

**Enrolled Memorandum of the Meeting  
Study Session/Meeting Convened Electronically  
Twenty-Ninth Town Council of Highland  
Monday, April 05, 2021**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met *electronically* in a study session on **Monday, April 05, 2021** at 6:30 O'clock P.M., in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.\*

**\*Special note:** This meeting was convened allowing members of the Town Council to participate electronically without being physically present, to be counted in the quorum and able to simultaneously listen and respond to matters taken up in the meeting, all pursuant to Governor Holcomb's Executive Orders 20-04 and 20-09, extended by Executive Order No. 21-08 allowing meetings to be convened, pursuant to IC 5-14-1.5-3.6 for the duration of the Corona Virus COVID 19 Emergency through April 30, 2021. All members of the Town Council participated electronically with the Clerk-Treasurer participating as well. The electronic platform also allowed the public to observe and participate from on-line access.

The meeting was streamed live on the Town of Highland, Indiana Facebook page and participation was supported by the Zoom on-line communication platform.

**Silent Roll Call:** Councilors Bernie Zemen, Mark Herak, Mark J. Schocke, Tom Black and Roger Sheeman were present (electronically) as indicated. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings (electronically). A quorum was attained.

**Officials Present:** John P. Reed, Town Attorney; Pete Hojnicky, Police Chief; and William Timmer, CFOD, Fire Chief, were also present, participating electronically.

**Additional Officials Present:** Ed Dabrowski, IT Consultant (Contract) and Board of Waterworks Directors, (electronically); Robin Radford of the Redevelopment Commission; and Dean Smith of the Community Events Commission were present. (electronically).

**Guests:** Theresa Badovich and Robin Carlascio of the Idea Factory; and Justin Elpers, City of Evansville Common Council, District 5, were also present (electronically).

**General Substance of Matters Discussed.**

1. **Discussion:** *Continue to discuss term limits on the Town Council, Clerk-Treasurer and on membership on Boards and Commissions. Guest Councilman Elpers of Evansville.*

The Town Council welcomed via telephone access to Zoom, Councilor Justin Elpers of the City Council of Evansville, who had introduced an ordinance before the City Council of Evansville in March 2018 to create limits on the number of terms of office that members of the city council, the city clerk and the mayor could serve. That ordinance did not attain a majority vote. That ordinance provided that the maximum terms any candidate could serve is three consecutive four year terms.

Councilor Elpers indicated his rationale for the limitation of terms ordinance his own concern over "career politicians", and his view that if sufficient numbers of cities and towns passed such ordinances that this would influence the Congress to have term limits.

Councilor Elpers suggested that the council attorney did not suggest that there were any legal reasons that such an ordinance could not be passed.

Councilor Elpers also noted that the rationale that was expressed by those who voted against passing the ordinance was that each election allowed the electors to impose term limits as well.

The Town Council and the Councilor Elpers discussed concerns related to whether adding limits to terms for board and commission members would be prudent, noting the difficulty sometimes in finding persons willing and qualified to serve.

Councilor Elpers noted that recruiting for elected positions such as the City Council in Evansville was not difficult, adding that his compensation was around \$20,000 and included health insurance and INPRS.

Councilor Elpers and the Town Council discussed the example of his ordinance that if passed would have applied to all elected officials who assumed office in 2000. This would have the effect of not counting service previously experienced.

Councilor Elpers left the zoom meeting.

The Town Council discussed a possible ordinance as proposed by Councilor Schocke. It was noted that at one point, the proposal included some form of limiting terms to all elected officials. (*Scrivener's Note: See the memorandums of meetings for March 1, 2021 and March 15, 2021, where this subject is also discussed by the Town Council*) However, Councilor Schocke indicated that he was not sure about whether his ordinance would include the Clerk-Treasurer. Further, there was discussion of the letter reporting the opinion of the Town Attorney regarding his opinion that there is no Indiana Code citation that prevents a term limit ordinance from the Town Council.

The Town Council discussed whether the ordinance was being proposed to respond to Councilor Herak and Councilor Zemen for recent opposition to Councilor Schocke's position on the rezoning of site for the prospective Senior Living center, which Councilor Schocke abjured. The Town Council further discussed whether or not imposing term limits wouldn't in effect impose a duty on the Lake County Board of Elections and Voter Registration, in terms of managing Highland's municipal candidacies. The Town Attorney, who it was noted also is a member of that Board, indicated that it would not be imposing any duties on that board.

- 2. Discussion:** *American Rescue Plan as recently enacted and made law.* The Town Clerk-Treasurer reviewed a memorandum that he prepared to present the latest information regarding the uses generally and some procedures dictated by the State Examiner for the forthcoming American Rescue Plan (ARP) Grant Funds.

The Clerk-Treasurer confirmed that Highland's allocation was \$4,650,000. The Town Clerk-Treasurer also stated that the actual proceeds would come in two installments, with the first arriving not later than 30 days after it arrives with the State of Indiana. It was still further noted that the State of Indiana could expect its distribution not later than May 11. The clerk-Treasurer reported that the second allocation would not come sooner than 12 months after the first.

The Town Council and the Clerk-Treasurer discussed using the ARP Grant for revenue replacement, for reductions in revenue from the levels in 2019 that were affected by COVID. The elected officers discussed the Park and Recreation Fund, the Motor Vehicle Highway and Local Road and Street Funds, and later it was noted that the Special Events Non Reverting Fund also experienced a profound reduction in revenue from the base year of 2019 owing to the COVID 19 Pandemic.

It was noted that an ordinance would be required to enact the required local Fund to account for the resources and activity related to the ARP Grant. It was noted that the money could not be transferred to another but would allow for direct expenditure.

The Clerk-Treasurer explained that the American Rescue Plan Grant was enacted and a Federal Corona Virus Local Fiscal Recovery Fund was the source. There are other funds and other uses. He further noted that the picture is still coming into focus and the facts regarding uses are emergent. There is expected to be additional guidance on the uses for the proceeds from the Treasury Department.

The Clerk-Treasurer noted the uses generally, and urged that the Town Council consider using some for revenue replacement and further consider the using the funds for sewage and water infrastructure purposes, which are permitted in the enabling law.

The Town Council and the Clerk-Treasurer discussed the coming prices and needs for the Sanitary district related to a pending consent decree enforcement with US Department of Justice and US EPA regarding eliminating Sanitary Sewer Overflows (SSO). It was noted that \$55.211 million dollars had been estimated for the costs of improvements to the sanitary and storm system for Highland infrastructure and another \$21.47 million could be due to the City of Hammond Sanitary District to cover the Town's allocation of capital costs for that city's treatment system repair and upgrade, also coming in consequence of a pending consent decree with US Department of Justice and US EPA. Further, it was noted that a new wholesale contract was awaiting final approvals between the city of Hammond water department and the several customer communities of Whiting, Munster, Griffith, Dyer and Highland.

The Town Council would further discuss plans. An ordinance could be prepared for consideration at the Town Council meeting for April 12.

3. **Discussion:** *COVID Protective Practices for the Town hall and elsewhere.* The Town Council and the Clerk-Treasurer discussed the current policy in force related to safety practices for workers and residents in the Town Hall. Governor Eric Holcomb had announced previously that mask wearing would move from mandate to advisory after April 6.

An exhibit featuring the policy of the Town Council adopted by Resolution 2020-28, adopted June 8, 2020. The discussion focused on whether to conduct Town Council meetings in person, and whether to mandate mask wearing while in the Town Hall for workers and residents.

It was noted that it would be desirable to make the access to the Town Hall less restrictive by no longer requiring appointments, allowing access during business hours but retaining the requirement to wear masks and to maintain social separation.

The Town Council. The Fire Chief and the Police Chief discussed the merits of the mask mandate, with some suggesting that mask wearing be suggested rather than required. Some Councilors preferred to retain the mask wearing. It was noted that new cases were slightly on the rise again and that there was added concern about variants of the initial COVID 19 Virus.

The discussion included resuming hybrid meetings with members of the Town Council meeting in person in the meeting place but allowing public access by Zoom. The room would still have social separation squares marked off by tape on the floor of the meeting room.

- 4. Discussion:** *Discuss the renewal of the practice of issuing Solicitors and Peddlers door to licenses.* The Town Council and the Clerk-Treasurer discussed the policy position of deterring persons from obtaining applications for solicitors and peddlers permits, and to then inform the police department patrol staff that enforcing the requirement to obtain a permit prior to engaging in the regulated activity is acceptable.

The Town Council discussed the current ordinance and there was a consensus that the current ordinance is in force and should be carried out as enacted.

- 5. Discussion:** *Discuss the responsible contact person for the Climate Fellow Cohort with NIRPC. Will be processing invoice for the participation. Highland must have a staff person identified to supply the services.* The Town Council, discussed the origin of this requirement. As part of an earlier agreement with the Northwestern Indiana Regional Planning Commission (NIRPC) to participate in a data gathering process, the agreement included identifying a staff person contact.

The Town Council President indicated that he would contact the Public Works Director about the matter on the next day.

- 6. Discussion:** *Filed ECONOMIC DEVELOPMENT REVITALIZATION APPLICATION of Webb Hyundai (Project Palisades)* The Town Council President stated that there was a petition filed by Webb Hyundai on Indianapolis Boulevard, Highland to be granted tax abatement and proceeds from any allocation area that occupied the same place as the site for its operation and the improvements it intended to make.

It was further noted that this entity as a car retailer, would not be eligible for any tax abatement unless there was also an Economic Development Target Area in place. It was suggested that this was being reviewed to determine whether one was in place. It was further noted that if it was not, then the Economic Development Commission was tasked with determining whether or not such an area was warranted. If so, then the car retailer would be eligible for tax abatement. The Town Council would be advised once the issue of whether there was an Economic Development Target Area in place or not was determined.

- 7. Discussion:** *Public Hearing on the Appeal from Demand Results.* The Clerk-Treasurer reminded the Town Council that since it did not find Demand Results, Inc. to be in compliance with its terms of abatement, it would need to formally memorialize the reasons for the finding and formally communicate the reasons to Demand Results, Inc. Within 30 days of that notification there is to be a hearing on the findings to allow the abated property an opportunity to respond to the reasons and perhaps be able to be reinstated by presenting some plan for correction.

Owing to a possible conflict for the Town Attorney, Robert Tweedle, attorney for the two utilities did prepare a notice letter to the petitioner from Demand Results explaining the rationale for the Town Council's initial determination and that a public hearing would be conducted on the determination at the Town Council meeting of April 12. The letter prepared and transmitted by Robert Tweedle on behalf of the Town Council was in the accompanying materials and reviewed with the Town Council. The letter follows.

**LAW OFFICES OF  
ROBERT F. TWEEDLE**

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March 26, 2021

Demand Real Results LLC  
c/o Mark Fleishman  
8516 Henry Street  
Highland, IN 46322

RE: Demand Real Results LLC dba Safety Training Services, Inc.  
8516 Henry Street, Highland, IN 46322  
Economic Revitalization Area Compliance

Dear Mr. Fleishman,

I am writing on behalf of the Highland, Indiana Town Council (Town Council). Pursuant to IC 6-1.1-12.1-5.9, at its March 8, 2021 meeting, the Town Council, as the designating body, reviewed your compliance with statement of benefits (Statement of Benefits) dated January 19, 2021 in reference to your property tax abatement associated with the above-referenced real property. A copy of the Statement of Benefits is enclosed herewith. Following review, the Town Council determined that you have not substantially complied with the Statement of Benefits.

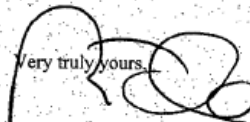
The reasons for the Town Council's determination are as follows:

1. Current number of employees is less than what was originally estimated. Actual number of employees is 27. Estimated number of employees is 34.
2. Number of employees retained is less than what was originally estimated. Actual number of employees retained is 25. Estimated number of employees retained is 34.
3. Number of additional employees is less than what was originally estimated. Actual number of additional employees is 2. Estimated number of additional employees is 16 over 3 years.

Please be advised that a hearing will be conducted by the Town Council at its regular meeting on Monday, April 12, 2021 at 6:30 pm for the purpose of further considering your compliance with the Statement of Benefits.

Thank you for your attention to this matter.

Very truly yours,



Robert F. Tweedle

Enclosure: Demand Real Results LLC  
Statement of Benefits

Cc: Highland Town Council  
Kathy Deguilio-Fox, Redevelopment Director  
Michael Griffin, Clerk Treasurer

8. **Discussion:** Review the proposed Additional Appropriations which are the subject of the hearings on April 12 plenary meeting. The Town Clerk-Treasurer reviewed the several proposed additional appropriations that were to be considered at the meeting of April 12 and the funding sources and rationale for each. He discussed the ways in which the CARES Act proceeds from the IFA and the Lake County Community Development Department (CDBG) were being used.

**TOWN OF HIGHLAND  
 NOTICE TO TAXPAYERS  
 OF PROPOSED ADDITIONAL APPROPRIATIONS**

Notice is hereby given the taxpayers of the Town of Highland, Lake County, Indiana, that the Town Council of said Municipality in said Municipal Building, 3333 Ridge Road, at 6:30 p.m. on the 12<sup>th</sup> day of April 2021, will consider the following additional appropriations in excess of the budget for the current year in the following funds:

**CORPORATION GENERAL FUND**

**Police Department**

Acct. 001-0009-4XXX Police Body Cams	\$ 150,000.00
Acct. 001-0009-4XXX Police Drone	\$ 15,000.00
Acct. 001-0009-4XXX Automobile Purchase	<u>\$ 3,246.00</u>
<b>Total 400 Series:</b>	<b>\$ 168,246.00</b>
Acct. 001-0009-3XXX Automobile Lease	<u>\$ 5,300.00</u>
<b>Total 300 Series:</b>	<b>\$ 5,300.00</b>
Acct. 001-0009-23004 Other Supplies	\$ 11,736.00
Acct. 001-0009-2XXX Bicycle Program	<u>\$ 8,000.00</u>
<b>Total 200 Series:</b>	<b>\$ 19,736.00</b>
<b>Total for the Department:</b>	<b>\$ 193,282.00</b>

**Fire Department**

Acct. 001-0007-4XXX Extraction Tool	\$ 13,700.00
Acct. 001-0007-4XXX SCBA compressor	<u>\$ 75,000.00</u>
<b>Total 400 Series:</b>	<b>\$ 88,700.00</b>
Acct. 001-0007-3XXX Target Solutions E Learning	<u>\$ 3,500.00</u>
<b>Total 300 Series:</b>	<b>\$ 3,500.00</b>
Acct. 001-0007-23004 Other Supplies	\$ 5,917.00
Acct. 001-0007-2300X Rapid Intervention Kits (2)	\$ 13,700.00
Acct. 001-0007-23006 Active Shooter PPE Supplies	\$ 10,500.00
Acct. 001-0007-2300X Thermal Imagers (5)	<u>\$ 37,500.00</u>
<b>Total 200 Series:</b>	<b>\$ 61,700.00</b>
Acct. 001-0007-11114 Training/ MTG Compensation	<u>\$ 17,500.00</u>
<b>Total 100 Series:</b>	<b>\$ 17,500.00</b>
<b>Total for the Department:</b>	<b>\$ 177,317.00</b>

**Works Board and Services Department**

Acct. 001-0011-3XXX Transfer for Community Crossings	\$ 250,000.00
Acct. 001-0011-3XXX Transfer for OTHER FUNDS	\$ 28,637.00
Acct. 001-0011-3XXX Transfer to Park & Rec Fund	<u>\$ 12,767.00</u>
<b>Total 300 Series:</b>	<b>\$ 291,404.00</b>
Acct. 001-0011-4XXX LED MESSAGE SIGNS	<u>\$ 34,000.00</u>
<b>Total 400 Series:</b>	<b>\$ 34,000.00</b>
<b>Total for the Department:</b>	<b>\$ 325,404.00</b>

**Town Hall and Monuments Department**

Acct. 001-0012-36003 Building Repair & Maintenance	<u>\$ 17,300.00</u>
<b>Total 300 Series:</b>	<b>\$ 17,303.00</b>

**Total for the Department: \$ 17,303.00**

**TOTAL for the FUND: \$ 713,303.00**

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND

Acct. 001-0000-39004 Application Software	\$ 22,000.00
Acct. 001-0000-39006 Software Training	<u>\$ 25,000.00</u>
<b>Total 300 Series:</b>	<b>\$ 47,000.00</b>

Acct. 001-0000-43009 Computers/Printers	<u>\$ 28,000.00</u>
<b>Total 400 Series:</b>	<b>\$ 28,000.00</b>

**TOTAL for the FUND: \$ 75,000.00**

PARKS AND RECREATION SPECIAL OPERATING (GENERAL) FUND

Acct. 006-0000-21005 Lincoln Center Supplies	<u>\$ 12,767.00</u>
<b>Total 200 Series:</b>	<b>\$ 12,767.00</b>

**TOTAL for the FUND: \$ 12,767.00**

Funds to support these additional appropriations in the **Corporation General Fund** shall be supported by the reimbursement from the United States Government CARES Act proceeds as distributed by Lake County Community Development Department and the State of Indiana Finance Authority.

Funds to support these additional appropriations in the **Parks and Recreation Special Operating (General) Fund** shall be supported by as transfer from the Corporation General Fund funded by the reimbursement from the United States Government CARES Act proceeds as distributed by the State of Indiana Finance Authority.

Funds to support these additional appropriations in the **Municipal Cumulative Capital Development Fund** shall be supported by miscellaneous revenue, unreserved unobligated fund balance on deposit to the credit of the fund.

Taxpayers appearing at such meeting shall have a right to be heard thereon. Taxpayers are asked to contact the Office of the Clerk-Treasurer at (219) 838-1080 to provide an email address to allow the Zoom platform information to be provided if the meeting is still being conducted electronically alone. You may also write to the Office of the Clerk-Treasurer if you have concerns. The additional appropriations, as finally made, will be filed with the Department of Local Government Finance, for its review. The Department of Local Government Finance shall make a written determination of the sufficiency of funds within fifteen days of receipt of a certified copy of the action taken.

**TOWN COUNCIL of HIGHLAND**  
**Roger Sheeman, President**

**By: Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO**

**BREAK OUT OF THE USES FOR THE CARES ACT FUND**

CARES ACT IFA FUND	\$ 726,156.00
CARES ACT CDBG FUND	\$ 11,736.00
 All to GENERAL FUND	 <b>\$ 737,892.00</b>
POLICE DEPT	\$ 193,282.00
FIRE DEPT	\$ 177,317.00
WORKS BOARD	\$ 325,404.00 *
TOWN HALL & MONUMENTS	\$ 17,300.00
SUBTOTAL	<b>\$ 713,303.00</b>
BALANCE IN PLACE	\$ 24,589.00

Works Board Department discretely shown *	
PUBLIC WORKS SIGNS	\$ 34,000.00
COMMUNITY CROSSINGS	\$ 250,000.00
TO PUBLIC SAFETY	\$ 28,637.00
TRANSFER TO PARK	\$ 12,767.00
TOTAL	<b>\$ 325,404.00</b>

SPECIAL PUBLIC SAFETY FUND	
Acct. No. 093-0000-3XXXX DRONE TRAINING:	\$ 10,000.00
Total Series:	\$ 10,000.00
<b>Fund Total:</b>	<b>\$ 10,000.00</b>
MUNICIPAL CUMULATIVE STREET FUND	
Acct. No. 088-0000-44010 Sidewalk Replacement:	\$ 40,000.00
Total Series:	\$ 40,000.00
<b>Fund Total:</b>	<b>\$ 40,000.00</b>
LAW ENFORCEMENT CONTINUING EDUCATION & SUPPLY FUND	
Acct. No. 018-0000-3XXXXX Memberships:	\$ 7,500.00
Total Series	\$ 7,500.00
Acct. No. 018-0000-4XXXXX K-9:	\$ 25,000.00
Total Series	\$ 25,000.00
<b>Fund Total:</b>	<b>\$ 32,500.00</b>

It was further noted that the additional appropriations in the Special Public Safety, Municipal Cumulative Street, and Law Enforcement Continuing Education & Supply Funds were from not property tax bases resources and were being increased pursuant to requests from the department heads.

9. **Discussion ad hoc:** *Community Events Commission and the prospect of a Beer Garden in Main Square for Independence Day Festival.* Dean White, President of the Community Events Commission, and the Town Council discussed challenges that the Community Events Commission was experiencing in planning a Beer Garden



as part of the attractions included in the annual Independence Day Festival at Main Square.

The discussion included concerns about the added costs to the Community Events Commission (CEC) being estimated at \$22,000 to \$30,000 and a likelihood that there would be a much lower return in revenues.

The discussion included the added expenses of public safety, the added need for fencing not currently in the inventory of the Parks and Recreation Department, and the fact that the nearby church, Our Lady Grace, would be conducting its own annual beer tent event to coincide with the Town's annual festival.

The discussion explored the possible reduction to the "footprint of the event" as a method to lower the costs. It was noted that one of the beer vendors would be at the Community Events Commission meeting and he welcomed members of the Town Council to join the meeting.

There being no further business necessary or desired to be discussed by the Town Council, the *electronically convened* regular study session of the Town Council of **Monday, April 05, 2021**, was adjourned by the Town Council President at 8:57 O'clock p.m.

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