

**Enrolled Memorandum of the Meeting
Study Session/Meeting Hybrid Electronic/In-person
Twenty-Ninth Town Council of Highland
Monday, November 15, 2021**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in a study session on **Monday, November 15, 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 both an *electronic and in person meeting*, pursuant to Governor Holcomb's Executive Order 20-04 and 20-09 allowing such meetings pursuant to IC 5-14-1.5-3.7 for the duration of the COVID-19 public health emergency, extended by Executive Order No. 21-28. 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. Councilors Bernie Zemen, Mark Herak, Tom Black and Roger Sheeman were present in person. Councilor Mark Schocke participated remotely by the Zoom platform.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Tom Black and Roger Sheeman, were present in person as indicated. Councilor Schocke participated remotely by the Zoom platform. The Clerk-Treasurer, Michael W. Griffin was present in person to memorialize the proceedings. *A quorum was attained.*

Officials Present: John P. Reed, Town Attorney (remotely); and Ed Dabrowski, Director of Information Technology; Kenneth J. Mika, Building Commissioner; and Kathy DeGuilio-Fox (remotely) were also present.

Guests: Theresa Badovich, for the Idea Factory (remotely); and Thomas Brown, Brown Insurance Agency.

General Substance of Matters Discussed.

1. **Discussion:** *Update on Insurance from Brown Insurance Agency.* Mr. Brown provided an update regarding his review of the current property and casualty insurance. Mr. Brown discussed the AM Best characterization of Bliss McKnight and its associated service agencies including Governmental Insurance Exchange.

Mr. Brown expressed a concern base regarding the approach he perceived of Bliss McKnight to assure coverages for its underwritten customers by securing added insurance. Mr. Brown noted that some Insurance companies have greater reserves. He further noted that Bliss McKnight serves the municipal market exclusively and noted the challenges for any insurer in that market.

Mr. Brown shared his need to obtain the reports of insurance losses covered by the insurers. He noted that he had letters signed by President Sheeman that could be submitted to obtain this information. Mr. Brown suggested that the Town Council President contact the current agent, Thomas Crowel, asking him to obtain the loss information, as this would likely speed the return of the reports. Mr. Brown noted once he obtained this information, he could then take the steps necessary to prepare a proposal for the Town related to its property and casualty and special liability coverages as well as the fleet insurance.

Members of the Town Council engage in a colloquy with Mr. Brown clarifying the process of risk management and suggestions for how to shop and seek proposals for the Town's coverages.

The Town Council discussed the possibility of seeking other proposals for the multi-peril, fleet and property and casualty coverages. There was no clear guidance to emerge from the Town Council's discussion on this matter.

The Town Council President indicated that he would follow up with the Crowel Agency regarding the loss information.

Mr. Thomas Brown departed at this time.

- 2. Discussion:** *Explore the merits of amending the Chapter 5.40 of the Highland Municipal code regarding Tattoo Parlors.* The Town Council and the Building Commissioner noted that the provisions adding specific requirements for a tattoo artist to operate in Highland as set forth in Chapter 5.40 were adopted to make less likely such businesses would locate in Highland. It was noted that the language in the code adding a medical; requirements to tattoo artists, did not seem aligned with current State law.

It was further noted that the historic social stigma or impressions associated with tattoo parlors and tattoos, has relaxed and has gained greater acceptance.

The Town Attorney (remotely) indicated that he believed that the existing language in Chapter 5.40 of the Highland Municipal Code perhaps erected a great barrier to such businesses and that as to the artistic expression associated with tattooing could be an unconstitutional infringement on such artists First Amendment protections.

After further discussion, the Building Commissioner recommended an amendment to the chapter in the municipal code rather than repeal. The Town Attorney indicated that he would review the Indiana Administrative Code as well as the Indiana Code and seek the current language related to Tattooing and Tattoo artists.

It was also noted that a pending use variance petition recently before the Advisory Board of Zoning Appeals involved a tattoo business. It was further noted that the current zoning code does not list this as an expressly permitted use in any zoning class. The discussion included a discussion of the possible desirability of seeking an amendment to the current zoning code that would expressly permit the use in perhaps the Industrial zones. The pending matter before the ABZA that would soon be filed with the Town Council for its review and action, if the tattoo business was to be approved, the provisions of Chapter 5.40 in the Highland Municipal Code would need to be amended.

It was suggested that based upon what the Town Attorney could research on the matter, the chapter could be amended.

- 3. Discussion:** *Explore the merits of amending the provisions of the Highland Municipal code prohibiting Storage Locker Buildings.* The Building Commissioner and the Town Council discussed the desirability of allowing self-storage buildings expressly in the zoning code. The Building Commissioner noted that prior iterations of the Comprehensive Zoning Code included such provisions allowing such buildings.

The Building Commissioner further noted that in the most recent iteration of the zoning code from 2019, self-storage buildings were intentionally omitted. Presently, the only way for such structures to be permitted is through a successful acquisition of a use variance from the Advisory Board of Zoning Appeals. The Town Council seemed content to leave the current zoning code in place without seeking an amendment to expressly include locker or self-storage structures.

- 4. Discussion:** *Explore desirable, lawful uses of the Innkeeper Tax Fund resources.* The Town Council discussed the statutory uses provided by IC 6-9-2 et seq., for the Innkeeper Tax allocation. The formula for distribution was reviewed, noting the maximum that Highland could receive each year is \$ 4,725. The Innkeeper Tax Fund it was noted had \$36,597.85 on deposit as of October 31, 2021.

The Town Council further discussed the statute limited the uses of these resources to "tourism and economic development projects."

Some hypothetical examples were raised, discussing whether these would be consistent with the purposes of the fund.

- 5. Discussion:** *Appointments to boards and commissions generally. Survey of who is seeking reappointment and who is not and how to proceed.* The Town Council President suggested without objection that no interviews be conducted for incumbents seeking reappointment. He further suggested that where the incumbent communicated that he or she did not wish reappointment or where there were actual vacancies, prospective candidates for appointment might be interviewed.

The Town Council noted a few of the known vacancies that were pending.

There being no further matters to discuss , the Town Council President adjourned the standing study session of Monday, November 15, 2021, at 7:55 o'clock p.m.

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