

Enrolled Memorandum of the Meeting
Study Session/Meeting Hybrid Electronic/In-person
Twenty-Ninth Town Council of Highland
Monday, February 7, 2022

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in a study session on Monday, February 7, 2022, 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. 21-33. 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.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Mark Schocke, Tom Black and Roger Sheeman were present in person. The Fiscal Analyst, Janice Figueroa, was present to memorialize the proceedings. *A quorum was attained.*

This meeting contributes to Agenda building for the plenary meeting. Please, also be aware of the running enrolled list of matters that are likely for the plenary meeting, subject to review by the municipal executive. By practice and local ordinance, study sessions are distinguished from plenary (regular business) meetings of the Town Council "as they shall be conducted with less formality and with no votes or final actions of a dispositive nature unless provided otherwise by proper notice, pursuant to IC [5-14-1.5 et seq.](#)" (Confer HMC Section 2.05.130(3))

General Substance of Matters Discussed

- X. **Discussion:** Conferring with Tom Lounges and representatives of Community Events Commission members regarding entertainment for the Annual Independence Day Festival. Discussion ensued regarding Council's role versus Community of Council Events' role in the planning, organization, and division of labor running the Festival. Tom Lounges requested status of Town contract with Tom Lounges Entertainment, LLC, in regard to the fourth of July festivities. Mr. Lounges cautioned Council continued delay will increase cost and decrease artist and support staff availability. Councilman Herak requested to discuss contract status with Mr. Lounges outside the

council session. Council did not object. Mr. Lounges will act on final decision regarding contract within 72 hours of study session.

- X. **Discussion:** Ms. Carol Parker and a resident from Hampton in Highland request discussion regarding the distribution of the Gazebo Express, the monthly newsletter- **discussion postponed to February 21, 2022 study session**
- X. **Discussion:** Authorizing the Fire Department to convert its position of departmental secretary from a part-time position to a full time position. This would involve amending the wage and salary ordinance. *(If approved will require an amendment to the Wage and Salary ordinance.)* – **discussion postponed to February 21, 2022 study session**
- X. **Discussion:** Appointments to boards and commissions generally, and what remains. *(See the list that is supplied)*-interviews outstanding **discussion postponed to February 21, 2022 study session**
- X. **Discussion:** Ways and means for local match to support Community Crossings Grant Applications for road resurfacing. (See the identified sources from Mark Knesek) Councilman Mark Herak, Public Works Director Mark Knesk, Public Works Administrative Assistant Kim Webb and Fiscal Analyst Janice Figueroa to meet Tuesday afternoon to determine viability of using MVH funds to match Community Crossings grant
- X. **Discussion:** Continue discussion regarding an appropriate memorial for Dr. Mark Kendra, late of Highland, service on the Plan Commission. Councilman Herak proposed a joint session to present a plaque to the family. Council President Zemen engaged Town Lawyer Reed to research the Town's order and purchase a memorial plaque
- X. **Discussion:** Note the likely matters to be on the agenda for Monday, February 14, 2022 the next plenary meeting.

REMINDER Jay Lieser, 1st Metropolitan Builders to the Town council agenda for his presentation at 8:00 p.m. (February 14.) Town Lawyer John Reed cannot represent the Town in regards to this matter due of a conflict of interest and recommended Council engage a different lawyer for this matter when appropriate.

- X. **Discussion:** Councilman Black reported Redevelopment Commission has requested guidance from the Council. Redevelopment Commission has provided Councilman Black, who has forwarded to the Council, a list of projects to review. Councilman Black will request Redevelopment send a representative to present the list with updates to the Council.

Meeting Adjourned 7:30 pm

Agenda Building Status Report

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The Town of Highland acknowledges its responsibility to comply with the American with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, etc.) for participation in or access to Municipal sponsored public programs, services and or meetings, the Town of Highland requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and or meeting. To make arrangements, contact the ADA Coordinator for the Town of Highland at (219) 972-7595.

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• **Plenary Business Meeting of Monday February 14, 2022 Likely matters**

X. Minutes of the Meeting of Monday, January 24, 2022.

X. *Staff reports:* Building Department, Fire Department and Workforce Safety report.

X. Approval of Conflict of Interest Form: Filed by Executive appointee Christine Cash. Must be approved by both the town council president and the full council.

X. Approval of workers being paid at higher than the starting pay for the position:

Mary Shelton, part time crossing guard at \$11.43.	The range is \$10.35 to \$11.52
Tracy Anderson, part time records clerk at \$18.14	Starting is \$16.59 and \$18.14
James Svetic, part time crossing guard at \$11.43.	The range is \$10.35 to \$11.52

X. Authorization of publication of legal notice of proposed additional appropriations to the General Fund in a **NET** amount of \$17,491, *(there will be a moving of an amount of health insurance premium Code Enforcement Officer)* and an increase in the ICT Fund \$6,485. *(See breakout in spreadsheet accompanying the study session)*

X. Appointments of Boards and Commissions:

Executive Appointments

• **Municipal Plan Commission** (1) (vacancy) appointment to be made by Town Council President. *(Note: Unexpired term of the Late Dr. Mark Kendra, term ending 1st Monday January 2024)) No more than two of any party. Current composition is 2 Republicans, 1 Democrat.*

• **Economic Development Commission** (1) appointment to be made by the Town Council President. Term expires 01.30.2022. *(Note: Currently held by Matthew Reardon.)*

• **Tree Board** (1) appointment to be made by the Town Council president BUT nominated by the Town Council. See HMC Section 8.25.030 (B). *(Note: Currently a vacancy for a NON-High School Member)*

• **Community Events Commission**

Executive Appointments

• **Multi-year terms** (1) appointment to be made by the Town Council President term expiring 01.01.2023.

Legislative Appointments

- **Redevelopment Commission** (1) appointments to be made by Town Council. *(Note: Currently held by Cyril Huerter)*
- **Community Events Commission**
- **Multi-year terms** (4) appointments to be made by the Town Council with 2 terms expiring 10.01.2022 and 2 terms expiring 01.01.2025.
- **Annual terms** (9) appointments to be made by the Town Council terms ending on 01.01.2022. *(Note: Currently serving Allencia Ballard, Stan Allen, Deborah Trevino, Christine Gonzalez, Linda Carter, Jeffery Pena, Sandra McKnight, Elizabeth Alakel (who does not wish to be reappointed) and a vacancy.)*

X. Accounts payable vouchers Docket for the period of January 25, 2022 to February 14, 2022 in the amount \$ _____

X. Payroll Docket for the payday of _____, 2022 in the amount \$ _____.

REMINDER. Jay Lieser, 1st Metropolitan Builders to the January 24th town council agenda for his presentation at 8:00 p.m. (February 14.)

X. Resolution Sense of the Town Council on Elimination of the Business Personal Property "Floor" Replace Don't Erase?

FUTURE MEETINGS

X. **Discussion:** The desirability of vacating the dedicated but unimproved street, 2703 Jewett Avenue, which lays directly in front of the American Legion Post 180, which appears to be on Ridge Road. *The Town Council President indicated he would follow-up with the Legion Leaders.*

X. **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)*

X. **Discussion:** The desirability of accepting the proposal from London Witte regarding group representation regarding a pending rate increase from NIPSCO before the IURC. *(Proposal included. Ted Sommer will be available by Zoom to discuss)*

Discuss: Enrolled Ordinance on fixing purchasing. Add the contract extension.

FIX THE NUISANCE ORDINANCE

X. Discussion: Discuss the merits of engaging a business process engineering study with an objective to find ways and means to lower cost without loss of quality or output and outcomes. *(No new information. Was there sufficient interest in this?)*

III.

Future meetings:

X. Paul L. Doherty Memorial Plaza for Highway of Flags Veteran's Memorial Monument (There is no new information.)

- Ordinance for changes to the Building Department
- Software for transparency for budget stuff.
- What are we going to do with 2819 Lincoln Street, Highland, IN?
- **If anything new:** Look at social media and electronic mail archiving. *(Communicated by Ed Dabrowski as requested by Jerry Koedyker) (see document)*

Future: Reschedule

X. Ms. Lisa Tudor of Indy FERAL regarding Feral cats. (317) 638-3223

IC 36-7-4-605 (a)

(2) If the proposal is to amend or partially repeal the text (not zone maps) of the ordinance under section 607 of this chapter, it may be certified with a favorable recommendation, an unfavorable recommendation, or no recommendation from the commission.

IC 36-7-4-607

Zoning ordinance; procedure on proposal to amend or partially repeal ordinance

Sec. 607. (a) This section applies to a proposal, as described in section 602(b) of this chapter, to amend or partially repeal the text (not zone maps) of the zoning ordinance.

(b) **ADVISORY)AREA.** If the proposal is initiated by a participating legislative body instead of the plan commission, the proposal must be referred to the commission for consideration and recommendation before any final action is taken by the legislative body.

(c) On receiving or initiating the proposal, the commission shall, within sixty (60) days, hold a public hearing in accordance with section 604 of this chapter. Within ten (10) business days after the commission determines its recommendation (if any), the commission shall certify the proposal under section 605 of this chapter.

(d) The legislative body shall vote on the proposal within ninety section 605 of this chapter.

(e) This subsection applies if the proposal receives a favorable recommendation from the plan commission:

(1) At the first regular meeting of the legislative body after the proposal is certified under section 605 of this chapter (or at any subsequent meeting within the ninety (90) day period), the legislative body may adopt, reject, or amend the proposal. The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.

(2) If the legislative body adopts (as certified) the proposal, it takes effect as other ordinances of the legislative body.

(3) If the legislative body fails to act on the proposal within ninety (90) days after certification, it takes effect as if it had been adopted (as certified) ninety (90) days after certification.

(4) If the legislative body rejects or amends the proposal, it shall be returned to the plan commission for its consideration, with a written statement of the reasons for the rejection or amendment. The commission has forty-five (45) days in which to consider the rejection or amendment and report to the legislative body as follows:

(A) If the commission approves the amendment or fails to act within the forty-five (45) day period, the ordinance stands as passed by the legislative body as of the date of the filing of the commission's report of approval with the legislative body or the end of the forty-five (45) day period.

(B) If the commission disapproves the rejection or amendment, the action of the legislative body on the original rejection or amendment stands only if confirmed by another vote of the legislative body within forty-five (45) days after the commission certifies its disapproval. If the legislative body fails to confirm its action under this clause, the ordinance takes effect in the manner provided in subdivision (3).

(f) (ADVISORY/AREA.) This subsection applies if the proposal receives either an unfavorable recommendation or no recommendation from the plan commission:

(1) At the first regular meeting of the legislative body after the proposal is certified under section 605 of this chapter (or at any subsequent meeting within the ninety (90) day period), the legislative body may adopt, reject, or amend the proposal. The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.

(2) If the legislative body adopts (as certified) the proposal, it takes effect as other ordinances of the legislative body.

(3) If the legislative body rejects the proposal or fails to act on it within ninety (90) days after certification, it is defeated.

(4) If the legislative body amends the proposal, it shall be returned to the plan commission for its consideration, with a Indiana Code 2015 written statement of the reasons for the amendment. The commission has forty-five (45) days in which to consider the amendment and report to the legislative body as follows:

(A) If the commission approves the amendment or fails to act within the forty-five (45) day period, the ordinance stands as passed by the legislative body as of the date of the filing of the commission's report of approval with the legislative body or the end of the forty-five (45) day period.

(B) If the commission disapproves the amendment, the action of the legislative body on the original amendment stands only if confirmed by another vote of the legislative body within forty-five (45) days after the commission certifies its disapproval. If the legislative body fails to confirm its action under this clause, the ordinance is defeated as provided in subdivision (3).

As added by Acts 1981, P.L.309, SEC.23. Amended by Acts 1981, P.L.310, SEC.33; Acts 1982,