

**Enrolled Memorandum of the Meeting
Study Session/Meeting (Convened Electronically/Hybrid)
Twenty-Ninth Town Council of Highland
Monday, June 21, 2021**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met *electronically* in a study session on **Monday, June 21, 2021** at 6:30 O'clock P.M., in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

This meeting was convened as an electronic meeting, pursuant to Governor Holcomb's Executive Order 20-04 and 20-09 allowing such meetings pursuant to IC 5-14-1.5-3.6 for the duration of the COVID-19 public health emergency, extended by Executive Order No. 21-14. Some persons were participating remotely on a Zoom platform that allowed for real time interaction between and among all the Town Council and supported the public's ability to observe and record the proceedings. People were able to participate in person and remotely, allowing for all councilors to be simultaneously seen and heard. When the agenda item provided for public comment, this was supported as well. All councilors participated on the Zoom platform. The Town Council President Roger Sheeman and Councilor Mark Herak were also present in person, but Councilor Herak was in another room in the Town Hall.

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. The Town Council President, Councilor Herak and the Clerk-Treasurer were present in person as well. *A quorum was attained.*

Officials Present: (electronically) John P. Reed, Town Attorney; Alex M. Brown, CPRP, Parks and Recreation Superintendent (in- person); Pete Hojnicky, Police Chief; William Timmer, Fire Chief; and Kathy DeGuilio-Fox, Redevelopment Director, were also present, participating electronically.

Additional Officials Present: Carlos Aburto, Chris Ray, Nick Russo, Omar Torres, and Patrick Krull of the Park and Recreation Board; Ed Dabrowski, IT Consultant (Contract) and Board of Waterworks Directors, and Janice Figueroa, Fiscal Analyst in Office of Clerk-Treasurer, were present in person.

Guests: Robin Carlascio of the Idea Factory was also present (electronically).

General Substance of Matters Discussed.

1. **Discussion:** *Joined by members of the Park and Recreation Board, the desirability of issuing special taxing district bonds of the Park District.*

The Parks and Recreation Superintendent offered an overview of how the parks and recreation department every four or five years has relied on the debt financing to support the capital needs of the department. The regular operating budget is able only really to meet the recurrent operating needs of the department alone.

The Parks and Recreation Superintendent presented the history of recent bond issues and the amounts for each issue. The Parks and Recreation Superintendent also commented on some of the uses and supplied the following report:

Recent Bond History

July 1997 -	\$600,000
Mar. 2001 -	\$800,000
Apr. 2006 -	\$1,850,000
Jan. 2012 -	\$2,000,000
Oct. 2016 -	\$2,000,000

2014-2020 Capital Monies Spent (6 Years)

Land Development	\$105,307
ADA Drinking Fountains	\$34,300
Trail Crossing at 45 th	\$11,756
Misc.	\$53,571
Lightning Detection	\$17,194
Ballfield Lighting	\$97,020
Paving	\$688,224
Building Improvements	\$37,349
Fencing	\$67,645
Playgrounds	\$266,502
Wells/Irrigation/Drainage	\$51,620
Tennis Court Surfacing	\$80,332
Skate Park	\$313,237
ADA Fishing Pier	\$140,265
Tree Care	\$105,990
Trucks/Mowers/Etc.	\$274,792
	<u>\$2,345,104</u>

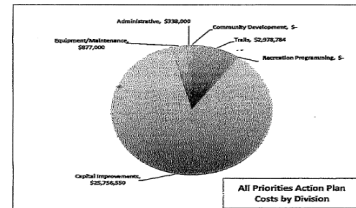
The Parks and Recreation Superintendent also noted that the Lincoln Community Center Building Corporation has on deposit to the Trust the unexpended accumulated Build America Bonds Credits, plus added amounts incorporated into the payments to support some of the costs of the annual financial reporting and the legal fees. The amount is over \$1,000,000. Owing to this, the bond issue will not be needed to support needs of the Lincoln Community Center.

The Parks and Recreation Superintendent and the Park and Recreation Board also reviewed the following chart that represented the five year plan projects as recently adopted and filed.

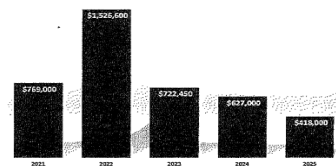
Action Plan for 2021-2025 – "A" Priorities						
Action Category	2021	2022	2023	2024	2025	TOTALS
Trails Actions	\$ 100,000	\$ 400,000	\$ -	\$ -	\$ -	\$ 500,000
Recreation Programming Actions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Improvement Actions	\$ 479,000	\$ 1,096,600	\$ 657,450	\$ 534,000	\$ 418,000	\$ 3,185,050
Equipment / Maintenance Actions	\$ 180,000	\$ 15,000	\$ 10,000	\$ 58,000	\$ -	\$ 263,000
Administrative Actions	\$ 10,000	\$ 15,000	\$ 55,000	\$ 35,000	\$ -	\$ 115,000
Community Engagement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTALS	\$ 769,000	\$ 1,526,600	\$ 722,450	\$ 627,000	\$ 418,000	\$ 4,063,050

Action Plan for 2021-2025 – "A" Priorities						
Site or Area	2021	2022	2023	2024	2025	TOTALS
Brentwood Park	\$ -	\$ -	\$ 1,200	\$ -	\$ -	\$ 1,200
Homeside Park	\$ 50,000	\$ 50,000	\$ 54,000	\$ 15,000	\$ -	\$ 169,000
Jaycee Park	\$ -	\$ 4,500	\$ -	\$ -	\$ -	\$ 4,500
Lakeside Courtlet Park	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Lakeside Park	\$ 15,000	\$ -	\$ -	\$ 36,000	\$ -	\$ 51,000
Lincoln Center	\$ 43,500	\$ 40,000	\$ 130,000	\$ -	\$ -	\$ 213,500
Little Turtle Park	\$ -	\$ -	\$ 10,000	\$ -	\$ -	\$ 10,000
Main Square Park	\$ 20,000	\$ 25,000	\$ 53,000	\$ -	\$ 320,000	\$ 418,000
Markley Park	\$ 52,000	\$ 30,000	\$ 50,000	\$ -	\$ -	\$ 132,000
Meadow Park	\$ 1,000	\$ 440,000	\$ 6,250	\$ -	\$ -	\$ 447,250
Northwood Park	\$ 52,000	\$ -	\$ -	\$ -	\$ -	\$ 52,000
Orchard Park	\$ -	\$ 3,000	\$ 10,000	\$ -	\$ -	\$ 13,000
Shary Athletic Complex	\$ 12,500	\$ 185,000	\$ -	\$ 320,000	\$ -	\$ 527,500
Sheppard Park	\$ 135,000	\$ 257,600	\$ 255,000	\$ 80,000	\$ -	\$ 727,600
Terrence Park	\$ 50,000	\$ 3,500	\$ -	\$ -	\$ -	\$ 53,500
White Oak Estates Park	\$ -	\$ -	\$ 40,000	\$ 35,000	\$ -	\$ 75,000
Various Park Sites	\$ 100,000	\$ 400,000	\$ -	\$ -	\$ -	\$ 500,000
System Wide Actions	\$ 238,000	\$ 78,000	\$ 113,000	\$ 141,000	\$ 98,000	\$ 668,000
TOTALS	\$ 769,000	\$ 1,526,600	\$ 722,450	\$ 627,000	\$ 418,000	\$ 4,063,050

Action Plan for 2021-2025 – "A" Priorities						
Funding Source	2021	2022	2023	2024	2025	TOTALS
Grants	\$ -	\$ 200,000	\$ -	\$ -	\$ -	\$ 200,000
Local (Operating Budget)	\$ 108,500	\$ 207,500	\$ 14,450	\$ 6,000	\$ -	\$ 336,450
Local & Private	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TAF Grant	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Bond	\$ 637,500	\$ 1,096,100	\$ 685,000	\$ 573,000	\$ 395,000	\$ 3,386,600
Bond/Donations	\$ 23,000	\$ 23,000	\$ 23,000	\$ 23,000	\$ 23,000	\$ 115,000
Community Foundation	\$ -	\$ -	\$ -	\$ 25,000	\$ -	\$ 25,000
TOTALS	\$ 769,000	\$ 1,526,600	\$ 722,450	\$ 627,000	\$ 418,000	\$ 4,063,050



"A" Priorities – Action Plan Costs – 2021-2025



The Parks and Recreation Superintendent also noted that London Witte had prepared three proposed debt amortizations, for ten years based upon level principal for the principal amounts of \$2,000,000, \$3,000,000, and \$4,000,000.

Representatives of the Park and Recreation Board urged the amount of \$4,000,000 be borrowed. The Parks and Recreation Superintendent noted that he believed an authorized amount of \$3,000,000 would be sufficient. Both the Park Board and he noted that the master plan did omit the repaving of the Sharp Athletic Complex, and the higher amount would assist with that.

The Town Council discussed the request and posed questions regarding the bond issue, such as the manner of repayment for special taxing district bonds, the amount of debt to be added and the impact on the tax rate.

The Clerk-Treasurer noted that if the \$4,000,000 is authorized, the levy reduction that was experienced by the refunding of the Lincoln Community Center Mortgage Bonds would be likely increased to near the pre-refunded levels. The Clerk-Treasurer cautioned about the impact in circuit breaker credit loss to the several operating funds of the civil town.

The Park Board thanked the Town Council for its consideration and guidance. There was no express objection or reluctance exhibited by the Town Council regarding the park bond ambitions as described. There was no express resistance to the Park and Recreation Board proceeding with the bond issuance.

The Parks and Recreation Superintendent and the Park and Recreation Board members departed at this time.

2. Discussion: *The Job Description and Department establishment for the Information Technology Position.*

The Clerk-Treasurer presented a draft of an ordinance that was proposed to create an information communications department and establish the full time position of IT Director.

The Town Council reviewed a companion list of suggested responsibilities for an IT department. The Clerk-Treasurer shared that the proposed ordinance was in a very early iteration and not ready for action. The Clerk-Treasurer suggested that the draft be considered and that feedback be given on the document and the concept.

There was some discussion regarding the compensation for the proposed department head for such a department. It was yet to be determined. It was noted that the Town currently pays for an IT like position soon to have the incumbent retire, and the contractor an estimated total of \$116,000 annually.

The Town Council discussed the report that the IDACs authority, now vested in the Police Department, could be conferred on an employee of all the departments of the town and not just an employee of the police department. It was noted in the meeting that IC 5-2-9-1.2 was relevant to the matter.

The IT position and the related elements discussed would receive further review.

3. Discussion: *Suggested amendment to the municipal code regarding placing the enforcement authority in a clear single spot rather than the several sections of the code by department and in the Ordinance Violations Bureau.*

A summary report listing all the places in the municipal code where express authority to enforce its provisions were conferred. This and a proposed provision to place the language for all departments in a single place was discussed. The issue driving the consideration of the language was whether to add to the Code Enforcement officer alone or all enforcement officers the added authority to enforce the license plate reading task.

The matter required further consideration.

- 4. Discussion:** *The desirability of amending the Wage and Salary Ordinance to change the starting pay for the position of Animal Warden. (Currently the pay range for the Animal Warden is \$8.24 to \$15.45. There is pending a request to start a third worker at the higher rate of \$12. The Police Department requests that the starting pay be changed to \$12.) No documents.*

The Police Chief noted that he believes that the starting pay for this part-time position should be raised to \$12 in order to gather meritorious candidates with the relevant ability and background to perform the tasks. The current ordinance, does allow for a request to hire at something other than the starting rate, but it requires permission by the Town Council.

The Town Council discussed the matter as presented. There was no apparent objection to moving forward with an amendment to the wage and salary ordinance.

- 5. Discussion.** *Consideration of local application of new electronic meeting law set forth in IC 5-14-1.5-3.5. It is expected that Indiana Executive Order No. 21-14, will be the last to authorize the modified electronic meetings. Future electronic meetings will be under the authority of IC 5-14-1.5-3.5 as amended for all bodies except the Redevelopment Commission. By the authority of IC 36-7-14.5-9.5 and HMC Section 14.10.065, the Redevelopment Commission has other authorization for electronic meetings that is unchanged by the new law. (See Aim Points and Tips and the Draft Ordinance for Review)*

A draft ordinance that would enact the new amended law on electronic meetings was reviewed by the Town Council. The discussion included the merits of having the ability to from time to time have the ability to conduct electronic meetings.

The Town Council discussion included a consideration that the “default” value should be for the Councilors to attend in person all meetings. The electronic option should only be for one or two members and be rarely relied upon.

It was noted that the local ordinance could be stricter than the baseline set in the new law but that it could not be less strict than the new law. Further it was noted that there were limits on Town councilors being able to attend electronically more than two meetings consecutively and that there was a limit to no more than 50% of the meetings for the year.

The clerk-treasurer suggested that he would try to modify the draft to include some of the values suggested by the discussion and review at a future meeting.

- 5. Discussion:** *Establishment of a CAO.*
The Town Council reviewed a draft ordinance that if adopted would establish the office of Chief Administrative Officer.

The Town Council discussed the similarity of the ordinance to the Town Manager law in the Indiana Code but that it expressly stated that it was departing from that law, and made some discerned changes to the position that made it differ from the manager

law. The discussion included whether the language as depicted could be legally challenged.

The Town Council discussed its provisions that established the position's tenure to be set by an agreement approved by the Town Council. It was noted that the Town Manager law states has a provision that has the position either at will or with an agreement the term of which cannot exceed a term of a member of the town council.

There was also discussion about the constitutionality of a provision in the proposed ordinance that prohibited the Chief Administrative Officer from participating in partisan political activity.

With leave from the Town Council, Richard Underkofler, a member of the Town Tree Board, a retired Town Manager, and the former (only) Town manager of the Town of Highland, was allowed to offer comment to the Town Council. Mr. Underkofler suggested that the ordinance could include language allowing for an "at-will" appointment by the Town Council of a Chief Administrative Officer, for an indefinite term. He suggested that this language was often used for the appointment of such positions.

There was no apparent consensus evident regarding the proposed ordinance.

- 6. Discussion:** *The desirability of accepting the proposal from London Witte regarding group representation regarding a pending rate increase from NIPSCO before the IURC.*

The Clerk-Treasurer and Councilor Herak relayed the proposal from London Witte regarding an opportunity to represent a group of municipalities in order to protect them from undue changes in the proposed rate cases that NIPSCO has given notice of intent to file.

It was noted that historically such a group effort led to the development of an LED electrical rate, which had not existed before. It also noted other positive benefits that inured to the participating municipalities.

The Clerk-Treasurer further noted that he wanted to test reception for participating in such an effort from the Town Council. The Clerk-Treasurer also suggested that he would monitor the effort cobble a group together if three or more are likely to participate he would recommend to the Town Council that it should participate as well.

There was no objection to the concept exhibited.

- 7. Ad Hoc:** *Security Coverage for the Beer Garden.* Town Councilor Herak and the Police Chief briefly reported on the challenge to recruit sufficient police officers to provide the type of coverage desired for the Beer Garden and the Independence Day Festival. It was noted that the deadline for the overtime enrollment was Wednesday, June 23. The Police Chief indicated that there may need to be mandatory overtime for the detail. He assured the Town Council that they would meet the needs required of the event.

There being no further matters to discuss, the Town Council President adjourned the standing study session of Monday, June 21, 2021 at 8:39 p.m.

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