

**Enrolled Minutes of the Ninetieth Regular or Special Meeting  
For the Twenty-Sixth Highland Town Council  
Regular Meeting  
Monday, August 22, 2011**

*Study Session.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, August 22, 2011 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Brian Novak were present. Councilor Konnie Kuiper was absent owing to work. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the imminent agenda of the regular meeting.
2. The Town Council discussed a newly adopted election law that provides that any office that is unopposed will not be on the ballot at the municipal election, particularly IC 3-10-6-7.5.

The study session ended at 6:59 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, August 22, 2011 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian Novak presided and the Town Clerk-Treasurer was present to memorialize the proceedings. The meeting was opened with Councilor Dan Vassar reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Brian Novak. Councilor Konnie Kuiper, absent owing to work, *did not arrive at the meeting until 7:36 p.m.* The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Cecile Petro, Redevelopment Director; and Katy Dowling, Deputy Clerk-Treasurer were present.

**Also Present:** Peggy Glennie, Select Centennial Commission member; Michael Maloney of the Redevelopment Commission; and Ed Dabrowski, IT Director were also present.

**Minutes of the Previous Session**

The minutes of the regular meeting of 08 August 2011 were approved by general consent.

**Special Orders**

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2011 Budget for the Major Moves Fund in the amount of \$79,553.32, Gaming Revenue Sharing Fund in the amount of \$150,000.00 and the General Improvement Fund, in the amount of \$44,000.00.
  - (a) Attorney verification of Proofs of Publication: The TIMES 10 August 2011 The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1.

(b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments written or spoken. The hearing was closed.

(c) Action on **Appropriation Enactment No. 2011-33:** An Enactment Appropriating Additional Moneys in Excess of the 2011 Budget for the Major Moves Fund in the amount of \$79,553.32, Gaming Revenue Sharing Fund in the amount of \$150,000.00 and the General Improvement Fund, in the amount of \$44,000.00.

Councilor Herak introduced and moved the consideration of Enactment No. 2011-33 at the same meeting of introduction. The motion was seconded by Councilor Vassar. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2011-33 at the same meeting of introduction. The motion was seconded by Councilor Vassar. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of introduction.

**Town of Highland  
Appropriation Enactment  
Enactment No. 2011-33**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the MAJOR MOVES FUND, GAMING REVENUE SHARING FUND, AND THE GENERAL IMPROVEMENT FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, AND I.C. 36-10-3 ET SEQ.**

**WHEREAS,** Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Major Moves Fund, the Gaming Revenue Sharing Fund, and the General Improvement Fund;**

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

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

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Major Moves Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

MAJOR MOVES FUND

Acct. 4XX.XX Construction, Reconstruction of Street:	\$ 79,553.52
<i>Total Series:</i>	\$ 79,553.52
<b>Total for Fund:</b>	<b><u>\$ 79,553.32</u></b>

**Section 2.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Gaming Revenue Sharing Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

GAMING REVENUE SHARING FUND

Acct. 4XX.XX Construction, Reconstruction of Street:	\$ 150,000.00
<i>Total Series:</i>	\$ 150,000.00
<b>Total for Fund:</b>	<b><u>\$ 150,000.00</u></b>

**Section 3.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **General Improvement Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

GENERAL IMPROVEMENT FUND

Acct. 4XX.XX Const. Curbs & Sidewalk Woodward Ave GID:	\$ 44,000.00
<i>Total Series:</i>	\$ 44,000.00
<b>Total for Fund:</b>	<b><u>\$ 44,000.00</u></b>
(Not supported by property tax)	

**Section 4.** That the aggregate sum of the General Improvement Fund appropriation and all other appropriations to the Fund in the current year do not exceed the equivalent of sixteen and sixty-seven hundredths cents (\$.1667) on each one hundred dollars (\$100) of net taxable valuation of property in the Municipality, such limitation being in this current year, FY 2011, the estimated amount of One million, seven hundred twenty-four thousand, six hundred thirty-two dollars (\$ 1,724,632), all pursuant to the provisions of I.C. 36-9-17-5(c).

**Section 5.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 6.** 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 22<sup>nd</sup> Day of August 2011. Consideration on the same day or at same meeting of introduction experienced a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 22<sup>nd</sup> Day of September 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

**Brian J. Novak, President (IC 36-5-2-10)**

**ATTEST:**

**Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

2. **Public Hearing.** Considering remonstrances against the amounts set forth in the Preliminary Determination of Assessments by the Town Council associated with a project to improve the 8700-8900 blocks of Woodward Avenue to be known as the **Woodward Avenue Reconstruction Project** financing the cost of these improvements through the Municipal General Improvement Fund. (Works Board Order No. 2011-28)
  - (a) Verification of Proofs of Publication. (IC 5-3-1; IC 36-9-17) (TIMES 11 Aug 2011) The Town Attorney verified the proofs, finding them in compliance with IC 5-3-1 and IC 36-9-17 *et seq.*
  - (b) **Open Public Hearing.** *Public Hearing Issue:* Whether the lots or tracts of land have been or will be benefited by the Improvements in the amount set forth in the Assessment Roll, such greater or lesser amount, or any amount at all.
    1. Marie Smith, 8918 Woodward Avenue, Highland, inquired whether or not sidewalks were to be replaced and what was necessary in order for the sidewalk to qualify. *Ms. Smith was advised that all sidewalk was scheduled to be replace, and those portions deemed to a hazard under the maintenance rules, would be additionally assessed to the contiguous property owner.*
    2. Joanne Chandler, 8837 Woodward Avenue, Highland, indicated that she had not received a notice of assessment and that her property was recently sold, with the closing to take place on September 10. Ms. Chandler was seeking to inform the sale's closure.

There being no further public comments, the Town Council President closed the hearing.
- (c) Consideration of (Confirmatory) **Works Board Order No. 2011-32:** An Order Confirming the Special Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the Woodward Avenue Reconstruction Project. (*As drafted the waived repayment would be over four years an Interest rate of 7%*)

Councilor Zemen moved the passage and adoption of Works Board Order No. 2011-32, particularly moving that the length of any waived assessment be four years and the interest rate be 7%. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted. The assessments were approved and confirmed.

TOWN OF HIGHLAND  
WORKS BOARD ORDER NO. 2011-32

AN ORDER CONFIRMING THE SPECIAL MUNICIPAL GENERAL IMPROVEMENT FUND SPECIAL ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING FROM THE WOODWARD AVENUE RECONSTRUCTION PROJECT

**WHEREAS**, On August 8, 2011, the Town Council of the Town of Highland, Indiana, adopted Order of the Works Board No. 2010-28 entitled "A Preliminary Order Adopting and Approving Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the Woodward Drive Reconstruction Project", a copy is attached hereto as Exhibit "A"; and

**WHEREAS**, The Town Council has held a public hearing, after publication of notice as required by law, and has received and heard all remonstrance from owners of property described in the notice regarding Works Board Order No. 2011-28; and

**WHEREAS**, The Town Council now desires to confirm Works Board Order No. 2011-28.

**NOW, THEREFORE**, Be it ordered by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Town Council hereby confirms Works Board Order No. 2011-28;

**Section 2.** That the Town Council hereby sustains the presumptive assessments as indicated on the Assessment Roll by confirming the presumptive assessment against each of the properties described in the Assessment Roll, which confirmation is based upon this Town Council's findings concerning the special benefits that each property has received or will receive on account of the Improvements (as defined in Works Board Order No. 2011-28);

**Section 3.** That the Town Council hereby directs that the Assessment Roll be delivered to the Clerk Treasurer, and that upon completion of the Improvements, the final Assessment Roll for the Improvements be delivered to the Clerk Treasurer for notification to each affected person and collection of the special assessments;

**Section 4.** That the Town Council hereby determines that owners of properties described in the Assessment Roll may pay such assessments in annual installments over a period of 4 years, with interest accruing on such unpaid portions at an interest rate of 7% per annum, and also approves the substantially final form of Waiver Agreement attached hereto as **Exhibit "B"**, to be entered into by the Town and each owner of property desiring to pay the assessments in annual installments.

**Be it So Ordered.**

**Duly adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 22<sup>nd</sup> day of August 22, 2011, by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF  
HIGHLAND, INDIANA

Brian J. Novak, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer

EXHIBIT on file:

- 2. Executive Proclamation:** A Proclamation in Recognition of U.S. Constitution Week September 17-23, 2011 in the Town of Highland. The Town Clerk-Treasurer read the proclamation aloud and the Town Council President executed it by his signature.

TOWN OF HIGHLAND  
PROCLAMATION OF the TOWN EXECUTIVE

A PROCLAMATION IN RECOGNITION OF U.S. CONSTITUTION WEEK  
SEPTEMBER 17-23, 2011

**Whereas**, The Constitution of the United States of America, the guardian of our liberties, is a product of reflection and choice, embodying the principles of limited government in a Republic dedicated to rule by law, not by men; and

**Whereas**, September 17, 2011 marks the two hundred twenty-fourth anniversary of the signing of the Constitution of the United States of America by the 1787 Constitutional Convention, led by George Washington, James Madison

and Benjamin Franklin, brilliant men who created a new of government that became the standard for self-government to the world; and

**Whereas**, It the privilege and duty of the American people to commemorate the anniversary of the drafting of this magnificent document, the guardian of our liberties; and

**Whereas**, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States, designating September 17 through 23 as Constitution Week,

**Now, Therefore**, I, Brian J. Novak by virtue of the authority vested in me as President of the Town Council of the Town of Highland, Lake County, Indiana, now hereby proclaim the week September 17 through 23, as U.S. *Constitution Week* in the Town of Highland;

**Be it Further Proclaimed**, That the citizens of Highland are hereby urged to reaffirm the ideals the Framers of the Constitution possessed in 1787 by reflecting on the privilege of being an American with all the rights and responsibilities which that privilege involves.

**In Witness Whereof**, I have hereunto set my hand and caused the Corporate Seal to be affixed at the Highland Municipal Building this 22<sup>nd</sup> day of August in the year of our Lord, two thousand eleven, the period of Highland's incorporation, the one hundred-first and the Independence of the United States of America, the two hundred thirty-fifth.

TOWN of HIGHLAND, INDIANA  
BY ITS TOWN COUNCIL PRESIDENT

Brian J. Novak

**Attest:**  
Michael W. Griffin, Clerk-Treasurer

#### **Unfinished Business and General Orders:**

1. **Proposed Ordinance No. 1497.1375-R:** An Ordinance To Amend The Ordinance Adopted To Establish The Wage And Salary Rates Of The Elected Officers, The Non-Elected Officers, And The Employees Of The Town Of Highland, Indiana, Particularly, Authorizing And Establishing A Special First Class Salary Tenure Based Authorized For The Metropolitan Police Department. *(The amendment intends to increase the pension benefit paid by the 1925 Fund, as requested by the representatives in the Police Department. If adopted employer costs for the 1977 defined benefit plan will increase. The proposal was discussed at study sessions of June 13, 2011 (following the regular meeting); July 18, 2011; August 1, 2011 and August 15, 2011.)*

Councilor Herak introduced and filed Ordinance No. 1497.1375-R. There was no further action.

2. **Resolution No. 2011-31:** A Resolution Approving an Interlocal Cooperation Agreement between the Town of Highland Metropolitan Police Department and the City of Michican City Police Department for the Utilization of Services Associated with and Supported by United States Justice Department Sexual Predator/Computer Forensics Grant.

Councilor Herak moved and Councilor Vassar seconded the passage and adoption of Resolution No. 2011-31. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

#### **TOWN OF HIGHLAND TOWN COUNCIL RESOLUTION No. 2011-31**

##### **A Resolution Approving an Interlocal Cooperation Agreement between the Town of Highland Metropolitan Police Department and the City of Michican City Police Department for the Utilization of Services Associated with and Supported by United States Justice Department Sexual Predator/Computer Forensics Grant**

**WHEREAS**, Indiana Code 36-1-7-1, et seq., allows local government entities to make the most efficient use of the powers by enabling them to mutually utilize services for the mutual benefit of each other; and

**WHEREAS**, The Town of Highland, through its Metropolitan Police Department and the City of Michigan City, through its Police Department, LaPorte County, Indiana are municipal corporations empowered by the aforesaid Interlocal Cooperation Act, as amended, with authority to contract with each other on a basis of mutual advantage so as to better provide public services and facilities at a shared cost; and

**WHEREAS**, The Town of Highland, Lake County, Indiana and the City of Michigan City, LaPorte County, Indiana desire to enter into a joint agreement pursuant to IC 36-1-7-1, et seq., to provide for the ability to advance the

purposes and objectives of the United States Justice Department's Sexual Predator Grant, particularly the Computer Forensics Program as well as other related services for the mutual benefit of the participating entities, and at a shared cost;

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

**Section 1.** A joint agreement, a copy of which is attached and incorporated herein by reference, among and between the Town of Highland, through its Metropolitan Police Department and the City of Michigan City, through its Police Department approved by the Michigan City Board of Works and Safety, the 1st Day of August 2011, and signed by the Chief of Police of the Michigan City Police Department, is hereby authorized and approved in each and every respect.

**Section 2.** The purpose of this agreement is to to advance the purposes and objectives of the *United States Justice Department's Sexual Predator Grant*, particularly the Computer Forensics Program as well as other related services for the mutual benefit of the participating entities, and at a shared cost;

**Section 3.** The governing boards of the participating entities may be convened as a joint board, or may act as a joint board at separate meetings of the respective governing bodies of the participating entities in which the entities concur.

**Section 4.** The governing boards of the participating entities may create a committee comprised of representatives from both participating entities or may designate a single individual from each of the participating entities, which may perform such administrative ministerial duties as the joint board may direct and the agreement may provide.

**Section 5.** The Highland Metropolitan Police Chief is hereby authorized to execute the joint Interlocal Governmental Agreement with his signature and any additional documents in order to implement the agreement.

**Section 6.** This agreement shall be effective as indicated in and pursuant to its provisions, after the agreement has been authorized and approved by each of the participating entities, evidenced by passage and adoption of a similar Resolution all pursuant to I.C. 36-1-7-2.

**Section 7.** That before this agreement takes effect, it must be recorded with the Office of the Lake County Recorder and the Office of the LaPorte County Recorder. No later than sixty (60) days after it takes effect and is recorded, the agreement must be filed with the Office of the State Board of Accounts for audit purposes, all pursuant to I.C. 36-1-7-6.

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 22<sup>nd</sup> day of August 2011. Having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W.Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- Resolution No. 2011-32:** A Resolution Approving an Interlocal Cooperation Agreement between the Incorporated Town of Highland and the School Town of Highland for the Utilization of School Resource Officer Program Services.

Councilor Vassar moved and Councilor Zemen seconded the passage and adoption of Resolution No. 2011-32. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND  
TOWN COUNCIL RESOLUTION No. 2011-32**

**A Resolution Approving an Interlocal Cooperation Agreement between the Incorporated Town of Highland and the School Town of Highland for the Utilization of School Resource Officer Program Services**

**WHEREAS**, Indiana Code 36-1-7-1, et seq., allows local government entities to make the most efficient use of the powers by enabling them to mutually utilize services for the mutual benefit of each other; and

**WHEREAS**, The Incorporated Town of Highland and the School Town of Highland, Lake County, Indiana are municipal corporations empowered by the aforesaid Interlocal Cooperation Act, as amended, with authority to contract with each other on a basis of mutual advantage so as to better provide public services and facilities at a shared cost; and

**WHEREAS**, The Incorporated Town of Highland and the School Town of Highland desire to enter into a joint agreement pursuant to IC 36-1-7-1, et seq., to provide for the ability and flexibility to obtain for the Highland Students

certain gang resistance training, a heightened law enforcement presence in the local public schools as well as other related services for the mutual benefit of the participating entities, and at a shared cost;

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

**Section 1.** A joint agreement, a copy of which is attached and incorporated herein by reference, among and between the Incorporated Town of Highland and the School Town of Highland entered into by the Town of Highland by and through its Town Council, this 22<sup>nd</sup> Day of August 2011 is hereby authorized and approved in each and every respect.

**Section 2.** The purpose of this agreement is to authorize and allow the Town Council of the Town of Highland and the School Board of Trustees to act as a joint board of the two participating entities to mutually support and utilize certain specified services associated with the School Resource Officer Program for the mutual benefit of the participating entities at shared costs.

**Section 3.** The Clerk-Treasurer of the Town of Highland is hereby authorized to execute the duties related to the payment, collection and accounting for all moneys of this joint undertaking, pursuant to the terms of this agreement, in a manner that is mutually acceptable with the duly constituted and acting fiscal officer of the School Town of Highland.

**Section 4.** The governing boards of the participating entities may be convened as a joint board, or may act as a joint board at separate meetings of the respective governing bodies of the participating entities in which the entities concur.

**Section 5.** The governing boards of the participating entities may create a committee comprised of representatives from both participating entities or may designate a single individual from each of the participating entities, which may perform such administrative ministerial duties as the joint board may direct and the agreement may provide.

**Section 6.** The President of the Highland Town Council and the Clerk-Treasurer are hereby authorized to execute the joint Interlocal Governmental Agreement with their signatures and any additional documents in order to implement the agreement.

**Section 7.** This agreement shall be effective as indicated in and pursuant to its provisions, after the agreement has been authorized and approved by each of the participating entities, evidenced by passage and adoption of a similar Resolution all pursuant to I.C. 36-1-7-2.

**Section 8.** That upon its approval, this agreement repeals the agreements governing the school resource officer program, the first adopted January 17, 1997 and its succeeding agreements.

**Section 9.** That before this agreement takes effect, it must be recorded with the Office of the Lake County Recorder. No later than sixty (60) days after it takes effect and is recorded, the agreement must be filed with the Office of the State Board of Accounts for audit purposes, all pursuant to I.C. 36-1-7-6.

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 22<sup>nd</sup> day of August 2011. Having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W.Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Agreement on File

- Resolution No. 2011-34:** A Resolution of the Town of Highland Council approving the Order of the Highland Plan Commission with regard to the Resolution of the Highland Redevelopment Commission Designating and Declaring certain areas as Redevelopment Areas and Approving a Redevelopment Plan.

Councilor Vassar moved and Councilor Zemen seconded the passage and adoption of Resolution No. 2011-34. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

After the motion but before the vote, with leave from the Town Council, Councilor Herak expressed his belief that he perceived that the Redevelopment Plan associated with the proposed District does not "go far enough." Councilor Herak further stated his belief that the

Commission needed to assemble property in order to encourage more businesses to be interested to invest.

Town of Highland  
Town Council  
Resolution No. 2011-34

**A RESOLUTION OF THE TOWN OF HIGHLAND COUNCIL APPROVING THE ORDER OF THE HIGHLAND PLAN COMMISSION WITH REGARD TO THE RESOLUTION OF THE HIGHLAND REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING CERTAIN AREAS AS REDEVELOPMENT AREAS AND APPROVING A REDEVELOPMENT PLAN**

WHEREAS, The Highland Redevelopment Commission (the "Commission"), the governing body of the Town of Highland Department of Redevelopment (the "Department"), pursuant to IC 36-7-14-1, et seq. (the "Act"), approved and adopted its Declaratory Resolution No. 2011-06; and

WHEREAS, The Department, pursuant to the Act, has conducted surveys and investigations and has thoroughly studied the areas within the Town of Highland, Indiana (the "Town") proposed to be designated as an Redevelopment Project District within the meaning of the Act; and

WHEREAS, The Highland Plan Commission of Highland, Indiana (the "Plan Commission") is the duly designated and acting official planning body and is charged with the duty of developing a general plan for the development of the Town of Highland, Indiana (the "Town"); and

WHEREAS, The Plan Commission, on August 17, 2011 issued its written order approving the Declaratory Resolution 2011-06 and the Redevelopment Plan for the Highland Redevelopment Area and certifying that the Declaratory Resolution and the Redevelopment Plan conform to the plan of development for the Town of Highland; and

NOW, THEREFORE, BE IT RESOLVED by the Highland Town Council, as follows:

1. That the approving order of the Highland Plan Commission, attached hereto as a certification to Redevelopment Commission Resolution No. 2011-06 and made a part hereof, is in all respects approved, ratified and confirmed.
2. That this Resolution shall be in full force and effect from and after its adoption by the Town Council and signing by the President thereof, as attested thereto by the Town Clerk-Treasurer.

DULY RESOLVED and ADOPTED this 22<sup>nd</sup> Day of August 2011 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

**Attest:**  
Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. Action to authorize the proper officer to publish legal notice of a public hearing for proposed additional appropriations in excess of the 2011 Budget for the Special Public Safety Fund, in the amount of \$13,759.00 and in the Municipal Cumulative Capital Development Fund in the amount of \$ 82,000.00. Councilor Herak moved the authorize the proper officer to publish as indicated. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The notice, publication and hearing were authorized.
6. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.  
*6.1 The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$100.00, for work associated with Highland Grove Mall Special Security and \$309.75 for Grant Supported OWI Roadblock July 29, 2011.*

Councilor Vassar moved and Councilor Zemen seconded the approval of the overtime pay for the exempt salaried officer, R. Potesta. Upon a roll call vote, there were four affirmatives

and no negatives. The motion passed. The overtime assignment and payment were approved.

7. **Works Board Order No. 2011-33:** An Order Authorizing, and Approving the Payment of Elective Honoraria or Stipends to the Several Bands and other Special Groups in Recognition of and in Goodwill for their Appearance and Public Performance in the Annual Highland Independence Day Twilight Parade.

Councilor Zemen moved and Councilor Herak seconded to pass and adopt the Works Board Order No. 2011-33. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND  
WORKS BOARD ORDER NO. 2011-33

AN ORDER AUTHORIZING, AND APPROVING THE PAYMENT OF ELECTIVE HONORARIA OR STIPENDS to the SEVERAL BANDS AND OTHER SPECIAL GROUPS in Recognition of and in Goodwill for their APPEARANCE AND PUBLIC PERFORMANCE IN THE ANNUAL HIGHLAND INDEPENDENCE DAY TWILIGHT PARADE.

**Whereas,** The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

**Whereas,** The Highland Community Events Commission, did organize and marshal the annual Independence Day Parade; and

**Whereas,** The Highland Community Events Commission did invite several middle school and high school marching bands as well as other special groups to participate in the parade;

**Whereas,** The Highland Community Events Commission has informed the Town Council that it has been customary for the payment of an honorarium or stipend to some of the participating marching bands as well as other special groups;

**Whereas,** The Highland Community Events Commission has further recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support the payment of these honoraria and stipends;

**Whereas,** The Town Council has been reliably advised that the bands as well as other special groups perform as volunteers without remuneration, but do expend time, labor and creative process to support the Town of Highland's public parade and patriotic demonstration; and,

**Whereas,** Under its authority of IC 36-1-3, The Town passed and adopted Section §33.03 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and

**Whereas,** The Town Council has reviewed the matter, and now desires to make findings and determinations related to these recommendations and requests and to favor the recommendation and request of the Special Event Advisory Committee,

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the following bands and special groups which participated in the most recent **Independence Day Twilight Parade**, be paid an elective honorarium, in appreciation and recognition of their participation, as follows:

(A)	Orak Shriners	\$300.00
(B)	Ladies Oriental Shrine	\$300.00
(C)	Highland High School Band	\$300.00;

**Section 2.** That the Town Council hereby finds and determines that the forgoing activities and items of expense are lawful and proper expenses incurred in promoting the best interests of the Town as set forth in Section §33.03 of the Highland Municipal Code which reads as follows:

§ 33.03 AUTHORITY OF TOWN COUNCIL TO REIMBURSE TOWN OFFICIALS FOR CERTAIN EXPENSES.

*The Town Council is hereby authorized to budget and appropriate funds from the general fund of the town to pay the expenses of, and to reimburse, town officials for expenses incurred in promoting the best interests of the town. Such expenses may include, but not necessarily be limited to meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, and any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the town.*

**Section 3.** That the Town Council further finds and determines that the activities and expenses as described herein, while not paid from the Corporation General Fund, are uses and expenditures consistent with the purposes of the **Special Events Non Reverting Fund, when proper appropriations are accordingly approved;**

**Section 4.** That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund and account for the benefit of each of the several bands as well as special groups which participated in the most recent **Independence Day Twilight Parade**, as may be identified by the Community Events Commission, depicting the expense as an Honorarium or Stipend, in the amount herein fixed, and to take such other measures to carry-out the purposes and objects of this order.

**Section 5.** That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16.

**Be it so ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 22<sup>nd</sup> day of August 2011 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Comments from the Town Council Members  
(For the Good of the Order)**

- **Bernie Zemen:** • *Liaison to the Park and Recreation Board* • *Liaison to the Redevelopment Commission* • *Liaison to the Highland Chamber of Commerce.*

Councilor Zemen recognized the Parks and Recreation Superintendent who reported on the progress of the Lincoln Center Reconstruction. The former center, 1947, 1950 and 1965 wings were being demolished, but the process was taking longer than scheduled.

Councilor Zemen recognized the Redevelopment Director, Cecile Petro, who reported on a newly scheduled 2nd "Pop-Up Gallery", that will promote buildings for interested leasees, at the Homestead Plaza commercial strip adjacent to Plaza Lanes Bowling on North Kennedy Avenue. She acknowledged Michael Maloney, member of the Redevelopment Commission.

- **Councilor Mark Herak:** • *Budget and Finance Chair* • *Liaison to the Board of Waterworks Directors* • *Liaison to the Board of Sanitary Commissioners.*

Councilor Herak acknowledged the Public Works Director who offered a cursory progress or status report on several projects, including the Woodward Avenue Reconstruction Project and the 42nd Sanitary Sewer Project.

(At this time Councilor Kuiper joined the meeting. It was 7:36 p.m.)

- **Councilor Dan Vassar:** • *Plan Commission Member.*

Councilor Vassar acknowledged the Building Commissioner who offered a brief survey of pending matters before the Plan Commission.

Councilor Vassar commended Patrick Krull and the Highland Youth Soccer Organization for its recent Special Recreation event for special needs young people, on the previous Saturday at Meadows Park.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison* • *Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Kuiper recognized the Fire Chief who reported on the recent death of Dan Herr, a paramedic with Prompt Medical Service, the provider of emergency medical services for the Town.

- **Council President Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison* • *Chairman, Board of Police Pension Trustees* • *Municipal Executive.*

The Council President acknowledged the Building Commissioner who offered a brief survey of pending matters before the Advisory Board of Zoning Appeals.

The Town Council President also noted the recent addition to the Town of CW Price, a discount clothing retailer.

#### **Comments from the Public or Visitors**

1. Rick Volbrecht, 9221 Parkway Drive, Highland, expressed his congratulations for Abby Madrigal and Liz Quinn, the Highland High School Tennis Doubles Team who recently won the State Championship in that sport. Mr. Volbrecht further noted the recent mailing of a post card to all Highland residents to recognize the achievement and the several sponsors that assisted in effort.
2. Mr. Ted Oberc, 2704 Lincoln Street, Highland, noting Councilor Herak's remarks earlier in the meeting regarding the Redevelopment Plan, expressed his reservations about the economy and how it may create further obstacles to bringing new business to Highland.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public or visitors, Councilor Herak moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period August 9 , 2011 through to August 22, 2011. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors and payroll dockets were allowed and the Clerk-Treasurer was authorized to make payment.

#### **Vendors Accounts Payable Docket:**

**General Fund, \$238,044.26 Motor Vehicle Highway and Street (MVH) Fund, \$10,535.55; Local Road and Street (LRS) Fund, \$22,403.06; Law Enforcement Cont. Education and Supply Fund, \$96.00; Gasoline Agency Fund, \$11,648.00; Information and Communications Technology Fund, \$3,012.24; Special Events Non Reverting Fund, \$1,564.55; Sexual Predator Grant Fund, \$4,400.00; Gaming Revenue Sharing Fund, \$23,936.86; Corporation Capital Fund, \$1,061.00; Total: \$316,701.52**

**Adjournment.** Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, August 22, 2011 was adjourned at 7:46 O'clock p.m. A study session followed the meeting.

*Study Session.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session immediately following the regular meeting on Monday, August 22, 2011 at

7:55 O'clock P.M. in the regular place, but the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Also Present:** Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; and Alex M. Brown, CPRP, were also present.

#### **General Substance of Matters Discussed.**

1. The Town Attorney briefed the Town Council and the Clerk-Treasurer on the mediation meeting scheduled regarding the pending class action lawsuit Lieberman v. Town of Highland and Sanitary District. It was noted that the meeting was scheduled for Thursday, August 25, and that Councilor Herak and Mr. Bach, the Sanitary District Superintendent would be attending too.

It was again noted that Scotsdale Insurance, the Town's Liability Insurance Underwriter at the time of the incident, was still seeking a Declaratory Judgement by a Federal Court basically, limiting the underwriter's exposure or liability in association with the same pending class action lawsuit against the Town and its Sanitary District owing to flooding and damage incurred in a profound rain event from September 2006. The Town Attorney further reported that he had conducted legal research and found caselaw that would support one of the assertions of the Town's insurance underwriter regarding its position that it could apply a deductible for each member of the class action at \$5,000 each, instead of a single deductible for the single cause of action as a single class action. The Town Attorney further noted that this made the financial exposure of the Town in the event of a loss at trial to be more significant.

The Town Attorney departed at this time.

2. The Town Council with the Parks and Recreation Superintendent some performance and cooperation issues between the IT Director and Johnson Controls, which required a computer access point for its remote sensing program for the reconstructed Lincoln Community Center. The Parks and Recreation Director further discussed the yet unmet request he posed to the IT Director for the installation of new application software to support the management of Fitness Center memberships. It was noted that Councilor Vassar would follow-up with the IT Director, on behalf of the Town Council, and express its desire that he should cooperate with Johnson Controls and complete the installation of the fitness center management software.

It was noted that the matter needed to be brought to the Town Council as the Information Technology and Communications function is an internal service function for the entire town and its utilities, and the IT Director is a directly contracted person of the Town Council.

The discussion further included a review of conduct of concern exhibited by the IT Director, and a part-time worker in the Parks and Recreation Department, possibly between them and whether any further action or review was advisable.

The Parks and Recreation Superintendent departed at this time.

3. The Town Council and the Public Works Director discussed an incident involving employees in his department (agency), in particular an episode between the Streets and Sanitation Supervisor and a Utility Technician. The Public Works Director reported that there had been previous incidents involving the Supervisor, but did note, that what rose to a disciplinary notation was in 2006. The Public Works Director also reported that he was not prepared or ready to indicate his course of action or his steps for closure, but did wish to brief the Town Council on the matter.

In the course of the discussion, the Town Council and the Public Works Director dilated upon issues such as manner and consistency of documentation, in the recent incident the concerns about the Utility Technician's conduct, the nature and appropriateness of worker sanctions such as time off with loss of pay, demotion and enforced separation from employment.

There being no further matters to discuss, the Study Session following the plenary business meeting of Highland Town Council of Monday, August 22, 2011 was adjourned at 9:02 p.m. O'clock.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer