

**Enrolled Memorandum of the Meeting  
Study Session/Meeting  
Twenty-Eighth Town Council of Highland  
Monday, August 05, 2019**

The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session on **Monday, August 05, 2019** at 6:35 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, Dan Vassar, Konnie Kuiper, and Mark Herak were present. Councilor Steve Wagner was absent owing to a family vacation. The Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. A quorum was attained.

**Officials Present:** Rhett L. Tauber, Town Attorney; Kathy DeGuilio-Fox, Redevelopment Director; and, Pete Hojnicky, Police Chief were present.

**Additional Officials Present:** Patrick Krull, School Board Representative to Redevelopment Commission; Ed Dabrowski, IT Consultant (Contract); and Larry Kondrat, Board of Waterworks Directors were present.

**General Substance of Matters Discussed.**

1. **Discussion regarding proposed ordinance to amend the municipal code regarding abandoned property.** (if ready) (Should consider in terms of existing Property Maintenance Code, which is provided) The Town Council, Clerk-Treasurer and the Town Attorney discussed the prospective policy of amending existing municipal code to incorporate an abandoned and vacant property registration requirement in addition to other elements regarding the disposition and care of the property. It was noted that the Town Attorney was considering modifying the ordinance that was adopted by the Town of Merrillville.

The Town Clerk-Treasurer reminded that Chapter 15.5 of the Highland Municipal Code provides a current framework for some maintenance standards for vacant and abandoned property. This is in the rubric of the existing Property Maintenance Code. It was further noted that the current ordinance includes in the framework of public nuisance both vacant and abandoned properties. However, the terms are undefined.

It was noted that there was no registration requirement in the current ordinance but one was in the Merrillville ordinance.

It was further discussed that any new requirements should consider the impact on existing organizational capacity. The discussion raised the concern that requiring additional regulations for property – including registration – without the organizational capacity or staffing for enforcement would be undesirable.

The discussion included concerns about application of the current Property Maintenance Code for properties such as parts of the Ellendale Plaza, Lube Works and the former (now closed) Clark Gasoline Station all on 45<sup>th</sup> Avenue, and the site of the former Ultra Store on Indianapolis Boulevard.

2. **Discussion regarding proposed ordinance to either amend the municipal code to permit billing for traffic exigencies that are not accidents or to authorize it one-time.** The Town Clerk-Treasurer reported that the police department generated an invoice

for overtime and time of use for police cars employed in a recent incident involving a profoundly oversized transformer commissioned NIPSCO that was stopped on Ridge Road, July 14, 2019 noting its weight exceeded the weight limits of the bridges on the intended route and also violated the Town's ordinance restricting trucks on Ridge Road, a local arterial road. The invoice was associated with hours of time transporting the vehicle and its cargo through an alternative route, which extended outside of Highland.

The Town Clerk-Treasurer pointed out that while he is sympathetic with the rationale for the invoicing, the action setting fees and then invoicing for them was not allowed, under IC 5-7-2 et seq., which prohibits the collection of fees for services without a lawful authorization. Further, while noting that the current situation was not an *accident*, it was noted that accident response service fees were expressly prohibited by IC 9-26-9-4.

Also no individual officer or employee can fix fees, as this a power vested solely with the Town legislative body in this instance and not granted to the Town Board of Metropolitan Police Commissioners.

The Town Clerk-Treasurer indicated the current instance requires a remedy as the invoice went out and the transport vendor paid. The Town Council may act either to authorize the fees and charges in this current instance under IC 36-1-3 et seq., and ratify under IC 36-1-4-16 or the Town Council may adopt an ordinance ratifying the current action and establishing a regime that would establish fees and authorize billing for costs owing to extraordinary incidents.

Councilor Herak indicated that he supported the latter, and favored extending the authority to Public Works and the Fire Department as needed. Councilor Herak indicated that the Police Department had a draft ordinance that would address the issue.

3. ***Discussion regarding requested amendments to the Parades and Assemblies Code of Highland, incorporating specific block party rules.*** The Town Council, the Clerk-Treasurer and the Police Chief discussed a body of guidelines governing block parties that the police department recommends be amended into the current code. The Clerk-Treasurer provided copies of Chapter 10.15, which is the current code that governs assemblies, special events and parades in the Town of Highland.

The Town Council discussed the guidelines. It was noted that the guidelines simply memorialize the practices of the department regarding block parties. The Police Chief represented that Town Board of Metropolitan Police Commissioners desired to have these incorporated into the relevant chapter of the Municipal Code.

The discussion included clarification on whether it is lawful to have an open container of alcohol on the sidewalk during a block party.

4. With leave from the Town Council, Councilor Herak expressed concerns about NIPSCO's approach to the remediation it performs following its utility work. Councilor Herak described a project on Kennedy Avenue that he attributed to NIPSCO in which the replacement of underground lines required excavation in the parkway right of way, which affected the approach aprons of some driveways. Councilor Herak noted that all the driveway aprons are constructed of concrete but he described that one remediation restored the driveway approach with asphalt instead of concrete.

There being no further business necessary or desired to be discussed by the Town Council, the regular study session of the Town Council of **Monday, August 05, 2019**, was adjourned at 6:57 o'clock p.m.

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