- *Splash erosion*--The spattering of small soil particles caused by the impact of raindrops on wet soils; the loosened and spattered particles may or may not be subsequently removed by surface runoff.
- *Sheet erosion*--The gradual removal of a fairly uniform layer of soil from the land surface by runoff water.

**Erosion and Sediment Control.** A practice, or a combination of practices, to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, trapping sediment to prevent it from being discharged from or within a project site.

**Fill Material.** Any material used for primary purpose of replacing a wetland area with dry land or of changing the bottom elevation of a wetland or a waterbody. This definition shall be considered to be automatically amended to conform with the definition of fill material established from time to time by the United States of America or United States Army Corps of Engineers.

**Filter Strip.** Usually a long, relatively narrow area (usually, 20-75 feet wide) of undisturbed or planted vegetation used near disturbed or impervious surfaces to filter stormwater pollutants for the protection of watercourses, reservoirs, or adjacent properties.

**Floatable.** Any solid waste that will float on the surface of the water.

**Flood (or Flood Waters).** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**Floodplain.** The channel proper and the areas adjoining the channel which have been or hereafter may be covered by the regulatory or 100-year flood. Any normally dry land area that is susceptible to being inundated by water from any natural source. The floodplain includes both the floodway and the floodway fringe districts.

**Floodway.** The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the regulatory flood of any river or stream.

**Floodway Fringe.** That portion of the flood plain lying outside the floodway, which is inundated by the regulatory flood.

**Footing Drain.** A drain pipe installed around the exterior of a basement wall foundation to relieve water pressure caused by high groundwater elevation.

**Garbage.** All putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

**Gasoline Outlet.** An operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create five thousand (5,000) or more square feet of impervious surfaces, or generate an average daily traffic count of one hundred (100) vehicles per one thousand (1,000) square feet of land area.

**Geographical Information System.** A computer system capable of assembling, storing, manipulation, and displaying geographically referenced information. This technology can be used for resource management and development planning.

**Grade.** (1) The inclination or slope of a channel, canal, conduit, etc., or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance. (2) The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared to a design elevation for the support of construction, such as paving or the laying of a conduit. (3) To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation, or other land area to a smooth, even condition.

**Grading.** The cutting and filling of the land surface to a desired slope or elevation.

**Grass.** A member of the botanical family Graminae, characterized by blade-like leaves that originate as a sheath wrapped around the stem.

**Green Space.** Open space maintained in a natural, undisturbed, or re-vegetated condition.

**Groundwater.** Accumulation of underground water, natural or artificial. The term does not include manmade underground storage or conveyance structures.

**Habitat.** The environment in which the life needs of a plant or animal are supplied.

**Highly Erodible Land (HEL).** Land that has an erodibility index of eight or more.

**Hotspot.** An area where the land use or activities are considered to generate runoff with concentrations of pollutants in excess of those typically found in stormwater.

**Hydrologic Unit Code.** A numeric United States Geologic Survey code that corresponds to a watershed area. Each area also has a text description associated with the numeric code.

**Hydrology.** The science of the behavior of water in the atmosphere, on the surface of the earth, and underground. A typical hydrologic study is undertaken to compute flow rates associated with specified flood events.

**Illicit Discharge.** Any discharge to a conveyance that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs.

**Impaired Waters.** Waters that do not or are not expected to meet applicable water quality standards, as included on IDEM's CWA Section 303(d) List of Impaired Waters.

**Impervious Surface.** Surfaces, such as pavement and rooftops, which prevent the infiltration of stormwater into the soil.

**Individual Building Lot.** A single parcel of land within a multi-parcel development.

**Individual Lot Operator.** A contractor or subcontractor working on an individual lot.

**Individual Lot Owner.** A person who has financial control of construction activities for an individual lot.

**Infiltration.** Passage or movement of water into the soil. Infiltration practices include any structural BMP designed to facilitate the percolation of run-off through the soil to groundwater. Examples include infiltration basins or trenches, dry wells, and porous pavement.

**Inlet.** An opening into a stormwater drainage system for the entrance of surface stormwater runoff, more completely described as a storm drain inlet.

**Integrated Management Practice.** Low-impact development microscale and distributed management techniques used to maintain predevelopment site hydrology. Integrated management practices shall include bio-retention facilities, dry wells, filter/buffer strips, grassed swales, rain barrels, cisterns, infiltration trenches and amended soils as specified in the low-impact development design manuals.

**Land Development or Land Development Project.** A man-made change to the land surface that potentially changes its runoff characteristics.

**Land-disturbing Activity.** Any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting and grading.

**Land Surveyor.** A person licensed under the laws of the State of Indiana to practice land surveying.

**Larger common plan of development or sale.** A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

**Linear Development Project.** A land development project that is linear in nature such as, but not limited to, (i) the construction of electric and telephone utility lines and natural gas pipelines; (ii) construction of

tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; and (iii) highway construction projects.

**Lowest Adjacent Grade.** The elevation of the lowest grade adjacent (abutting) to a structure, where the soil meets the foundation around the outside of the structure (including structural members such as basement walkout, patios, decks, porches, support posts or piers, and rim of the window well).

**Lowest Floor.** Refers to the lowest of the following:

1. The top of the basement floor;
2. The top of the garage floor, if the garage is the lowest level of the building;
3. The top of the first floor of buildings constructed on a slab or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
4. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
  - a] The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two opening (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
  - b] Such enclosed space shall be usable only for the parking of vehicles or building access.

**Low Impact Development.** A hydrologically functional site design with pollution-prevention measures to reduce impacts and compensate for development impacts on hydrology and water quality.

**Low-impact Development Design Manuals.** Low-Impact Development Design Strategies: An Integrated Design Approach Manual and the Low-Impact Development Hydrologic Analysis Manual as incorporated by reference in this Ordinance.

**Maintenance Agreement.** A legally binding agreement between the landowner of a stormwater management structure and the Town of Merrillville outlining each party's responsibility towards the operation, maintenance and general upkeep of said structure.

**Maintenance Plan.** A component of the stormwater management design plan describing the stormwater management structures at the land development project and identifying maintenance items that will be performed by the landowner to ensure proper functioning of said structures.

**Manhole.** Storm drain structure through which a person may enter to gain access to an underground storm drain or enclosed structure.

**Measurable Storm Event.** A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

**Mulch.** A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

**Municipal Separate Storm Sewer System.** An MS4 meets all the following criteria: (1) is a conveyance or system of conveyances owned by the state, county, Town, town, or other public entity; (2) discharges

to waters of the U.S.; (3) is designed or used for collecting or conveying stormwater; (4) is not a combined sewer; and, (5) is not part of a Publicly Owned Treatment Works (POTW).

**National Pollution Discharge Elimination System.** A permit developed by the U.S. EPA through the Clean Water Act. In Indiana, the permitting process has been delegated to IDEM. This permit covers aspects of municipal stormwater quality.

**Natural Drainage.** The flow patterns of stormwater run-off over the land in its pre-development state.

**Nonpoint Source Pollution.** Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from urban land development and use.

**Non-Structural Stormwater Practice.** A stormwater runoff treatment technique which uses natural measures to reduce pollutant levels, does not require extensive construction efforts and/or promotes pollution reduction by eliminating the pollutant source.

**Nutrient(s).** (1) A substance necessary for the growth and reproduction of organisms. (2) In water, those substances (chiefly nitrates and phosphates) that promote growth of algae and bacteria.

**Off-Site Stormwater Management Facility.** A stormwater management facility located outside the subject property boundary described in the stormwater management design plan for the land development activity.

**On-Site Stormwater Management Facility.** A stormwater management facility located within the subject property boundary described in the stormwater management design plan for the land development activity.

**Open Drain.** A natural watercourse or constructed open channel that conveys drainage water.

**Open Space.** Any land area devoid of any disturbed or impervious surfaces created by industrial, commercial, residential, agricultural, or other manmade activities.

**Outfall.** The point, location, or structure where a pipe or open drain discharges to a receiving body of water.

**Outlet.** The point of water disposal from a stream, river, lake, tidewater, or artificial drain.

**Overcompensation.** The extra water quantity or quality control provided at one site discharge point in order to allow another discharge point(s) to go uncontrolled.

**Peak Discharge (or Peak Flow).** The maximum instantaneous flow from a given storm condition at a specific location.

**Percolation.** The movement of water through soil.

**Permanent stabilization.** The establishment, at a uniform density of seventy percent (70%) across the disturbed area, of vegetative cover or permanent non-erosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

**Person.** Any firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

**Pervious.** Allowing movement of water.

**Point Source.** Any discernible, confined, and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or maybe discharged (P.L. 92-500, Section 502[14]).

**Porous pavement.** A type of infiltration practice to improve the quality and reduce the quantity of stormwater run-off via the use of manmade, pervious pavement which allows run-off to percolate through the pavement and into underlying soils.

**Post-Development.** The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

**Pre-Development.** The land condition that exists at the time that plans for the land development are submitted to the locality. Where phased development or plan approval occurs (preliminary grading, roads, and utilities, etc.), the existing land use at the time the first item is submitted shall establish predevelopment conditions.

**Pre-Treatment.** The techniques employed in a stormwater management plan to provide storage or filtering to help trap coarse materials before they enter the stormwater BMP. Pretreatment is required on some BMPs to help avoid costly maintenance.

**Professional Engineer.** A person licensed under the laws of the State of Indiana to practice professional engineering.

**Program Administrator.** The Town Administrator or his designee.

**Project Site.** The entire area on which construction activity is to be performed.

**Project Site Owner.** The person required to submit a stormwater permit application, and required to comply with the terms of this ordinance, including a developer or a person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

**Rain Garden.** A vegetative practice used to alter impervious surfaces, such as roofs, into pervious surfaces for absorption and treatment of rainfall.

**Receiving Stream, Receiving Channel, or Receiving Water.** The body of water into which runoff or effluent is discharged. The term does not include private drains, unnamed conveyances, retention and detention basins, or constructed wetlands used as treatment.

**Recharge.** Replenishment of groundwater reservoirs by infiltration and transmission from the outcrop of an aquifer or from permeable soils.

**Redevelopment.** Alterations of a property that change a site or building in such a way that there is disturbances of one (1) acre or more of land. The term does not include such activities as exterior remodeling.

**Refueling Area.** An operating gasoline or diesel fueling area whose primary function is to provide fuel to equipment or vehicles.

**Regional Stormwater Management Facility (Regional Facility).** A facility or series of facilities designed to control stormwater runoff from a specific watershed and for one or more developments.

**Regulatory Flood.** The discharge or elevation associated with the 100-year flood as calculated by a method and procedure which is acceptable to and accepted by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The "regulatory flood" is also known as the "base flood".

**Regulatory Floodway.** See Floodway.

**Release Rate.** The amount of stormwater release from a stormwater control facility per unit of time.

**Reservoir.** A natural or artificially created pond, lake or other space used for storage, regulation or control of water. May be either permanent or temporary. The term is also used in the hydrologic modeling of storage facilities.

**Retention.** The storage of stormwater to prevent it from leaving the development site. May be temporary or permanent.

**Retention Basin.** A type of storage practice, that has no positive outlet, used to retain stormwater run-off for an indefinite amount of time. Runoff from this type of basin is removed only by infiltration through a porous bottom or by evaporation.

**Return Period** - The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of 100 years has a one percent probability of being equaled or exceeded in any one year.

**Riparian Zone.** Of, on, or pertaining to the banks of a stream, river, or pond.

**Riparian habitat.** A land area adjacent to a waterbody that supports animal and plant life associated with that waterbody.

**Runoff.** That portion of precipitation that flows from a drainage area on the land surface, in open channels, or in stormwater conveyance systems.

**Runoff Coefficient.** A decimal fraction relating the amount of rain which appears as runoff and reaches the stormwater drainage system to the total amount of rain falling. A coefficient of 0.5 implies that 50 percent of the rain falling on a given surface appears as stormwater runoff.

**Sediment.** Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

**Sedimentation.** The process that deposits soils, debris and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses.

**Sensitive Water.** A waterbody in need of priority protection or remediation based on its:  
providing habitat for threatened or endangered species,  
usage as a public water supply intake,  
relevant community value,  
usage for full body contact recreation,  
exceptional use classification as found in 327 IAC 2-1-11(b), outstanding State resource water classification as found in 327 IAC 2-1-2(3) and 327 IAC 2-1.5-19(b).

**Setback.** The distance a structure must be located from property lines or other structures.

**Site.** The entire area included in the legal description of the land on which land disturbing activity is to be performed.

**Slope.** Degree of deviation of a surface from the horizontal, measured as a numerical ratio or percent. Expressed as a ratio, the first number is commonly the horizontal distance (run) and the second is the vertical distance (rise)--e.g., 2:1. However, the preferred method for designation of slopes is to clearly identify the horizontal (H) and vertical (V) components (length (L) and Width (W) components for horizontal angles). Also note that according to international standards (Metric), the slopes are presented



as the vertical or width component shown on the numerator--e.g., 1V:2H. Slope expressions in this Ordinance follow the common presentation of slopes--e.g., 2:1 with the metric presentation shown in parenthesis--e.g., (1V:2H). Slopes can also be expressed in "percents". Slopes given in percents are always expressed as  $(100 \times V/H)$  --e.g., a 2:1 (1V:2H) slope is a 50% slope.

**Soil.** The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

**Soil and Water Conservation District.** A public organization created under State law as a special-purpose district to develop and carry out a program of soil, water, and related resource conservation, use, and development within its boundaries. A subdivision of State government with a local governing body, established under IC 14-32.

**Solid Waste.** Any garbage, refuse, debris, or other discarded material.

**Spill.** The unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.

**Storm Duration.** The length of time that water may be stored in any stormwater control facility, computed from the time water first begins to be stored.

**Storm Event.** An estimate of the expected amount of precipitation within a given period of time. For example, a 10-yr. frequency, 24-hr. duration storm event is a storm that has a 10% probability of occurring in any one year. Precipitation is measured over a 24-hr. period.

**Storm Sewer.** A closed conduit for conveying collected stormwater, while excluding sewage and industrial wastes. Also called a storm drain.

**Stormwater.** Water resulting from rain, melting or melted snow, hail, or sleet.

**Stormwater Drainage System** - All means, natural or man-made, used for conducting stormwater to, through or from a drainage area to any of the following: conduits and appurtenant features, canals, channels, ditches, storage facilities, swales, streams, culverts, streets and pumping stations.

**Stormwater Management Extended Detention Basin (Extended Detention Basin).** A stormwater management facility that temporarily impounds runoff and discharges it through a hydraulic outlet structure over a specified period of time to a downstream conveyance system for the purpose of water quality enhancement or stream channel erosion control. Since an extended detention facility impounds runoff only temporarily, it is normally dry during non-rainfall periods.

**Stormwater Management Facility.** A device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release, or the velocity of flow.

**Stormwater Management Filtering System.** A stormwater treatment practice that utilizes an artificial media [medium] to filter out pollutants. Filtering systems shall include bio-retention facilities and sand filters, as specified in the Merrillville Stormwater Technical Standards Manual.

**Stormwater Management Infiltration Facility.** A stormwater management facility that temporarily impounds runoff and discharges it via infiltration through the surrounding soil. Infiltration facilities shall include infiltration basins, infiltration trenches, dry wells and porous pavement as specified in the Merrillville Stormwater Technical Standards Manual.

**Stormwater Management Open Channel System.** A vegetated open channel designed to remove pollutants from stormwater runoff by filtration through grass and infiltration into the soil.

**Stormwater Management Wetland.** An area intentionally designed and created to emulate the water quality improvement function of wetlands for the primary purpose of removing pollutants from stormwater.

**Stormwater Pollution Prevention Plan.** A plan developed to minimize the impact of stormwater pollutants resulting from construction activities.

**Stormwater Quality Management Plan.** A comprehensive written document that addresses stormwater runoff quality.

**Stormwater Quality Measure.** A practice, or a combination of practices, to control or minimize pollutants associated with stormwater runoff.

**Stormwater Runoff.** The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

**Strip Development.** A multi-lot project where building lots front on an existing road.

**Subdivision.** Any land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

**Subsurface Drain.** A pervious backfield trench, usually containing stone and perforated pipe, for intercepting groundwater or seepage.

**Surface Runoff.** Precipitation that flows onto the surfaces of roofs, streets, the ground, etc., and is not absorbed or retained by that surface but collects and runs off.

**Swale.** An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales conduct stormwater into primary drainage channels and may provide some groundwater recharge.

**Temporary Stabilization.** The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive material applied at a uniform density of seventy percent (70%) across the disturbed area.

**Tile Drain.** Pipe made of perforated plastic, burned clay, concrete, or similar material, laid to a designed grade and depth, to collect and carry excess water from the soil.

**Topographic Map.** Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations above a given datum.

**Topography.** The representation of a portion of the earth's surface showing natural and man-made features of a given locality such as rivers, streams, ditches, lakes, roads, buildings and most importantly, variations in ground elevations for the terrain of the area.

**Trained Individual.** An individual who is trained and experienced in the principles of stormwater quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgments regarding stormwater control or treatment and monitoring.

**Urban Drain.** A drain defined as "Urban Drain" in Indiana Drainage Code.

**Urbanization.** The development, change or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational or public utility purposes.

**Vegetated Swale.** A type of vegetative practice used to filter stormwater runoff via a vegetated, shallow-channel conveyance.

**Water Quality.** A term used to describe the chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose.

**Water Resources.** The supply of groundwater and surface water in a given area.

**Waterbody.** Any accumulation of water, surface, or underground, natural or artificial, excluding water features designed and designated as water pollution control facilities.

**Watercourse.** Any river, stream, creek, brook, branch, natural or man-made drainageway in or into which stormwater runoff or floodwaters flow either continuously or intermittently.

**Watershed.** The region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facility. Watersheds are often broken down into subareas for the purpose of hydrologic modeling.

**Watershed Area.** All land and water within the confines of a drainage divide. See also Watershed.

**Wetlands.** Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This definition shall be considered to be automatically amended to conform with the definition of a wetlands established from time to time by the United States of America or United States Army Corps of Engineers.

**RESOLUTION # 23-39  
TOWN OF MERRILLVILLE, INDIANA**

**A RESOLUTION OF THE TOWN OF MERRILLVILLE, LAKE  
COUNTY, INDIANA, TRANSFERRING MONIES OF THE 2023  
BUDGET WITHIN THE GENERAL FUND**

**WHEREAS, in the appropriation of funds for the year 2023, 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>
1101002221	General/Gasoline	\$5,928.00	
1101002114	General/Town Manager		\$5,928.00
		Total:	\$5,928.00
1101002182	General/Social Security	\$6,000.00	
1101002142	General/Content Manager	\$10,000.00	
1101002141	General/IT Director	\$35,000.00	
1101007341	General/Insurance Package		\$51,000.00
		Total:	\$51,000.00
1101007183	General/Unemployment	\$10,000.00	
1101007311	General/Attorney Fees		\$10,000.00
		Total:	\$10,000.00

**DULY ADOPTED AND RESOLVED BY THE TOWN COUNCIL OF THE TOWN  
OF MERRILLVILLE, LAKE COUNTY, INDIANA, this \_\_\_\_ day of \_\_\_\_\_,  
2023.**

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

ATTEST:

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

**TOWN of MERRILLVILLE  
RESOLUTION NO. 23-40**

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

**Whereas,** The Clerk-Treasurer, in consultation with the Economic Development Director, has advised the Town Council that cash balance in the **Ameriplex Allocation Area Fund** is not sufficient to meet its regular expenses prior to the receipt of the semi-annual distribution of tax increment revenues so it has become necessary to temporarily borrow money to enhance the fund for cash flow purposes;

**Whereas,** The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Municipal Cumulative Capital Development Fund** that can be temporarily transferred; and,

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

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

**Section 1.** That the amount of \$2,898.00 be borrowed for the **Ameriplex Allocation Area Fund** with the amount of \$2,898.00 to be loaned by the **Municipal Cumulative Capital Development Fund**;

**Section 2.** That said loan in the amount of \$2,898.00 be repaid to the **Municipal Cumulative Capital Development Fund** of the Town of Merrillville upon receipt of sufficient tax increment or other monies in the **Ameriplex Allocation Area Fund** with such loan to be repaid **no later than December 31, 2023**, subject to IC 36-1-8-4(b).

**Duly Passed and Adopted by** the Town Council of the Town of Merrillville, Lake County, Indiana, this 14<sup>th</sup> day of November 2023. Having been passed by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**TOWN COUNCIL of the TOWN of  
MERRILLVILLE, INDIANA**

\_\_\_\_\_  
Rick Bella, **President** IC 36-5-2-10

Attest:

\_\_\_\_\_  
Kelly White Gibson, Esq.  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**TOWN OF MERRILLVILLE, INDIANA  
RESOLUTION NO. 2023-41**

**A RESOLUTION AUTHORIZING EXECUTION OF AN  
EMPLOYMENT AGREEMENT WITH MICHAEL GRIFFIN FOR THE  
POSITION OF INTERIM TOWN MANAGER**

**Whereas,** The acting, serving and current Town Council President and Town Council members have determined that Michael W. Griffin, M.P.A., has the qualifications and experience required for the Town of MERRILLVILLE to serve as its INTERIM TOWN MANAGER, having made the appointment pursuant to IC 36-5-5-2;

**Whereas,** Michael W. Griffin has indicated her intention to serve as the Merrillville INTERIM TOWN MANAGER; and,

**Whereas,** The Town of Merrillville, through its Town Council, desires to receive the benefit of Michael W. Griffin's knowledge, education, training, experience, and certifications by affirming his employment as INTERIM TOWN MANAGER of the Town of Merrillville, and to fix his form of compensation, benefits and other terms of employment as set forth hereinafter,

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA** as follows:

**Section 1.** That an employment agreement between the Town of Merrillville and Michael W. Griffin, a copy of which is attached and incorporated in this resolution, is hereby authorized and approved in all respects;

**Section 2.** That the that the Town Council President is hereby authorized to sign an employment agreement with Michael W. Griffin, a copy of which is attached and incorporated in this resolution.

**DULY RESOLVED and ADOPTED** this 24<sup>th</sup> Day of October 2023 by the Town Council of the Town of Merrillville, Lake County, Indiana, having been passed by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**TOWN COUNCIL of the TOWN of  
MERRILLVILLE, INDIANA**

---

Rick Bella, President (IC 36-5-2-10)

## EMPLOYMENT AGREEMENT

THIS AGREEMENT made and entered into this \_\_\_\_ day of October, 23 to be effective \_\_\_\_\_, by and between the TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, a municipal corporation (hereinafter referred to as "TOWN"), and **MICHAEL W. GRIFFIN** (hereinafter referred to as "GRIFFIN"), to witness the following:

WHEREAS, The acting, serving and current TOWN COUNCIL has determined that GRIFFIN has qualifications and experience required for the Town of MERRILLVILLE to serve as its INTERIM TOWN MANAGER, having made the appointment pursuant to IC 36-5-5-2(1) and Merrillville Municipal Code Section 2-181 (a);

WHEREAS, GRIFFIN has indicated his intention to serve as the Merrillville INTERIM TOWN MANAGER; and,

WHEREAS, The TOWN of MERRILLVILLE through its TOWN COUNCIL desires to receive the benefit of GRIFFIN's knowledge, training, education, experience, and certifications by approving and affirming his employment as INTERIM TOWN MANAGER of the Town of Merrillville, and to fix his form of compensation, benefits and other terms of employment as set forth hereinafter,

NOW, THEREFORE, for valuable consideration including the mutual promises of the parties, it is agreed as follows:

### 1. COMPENSATION

The TOWN employs GRIFFIN as INTERIM TOWN MANAGER of the Town of Merrillville, Indiana at compensation in accordance with the most recently adopted Wage and Salary Ordinance as amended, of the Town of Merrillville and its Personnel Policy Manual for the Town of Merrillville. GRIFFIN agrees that the TOWN of MERRILLVILLE has the right and obligation to withhold federal, state, and other taxes from each payment in accordance with laws generally applicable to management personnel. **In addition,**

**GRIFFIN shall accept from Employer such compensation, which shall be governed by the Wage and Salary Ordinance and the Personnel Policy Manual, as adopted or amended from time to time by the Employer.**

## **2. TERM**

GRIFFIN is an employee of the Town of Merrillville and shall serve at the pleasure of the TOWN COUNCIL of MERRILLVILLE, pursuant to IC 36-5-5-2(1) and Merrillville Municipal Code Section 2-181 (a), subject to the provisions of IC 36-5-5-2 as provided hereinafter, and further to the limitations of applicable state law. This agreement shall remain in full force and effect from its approval for an indefinite term unless amended or terminated as provided hereinafter.

## **3. DUTIES**

GRIFFIN accepts employment as INTERIM TOWN MANAGER of the TOWN of MERRILLVILLE, and agrees to be responsible to the TOWN COUNCIL and the proper officers of the TOWN. The duties of the INTERIM TOWN MANAGER are set forth and described in a job description, which is herein incorporated by reference and made a part hereof. These duties may change from time to time.

## **4. NO CONFLICT OF INTEREST**

GRIFFIN shall not undertake any activity which would be in conflict with this full-time employment or inimical to the best interests of the TOWN.

## **5. HOURS OF WORK**

It is recognized that the GRIFFIN is a salaried employee and must devote time outside the normal office hours on business for the TOWN, and to that end, GRIFFIN shall be allowed to establish an appropriate work schedule to satisfy the responsibilities of her position. GRIFFIN will be an "exempt confidential employee" as that term is defined by the Fair Labor Standards Act, exempt from



overtime compensation standards. GRIFFIN shall submit a time report on a form acceptable to the State Board of Accounts accounting for work hours per pay period, according to the requirements of the wage and salary ordinance, and relevant law.

#### 6. TRANSPORTATION

GRIFFIN will provide his own transportation during normal business hours.

#### 7. NOT AN INPRS COVERED POSITION

It is mutually understood between the parties that the position of INTERIM TOWN MANAGER is a NOT "covered position" for the purposes of the defined benefit and the annuity, pursuant to IC 5-10.2 et seq; and IC5-10.3. Further, GRIFFIN waives the defined pension benefit. However, GRIFFIN shall be provided the equivalent of Employer's contribution to INPRS but in another lawful employer's sponsored plan, which shall be equivalent to contributions made on behalf of other employees of the Employer who have managerial responsibilities. In addition, the Employer will withhold from Employee's gross salary an amount that the Employee may designate up to the annual limits authorized by the Internal Revenue payable to a 457 Deferred Compensation Plan.

#### 8. HOLIDAYS, AND RELATED BENEFITS

- A. GRIFFIN shall receive the leave benefits granted by the TOWN to its full-time employees under the Compensation and Benefits Ordinance of the Town of Merrillville commonly called the Personnel Policy Manual, which are then applicable to employees who have managerial responsibilities.
- B. *Waiver of Probationary Period.* Notwithstanding the provisions of the Municipal Employee Handbook, Section 4.14, Employer waives for GRIFFIN the probationary period to which he would be otherwise subject.

- C. For the purposes of all other benefits and paid holidays described in the Personnel Policy Manual, GRIFFIN will be entitled to the equivalent benefit value based upon (B).
- D. Teaching. At the time of appointment GRIFFIN made known to the Town COUNCIL that he was under contract to teach at Purdue University Northwest at Hammond, Indiana. GRIFFIN is allowed to continue teaching Mondays and Wednesdays each week, through the conclusion of the semester, which is scheduled to end on December 11, 2023. Notwithstanding his designation as an exempt, salaried employee, GRIFFIN shall take steps necessary to not be in violation of IC 35-44.1-1-3 et seq.

## 9. TERMINATION

### TERMINATION BY THE TOWN

- A. GRIFFIN shall serve at the pleasure of the TOWN COUNCIL and the Town Council, may terminate GRIFFIN's employment at any time, for any reason or for no reason. During the Term of this Agreement, as set forth above, if the TOWN COUNCIL terminates this Agreement and GRIFFIN's employment at a time when GRIFFIN is willing and able to perform the duties of the INTERIM TOWN MANAGER, then the provision of Subparagraphs B, C, and D below shall apply.
- B. All salary payable to GRIFFIN under this Agreement shall immediately cease, except that the Town shall pay to GRIFFIN all salary and benefits earned but not paid as of the date of termination. TOWN shall make such payments not later than the next regularly scheduled pay period after the date of termination.
- C. If the TOWN COUNCIL terminates this Agreement as provided in subparagraph A because the INTERIM TOWN MANAGER has committed an act or omission which constitutes illegal or immoral conduct or misfeasance or malfeasance in office or other just cause for termination, then subparagraph C shall not apply.

## TERMINATION BY THE EMPLOYEE

- A. GRIFFIN may terminate this Agreement at any time, for any reason or for no reason, by delivering to the Town Council a written notice of termination not later than 60 days prior to the effective date of termination. If GRIFFIN terminates this Agreement, then the provisions of subparagraph B, C, and D below shall apply.
- B. On the date of termination, all salary payable to the GRIFFIN under this Agreement shall cease, except that the TOWN shall pay to GRIFFIN all salary and benefits earned but not paid as of the date of termination. The TOWN shall make such payments not later than the next regularly scheduled pay period payday after the date of termination.
- C. The TOWN shall not pay liquidated damages to GRIFFIN and he shall not sign a release in favor of the TOWN of MERRILLVILLE.

## 10. DEATH DURING EMPLOYMENT

If GRIFFIN dies during the term of this Agreement, the TOWN of MERRILLVILLE shall pay according to the provisions of the Personnel Policy Manual, generally and Section 7.18 in particular.

## 11. GENERAL PROVISIONS

- A. This instrument contains the entire Agreement of the parties. It shall continue in force until it is changed or modified by an instrument in writing executed with the same formality or until such time GRIFFIN is terminated or resigns as provided herein.
- B. This Agreement may not be assigned by either party without the written consent of the other party.
- C. If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid, or unenforceable the remainder of this Agreement, or portions

thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

D. This Agreement may be amended only with the written consent of both parties.

E. This Agreement shall be governed by the laws of the State of Indiana.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2023.

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MICHAEL W. GRIFFIN

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RICK BELLA, Town Council President  
Town of Merrillville, Indiana

Attest:

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Kelly White Gipson, Esq., Clerk-Treasurer  
Town of Merrillville, Indiana

**RESOLUTION 23-42  
TOWN OF MERRILLVILLE, INDIANA**

**A RESOLUTION OF THE TOWN OF MERRILLVILLE,  
LAKE COUNTY, INDIANA, CONCERNING THE HOLIDAY  
SCHEDULE FOR THE CALENDAR YEAR OF 2024**

**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 1 <sup>st</sup>	Monday Closed
Martin Luther King, Jr.	January 15 <sup>th</sup>	Monday Closed
President’s Day	February 19 <sup>th</sup>	Monday Closed
Good Friday	March 29 <sup>th</sup>	Friday Closed
Memorial Day	May 27 <sup>th</sup>	Monday Closed
Juneteenth	June 19 <sup>th</sup>	Wednesday Closed
Independence Day	July 4 <sup>th</sup>	Thursday Closed
Labor Day	September 2 <sup>nd</sup>	Monday Closed
Columbus Day	October 14 <sup>th</sup>	Monday Closed
Veterans Day	November 11 <sup>th</sup>	Monday Closed
Thanksgiving Day	November 28 <sup>th</sup>	Thursday Closed
Day After Thanksgiving	November 29 <sup>th</sup>	Friday Closed
Christmas Eve	December 24 <sup>th</sup>	Tuesday Closed
Christmas Day	December 25 <sup>th</sup>	Wednesday Closed
New Year’s Eve	December 31 <sup>st</sup>	Tuesday 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  
NOVEMBER 2023**

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

ATTEST:

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



**ACCOUNTS PAYABLE VOUCHER REGISTER SUMMARY****TOWN OF MERRILLVILLE**

GOVERNMENTAL UNIT

AGENCY

**APV Register Batch - ARP NOVEMBER 14, 2023 TC MEETING**

Page 1 of 1 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)
//	1059	AXON ENTERPRISE, INC.	ARP/CONTRACTUAL	51876.00			BODY CAM SOFTWARE SUB 2023
//	433	C & C IRON, INC	ARP/SMALL BUSINESS	10000.00			ARP GRANT- C&C IRON INC
//	355	CENDER/DALTON	ARP/CONTRACTUAL	2247.50			ARP BUDGETING SERVICES
//	519	CHRISTOPHER BURKE	ARP/CONTRACTUAL	848.00			SW HICKORY RIDGE FLD CNTR
//	637	DENNIS J DOBROLECKI	ARP/BLDG MAINT	631.25			GREETERS 10/15/23-10/28/23
//	437	FRANKLIN BUILDERS	ARP/SMALL BUSINESS	2850.00			ARP GRANT-FRANKLIN BUILDERS
//	431	FREDD CONSTRUCTION INC	ARP/SMALL BUSINESS	5000.00			ARP GRANT -FREDD CONSTRUCTION
//	1107	KENNETH WOODSIDE	ARP/BLDG MAINT	912.50			GREETERS 10/15-10/28-23
//	434	KEOUGH MECHANICAL CORP.	ARP/OTHER EQUIPMENT	2679.44			WATER FOUTAIN TOUCHLESS PD
//	1158	LANDMARK SIGN PARTNERS,	ARP/HDWE-SOFTWARE	16995.00			BALANCE FOR STREET DEPT SIGN
//	345	RAY TRISTAIN	ARP/BLDG MAINT	650.00			GREETERS 10/15-10/28/2023
//	41	RDG PLANNING & DESIGN INC	ARP/CONTRACTUAL	47569.51			MASTER PLAN PROFFESIONAL
//	1186	SWENEY ELECTRIC	ARP/HDWE-SOFTWARE	7840.00			ELECTRIC FOR STREET DEPT SIGN
//	436	VALPO TRAILER, INC	ARP/CONTRACTUAL	2724.00			SW SURE TRAC 7X12 UTILITY TRAILER
//	158	VS ENGINEERING, INC.	ARP/INFRASTRUCTURE	781.50			SW LIFT ST CONVERSION SE CORNER
		Checks: 0 - 0		153604.70			



**FROM:** SHEILA SHINE

**RE:** VARIANCE OF USE APPROVAL / Z20Uv4-0923

**PETITIONER:** JUSTIN HANUSCIN

**OWNER:** PEACH TREE PARTNERS

**REQUEST:** VARIANCE OF USE APPROVAL

**PURPOSE:** STORAGE FACILITY

**GENERAL LOCATION:** 2200 WEST 79<sup>TH</sup> PLACE

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

**DATE OF BOARD OF ZONING APPEALS:** OCTOBER 25, 2023

**DEADLINE FOR TOWN COUNCIL ACTION:** JANUARY 23, 2023

**ACTION TAKEN BY BOARD:** APPROVED

**VOTE:** 3-0 (2) ABSENT

**CONDITIONS:** FOR THIS PETITIONER ONLY, AT THIS LOCATION  
ONLY AND FOR THIS USE ONLY

VARIANCE OF USE: CASE # 220Uv4-0923

NOTICE OF BOARD OF ZONING APPEALS DECISION ON PETITION  
OF Justin Hanuscin

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

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

COMMENT:

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

COMMENT:

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

COMMENT:

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

COMMENT:

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

COMMENT:

Accordingly, the Board of Zoning Appeals hereby approves/denies Petition for variance of use, Case # 220Uv4-0923 from the terms of the zoning ordinance this 27th day of September 2023. The Board of Zoning Appeals, pursuant to I.C. 36-7-4-918.4, imposes the following conditions as part of its approval:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

  
CHAIRMAN

  
SECRETARY



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

**CASE NO: Z20Uv4-0923      BZA MEETING DATE: OCTOBER 25, 2023**

**PREPARED BY:                      SHEILA SHINE**

**APPLICANT:                        JUSTIN HANUSCIN**

**PETITIONER:                      JUSTIN HANUSCIN**

**OWNERS:                          PEACH TREE PARTNERS LLC**

**REQUEST:                         VARIANCE OF USE APPROVAL**

**LOT SIZE:                         2.88 ACRES**

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

**LOCATION:                         2200 WEST 79<sup>TH</sup> PLACE**

**SURROUNDING USES:**

<b>NORTH -</b>	<b>RESIDENTIAL</b>
<b>SOUTH -</b>	<b>COMMERCIAL</b>
<b>EAST -</b>	<b>VACANT</b>
<b>WEST -</b>	<b>VACANT</b>

**SURROUNDING ZONING:**

<b>NORTH -</b>	<b>R-5, MULT-FAMILY RESIDENTIAL ZONING DISTRICT</b>
<b>SOUTH -</b>	<b>C-3, HIGHWAY COMMERCIAL ZONING DISTRICT</b>
<b>EAST -</b>	<b>C-3, HIGHWAY COMMERCIAL ZONING DISTRICT</b>
<b>WEST -</b>	<b>C-3, HIGHWAY COMMERCIAL ZONING DISTRICT</b>

**COMMENTS: PETITIONER IS SEEKING A VARIANCE OF USE FROM SECTION 21-136 TO ALLOW A STORAGE FACILITY TO BE LOCATED AT 2200 WEST 79<sup>TH</sup> PLACE TO BE KNOWN AS ELITE STORAGE. PETITIONER WOULD LIKE TO BUILD (152) 10' X 15' UNITS, (38) 10' X 20' UNITS AND (41) 10' X 18' UNITS. PETITIONER CONTENDS THAT OPERATING THE STORAGE FACILITY WILL NOT CHANGE THE NATURE OF THE COMMUNITY. PETITIONER WOULD ALSO HAVE A BUSINESS OFFICE LOCATED ON THE PROPERTY. PETITIONER IS AWARE OF THE C-3, HIGHWAY COMMERCIAL ZONING DISTRICT DESIGN GUIDELINES. PETITIONER WOULD LIKE TO DEVELOP LAND THAT WOULD OTHERWISE BE LEFT VACANT. PETITIONER WOULD ALSO, HAVE TO FILE FOR A VARIANCE FROM DEVELOPMENT STANDARDS FROM SECTION 21-5 TO ALLOW MULTIPLE BUILDINGS ON ONE PARCEL. PETITIONER WAS DEFERRED ON SEPTEMBER 27, 2023 TO BRING MORE INFORMATION REGARDING THE PROJECT. PETITIONER HAS SUBMITTED PLAT OF SURVEY AND RENDERINGS WITH A BRICK ON THE BUILDING THAT WOULD FACE THE STREET AS REQUESTED.**

MERRILLVILLE BOARD OF ZONING APPEALS  
APPLICATION FOR VARIANCE OF USE

FEE: \$200.00 DATE: 9-27-23 RECEIPT # 000001  
\*\*\*FILING FEE WILL NOT BE REFUNDED IF PETITION IS WITHDRAWN OR DENIED

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

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

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

APPLICATION FILED AND PLANS RECEIVED: Date 8-10-23

ADDRESS OF PROPERTY OR GENERAL LOCATION: 2200 W 79th Pl, Merrillville IN 46410

TAX KEY # 45-12-20-277-002.000-030 CURRENT ZONING: C-3 AREA OF GROUND: 1.6 Acres + 1.28 acres  
45-12-20-277-003.000-030

PROPOSED USED OF PROPERTY: Mini Storage Buildings

PRESENT USE OF PROPERTY: Vacant Lot

USES OF ADJACENT PROPERTIES	
NORTH Apartments	EAST vacant lot
SOUTH Restuarant, Car dealership, storage facility,	WEST vacant lot

PLEASE PRINT	
PETITIONER: Justin Hanuscin	OWNER: Peachtree Partners, LLC
ADDRESS: 405 N Main Street, Crown Point, IN 46307	ADDRESS: 9351 W 89th Avenue
CITY Merrillville STATE IN ZIP 46410	CITY St John STATE IN ZIP 46373
PHONE: ( 219 ) 661-9500	PHONE: ( ) Unknown

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

PETITIONER (S) SIGNATURES

OWNERS (S) SIGNATURES

STATE OF INDIANA)

) SS

COUNTY OF LAKE )

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

DATED THIS 20<sup>th</sup> DAY OF June, 20023.

Jennifer M Jasinski  
Notary Public

My Commission Expires: August 10, 2030



VARIANCE OF USE - CASE # 220W 4-0923

TOWN OF MERRILLVILLE, INDIANA  
BOARD OF ZONING APPEALS  
DATE: 9-27-23

Pursuant to Article II, Section 21-41 of the Rules and Regulations of Practice and Procedure of the Town of Merrillville Board of Zoning Appeals, Petitioner, Justin Hanuscin submits the following findings of fact which address the effect that Petitioner's proposed variance of use from the terms of the zoning ordinance will have on the property commonly known as 2000 W 79th Avenue Approx, Merrillville, IN 46410 and to the surrounding area:

1. Petitioner owns the property commonly known as 2000 W 79th Avenue Approx, Merrillville, IN 46410 Which is classified as Residential pursuant to the zoning ordinance.
2. Petitioner has requested a variance of use from the zoning ordinance for the following reasons:  
Petitioner desires to construct storage units and to operate the premises as a rental storage space.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Petitioner submits that:
  - a. The proposed variance of use will not be injurious to the public health, safety, morals, and general welfare of the community because:  
There is currently a large scale storage facility that runs contiguous with the subject parcel. The allowance of Petitioner to  
Operate its facility would not change the nature of the community.  
\_\_\_\_\_  
\_\_\_\_\_
  - b. The proposed variance of use will not have a substantially adverse effect on the use and value of the properties adjacent to the property included in the proposed variance because:  
The operation of the facility will only further increase the value of the adjacent properties as it will provide additional foot traffic to the local businesses and allow increased profits for the same.  
\_\_\_\_\_  
\_\_\_\_\_
  - c. The need for the proposed variance arises from some condition peculiar to the property involved in that:  
The current zoning of the subject property does not allow for the building of a storage facility.  
\_\_\_\_\_  
\_\_\_\_\_
  - d. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the proposed variance is sought because:  
The current zoning ordinance prevents the construction of the storage facility. Leaving the status quo will prevent Petitioner from developing what is otherwise being used as vacant land.  
\_\_\_\_\_  
\_\_\_\_\_
  - e. The proposed variance of use will not substantially interfere with the comprehensive master plan because:  
There are already storage facilities in the vicinity, namely operating on real estate running contiguous to the property. The  
proposed facility will only continue the comprehensive plan to develop the area into a commercial grouping of businesses.  
\_\_\_\_\_  
\_\_\_\_\_

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

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2010年12月

only 1.5 and 3.5 respectively, as compared to the mean value of 10 for the entire set of 1000 trees.

The following items are not included in the 1940 Census of the United States: (1) Persons who are not citizens of the United States; (2) Persons who are not residents of the United States; (3) Persons who are not of legal age; (4) Persons who are not of legal sex; (5) Persons who are not of legal race; (6) Persons who are not of legal color; (7) Persons who are not of legal religion; (8) Persons who are not of legal education; (9) Persons who are not of legal occupation; (10) Persons who are not of legal marital status; (11) Persons who are not of legal social status; (12) Persons who are not of legal economic status; (13) Persons who are not of legal political status; (14) Persons who are not of legal cultural status; (15) Persons who are not of legal religious status; (16) Persons who are not of legal ethnic status; (17) Persons who are not of legal linguistic status; (18) Persons who are not of legal national status; (19) Persons who are not of legal international status; (20) Persons who are not of legal global status.

[illegible][illegible]

I have met Mr. [redacted] many times and he has expressed  
great interest in the proposed project. He has been very helpful  
in providing information regarding the project and has been very  
cooperative in providing access to the project site. He has also  
been very helpful in providing information regarding the project's  
status and progress.

Sincerely,  
*[Signature]*  
John Doe

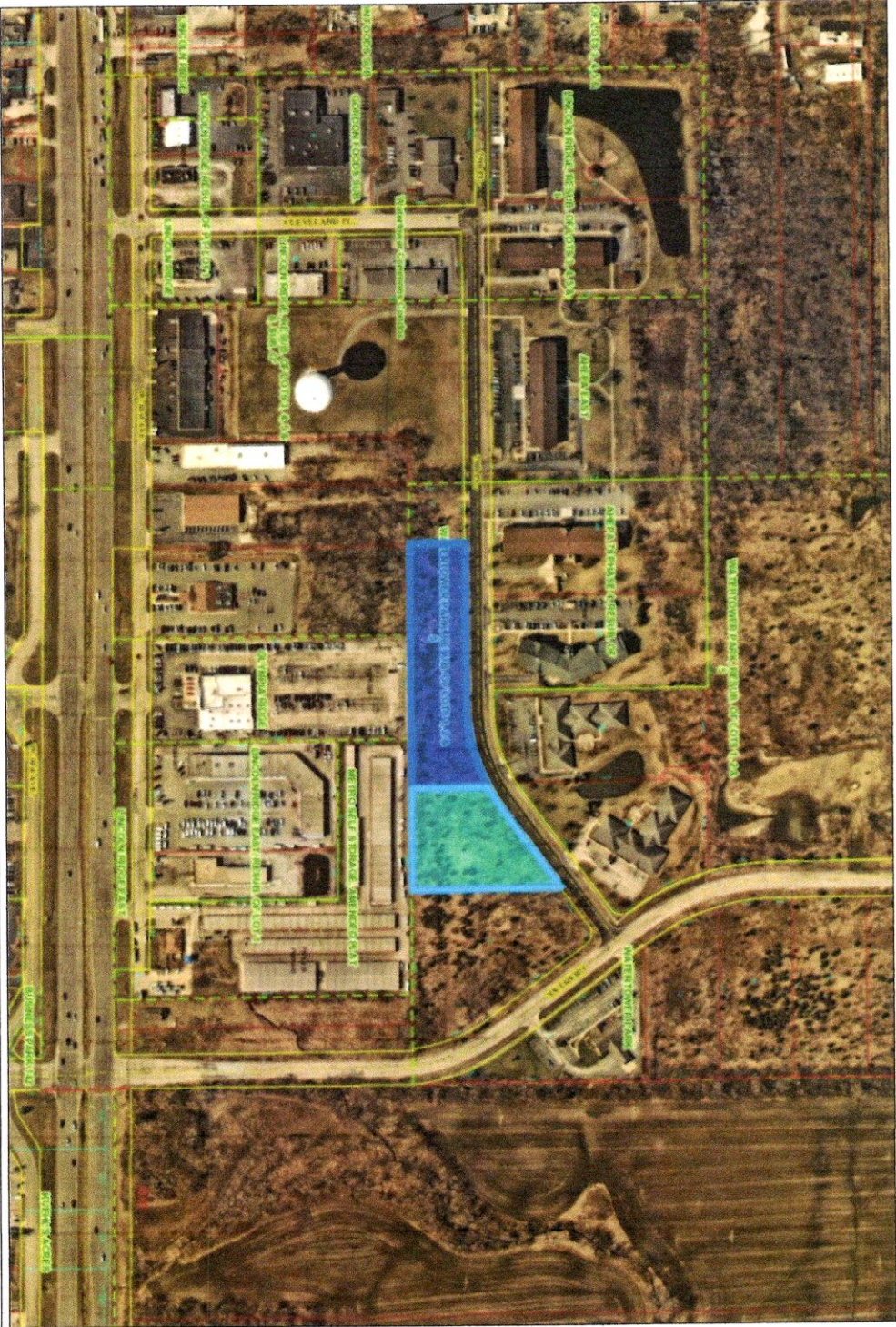
John Doe  
John Doe & Co., Inc.  
100 Main Street  
New York, NY 10001  
Tel: (212) 123-4567  
Fax: (212) 987-6543  
E-mail: john.doe@jdoe.com

[illegible][illegible]

100 22 9 003

[illegible]





Enter Map Title...

Web Print: 09/26/2023

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

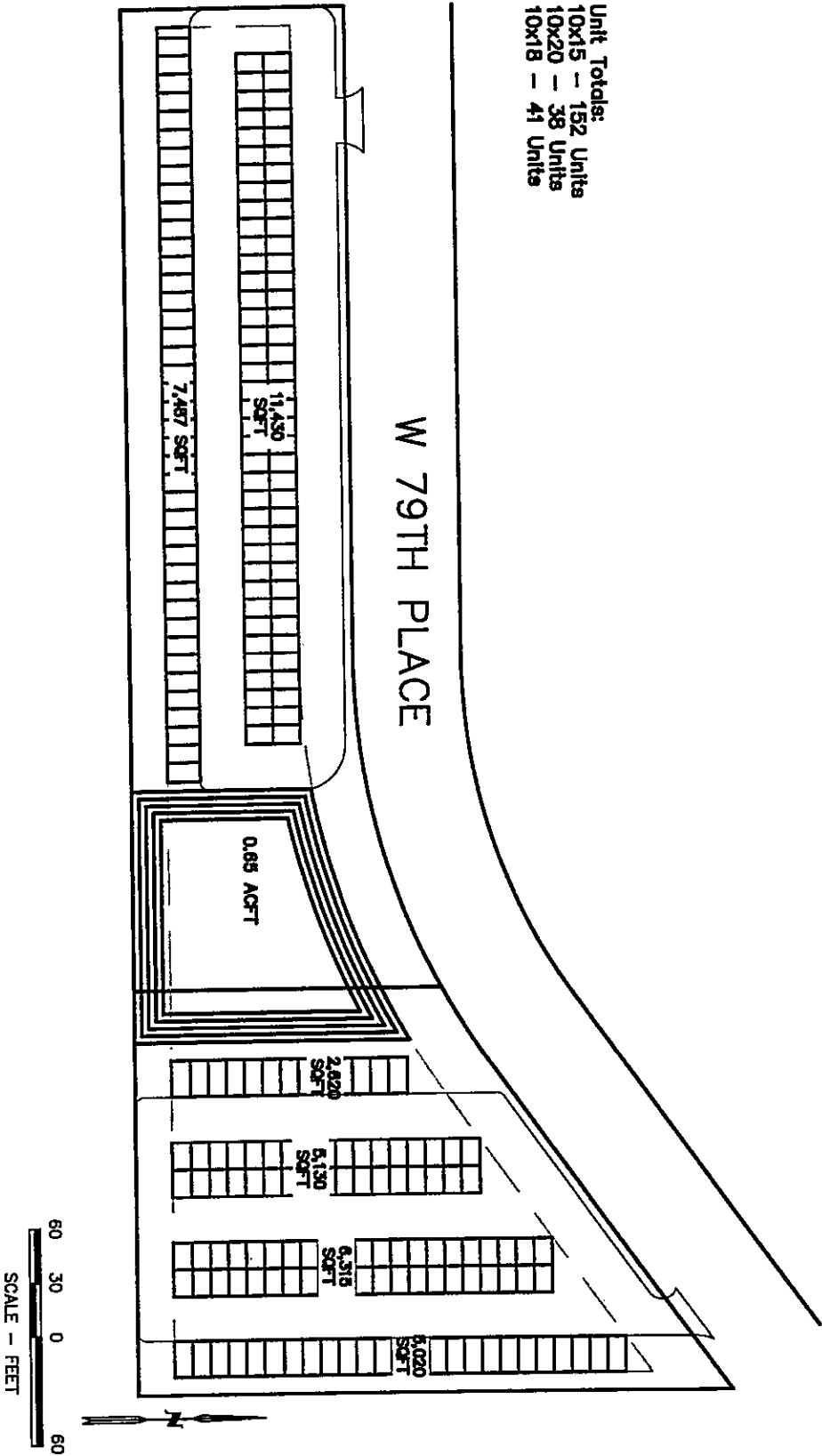
©2023 Sidwell. All rights reserved.

0 376 752 Feet

Concept Plan - Elite Storage

Unit Totals:  
10x15 - 152 Units  
10x20 - 38 Units  
10x18 - 41 Units

W 79TH PLACE





# ELITE OFFICES & STORAGE

Good Evening, I apologize for my absence. Thank you for giving us the opportunity to represent our conceptual site plans, for our storage facility. We are here today to get a conceptual approval for our facility. We have made distinct changes to bring more value to the local community. We have now equipped the facility with four leasable office spaces, as well as an office for the facility: thus totaling five office spaces. We will also be relocating two of our own businesses into two of the leasable office spaces, which will bring our fifteen employees to Merrillville, IN.

As requested, Ms. Sheila and I were able to meet; with her advice and direction I was able to provide her with a suitable rendered drawing to present. In addition, it was determined that the leasable office spaces would add value to the facility. After meeting with Ms. Sheila and taking into consideration the points presented at the last meeting- the conclusion was the storage facility is now looking up to community standards.

We reviewed and analyzed all the advice, concerns and recommendations from Ms. Sheila and the board at the last meeting and applied it to our conceptual site plans.

As you will notice on the new plans, I moved a few buildings around. This was done to ensure that there are no units IE {Garage doors} facing the street front. All street front facing buildings are now equipped with modern style brick façade to bring them up to Merrillville's commercial community standards.

Our goal is to bring value to the community by proving a pristine and safe location to run businesses & store all of the extra valuables we tend to collect! We will be providing top of the line service and security to ensure we protect all of our businesses, clients and neighbors.

## REASON FOR PRECISE LOCATION

We targeted this location because it is already bringing storage facility customers to that area with the U-Haul storage facility in front. When customers contact U-Haul and find out it is full, we will be right around the corner, to fulfill their storage needs! We also have 10 storage units preleased and will be advertising to prelease more units before opening day!

### Adjustments Made To Site Plan

- ☐ Rearranged buildings for community standards {No Street front facing units}
- ☐ Added brick facia on all street front facing buildings
- ☐ Removed the conjoining segment of road to comply with retention pond needs.
- ☐ Ensured that all roadways are spaced correctly to meet state requirements. Provided by {Falk PLI}
- ☐ After our conceptual approval, we will be seeking all requirements from the fire marshal for the roads. The only changes would be what the marshal requires to make sure that the facility is up to code.

Associates and partners that will present at meeting.

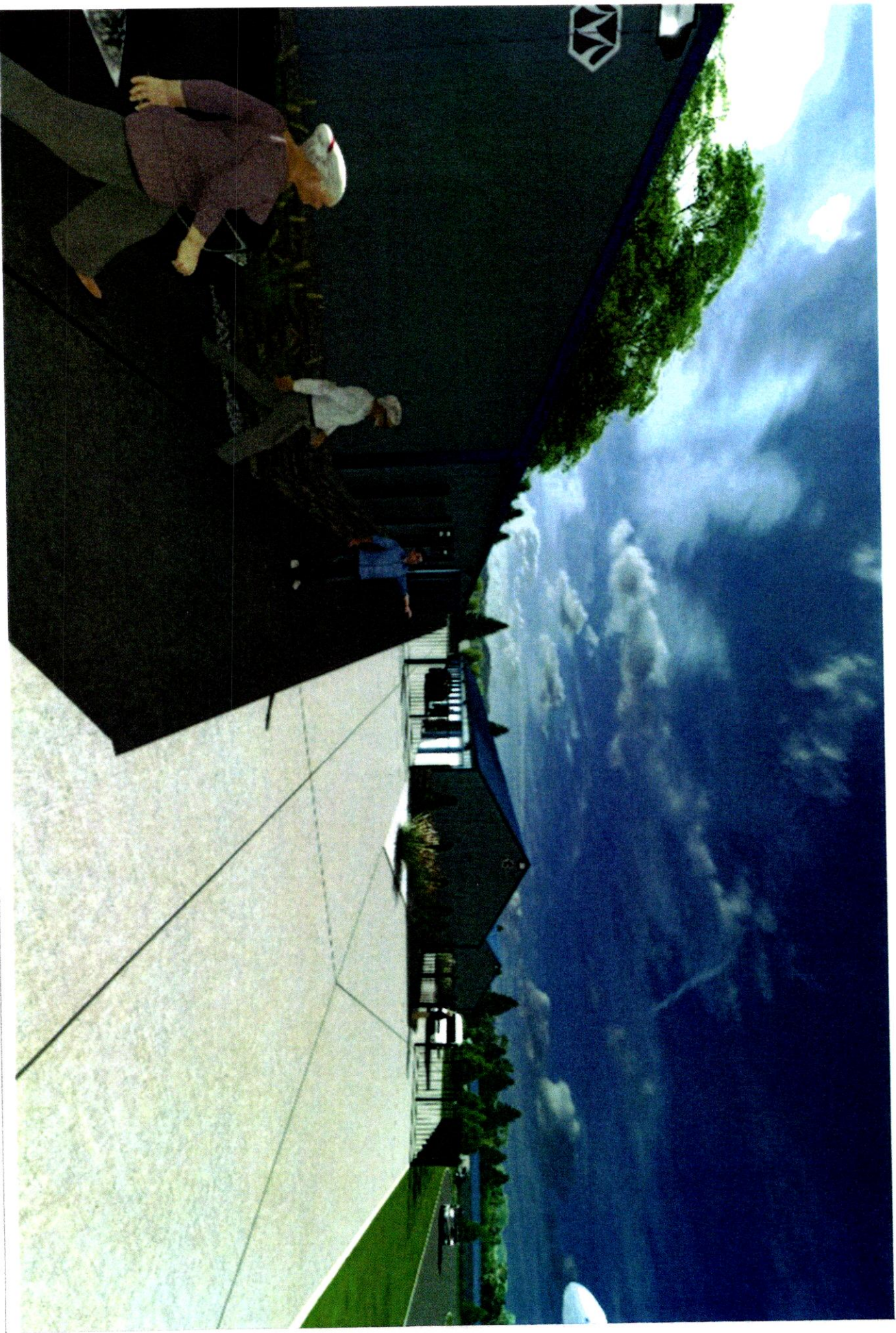
Michael Kvachkoff: Attorney

Rick Newell: Commercial Advisor

Dave Baker: Morton Buildings

Representative from: FALK PLI





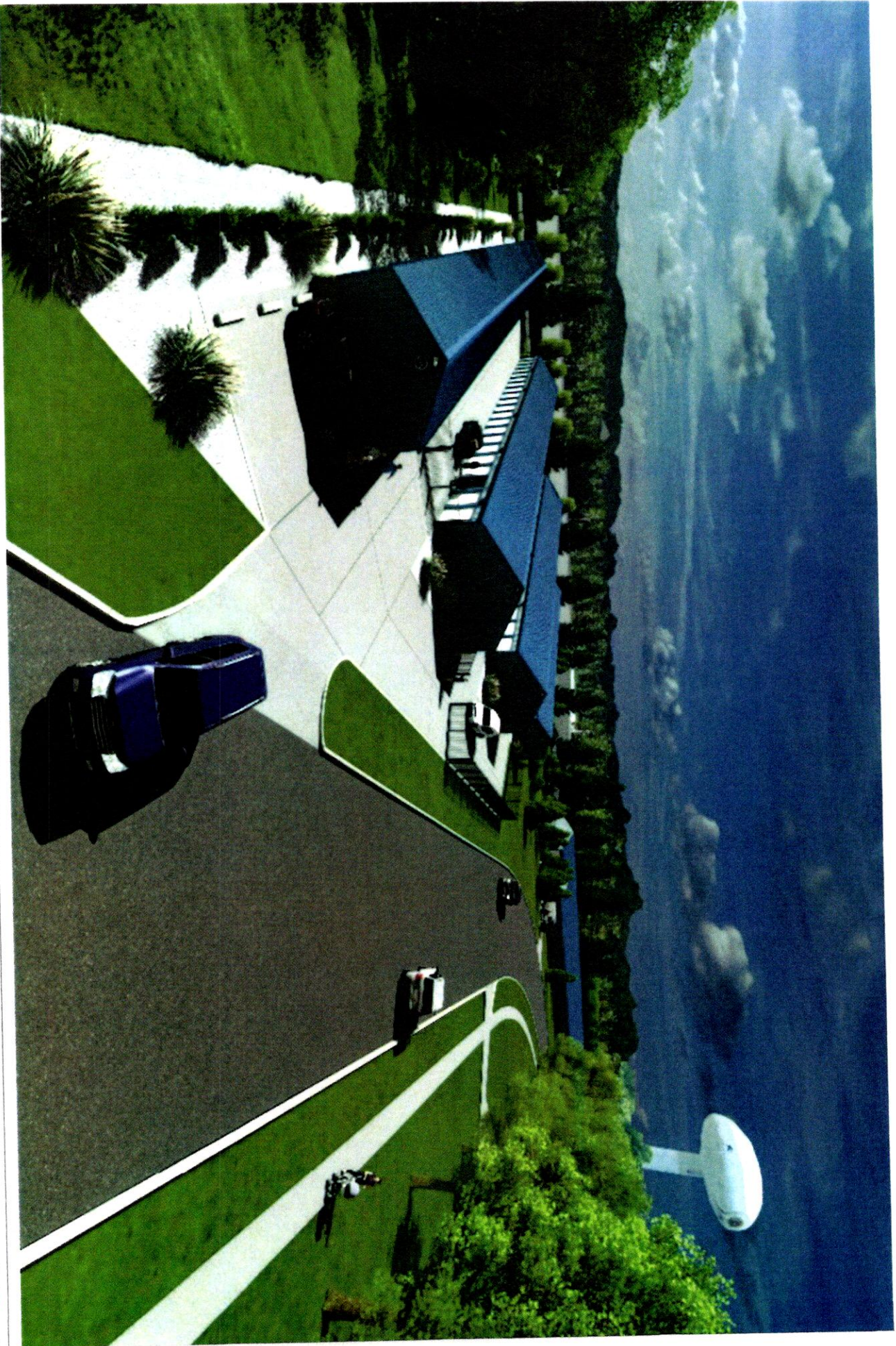




 **MORTON**  
**BUILDINGS**

**Conceptual Rendering**  
Justin Harmsen, Elite Storage  
Merrillville, IN





**HORTON**  
**BUILDINGS**

**Conceptual Rendering**  
Justin Hanuson, Elite Storage  
Merrillville, IN

**Worl**  
ARCHITECTS





RTON  
DINGS

Conceptual Rendering  
Justin Hanuscin, Elite Storage  
Merrillville, IN

VOI  
ARCHIT

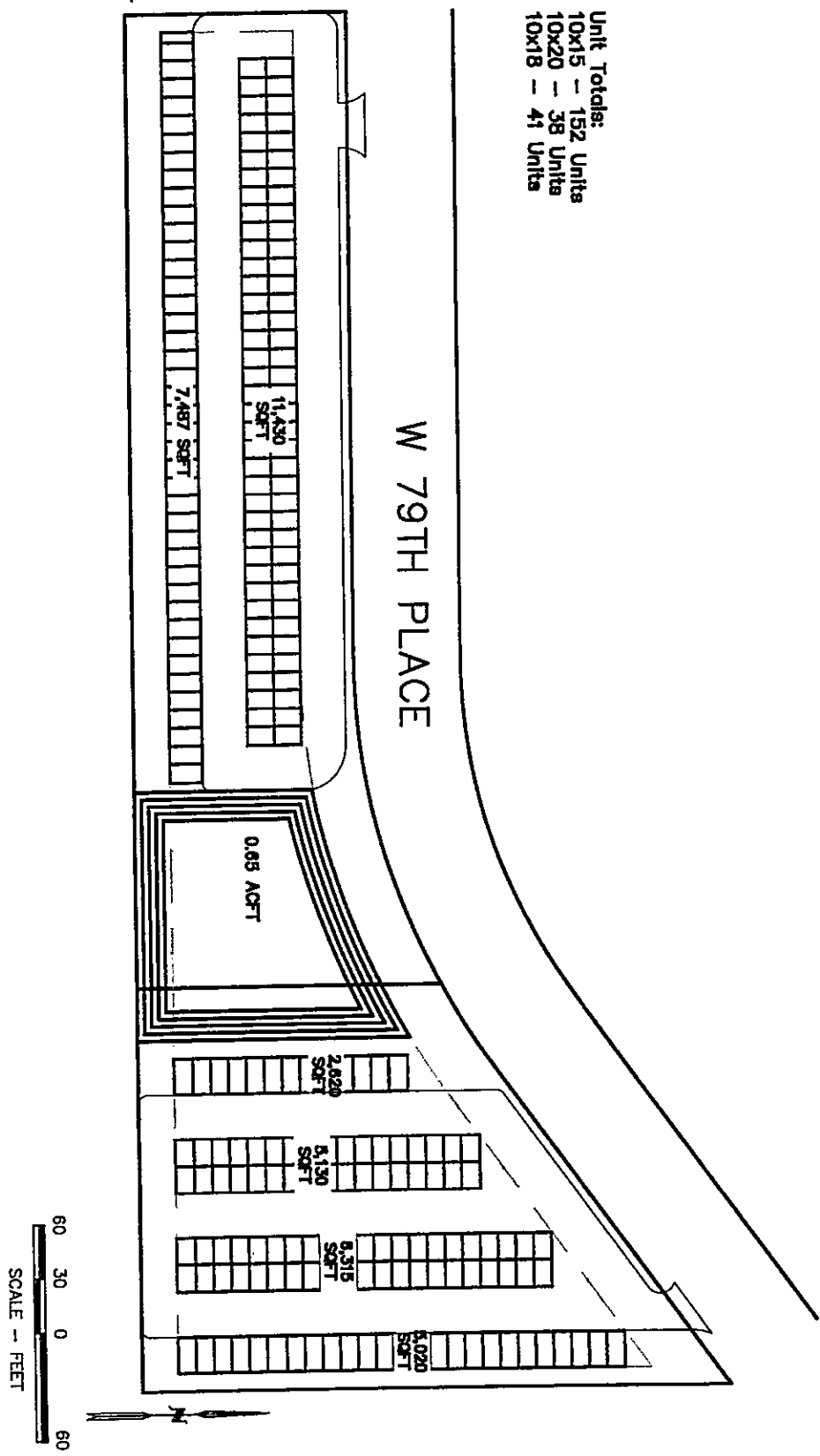






Concept Plan - Elite Storage

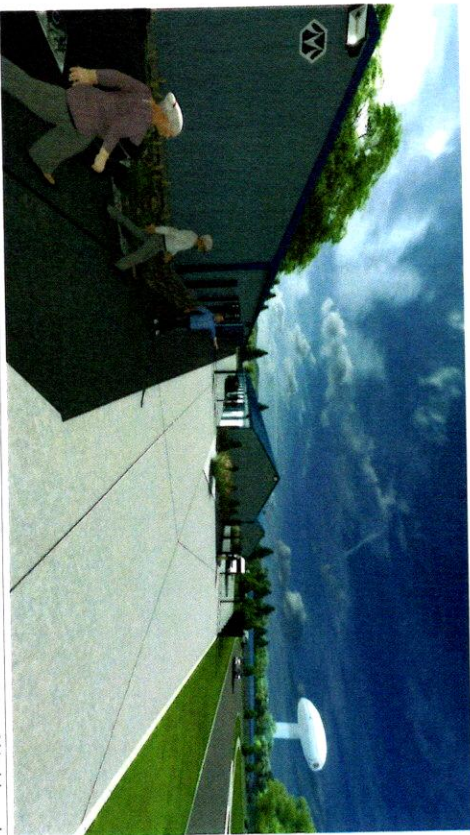
Unit Totals:  
10x15 - 152 Units  
10x20 - 38 Units  
10x18 - 41 Units



1 of 1	SCALE: 1"=60'	DESIGNED: CR	<b>FALK PLT</b>	CONCEPTUAL PLAN JUSTIN HANUSCIN ELITE STORAGE MERRILLVILLE, IN	6370 Ameriplex Drive, Suite 100 Portage, IN 46368 Phone: 219-762-7024 Fax: 219-764-6251
	FILE: 23041752	DRAWN: CR			
	DATE: 04/24/2023	CHECKED: CR			

# New Elite Storage Conceptual

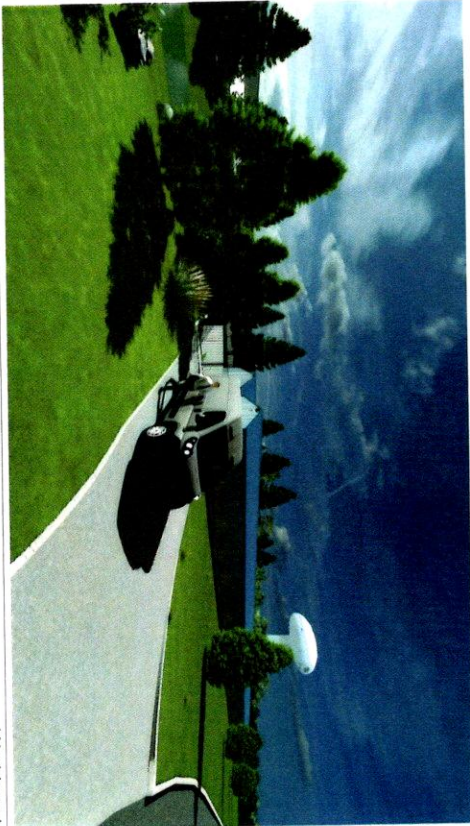
## Site Plan Rendering



MORTON  
BUILDINGS

Conceptual Rendering  
Justin Hanuson, Elite Storage  
September 24, 2024

Workbench  
11/1/2024 11:24:00 AM



MORTON  
BUILDINGS

Conceptual Rendering  
Justin Hanuson, Elite Storage  
September 24, 2024

Workbench  
11/1/2024 11:24:00 AM



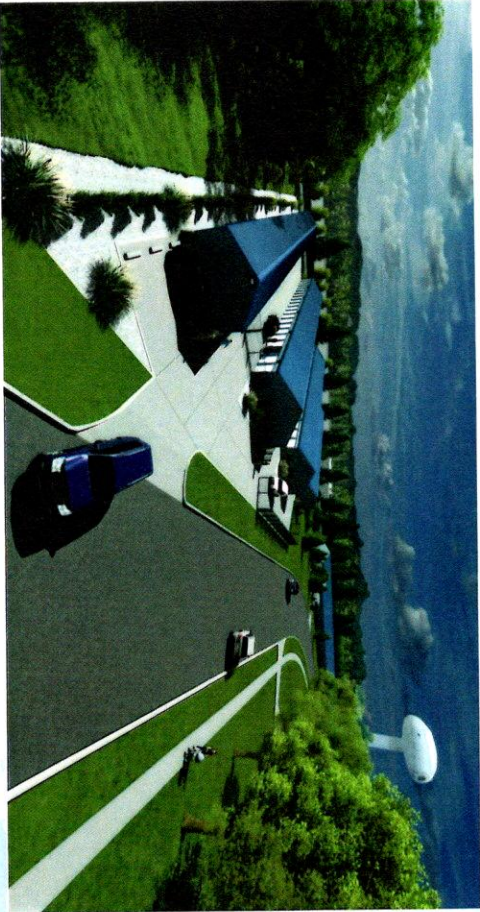
MORTON  
BUILDINGS

Conceptual Rendering  
Justin Hanuson, Elite Storage  
September 24, 2024

Workbench  
11/1/2024 11:24:00 AM



# OLD Elite Storage Conceptual Site Plan Rendering





**FROM:** SHEILA SHINE

**RE:** VARIANCE OF USE APPROVAL / Z23Uv6-1023

**PETITIONER:** TIFFANY BLAKEMORE

**OWNER:** LBD PROPERTIES LLC

**REQUEST:** VARIANCE OF USE APPROVAL

**PURPOSE:** FITNESS AND CYCLING CENTER

**GENERAL LOCATION:** 6110 BROADWAY UNIT5

**ZONING:** M-2, LIMITED INDUSTRIAL CORRIDOR OVERLAY  
ZONING DISTRICT

**DATE OF BOARD OF ZONING APPEALS:** OCTOBER 25, 2023

**DEADLINE FOR TOWN COUNCIL ACTION:** JANUARY 23, 2023

**ACTION TAKEN BY BOARD:** APPROVED

**VOTE:** 3-0 (2) ABSENT

**CONDITIONS:** FOR THIS PETITIONER ONLY, AT THIS LOCATION  
ONLY AND FOR THIS USE ONLY

VARIANCE OF USE: CASE # Z23UV6-1023

NOTICE OF BOARD OF ZONING APPEALS DECISION ON PETITION  
OF Tiffany Blakemore

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

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

COMMENT:

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

COMMENT:

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

COMMENT:

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

COMMENT:

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

COMMENT:

Accordingly, the Board of Zoning Appeals hereby approves/denies Petition for variance of use, Case # Z23UV6-1023, from the terms of the zoning ordinance this 25<sup>th</sup> day of October 192023. The Board of Zoning Appeals, pursuant to I.C. 36-7-4-918.4, imposes the following conditions as part of its approval:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

[Signature]  
CHAIRMAN

[Signature]  
SECRETARY

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

**CASE NO: Z23Uv6-1023    BZA MEETING DATE: OCTOBER 25, 2023**

**PREPARED BY:                    SHEILA SHINE**

**APPLICANT:                      TIFFANY BLAKEMORE**

**PETITIONER:                    TIFFANY BLAKEMORE**

**OWNERS:                         LBD PROPERTIES LLC**

**REQUEST:                        VARIANCE OF USE APPROVAL**

**LOT SIZE:                        20.606 ACRES**

**EXISTING ZONING:               M-2, LIMITED INDUSTRIAL CORRIDOR DISTRICT**

**LOCATION:                        6110 BROADWAY UNIT 5**

**SURROUNDING USES:**

**NORTH -                         COMMERCIAL AND RESIDENTIAL**

**SOUTH -                         COMMERCIAL AND RESIDENTIAL**

**EAST -                          COMMERCIAL**

**WEST -                         VACANT**

**SURROUNDING ZONING:**

**NORTH -                         C-2, COMMUNITY COMMERCIAL DISTRICT**

**SOUTH -                         C-2, COMMUNITY COMMERCIAL DISTRICT**

**EAST -                          C-2, COMMUNITY COMMERCIAL DISTRICT**

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

**COMMENTS: PETITIONER IS SEEKING VARIANCE OF USE APPROVAL TO ALLOW A FITNESS CENTER ON 20.606 ACRES IN A M-2, LIMITED INDUSTRIAL CORRIDOR ZONING DISTRICT. PETITIONER IS PROPOSING TO OPEN A FITNESS STUDIO TO BE KNOWN AS VITAMIN T FITNESS STUDIO. THE PROPOSED LOCATION IS 6110 BROADWAY UNIT 5. THE MISSION OF VITAMIN T FITNESS STUDIO IS TO PROMOTE HEALTHY LIFESTYLES BY WAY OF GROUP FITNESS CLASSES IN ADDITION TO ACCOUNTABILITY SUPPORT PROGRAMS. THE PROGRAM WILL FEATURE CYCLING CLASSES, (16 CYCLES ON SITE) GROUP FITNESS CLASSES, GROUP FITNESS SESSIONS, GROUP FITNESS CHALLENGES AND ONE ON ONE PERSONAL TRAINING SESSIONS. THE CLASSES ARE FOR ADULTS ONLY. THERE IS A 15 PERSON LIMIT FOR THE CYCLING CLASSES. OTHER CLASSES WILL HAVE A 25 PERSON LIMIT. THE HOURS OF OPERATION ARE 6:00 AM TO 7 PM ON SUNDAY, MONDAY, TUESDAY, THURSDAY AND SATURDAY. CLASSES WILL BE HELD IN 1 HOUR**

**INCREMENTS AND MAY VARY DEPENDING ON ENROLLMENT. THERE WILL BE APPROXIMATELY 2 EMPLOYEES. TIFFANY HOLDS A NATIONAL ACADEMY OF SPORTS MEDICINE TRAINING CERTIFICATE, AMERICAN SPORTS FITNESS ASSOCIATION CYCLING CERTIFICATE AND RED CROSS CPR/AED CERTIFICATE.**

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

# MERRILLVILLE BOARD OF ZONING APPEALS APPLICATION FOR VARIANCE OF USE

FEE: \$200.00      DATE: 10-10-23      RECEIPT # 99147  
 \*\*\*FILING FEE WILL NOT BE REFUNDED IF PETITION IS WITHDRAWN OR DENIED

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

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

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

APPLICATION FILED AND PLANS RECEIVED: Date 9-20-23  
 ADDRESS OF PROPERTY OR GENERAL LOCATION: 6110 Broadway  
 TAX KEY # 45-12-09-226 003.000-030 CURRENT ZONING: M2 AREA OF GROUND:             
 PROPOSED USED OF PROPERTY: Cycling and Fitness studio  
 PRESENT USE OF PROPERTY: VACANT

USES OF ADJACENT PROPERTIES			
NORTH	<u>Commercial - Residential</u>	EAST	<u>Commercial</u>
SOUTH	<u>Commercial Residential</u>	WEST	<u>Vacant</u>

PLEASE PRINT			
PETITIONER: <u>Vitamin T. Fitness, LLC</u> <u>Tiffany N. Blakemore</u>		OWNER:	
ADDRESS: <u>3289 Swanson Circle</u>		ADDRESS:	
CITY <u>Portage</u>	STATE <u>IN</u>	ZIP <u>46367</u>	
PHONE: <u>(312) 498-2440</u>	CITY                      STATE                      ZIP		
PHONE: (    )		PHONE: (    )	

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

PETITIONER (S) SIGNATURES

OWNERS (S) SIGNATURES

STATE OF INDIANA)

) SS

COUNTY OF LAKE )

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

DATED THIS 23 DAY OF September, 200 2023

Sheila DeAngelis Shine  
 Notary Public

My Commission Expires: 10-6-2024

SHEILA DEANGELIS SHINE

STATE OF INDIANA LAKE COUNTY  
 My commission expires October 6, 2024

MERRILLVILLE BOARD OF ZONING APPEALS  
APPLICATION FOR VARIANCE OF USE

FEE: \$200.00	DATE:	RECEIPT #
***FILING FEE WILL NOT BE REFUNDED IF PETITION IS WITHDRAWN OR DENIED		

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

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

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

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

ADDRESS OF PROPERTY OR GENERAL LOCATION: \_\_\_\_\_

TAX KEY # \_\_\_\_\_ CURRENT ZONING: \_\_\_\_\_ AREA OF GROUND: \_\_\_\_\_

PROPOSED USED OF PROPERTY: \_\_\_\_\_

PRESENT USE OF PROPERTY: \_\_\_\_\_

USES OF ADJACENT PROPERTIES	
NORTH	EAST
SOUTH	WEST

PLEASE PRINT			
PETITIONER:		OWNER: <i>LBD Properties LLC</i>	
ADDRESS:		ADDRESS: <i>P.O. Box 91</i>	
CITY	STATE	ZIP	CITY <i>Meriden</i> STATE <i>MS</i> ZIP <i>39302</i>
PHONE: ( )		PHONE: <i>(601) 938-5323</i>	

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

PETITIONER (S) SIGNATURES

OWNERS (S) SIGNATURES

STATE OF *MS* INDIANA

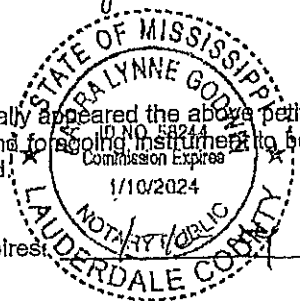
COUNTY OF *Lake* ) SS

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

DATED THIS *20th* DAY OF *September*, 20*03*.

*Karen Lynn Goffin*  
Notary Public

My Commission Expires \_\_\_\_\_



VARIANCE OF USE - CASE #

223446 - 1023

## TOWN OF MERRILLVILLE, INDIANA

## BOARD OF ZONING APPEALS

DATE:

Tiffany Blakemore

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

1. Petitioner owns the property commonly known as 6110 Broadway Unit 5  
Which is classified as M-2 pursuant to the zoning ordinance.
2. Petitioner has requested a variance of use from the zoning ordinance for the following reasons:  
M2 Zoning does not allow commercial use business.
3. Petitioner submits that:
  - a. The proposed variance of use will not be injurious to the public health, safety, morals, and general welfare of the community because:  
The addition of a cycling and fitness center is to support healthier lifestyles by participating in group fitness activities and nutritional challenges.
  - b. The proposed variance of use will not have a substantially adverse effect on the use and value of the properties adjacent to the property included in the proposed variance because:  
Installation of fitness equipment and property upgrades will add value to the property and attract customers
  - c. The need for the proposed variance arises from some condition peculiar to the property involved in that: Property not zoned for a fitness center
  - d. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the proposed variance is sought because:  
Current zoning will not allow the business to open. Current zoning needs a variance of use
  - e. The proposed variance of use will not substantially interfere with the comprehensive master plan because: This is a fitness center and won't impact negatively the comprehensive plan.

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



**Vitamin T  
Fitness Studio**




SEPTEMBER 2023



# Business Summary

Whole Body, Mind, and Spirit!



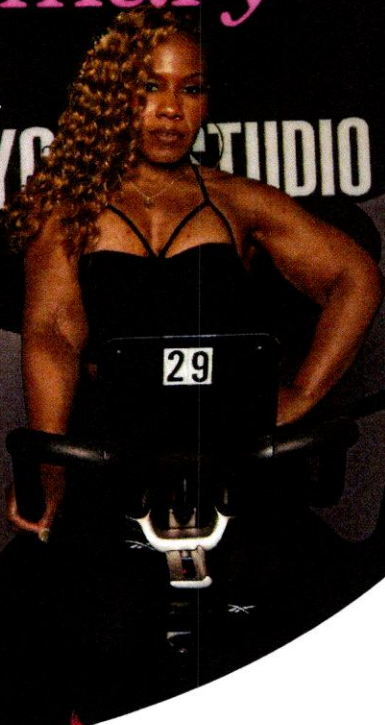
-  [www.vitamintfitness.com](http://www.vitamintfitness.com)
-  [vitamintfitness@gmail.com](mailto:vitamintfitness@gmail.com)
-  312-498-2446



# Executive Summary

Studio Vision

CYC STUDIO



## Mission:

To promote healthy lifestyles by way of group fitness classes in addition to accountability support programs. Creating an atmosphere where people are treated with love which promote guaranteed success.

## Vision:

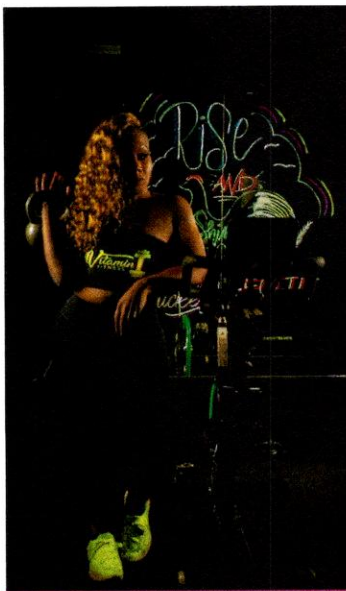
My goal is to attract clientele of all walks of life to introduce them to the Vitamin "T" way of fitness. Opening a central location convenient for both Illinois and Indiana residents to attend cycling classes, group fitness sessions, group fitness challenges and One on One personal training sessions. All of my goals lead to promoting healthier lifestyles and adding longevity to life.

Hours of operations will include

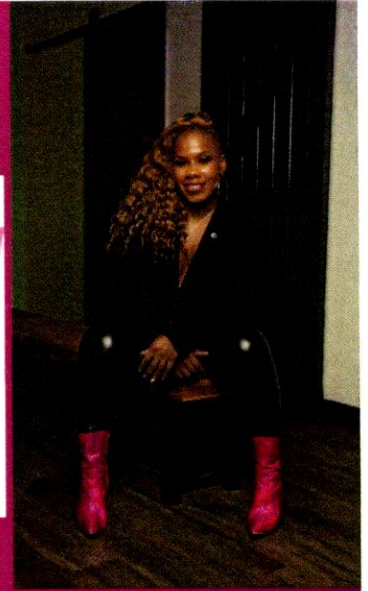
Sunday, Monday, Tuesday, Thursday, Saturday

Classes will be held in 1 hour increments and times varies between 6 am to 7 pm.





*Tiffany N. Blakemore*



## PROFESSIONAL BIO

Tiffany Blakemore passionately known as "Vitamin T" is the energetic Owner of Vitamin T Fitness, LLC – a Fitness Training and Motivational venture focused on the WHOLE person, Mind, Body and Spirit. Her instructing varies from stationary cycling, Vitamin Blocks, Vitamin Kicks and a weight training experience to remember.

Tiffany's fitness journey began with her own struggle with being overweight. After losing over 150 pounds, her passion became her purpose by sharing her journey with others and inspiring them to embark on their own fitness journey. She obtained the NASM Personal Training certification, ASFA cycling certification and is Red Cross CPR/AED certified.

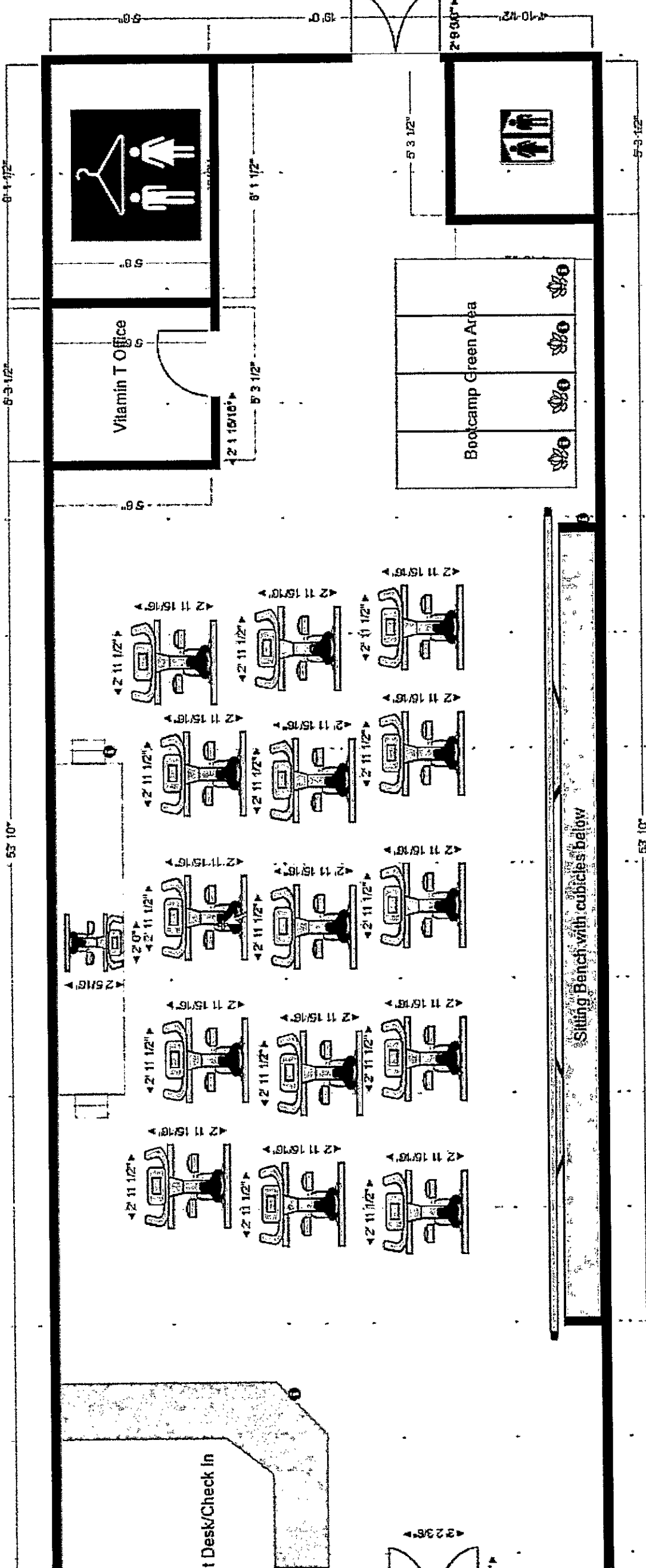
In addition to instructing 7 days a week, she placed #7 in the 2021 national competition to become Ms. Health and Fitness. She also is the "Body" in the notable seminar "Your Brand Your Body" presented most recently at the 2021 Black Women's Expo located in Chicago, IL. Vitamin "T" proudly introduced a 5k Run at the beautiful Marquette Beach located in Gary, IN and will continue to host semi-annually. Summer's on Chicago's Lakefront have been designated to Vitamin "T" "We in this Beach" Fitness Bash for the past 2 years. In 2023, traveling instructor was added to her list of accomplishments, most recently being featured alongside two other phenomenal instructors in Houston, TX. Finally, her popular Accountability program consisting of healthy detox, intermittent fasting, healthy meal plans, group and individual exercise plans, along with inspiration to help you succeed!

"Fitness begins in the mind", therefore she always speaks positive affirmations into her clientele. Simply a realist that understands that in all journeys you may experience detours, road closures, highs and lows. However, once you make it to that destination, you look back and are extremely thankful for the experience. "A dose of a day helps keep the calories away" Vitamin "T"

-  Vitamintfitness1
-  Vitamin\_T\_Fitness
-  [www.vitamintfitness.com](http://www.vitamintfitness.com)
-  [Vitamintfitness@gmail.com](mailto:Vitamintfitness@gmail.com)

 *Contact* 

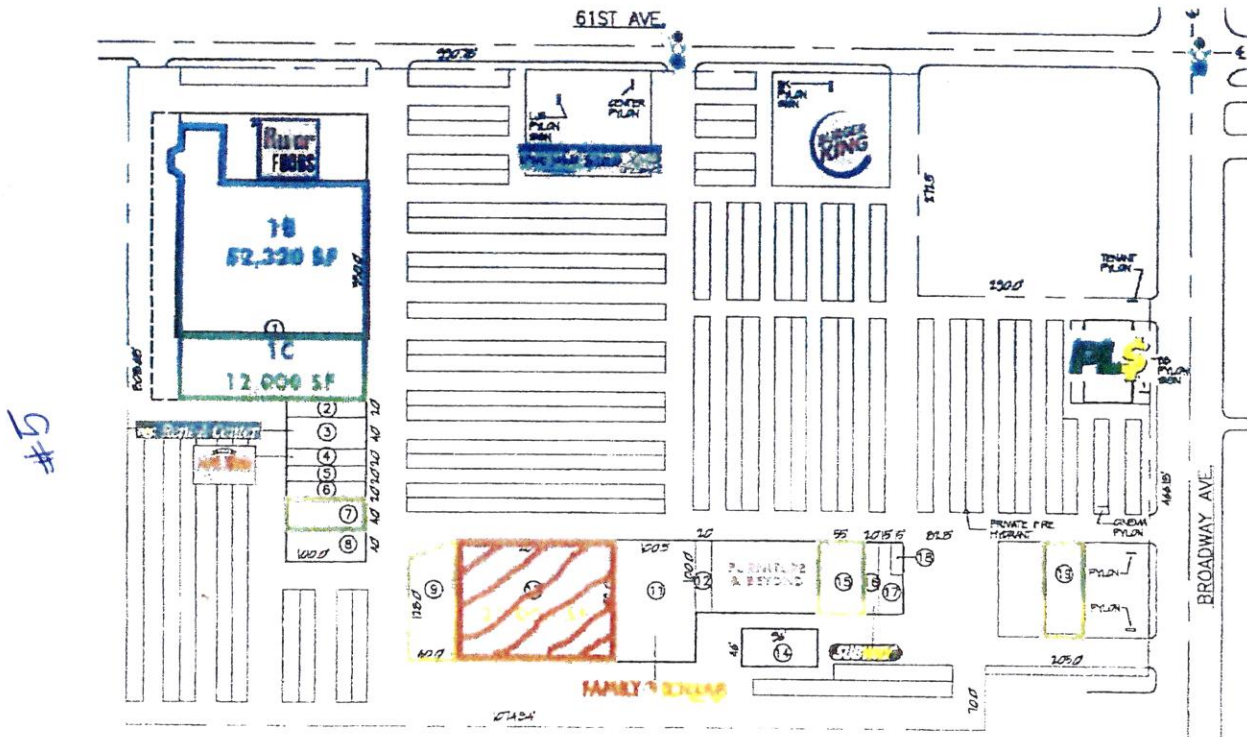




X= 37' 8" Y= 21' 4"



EXHIBIT B  
THE CENTER AND PREMISES



**FROM:** SHEILA SHINE

**RE:** SPECIAL EXCEPTION APPROVAL / Z24E11-1023

**PETITIONER:** 430 LEGACY LLC

**OWNER:** DR VENTURE III LLC OWNER

**REQUEST:** SPECIAL EXCEPTION APPROVAL

**PURPOSE:** DINE-IN RESTAURANT

**GENERAL LOCATION:** 610 WEST LINCOLN HIGHWAY

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

**DATE OF BOARD OF ZONING APPEALS:** OCTOBER 25, 2023

**DEADLINE FOR TOWN COUNCIL ACTION:** JANUARY 23, 2023

**ACTION TAKEN BY BOARD:** APPROVED

**VOTE:** 3-0 (2) ABSENT

**CONDITIONS:** FOR THIS PETITIONER ONLY, AT THIS LOCATION  
ONLY AND FOR THIS USE ONLY

NOTICE OF BOARD OF ZONING APPEAL'S DECISION ON PETITION  
OF 430 Legacy LLC

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

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

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

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

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

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

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

Accordingly, the Board of Zoning Appeals hereby approves/denies Petition for Special Exception Case # 224E11-1023 this 25<sup>th</sup> day of October, 2023. The Board of Zoning Appeals, pursuant to I.C. 36-7-4-918.2, imposes the following conditions as part of its approval:

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_

[Signature]  
Chairman

[Signature]  
Secretary



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

**CASE NO: Z24E11-1023      BZA MEETING DATE: OCTOBER 25, 2023**

**PREPARED BY:                      SHEILA SHINE**

**APPLICANT:                        430 LEGACY LLC**

**PETITIONER:                       430 LEGACY LLC**

**OWNERS:                            DR VENTURE III LLC**

**REQUEST:                          SPECIAL EXCEPTION APPROVAL**

**LOT SIZE:                          2.17 +/- ACRES**

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

**LOCATION:                          610 WEST LINCOLN HIGHWAY**

**SURROUNDING USES:**

**NORTH -                            RESIDENTIAL / AHEPA PHASE 7**

**SOUTH -                            COMMERCIAL**

**EAST -                              COMMERCIAL**

**WEST -                              COMMERCIAL**

**SURROUNDING ZONING:**

**NORTH -                            R-5, MULT-FAMILY RESIDENTIAL ZONING DISTRICT**

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

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

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

**COMMENTS: PETITIONER IS REQUESTING SPECIAL EXCEPTION APPROVAL FROM SECTION 21-136 TO ALLOW A DINE IN RESTAURANT IN A C-3, HIGHWAY COMMERCIAL ZONING DISTRICT, LOCATED AT 610 WEST LINCOLN HIGHWAY. PETITIONER WOULD LIKE TO OPEN AND OPERATE A PEACH COBBLER FACTORY. THE PEACH COBBLER FACTORY IS HOME TO THE WORLD'S MOST UNIQUE OFFERING OF DESSERTS UNDER ONE ROOF. THE PEACH COBBLER FACTORY MENU INCLUDES COBBLERS WITH ICE CREAM, BANNANA PUDDINGS, SAVORY SWEET CINNAMON ROLLS, PUDD-N-SHAKES, BIGGER & BETTER COOKIES, BIGGER & BETTER BROWNIES, CHURRO STIX WITH DIPPING SAUCES, BELGIAN WAFFLES AND MORE. AFTER APPROVAL, THE PETITIONER WILL TRAVEL TO FLORIDA FOR FRANCHISE TRAINING. THE PETITIONER WILL THEN IMPLEMENT A BRAND REMODEL OF THE PROPOSED SPACE. THE FRANCHISE WILL PERFORM ONSITE TRAINING BEFORE THE OPENING OF THE RESTAURANT. THE MERRILLVILLE PEACH COBBLER FACTORY IS SCHEDULED TO OPEN SPRING OF 2024. THE PROPOSED HOURS OF OPERATION WILL BE 10:00 AM TO 10:00 PM 7 DAYS A WEEK. PETITIONER IS AWARE OF THE CAMERA ORDINANCE**

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

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

APPLICATION FOR A SPECIAL EXCEPTION

FEE: \$250.00 DATE PAID: 9-21-23 RECEIPT # 98787

Proposed Use: The Peach Cobbler Factory restaurant

Address or General Location: Ivy Park

610 West  
(Attach Complete Legal Description)

Current Zoning: C-3 Area of Ground: 2.17 +/- Acres

Tax Key #: Parcel 1: 45-12-21-251-008,000-030 Present Use: 2 story offices retail  
Parcel 2: 45-12-21-251-006,000-030

USES OF ADJACENT PROPERTY TO REQUESTED SPECIAL EXCEPTION:

North 630-640 W. Lincoln Hwy. Flex Building East New Balance shoes / Salvation Army  
South US30 - Meijer West Pep Boys

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

TYPE or PRINT	
PETITIONER	OWNER
NAME: <u>430 Legacy LLC</u>	NAME: <u>DR Venture II, LLC</u>
ADDRESS: <u>9201 Wright Street</u> <u>Merrillville IN 46410</u>	ADDRESS: <u>1100 West Lincoln Highway</u> <u>Merrillville, IN 46410</u>
PHONE: <u>(219) 895-4068</u>	PHONE: <u>(219) 795-1100</u>

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

SIGNATURES:  
PETITIONER(S)

Cheri Henderson

OWNER(S)

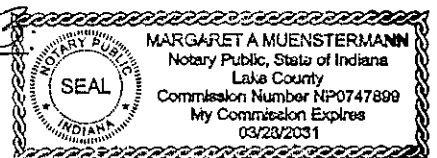
David Lasser, Manager

STATE OF INDIANA, COUNTY OF LAKE) SS

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

Dated this 20<sup>th</sup> day of September, 2023.

Margaret A Muenstermann  
Notary Public  
My commission expires: March 28, 2031



CONTACT: Cornelius Henderson PHONE # (219) 895-4068

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

SPECIAL EXCEPTION CASE # Z24E11-1023

TOWN OF MERRILLVILLE, INDIANA

BOARD OF ZONING APPEALS

DATE: October 25, 2023

*dba The Peach Cobbler Factory  
Merrillville*

Pursuant to Article III, Section 6 of the Rules and Regulations of Practice and Procedure of the Town of Merrillville Board of Zoning Appeals, Petitioner, 430 Legacy, LLC submits the following findings of fact which address the effects that Petitioner's proposed special exception for the property commonly known as Ivy Park will have on such property and to the surround area: 610 West Lincoln Highway

1. Petitioner owns the property commonly known as Ivy Park which is classified as C-3 pursuant to the terms of the zoning ordinance.

2. Petitioner has request a special exception for the following purpose:  
to lease unit 610 West Lincoln Highway for a  
The Peach Cobbler Factory restaurant

3. Petitioner submits that:

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

restaurants are permitted use by  
special exception and there is adequate  
access and parking

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

restaurants are common in C-3 zoning and  
this neighborhood

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

restaurants are common in C-3 zoning and  
this neighborhood

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

all are existing

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

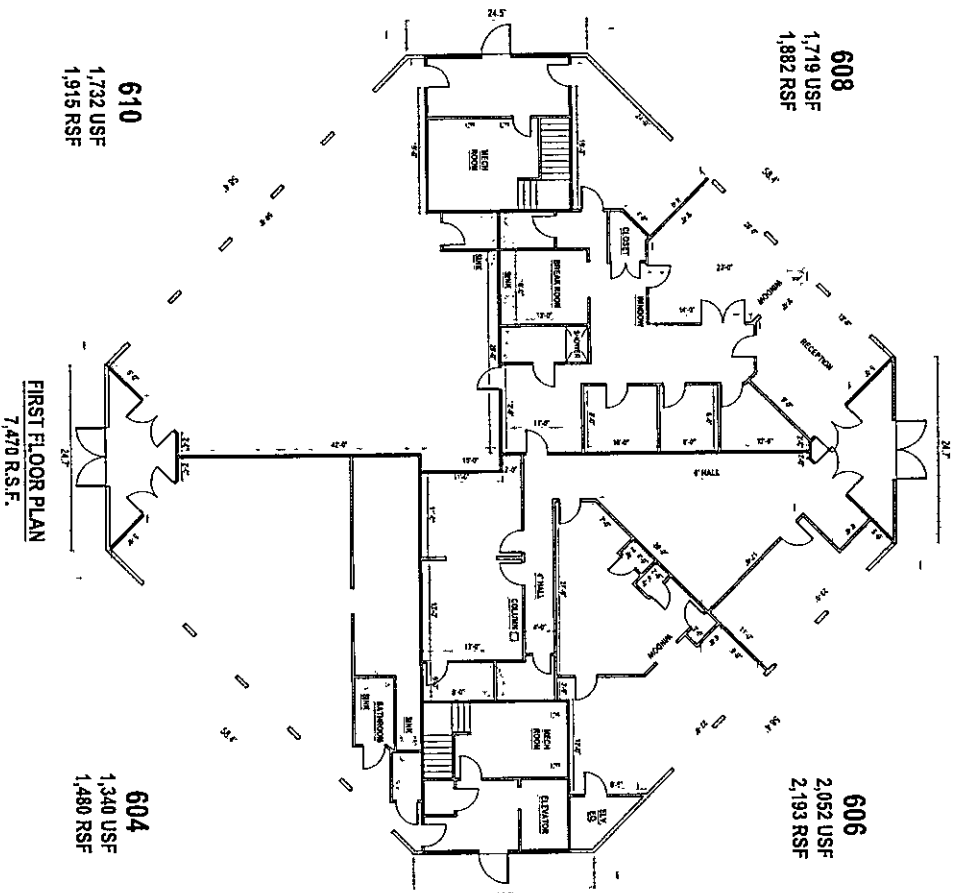
existing US 30 frontage road, nearby stoplights  
and site directional parking flow arrow striping.

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

existing building meets building codes and there  
is a demand for restaurants in this area.

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

Use	Districts																FUD
	A-1	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	C-4E	C-5	M-1	M-2	F			
Colleges universities, public and private	S	X	X	X	S	S	X	S	S	X	X	X	X	X	P		
Community center, public or private	S	S	S	S	S	S	S	P	P	X	X	X	X	X	P		
Contractors office with outside storage	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X		
Convents, monasteries and seminaries	P	S	S	S	S	S	S	S	X	X	X	X	X	X	P		
Dwelling, caretaker*	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P		
Dwelling, three-family*	X	X	X	P	P	P	X	X	X	X	X	X	X	X	P		
Dwelling, four-family*	X	X	X	P	P	P	X	X	X	X	X	X	X	X	P		
Dwelling, manufactured home*	P	P	P	P	P	P	X	X	X	X	X	X	X	X	P		
Dwelling, mobile* located in a mobile home park	X	X	X	X	X	S	X	X	X	X	X	X	X	X	P		
Dwelling, modular home*	P	P	P	P	P	P	X	X	X	X	X	X	X	X	P		
Dwelling, multiple family* (five (5) dwellings or more)	X	X	X	X	P	P	X	X	X	X	X	X	X	X	P		
Dwelling, two-family*	X	X	X	P	P	P	X	X	X	X	X	X	X	X	P		
Dwelling, single-family*	P	P	P	P	P	P	X	X	X	X	X	X	X	X	P		
Efficiency dwelling unit*	X	X	X	P	P	P	X	X	X	X	X	X	X	X	P		
Entertainment/performance excluding adult entertainment	X	X	X	X	X	X	X	S	S	P	X	X	X	X	X		
Entertainment/performance* (see adult entertainment section 21-17)	X	X	X	X	X	X	X	X	S	P	X	X	X	X	X		
Essential services*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Essential services* accessory buildings	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P		
Farms and farm buildings* (provided all buildings used for housing farm animals must be at least three hundred (300) feet from all property lines).	P	X	X	X	X	X	X	X	X	X	X	X	X	X	P		
Food sales and service as follows: Bakery, candy store dairy, delicatessen, grocery, convenience store, meat market, carry out food only, or uses similar to those listed above as determined by the planning and building administrator.	X	X	X	X	X	X	P	P	P	X	X	X	X	X	P		
*Food sales and service as follows: Restaurant, drive-in restaurant or drive thru restaurant, or uses similar to those listed above as determined by the planning and building administrator.	X	X	X	X	X	X	S	S	S	S	X	X	X	X	P		
Funeral parlor/crematory	X	X	X	X	X	X	X	S	S	X	X	S	X	X	P		
Gaming facility/off track betting	X	X	X	X	X	X	X	S	S	S	X	X	X	X	X		

[illegible]

**194 MY PARK SOUTH BUILDING, MERRILLVILLE  
604-606-608-610 WEST LINCOLN HIGHWAY, MERRILLVILLE, INDIANA  
16,160 TOTAL S.F.**

**▲ NORTH**  
**A1 FLOOR PLAN**  
**1.2 SCALE: 1/8" = 1'-0"**

PROJECT  
IVY PARK  
2 STORY  
1ST FLOOR

DATE:  
PROJECT NUMBER:  
DRAWN BY:  
CHECKED BY:  
PERMIT SET  
SHEET:  
A-1.2  
FILE NAME:





## UNIT 610



For Information Contact:

David Lasser, SIOR/CCIM

219.796.3935

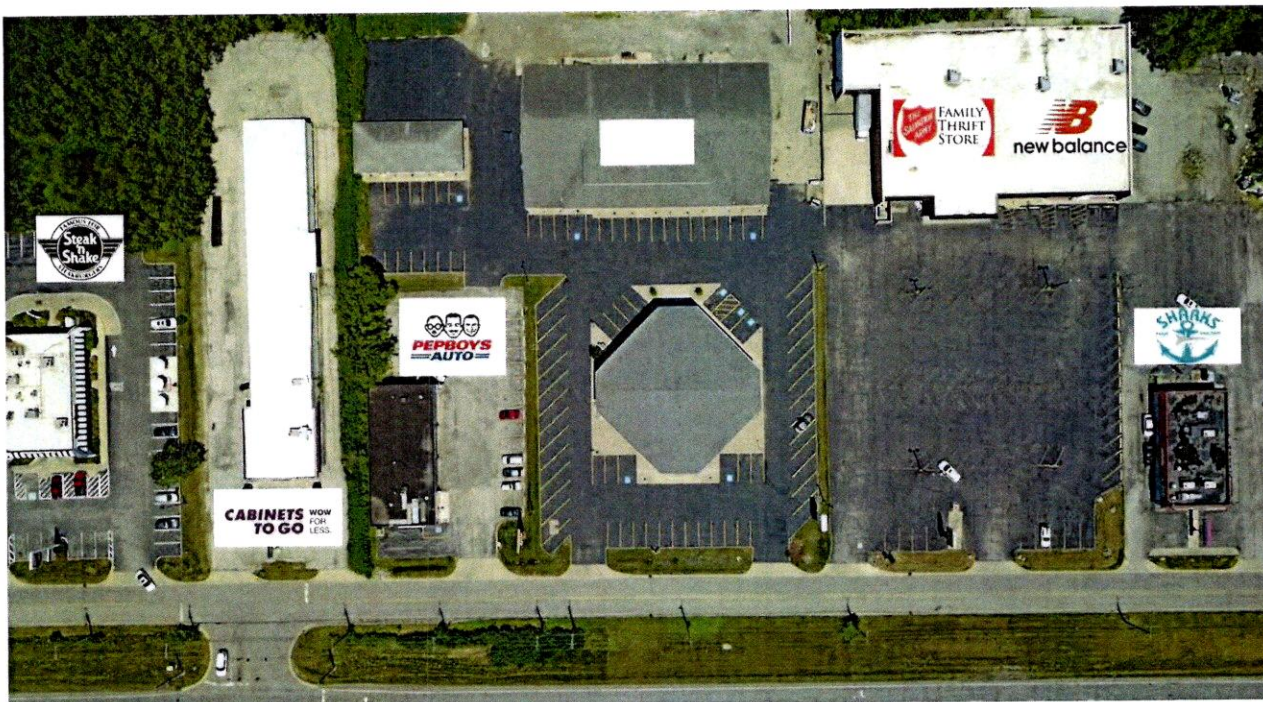
[dlasser@commercialin-sites.com](mailto:dlasser@commercialin-sites.com)

COMMERCIAL IN-SITES • 1100 WEST U.S. HIGHWAY 30 • MERRILLVILLE, IN 46410 • 219-795-1100 • [www.commercialin-sites.com](http://www.commercialin-sites.com)

All information furnished is from sources deemed reliable and is subjected to errors, omissions, change of other terms and conditions, prior sale, lease or financing or withdrawn without notice.



## AERIAL PHOTOS



For Information Contact:

David Lasser, SIOR/CCIM

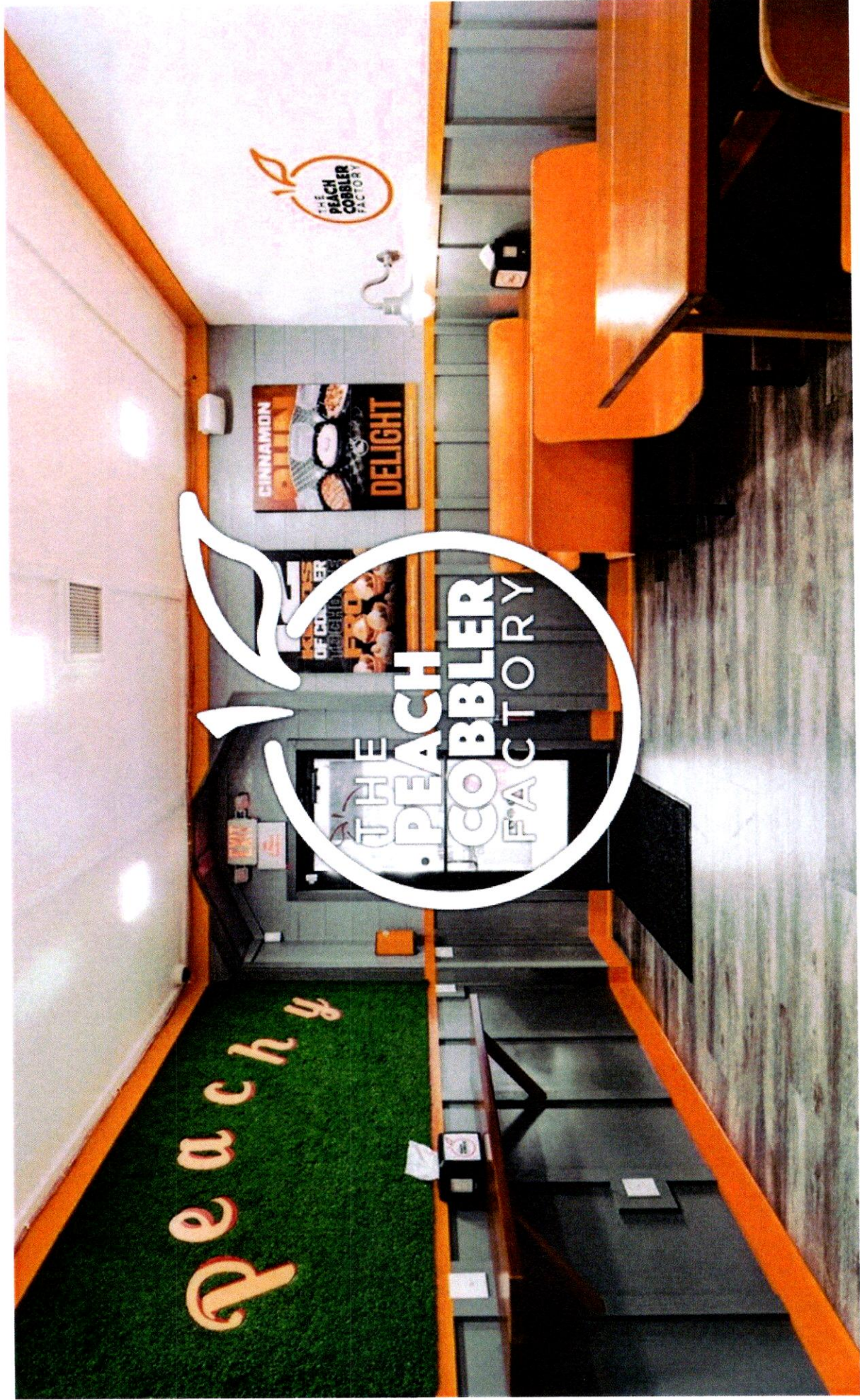
219.796.3935

[dlasser@commercialin-sites.com](mailto:dlasser@commercialin-sites.com)

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## Our Story

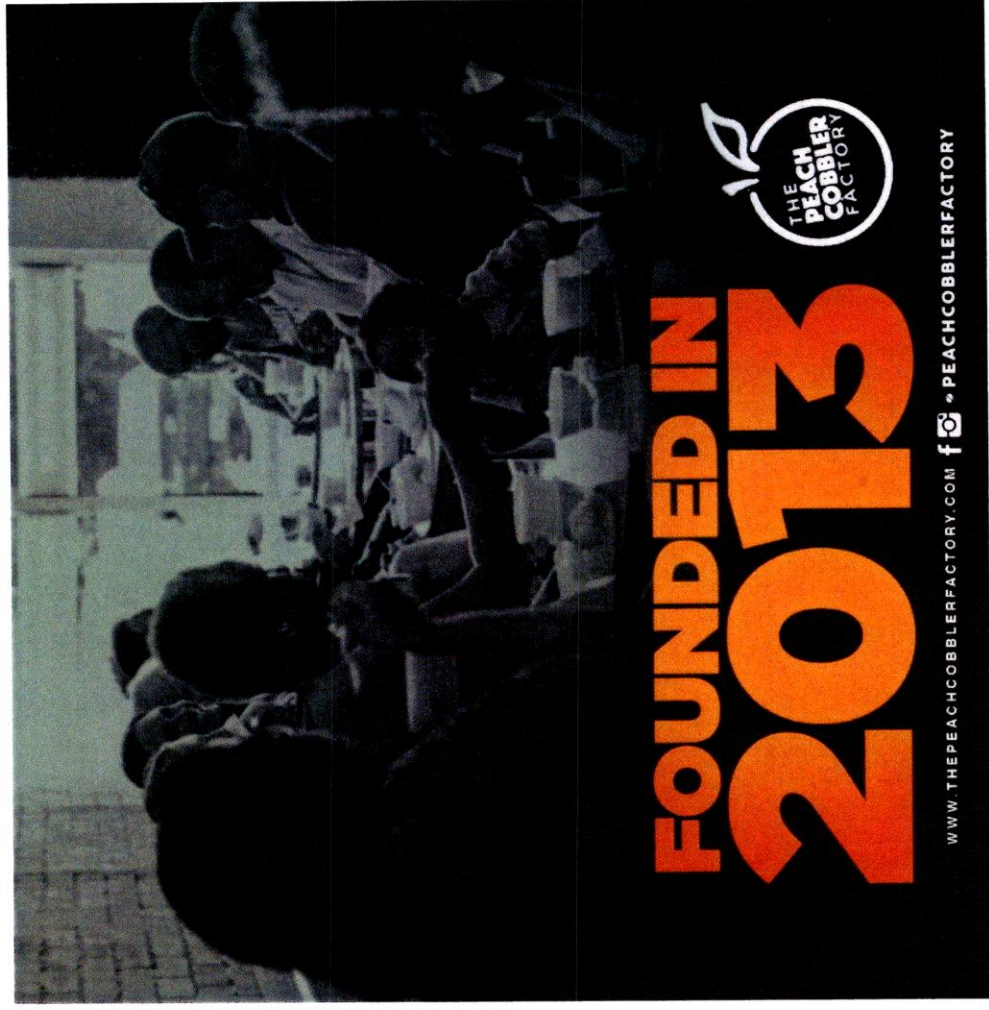


Since 2013, the Peach Cobbler Factory has been devoted to crafting delightful desserts that evoke the feeling of grandma's kitchen. Our passion for creating premium products is matched only by our commitment to providing outstanding customer service.

From cobblers to banana puddings, cinnamon rolls to shakes and cookies, the Peach Cobbler Factory offers an indulgent selection of treats that will satisfy any sweet tooth. Everything we make is prepared with care and love for each flavor-filled bite.

Come and enjoy the taste of nostalgia at the Peach Cobbler Factory!

We offer a large variety of premium cobblers, banana puddings, cinnamon rolls, shakes, and cookies.



**YOU HAD ME AT**  
**PEACH**  
**COBBLER**



**BIGGER & BETTER BROWNIES**

- SALTED CARAMEL
- CHERRY CORDIAL
- PEANUT BUTTER PRALINE
- OG BANANA PUDDING
- PEANUT BUTTER & JELLY

\* 0 - 100 CAL



**BELGIAN WAFFLES**

- STRAWBERRY
- CHERRY
- PEANUT BUTTER PRALINE
- CHOCOLATE CHIP
- PEANUT BUTTER & JELLY

\* 0 - 100 CAL



**CHURRO STIX**  
**WITH DIPPING SAUCE**

- STRAWBERRY
- CHERRY
- DULCE DE LECHE
- NUTELLA®
- OREO® CRUNCH
- PEANUT BUTTER & JELLY

\* 0 - 100 CAL

**DESSERT FLIGHTS**  
**PICK ANY 4 COBBLERS/PUDDINGS**



\* 230 - 480 CAL

**REFRESHMENTS**

**SWEET PEACHY TEA**  
\* 120 CAL

**COLD RUSH COFFEE**  
\* 120 CAL

**MILK**  
\* 150 - 190 CAL

- **STRAWBERRY**
- **CHOCOLATE**
- **2%**

**SOFT DRINKS**  
\* 0 - 240 CAL

- **COKE • DIET COKE • FANTA ORANGE**
- **ROOT BEER • SPRITE**

**BOTTLED WATER**  
\* 0 CAL

\* CALORIC VALUES ARE BASED ON A SINGLE SERVING.



## OUR MENU

### COBBLERS



- Peach • Strawberry Peach • Blackberry Peach • Mango Peach • Honey Apple • Caramel Apple • Cinnamon Praline Peach
- Apple Walnut Raisin • Strawberry • Blackberry • Cherry • Sweet Potato Pecan

### COOKIES



- Oreo® Crunch • Peanut Butter Praline • Chocolate Chocolate Chip • Nutty Nutella® • Vanilla Butterfinger® • Carnival Cookie
- Coconut Choco-Swirl • Red Velvet Sugar • Salted Caramel

### BANANA PUDDINGS



- OG or Original • Oreo® • Strawberry • Nutella® • Red Velvet • Butterfinger® • NY Cheesecake • Cherry Swirl • Bourbon Pecan
- Coconut Cream • Chocolate Chocolate Chip • Peanut Butter & Jelly



## 12 BIG COBBLER COOKIES

- Peach • Strawberry Peach • Blackberry Peach • Mango Peach • Honey Apple • Caramel Apple • Cinnamon Praline Peach
- Apple Walnut Raisin • Strawberry • Blackberry • Cherry • Sweet Potato Pecan

## PUDD-N SHAKES



- Nutella® • New York Cheesecake • Coconut • Classic (OG) • Chocolate Chocolate Chip • Cherry Swirl • Butterfinger®
- Bourbon Pecan • Strawberry • Red Velvet • Peanut Butter & Jelly • OREO®



# BIGGER & BETTER BROWNIES

• OG Banana Pudding • Cherry Cordial • Chocolate Chip • Salted Caramel • Peanut Butter Praline • Peanut Butter & Jelly



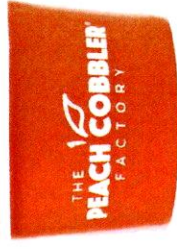
# CINNAMON ROLLS

• Vanilla • Nutella® • Apple Butter • Maple Syrup • Cobbler-Stuffed Cinnamon Roll • Peanut Butter Praline



# CHURRO STIX

• Strawberry • Peanut Butter & Jelly • OREO® • Cherry • Nutella® • Dulce De Leche





# BELGIAN WAFFLES

• Peanut Butter & Jelly • Strawberry • Peanut Butter Praline • Chocolate Chip • Cherry Belgian • Fruity Hoopz



# BEVERAGES

• Sweet Peachy Tea • Cold Rush Cold Brew Coffee • Milk - Whole, Chocolate, Strawberry • Bottled Water

**FROM:** SHEILA SHINE

**RE:** VARIANCE OF USE APPROVAL / Z25Uv7-1023

**PETITIONER:** DANIEL EL ASHMAWI

**OWNER:** LBD PROPERTIES LLC

**REQUEST:** VARIANCE OF USE APPROVAL

**PURPOSE:** PET GROOMING SERVICE AND RETAIL STORE

**GENERAL LOCATION:** 6110 BROADWAY UNIT 3

**ZONING:** M-2, LIMITED INDUSTRIAL CORRIDOR OVERLAY  
DISTRICT

**DATE OF BOARD OF ZONING APPEALS:** OCTOBER 25, 2023

**DEADLINE FOR TOWN COUNCIL ACTION:** JANUARY 23, 2023

**ACTION TAKEN BY BOARD:** APPROVED

**VOTE:** 3-0 (2) ABSENT

**CONDITIONS:** FOR THIS PETITIONER ONLY, AT THIS LOCATION  
ONLY AND FOR THIS USE ONLY



VARIANCE OF USE: CASE # 2254v7-1023

NOTICE OF BOARD OF ZONING APPEALS DECISION ON PETITION  
OF Daniel EL Ashmawi

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

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

COMMENT:

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

COMMENT:

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

COMMENT:

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

COMMENT:

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

COMMENT:

Accordingly, the Board of Zoning Appeals hereby approves/denies Petition for variance of use, Case # 2254v7-1023, from the terms of the zoning ordinance this 25th day of October 2023. The Board of Zoning Appeals, pursuant to I.C. 36-7-4-918.4, imposes the following conditions as part of its approval:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

CHAIRMAN

SECRETARY

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

**CASE NO: Z25Uv7-1023    BZA MEETING DATE: OCTOBER 25, 2023**

**PREPARED BY:                    SHEILA SHINE**

**APPLICANT:                     DANIEL EL ASHMAWI**

**PETITIONER:                  DANIEL EL ASHMAWI**

**OWNERS:                        LBD PROPERTIES LLC**

**REQUEST:                       VARIANCE OF USE APPROVAL**

**LOT SIZE:                       20.606 ACRES**

**EXISTING ZONING:            M-2, LIMITED INDUSTRIAL CORRIDOR DISTRICT**

**LOCATION:                        6110 BROADWAY UNIT 3**

**SURROUNDING USES:**

**NORTH -                        COMMERCIAL AND RESIDENTIAL**

**SOUTH -                        COMMERCIAL AND RESIDENTIAL**

**EAST -                         COMMERCIAL**

**WEST -                         VACANT**

**SURROUNDING ZONING:**

**NORTH -                        C-2, COMMUNITY COMMERCIAL DISTRICT**

**SOUTH -                        C-2, COMMUNITY COMMERCIAL DISTRICT**

**EAST -                         C-2, COMMUNITY COMMERCIAL DISTRICT**

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

**COMMENTS: PETITIONER IS SEEKING VARIANCE OF USE APPROVAL TO ALLOW PET GROOMING WITH RETAIL ON 20.606 ACRES IN A M-2, LIMITED INDUSTRIAL CORRIDOR ZONING DISTRICT. PETITIONER IS PROPOSING TO OPEN AN ANIMAL GROOMING AND RETAIL SPACE TO BE KNOWN AS DANNY THE GROOMER. THE PROPOSED LOCATION IS 6110 BROADWAY UNIT 3. THE PETITIONER IS NOT JUST A PET GROOMER. HIS GOAL IS TO EDUCATE PET OWNERS TO UNDERSTAND THE BASIC NEEDS OF PETS, FROM GROOMING TO BEHAVIOR WHICH INCLUDES THE SOCIAL NEEDS OF PETS. THE SERVICES WILL INCLUDE A DAYCARE FROM 8:00 AM TO 8:00 PM. THERE WILL BE NO OVERNIGHT STAYS OR SELLING OF PETS. THIS IS A RETAIL AND SERVICE SITE. THERE WILL BE A SELF WASH STATION. THIS STATION WILL BE SET UP WITH TV SCREENS DISPLAYING STEP BY STEP VIDEOS THAT WILL HELP YOU GIVE YOU PET A NICE BATH. HIGH END DOG AND CAT GROOMING WILL BE**

**AVAILABLE WITH AFFORDABLE PRICES. THE SITE WILL HAVE A RETAIL CENTER WITH PET FOOD AND OTHER ITEMS FOR PET. DANNY THE GROOMER OFFERS FREE GROOMING FOR K9 DOGS AND GOVERNMENT THERAPY DOGS.**

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

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

FEE: \$200.00

DATE: 10-10-23

RECEIPT # 99133

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

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

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

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

APPLICATION FILED AND PLANS RECEIVED: Date 10-10-23

ADDRESS OF PROPERTY OR GENERAL LOCATION: 6110 Broadway Unit 3

TAX KEY # 45-12-09-226  
103-000-030 CURRENT ZONING: M-2 AREA OF GROUND:

PROPOSED USED OF PROPERTY: Dog + Cat Grooming w/retail

PRESENT USE OF PROPERTY: Vacant

**USES OF ADJACENT PROPERTIES**

NORTH	Commercial Residential	EAST	Commercial
SOUTH	Commercial Residential	WEST	Vacant

**PLEASE PRINT**

PETITIONER:	OWNER:
Daniel Elashmawi	
ADDRESS: 5631 Alice Ave	ADDRESS:
CITY Hammond STATE IN ZIP 46320	CITY STATE ZIP
PHONE: (708) 943 3552	PHONE: ( )

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

PETITIONER (S) SIGNATURES

OWNERS (S) SIGNATURES

STATE OF INDIANA)

) SS

COUNTY OF LAKE )

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

DATED THIS 10th DAY OF October, 2002

Notary Public

My Commission Expires: 10-6-24

SHEILA DEANGELIA SHINE  
NOTARY PUBLIC

SEAL

STATE OF INDIANA - LAKE COUNTY

MERRILLVILLE BOARD OF ZONING APPEALS  
APPLICATION FOR VARIANCE OF USE

FEE: \$200.00	DATE:	RECEIPT #
***FILING FEE WILL NOT BE REFUNDED IF PETITION IS WITHDRAWN OR DENIED		

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

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

ADDRESS OF PROPERTY OR GENERAL LOCATION: \_\_\_\_\_

TAX KEY # \_\_\_\_\_ CURRENT ZONING: \_\_\_\_\_ AREA OF GROUND: \_\_\_\_\_

PROPOSED USED OF PROPERTY: \_\_\_\_\_

PRESENT USE OF PROPERTY: \_\_\_\_\_

USES OF ADJACENT PROPERTIES	
NORTH	EAST
SOUTH	WEST

PLEASE PRINT	
PETITIONER:	OWNER: LBD Properties LLC
ADDRESS:	ADDRESS: P.O. Box 91
CITY STATE ZIP	CITY Meridian STATE MS ZIP 39302
PHONE: ( )	PHONE: (601) 938-5323

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

PETITIONER (S) SIGNATURES

OWNERS (S) SIGNATURES

STATE OF INDIANA

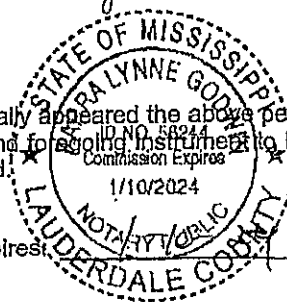
COUNTY OF LAKE ) SS

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

DATED THIS 29th DAY OF September, 2003.

Notary Public

My Commission Expires





VARIANCE OF USE - CASE # Z25UV 7-1023

## TOWN OF MERRILLVILLE, INDIANA

## BOARD OF ZONING APPEALS

DATE: October 25, 2023

Pursuant to Article II, Section 21-41 of the Rules and Regulations of Practice and Procedure of the Town of Merrillville Board of Zoning Appeals, Petitioner, Daniel El, Ashma W1 submits the following findings of fact which address the effect that Petitioner's proposed variance of use from the terms of the zoning ordinance will have on the property commonly known as 6110 Broadway Unit 3 and to the surrounding area:

1. Petitioner owns the property commonly known as \_\_\_\_\_  
Which is classified as \_\_\_\_\_ pursuant to the zoning ordinance.
2. Petitioner has requested a variance of use from the zoning ordinance for the following reasons:  
M-2 Zoning does not allow pet grooming & retail.
3. Petitioner submits that:
  - a. The proposed variance of use will not be injurious to the public health, safety, morals, and general welfare of the community because:  
It will only bring joy to our community to have a pet resort giving dog owners the opportunity to find everything they need in one spot
  - b. The proposed variance of use will not have a substantially adverse effect on the use and value of the properties adjacent to the property included in the proposed variance because:  
Because building was previously used for commercial and the space is already suitable for the use we will be giving it
  - c. The need for the proposed variance arises from some condition peculiar to the property involved in that:  
Property is zoned M-2 and not zoned for a dog grooming business
  - d. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the proposed variance is sought because:  
I would be to service the community w/ my dog grooming business
  - e. The proposed variance of use will not substantially interfere with the comprehensive master plan because:  
it will not interfere with the design of building or make a dramatic change on the use of the street mall

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





# *What's Danny The Groomer?*

**Danny The Groomer represents more than just a business...**

In 2019 after 15 years of working in the pet industry I decided it was time to bring my ideas to life me and my wonderful family designed a business model that would changed forever

the way we see pet grooming

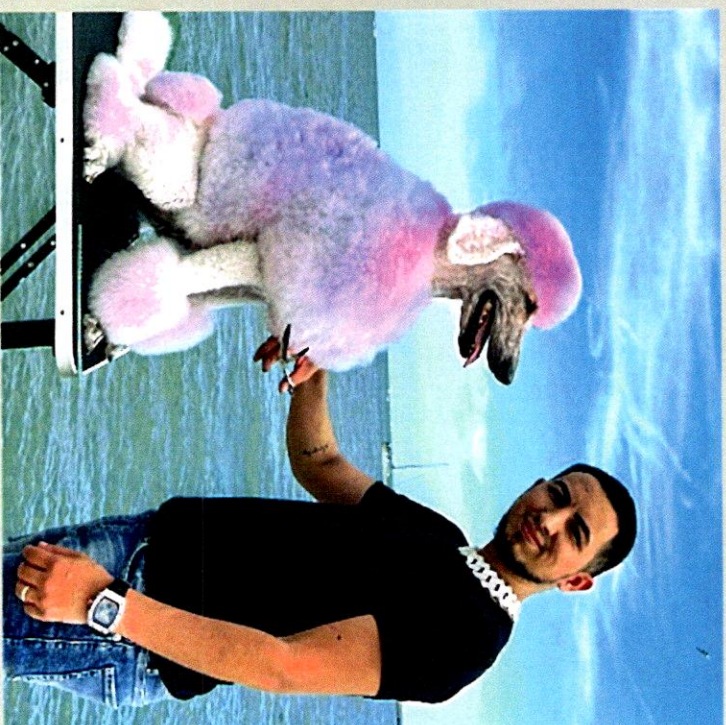
It all started with social media,

Educating people from all backgrounds to understand pets basic needs, from grooming to behavior to social needs

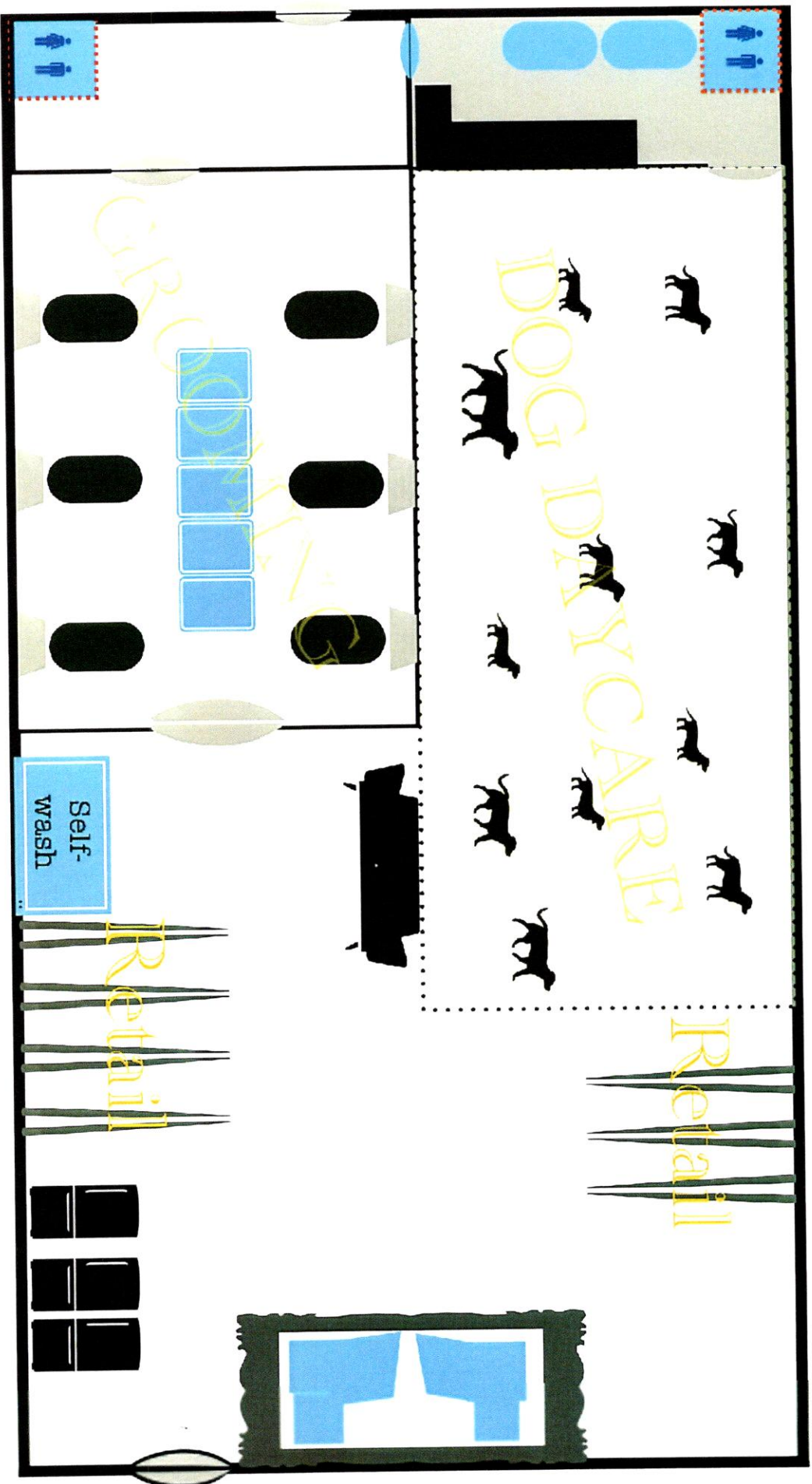
I understood that there was a need of pet owner education

and I've been using my business to help pet owners giver their

pets a better life







Danny The Groomer

Dog daycare — self-Wash — Grooming — Food

# *Our services*

## **Daycare:**

We offer daycare services for dogs, we understand that a lot of people work 8 plus hours at day to be able to afford a better quality of life and they should not have to feel guilty for working long hours living their dogs at home all day, we offer 8:00 to 8:00 pm daycare so you can go to work knowing your dog is in good hands and won't have to be sad waiting for you

## **Self wash**

We offer self wash stations, as life can be challenging at times we understand paying for a full service grooming sometimes can be a little too much, we offer a do it yourself station with tv screens displaying step by step videos that will help you accomplish a nice bath for you pet without the need of the service of a professional

## **Dog and Cat grooming**

We offer high end pet grooming at a affordable price, as we understand Indiana laws do not require a pet grooming degree we ensure all of our employees are internationally certified by the best programs available, we rule by we do what the pet needs not what the owner wants, meaning we do everything according to the worldwide studies meaning we won't do anything that could harm the dog and promise to always do safe haircuts and treatments to pets regardless of the owners request, pets health comes first and educating their owners too

## **Retail**

We offer Dog food and accessories, after finding there are no pet stores around the area we decided to add retail to our location, bringing the best brands and high quality accessories to Merrillville



# Price List

## Dog grooming

Extra small \$55

Small breed haircut \$65

Medium breed haircut \$75

Large breed haircut \$85

Doodle haircut \$95-\$125



Teeth cleaning \$10

Deshedding \$10

Nail clipping \$10

Nail buffing \$5

Nail polish \$15

Dye on paws

Small breed \$25

Medium breed \$35

Large breed \$45

X large breed \$65

## Cat grooming

\$80



## Cat nail clipping

\$15





# Community support



**Our goal will always be our community first**  
From creating workshops for our youth with special needs to offering them full time jobs

We offer free grooming services to all K9 dogs and government therapy dogs



We work directly with our local high schools to provide after school programs for youth to learn how to groom and eventually hire them





**FROM:** SHEILA SHINE

**RE:** VARIANCE OF USE APPROVAL / Z27Uv5-1023

**PETITIONER:** STYLESAVERS LLC

**OWNER:** LBD PROPERTIES LLC

**REQUEST:** VARIANCE OF USE APPROVAL

**PURPOSE:** RETAIL STORE

**GENERAL LOCATION:** 6110 BROADWAY UNIT 13

**ZONING:** M-2, LIMITED INDUSTRIAL CORRIDOR OVERLAY DISTRICT

**DATE OF BOARD OF ZONING APPEALS:** OCTOBER 25, 2023

**DEADLINE FOR TOWN COUNCIL ACTION:** JANUARY 23, 2023

**ACTION TAKEN BY BOARD:** APPROVED

**VOTE:** 3-0 (2) ABSENT

**CONDITIONS:** FOR THIS PETITIONER ONLY, AT THIS LOCATION ONLY AND FOR THIS USE ONLY

VARIANCE OF USE: CASE # 227UV8-1023

NOTICE OF BOARD OF ZONING APPEALS DECISION ON PETITION  
OF Style Savers LLC

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

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

COMMENT:

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

COMMENT:

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

COMMENT:

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

COMMENT:

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

COMMENT:

Accordingly, the Board of Zoning Appeals hereby approves/denies Petition for variance of use, Case # 227UV8-1023 from the terms of the zoning ordinance this 25th day of October 2023. The Board of Zoning Appeals, pursuant to I.C. 36-7-4-918.4, imposes the following conditions as part of its approval:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

[Signature]  
CHAIRMAN

[Signature]  
SECRETARY

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

**CASE NO: Z27Uv8-1023    BZA MEETING DATE: OCTOBER 25, 2023**

**PREPARED BY:                    SHEILA SHINE**

**APPLICANT:                    STYLE SAVERS LLC**

**PETITIONER:                   SYTLE SAVERS LLC**

**OWNERS:                        LBD PROPERTIES LLC**

**REQUEST:                      VARIANCE OF USE APPROVAL**

**LOT SIZE:                       20.606 ACRES**

**EXISTING ZONING:            M-2, LIMITED INDUSTRIAL CORRIDOR DISTRICT**

**LOCATION:                       6110 BROADWAY UNIT 13**

**SURROUNDING USES:**

**NORTH -                        COMMERCIAL AND RESIDENTIAL**

**SOUTH -                        COMMERCIAL AND RESIDENTIAL**

**EAST -                          COMMERCIAL**

**WEST -                         VACANT**

**SURROUNDING ZONING:**

**NORTH -                        C-2, COMMUNITY COMMERCIAL DISTRICT**

**SOUTH -                        C-2, COMMUNITY COMMERCIAL DISTRICT**

**EAST -                          C-2, COMMUNITY COMMERCIAL DISTRICT**

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

**COMMENTS: PETITIONER IS SEEKING VARIANCE OF USE APPROVAL TO ALLOW A RETAIL STORE ON 20.606 ACRES IN A M-2, LIMITED INDUSTRIAL CORRIDOR ZONING DISTRICT. PETITIONER IS PROPOSING TO OPEN A RETAIL STORE TO BE KNOWN AS STYLE SAVERS. THE PROPOSED LOCATION IS 6110 BROADWAY UNIT 13. THIS STORE WAS PREVIOUSLY A FURNITURE STORE. STYLE SAVER WILL TURN THIS 13, 500 SQ FT VACANT SPACE INTO A RETAIL STORE WITH CLOTHING, ACCESSORIES, SHOES AND HOME GOODS. THE STORE WILL HAVE APPROXIMATELY 3 EMPLOYEES. THE HOURS OF OPERATION ARE 10:00 AM – 6:00 PM SEVEN DAYS A WEEK. PETITIONER IS AWARE OF THE CAMERA ORDINANCE.**

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



MERRILLVILLE BOARD OF ZONING APPEALS  
APPLICATION FOR VARIANCE OF USEFEE: \$200.00 DATE: Oct. 4, 23 RECEIPT # 992.35  
\*\*\*FILING FEE WILL NOT BE REFUNDED IF PETITION IS WITHDRAWN OR DENIED

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

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

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

APPLICATION FILED AND PLANS RECEIVED: Date Oct. 4, 2023  
ADDRESS OF PROPERTY OR GENERAL LOCATION: Crossroads Plaza  
TAX KEY 45-12-09-226 003.000-030 CURRENT ZONING: IND AREA OF GROUND: Unit 13  
PROPOSED USED OF PROPERTY: Commercial, Retail  
PRESENT USE OF PROPERTY: Vacant

USES OF ADJACENT PROPERTIES			
NORTH	<u>Commercial/Residential</u>	EAST	<u>Commercial</u>
SOUTH	<u>Commercial/Residential</u>	WEST	<u>Vacant</u>

PLEASE PRINT			
PETITIONER:	<u>Gia Mattei</u>	OWNER:	<u>LBD Properties LLC</u>
ADDRESS:	<u>822 S. Main Street</u>	ADDRESS:	<u>P.O. Box 91</u>
CITY:	<u>Evansville</u>	CITY:	<u>Meriden</u>
STATE:	<u>IN</u>	STATE:	<u>MS</u>
ZIP:	<u>47715</u>	ZIP:	<u>39302</u>
PHONE:	<u>(317) 292-0318</u>	PHONE:	<u>(601) 918-5323</u>

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

PETITIONER (S) SIGNATURES

Gia Mattei

OWNERS (S) SIGNATURES

[Signature]

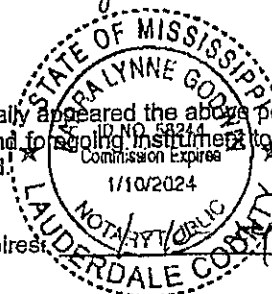
STATE OF INDIANA)

COUNTY OF LAKE) SS

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

DATED THIS 20th DAY OF September, 2023[Signature]  
Notary Public

My Commission Expires



VARIANCE OF USE - CASE # 2274V8-1023

## TOWN OF MERRILLVILLE, INDIANA

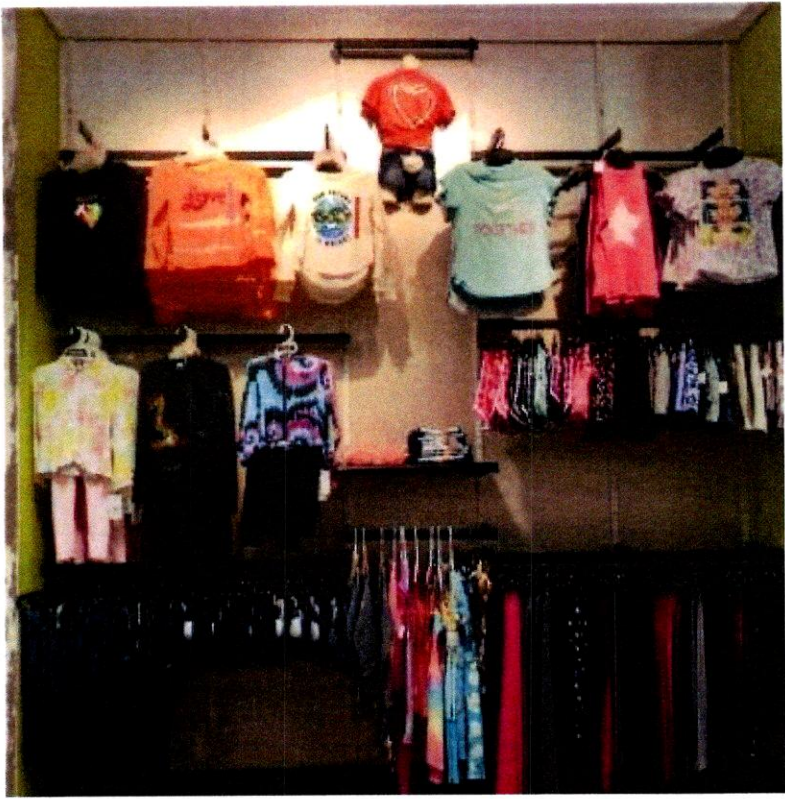
## BOARD OF ZONING APPEALS

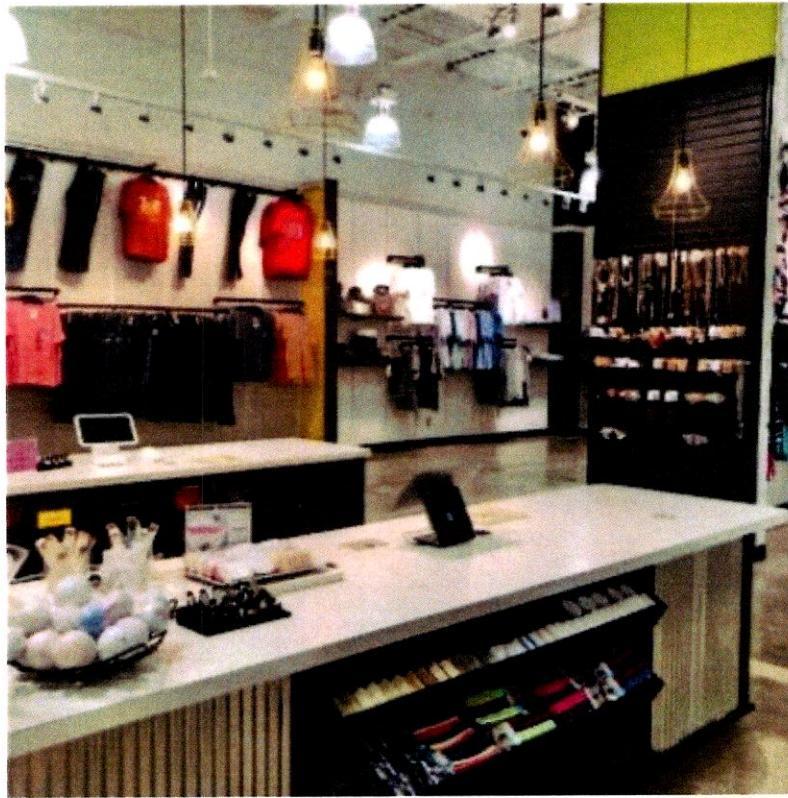
DATE: October 25, 2023

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

1. Petitioner owns the property commonly known as 610 Broadway Unit Which is classified as \_\_\_\_\_ pursuant to the zoning ordinance.
2. Petitioner has requested a variance of use from the zoning ordinance for the following reasons:  
Zoned as Industrial, not zoned for clothing
3. Petitioner submits that:
  - a. The proposed variance of use will not be injurious to the public health, safety, morals, and general welfare of the community because:  
No, this is a clothing + Jewelry Store and home decorations.
  - b. The proposed variance of use will not have a substantially adverse effect on the use and value of the properties adjacent to the property included in the proposed variance because:  
It is a retail store, we take great pride in the appearance of our store
  - c. The need for the proposed variance arises from some condition peculiar to the property involved in that: We need this variance because of zoning.
  - d. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the proposed variance is sought because:  
We won't be able to open and the property will be vacant.
  - e. The proposed variance of use will not substantially interfere with the comprehensive master plan because: This is a retail space that won't interfere with the comprehensive plan

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



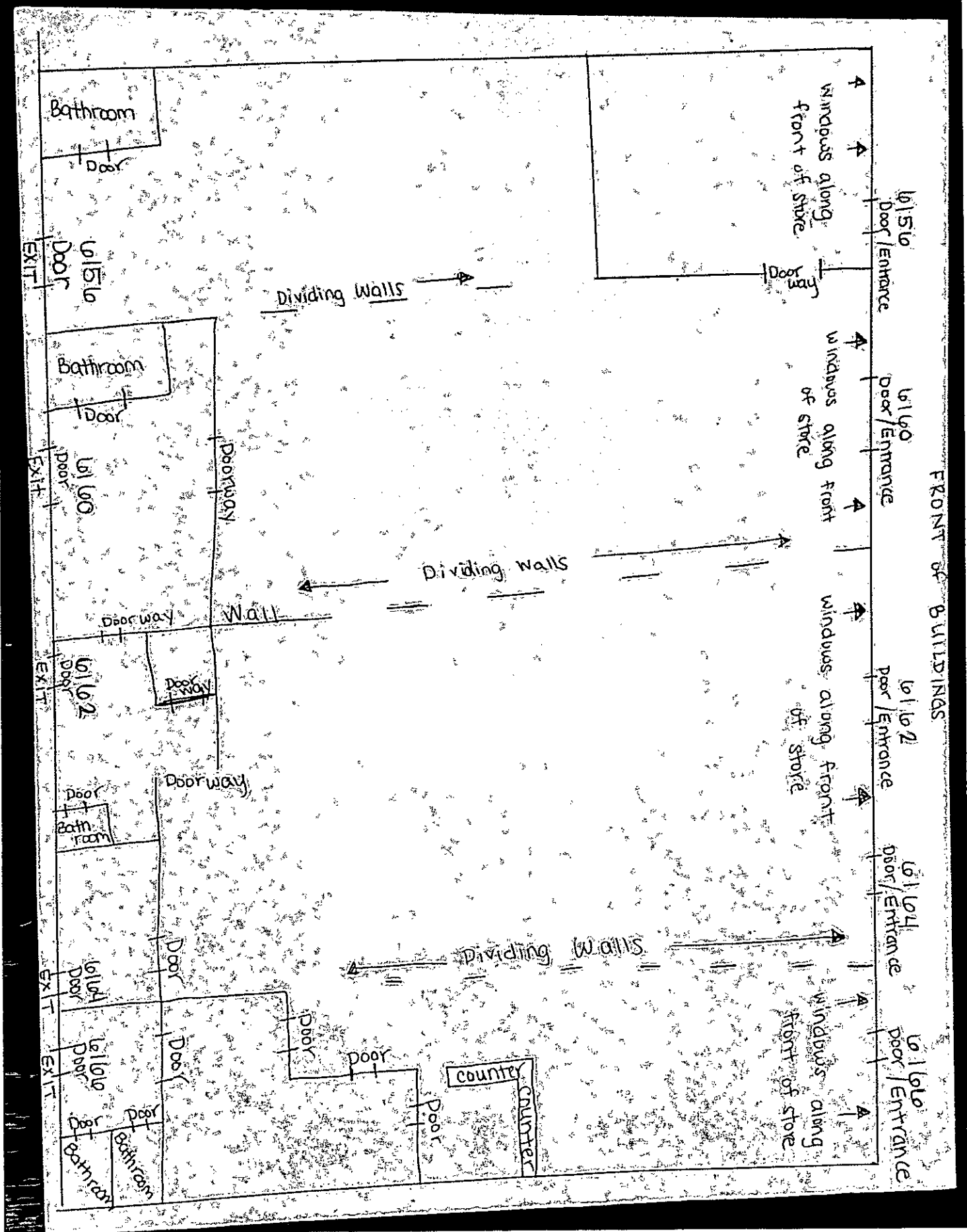








FRONT OF BUILDINGS



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

DATE: NOVEMBER 14, 2023

00PREPARED BY: SHEILA SHINE

APPLICANT: KRIS SIMONOVSKI

REQUEST: APPROVAL FOR LARGE GATHERING PERMIT

PURPOSE: WINTER WONDER LIGHTS

LOCATION: APPROXIMATELY 7595 E LINCOLN HIGHWAY

DATE(S) OF LARGE GATHERING: NOVEMBER 24, 2023 -

DECEMBER 29, 2023

TIME: SUN – SAT 5 – 10 PM

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

ANTICIPATED VISITORS WILL BE A MAXIMUM OF 2,000 CARS PER DAY, SINCE A MAXIMUM OF 5,000 TICKETS SOLD PER DAY. SECURITY PLANS WILL BE CONFIRMED BY THE MERRILLVILLE POLICE DEPARTMENT AS WELL A FIRE SAFETY PLAN BY THE MERRILLVILLE FIRE DEPARTMENT.

THERE WILL BE 2 PORTABLE WATER FACILITIES FROM SERVICE SANITATION. THERE WILL BE 1 MALE TOILET FACILITIES & 1 FEMALE TOILET FACILITIES TO USE. THERE WILL BE 1 DUMPSTER & 4 TRASH CONTAINERS ONSITE AND WILL BE MAINTAINED BY SERVICE SANITATION. THERE WILL NOT BE TELEPHONE SERVICE AVAILABLE TO THE PUBLIC. ON – SITE PARKING WILL NOT BE AVAILABLE. NO OVERNIGHT STAYS WILL BE PART OF THE ASSEMBLY.

VEHICLES WILL ENTER THROUGH THE NORTHWEST ENTRANCE. THEY WILL FOLLOW A GRAVELED CHRISTMAS LIGHTED TRAIL AND TRAFFIC ATTENDANTS INTO WAITING LINES AT THE EAST SIDE OF THE PROPERTY. EVERYONE WILL REMAIN IN THEIR VEHICLES THROUGHOUT THE EXPERIENCE. THE WAITING LINES WILL ALLOW EMPLOYEES TO COLLECT ENTRANCE FEES FROM EACH CUSTOMER. EACH LANE WILL THEN BE RELEASED ONE AFTER ANOTHER THROUGH THE TRAIL IN AN ORDERLY FASHION. AS THE VEHICLES DRIVE THROUGH THE TRAIL, THEY ARE ENTERTAINED WITH

CHRISTMAS LIGHTS AND SCENES WHICH ARE SET THROUGHOUT THE PROPERTY. CHRISTMAS MUSIC WILL BE HEARD ONLY INSIDE THE CAR BY RADIO STATION. ONCE THEY ARE APPROACHING THE EXIT, THEY ARE DIRECTED TO DEPART THE EVENT THROUGH THE SOUTH SIDE OF THE BORDERING CHURCH AND OUT TO 83<sup>RD</sup> AVE.

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

TOWN OF MERRILLVILLE  
LARGE GATHERING ORDINANCE  
APPLICATION FORM

Name of Festival or Activity: Winter Wonderlights

Address of Festival or Activity: 7595 E. Lincoln Hwy Merrillville, IN 46410  
(if common address unavailable attach legal description)

Contact Person for Activity: Kris Simonovski

Address: 10308 Sneed St. Crown Point, IN 46307

Phone: (219) 671-5551

Notarized application and signatures by the following:

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

Record Owners(s) of the Property:

	NAME	ADDRESS	PHONE
1.	<u>Sandre Krcoski</u>	<u>10784 Arizona St. Crown Point, IN</u>	<u>219-746-0474</u>
2.			
3.			
4.			
5.			

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

STATE OF INDIANA )  
                                  ) SS  
COUNTY OF LAKE )

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

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

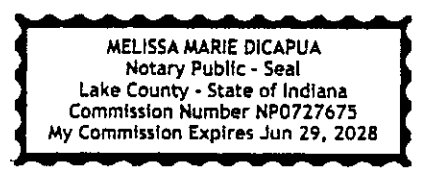
Signature(s) of Owner(s) and Applicant(s):

[Signature] (Owner/Applicant)  
\_\_\_\_\_  
(Owner/Applicant)  
\_\_\_\_\_  
(Owner/Applicant)  
\_\_\_\_\_  
(Owner/Applicant)

Subscribed and sworn to before me this 18 day of October, 2002

Melissa Marie DiCapua  
Notary Public  
My Commission Expires: June 29, 2028

Seal:





**ASSEMBLY SPECIFICATIONS**

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

1. What is the nature or purpose of your assembly? Christmas Light display (Drive Thru)
2. How many days and what hours is the assembly to operate? (Include dates) 11/23/23 - 12/29/23  
TH FR SA SUN 5-10 PM
3. What will be the maximum number of people permitted to assemble per day? (If overnight, attach additional descriptions of assembly) 1,000
4. How many tickets are to be sold? 5,000
5. How will your organization limit the maximum number of people at your assembly? Traffic Control
6. How many potable water facilities will be used? (i.e. drinking fountains, water spigots) 0
7. How many toilet facilities are available for male/female? (Indoor also, if to be used)

MALE 1FEMALE 1

8. Who will be responsible for maintaining the toilet facilities?

Company Name Service SanitationAddress 135 Blaine St. Gary, IN 46408

9. What means of disposal do they use? N/A
10. How many dumpsters for solid waste material and trash containers does your event require? Describe your solid waste disposal plans and list your waste hauler.

Number of Dumpsters: 1 Number of Trash Containers: 3Waste Hauler: Republic ServicesAddress: 865 Wheeler St. Crown Point

11. Do you have telephone service available to the public? No
12. Do you have on-site parking facilities? No  
 Approximately how many spaces? N/A
13. Does all parking have paved access from a public street(s)? Yes
14. Do you plan to use other parking from surrounding property owners?  
 Yes \_\_\_\_\_ No ✓

If **YES**, list the names and addresses of those areas/facilities you will be using on a separate piece of paper. **A signed letter from the owner of these facilities is required to be attached to that list and both lists and letters are to be attached to this application.**

15. Will camping and overnight stays be part of your assembly? YES \_\_\_\_\_ NO ✓  
 If YES, describe all aspects of facility locations.

16. Will entertainment be supplied with the assembly? YES \_\_\_\_\_ NO ✓  
 If YES, what type? (i.e. bands, disc jockey, records, performers, etc.)  
**List the names and addresses of those individuals or groups involved in the entertainment, and the dates/nights of live entertainment.**

**NOTE:**

Sound control and amplification locations shall be noted on the site plan.  
Power of amplifiers and speakers shall also be located on the site plan.  
Supply above items to the best of your ability. Please be aware that  
nuisance violations for sound will be used if assembly is too loud for  
surrounding property owners.

17. Will animals be part of the assembly? No. If so, what plans are being provided for containment of the animals, disposal of animal waste and any odor arising from the animals?
18. List locations of all interior fire protection devices, i.e. alarms, extinguishes. Example: The front door have pull station fire alarm devices with alarms located at all interior halls and exists. Fire extinguishers are located as follows: *Does not apply. outdoors*
1. Type ABC at all south exits, twenty feet (20') to doorways.
  2. Type ABC in kitchen next to entrance/exit doors.
19. A list is to be attached with the names and addresses of food concessions. Lake County Health Department License or permit "No Food" number shall also be included in the list.
20. Will alcohol be served during event? Yes      No ✓ If yes, a copy of liquor license/ permit is required to be included with submittal.

**YOUR SITE PLAN SHALL SHOW THE FOLLOWING:**

1. Portable Water Locations.
2. Public Sewer Locations.
3. Toilet Facilities for Male & Female.
4. Dumpster and Trash Containers.
5. Illumination. Please indicate on the site plan all locations of illumination by Light poles (LP) and by Building Lamps (BL).
6. Telephone Service -- (Phone Booth—PB).
7. Parking, Interior Roads, Access to Public Streets
8. Concession Areas.
9. **PUBLIC SAFETY**
  - A. All access points available to public and all access points available only to emergency personnel.
  - B. Gated and/or guarded points of travel for traffic and people.
  - C. Locations of fire protection devices ( i.e. extinguishers) that will be located outside.

**APPLICATION SUBMITTALS:**

**APPLICATION/PERMIT COST: \$100.00 NON-REFUNDABLE**

Submit this application to the Planning and Building Department of the Town of Merrillville at least sixty (60) days prior to your event. Within thirty-five (35) days you will be notified of the status of this application and permit. The Town Council approves all Large Gathering Permits.

A bond in the amount of five dollars (\$5.00) per person per day for the maximum number of persons to assemble with a minimum of two thousand dollars (\$2000) is required. The bond shall indemnify and hold harmless the Town of any of its agencies, officers, or employees from any liability or cause of action that might arise by reason of granting the license and any cost occurred in cleaning up any waste material produced or left by assembly. Also, guarantees the payment of any taxes that may accrue, guarantees reimbursement of ticket holders if event is cancelled, guarantees repayment to Town for actual expenses of repair or replacement of

property owned by Town and to reimburse the Town for any security or cost incurred by the Town by virtue of the assembly for additional police for the necessity to provide ambulance services, fire services, etc. by virtue of the assembly.

Liability Insurance Certificates are permissible provided the amount meet or exceed the bond amount scheduled above.

Question concerning this application or the Large Gathering Ordinance of the Town of Merrillville can be addressed by the Planning and Building Department. Phone (219) 769363 or 769-4670. Questions concerning gambling as provided in the Indiana State law can be addressed by the Merrillville Police Department (219) 769-3722.

Winder WonderLights

Large Gathering Permit Application

10/18/2023

Merrillville Police Department will provide security for the event.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
10/10/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Diana L. Killingbeck	
Diana L. Killingbeck	PHONE (A/C, NO, EXT): 219-324-2044	FAX (A/C, NO): 219-324-2166
506 J St	E-MAIL ADDRESS: dkillingbeck@farmersagent.com	
La Porte, IN 46350	INSURER(S) AFFORDING COVERAGE	NAIC #
INSURED	INSURER A: Scottsdale Insurance Company	
Winter Wonder Lights, LLC	INSURER B:	
1505 Lakewood Lane	INSURER C:	
Schererville, IN 46375	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAME ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDTL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			CPS7876790	10/07/2023	10/07/2024	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea Occurrence) \$ 100,000
							MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:						PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	ANY AUTO OWNED AUTOS ONLY HIRED AUTOS ONLY	SCHEDULED AUTOS NON-OWNED AUTOS ONLY					
	UMBRELLA LIAB EXCESS LIAB	OCCUR CLAIMS-MADE					EACH OCCURRENCE \$ AGGREGATE \$ \$
	DED	RETENTION \$					
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE OTHER \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A				E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Location address: 7595 E Lincoln Highway Merrillville, IN 46410

CERTIFICATE HOLDER

CANCELLATION

Town of Merrillville 7820 Broadway Merrillville, IN 46410	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Diana L. Killingbeck</i>
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ACORD 25 (2016/03)

11-1769 11-15

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## Permission for Land Use

I, Sandre Krcoski, lease to Winter Wonderlights LLC and its owners the property located at 7595 E Lincoln Highway, Merrillville, IN 46410 for their intended business use, for the term of 1/1/2023 – 1/31/2024.

This agreement may be renewed with the approval of both the property owner and Winter WonderLights, LLC at the end of the agreement period.

Sandre Krcoski

Property Owner Signature

10-18-2023

Date

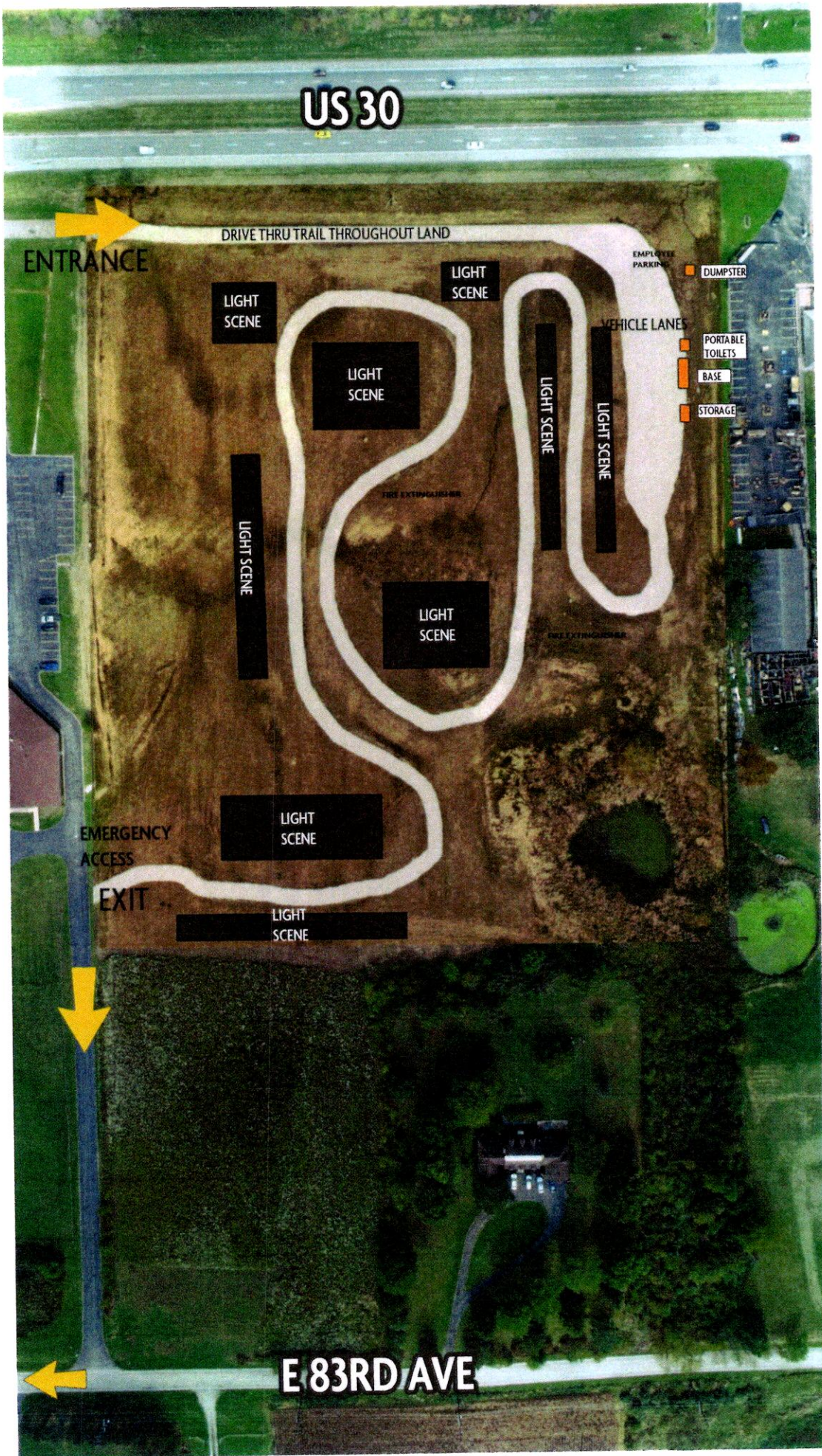
K. P. L.

Winter WonderLights, LLC

10/18/2023

Date





WINTER WONDERLIGHTS SITE PLAN



# NOVEMBER 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2
OPEN 5-10 PM				OPEN 5-10 PM	OPEN 5-10 PM	OPEN 5-10 PM