

**Enrolled Minutes of the Sixty-Fourth Regular Meeting
For the Twenty-Ninth Highland Town Council
Regular Plenary Business Meeting (Electronic/In person Hybrid)
Monday, April 11, 2022**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, April 11, 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 both an in person and an electronic meeting, Some persons were participating remotely on a Zoom platform that allowed for real time interaction, and supported the public's ability to observe and record the proceedings. People were able to participate in person and remotely. When the agenda item provided for public comment, this was supported as well. Councilor Thomas Black participated remotely and Councilor Toya Smith, Councilor Mark Schocke, Councilor Roger Sheeman all participated in person. Councilor Bernie Zemen was absent. Ordinance 1765 which established the policy by which Members of Boards and Commissions can participate by Electronic Means was followed and attendance per Ordinance 1765 was adhered to.

Pursuant to HMC Section 2.05.130(A)(2), the Town Council considered and reviewed the agenda in an informal proceeding in the plenary meeting room before the president called the meeting to order.

The Town Council Vice President Thomas Black presided. The Town Clerk-Treasurer, Mark Herak, was present to memorialize the proceedings. The meeting was opened with the Councilor Roger Sheeman reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Toya Smith, Mark J. Schocke, Thomas Black and Roger Sheeman. Councilor Zemen was absent. The Clerk-Treasurer, Mark Herak was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: John Reed, Attorney with Abrahamson, Reed & Bilse (remotely); Tim Gembala, Public Works Operation Director; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation (remotely); Kathy DeGuilio-Fox, Redevelopment Director; Edward Dabrowski, Director of Information Technology; and Kenneth J. Mika, Building Commissioner; were present.

Also present: Larry Kondrat of the Board of Waterworks Directors.

Guests: Theresa Badovich (remotely) and Robin Carlascio (remotely) of the Idea Factory were also present.

Minutes of the Previous Meetings: The minutes of the March 28, 2022 meeting were approved by general consent.

Special Orders: None

Comments from the Public or Visitors:

There were no comments from the public.

Staff Reports: The following staff reports were received and filed.

• **Building & Inspection Report for March 2022**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0		
Commercial Additions or Remodeling:	5	0	5	\$147,685.00	\$4,371.75
Signs:	4	0	4	\$8,066.00	\$1,068.00
Single Family:	1	1	0	\$300,000.00	\$5,293.50
Duplex/Condo:	0	0	0		
Residential Additions:	0	0	0		
Residential Remodeling:	61	61	0	\$630,464.00	\$15,222.00
Garages:	1	1	0	\$36,000.00	\$883.00
Sheds:	1	1	0	\$3,105.00	\$157.50
Decks & Porches:	5	5	0	\$24,530.00	\$1,137.00
Fences:	14	14	0	\$61,726.00	\$2,386.50
Swimming Pools:					
DrainTile/ Waterproofing:	2	2	0	\$36,903.00	\$810.00
Miscellaneous	17	17		\$141,321.00	\$6,677.20
TOTAL:	111	102	9	\$1,389,800.00	\$38,007.00
Electrical Permits	23	15	8		\$3,159.00
Mechanical Permits	8	6	2		\$1,028.00
Plumbing Permits	15	14	1		\$2,627.45
Water Meters	1	1	0		\$245.00
Water Taps	6	6	0		\$1,200.00
Sewer/Storm Taps	13	13	0		\$4,100.00
TOTAL Plumbing:	35	34	1		\$8,172.45

March Code Enforcement:

Investigations: 072
 Citations: 003
 Warnings: 013

March Inspections:

Building: 24 Electrical: 21 Plumbing: 15 HVAC: 05
 Electrical Exams: 1

• **Fire Department Report for March 2022**

<u>Type of Call</u>	<u>Month</u>	<u>YTD</u>
General Alarms	9	36
Paid Still Alarms	20	64
Still Alarms	1	9
Total Alarms:	30	Calls YTD: 109

• **Workplace Safety Report for March 2022**

There was no workplace incident to report in December. The following report was filed.

Department	Injuries this Month	Year to Date 2022	Total in 2021	Restricted Days 2022	Lost Workdays This Year (2022)	Restricted Days Last Year (2021)	Lost Workdays Last Year (2021)
Parks & Rec		1					
Fire			1				
Police		2	4		67		10
Street							
Water & Sewer			2			32	
Maintenance	1	3	2		16		
Other			0		0		
TOTALS	1	6	9	0	83	32	10

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

General Orders and Unfinished Business:

- ACTION TO APPROVE APPOINTMENT OR EMPLOYMENT OF FULL-TIME EMPLOYEE, PURSUANT TO SECTION §3.03 OF THE COMPENSATION AND BENEFITS ORDINANCE. WILLIAM R. TIMMER, JR., CFOD, FIRE CHIEF RECOMMENDS THE FOLLOWING:**

The hiring of Denise Beck, to the full-time position of Secretary in Fire Department (Agency) at a rate of pay of \$19.99 per hour. This position was approved in the 2022 budget, going from a part-time position to a full-time position.

Councilor Schocke moved, Councilor Sheeman seconded the appointment and hiring of Denise Beck, to the full-time position of Secretary in the Fire Department (Agency) at a rate of pay of \$19.99 per hour. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The hiring was authorized and approved.

2. **Works Board Order No. 2022-07:** An Order of the Works Board Approving and Authorizing the Purchase of Certain Public Safety Communications Equipment, as Identified by the Metropolitan Police Chief, from Motorola Solutions, Inc., of Allen Texas and finding it to be a special purchase pursuant to IC 5-22 and Chapter 3.05 of the Municipal Code.

Councilor Sheeman moved the passage and adoption of Works Board No. 2022-07. Councilor Schocke seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2022-07**

An Order Approving and Authorizing the Purchase of Certain Public Safety Communications Equipment, as Identified by the Metropolitan Police Chief, from Motorola Solutions, Inc., of Allen, Texas and finding it to be a Special Purchase pursuant to I.C. 5-22 and Chapter 3.05 of the Municipal Code.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$150,000.00;

Whereas, The Metropolitan Police Chief has identified Motorola Solutions, Inc., of Allen, Texas to be the desirable source vendor for the purchase forty-four (44) wearable cameras, with magnetic chest mounts and accessories (Project Name (44) V300 EL5 per quote CPE-0141-04) at a total purchase price of \$103,340.00;

Whereas, The price for the purchase exceeds \$15,000.00 and requires express approval of the purchasing agency pursuant to Section 3.05.040 (D) as well as, Section 3.05.040 (E) of the Highland Municipal Code; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(2) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The Purchasing Agent, believes that this purchase qualifies as a special purchase to be made without soliciting bids or proposals because in this instance (1) the compatibility of equipment, accessories or replacement parts is a substantial consideration in this purchase and (2) only one source meets the department's reasonable requirements, which is the source recommended for this purchase;

Whereas, The Purchasing Agent, for the rationale stated herein, elects to purchase without resort to soliciting quotes or bids pursuant to IC5-22-10 and Section 3.05.065 (I) of the Highland Municipal Code;

Whereas, The purchase of the wearable cameras, with magnetic chest mounts and accessories will be supported by an appropriation anticipated to be approved and adopted in the Public Safety Income Tax Fund and a grant from Indiana Department of Homeland Security, Indiana Local Body Camera in the amount of (\$32,000);

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein,

NOW, THEREFORE BE IT ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby authorizes and approves the purchase from Motorola Solutions, Inc., of Allen, Texas as a desirable source vendor for the purchase of forty-four (44) wearable cams, with chest mounts and accessories as set forth in quote, which is attached as an exhibit to and made part of this order at a total purchase price of \$103,340.00;

Section 2. That the Works Board hereby finds and determines the following:

- (A) That Motorola Solutions 412 E. Exchange, Allen, Texas a sole source to meet the police departments reasonable requirements for this purchase;
- (B) That this purchase, the compatibility of equipment, accessories or replacement parts is a substantial consideration; and,
- (C) That the forgoing rational, this purchase qualifies as a special purchase pursuant to IC5-22-10 et seq. and HMC Section 3.05.065(I); and,

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be It So Ordered.

DULY PASSED and ORDERED this 11th Day of April by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, and having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Mark Herak

Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 3. Works Board No. 2022-08:** An Order of the Works Board Accepting a Proposal from Dean's Lawn and Landscaping for Downtown Highland Landscape Services in the Amount of \$34,390.00 the Year 2022.

Councilor Schocke moved the passage and adoption of Works Board Order No. 2022-08. Councilor Schocke's motion failed to receive a second. Motion died for a lack of a second.

By general consent the order was referred for further study.

- 4.. ACCEPTING THE PERFORMANCE AGREEMENTS FOR PROFESSIONAL ENTERTAINMENT AND STAGE SERVICES FOR THE TOWN OF HIGHLAND, ASSOCIATED WITH THE 2022 INDEPENDENCE DAY FESTIVIES.**

Councilor Schocke moved approve the contract for Professional Entertainment and Stage Services for the Town of Highland, associated with the 2022 Independence Day Festivities. Councilor Sheeman asked Acting President Black if he might comment prior to the motion being seconded. Acting President Black granted Councilor Sheeman's request. Councilor Sheeman stated why he could not support Councilor Schock's

motion as he wanted a list of bands and Clerk-Treasurer hadn't supplied him with a list. Councilor Schocke responded that Clerk-Treasurer Herak had presented the list of bands at the last CEC meeting, many of the bands Councilor Schocke was familiar with and without bands the Town won't have much of entertainment on the 4th. Acting President Black stepped down from the Chair, giving the gavel to Councilor Schocke and seconding Councilor Schocke's motion. Upon a roll call vote, there were two (2) affirmatives, one (1) negative and one abstain. Motion failed for not getting the necessary three (3) votes to pass.

By general consent the order was referred for further study.

- 4.. There was no action taken to advertising in the Ad Book or purchasing a table for the May 20,2022 NWI Parkinson's, 6th Annual Dinner Dance.

New Business:

1. **Proposed Ordinance No. 1766:** An Ordinance to Amend Chapter 3.20 of the Highland Compensation and Benefits Ordinance, particularly amending the provisions regarding Bridging of Service, all pursuant to I.C. 36-5-3-2, I.C. 36-5-3-2(b), and IC 36-5-3-2(c) et sequitur.

Councilor Schocke introduced and moved the consideration of Ordinance No. 1766 at the same meeting of introduction. Councilor Smith seconded. Upon a roll call vote, a unanimous vote being necessary to consider the Ordinance on the night of introduction, there were three (3) affirmatives and one (1) negative. The motion failed. The ordinance could not be considered at the same meeting of its introduction.

By general consent the order was referred for further study.

2. Councilor Schocke moved to amend the agenda asking to be placed on the agenda, allowing the approval of an expenditure by Councilor Smith to purchase 2 shirts with the Town of Highland's logo. Councilor Sheeman supported the motion to add the item to the agenda. Upon a roll call vote, a unanimous vote being necessary to consider on the night of introduction, there were four affirmatives and no negatives. The motion passed. The motion now could be considered at the same meeting of its introduction.

Councilor Schocke moved to approve the expenditure by Councilor Smith to purchase 2 shirts with the Town of Highland's logo. Councilor Sheeman supported the motion. Upon a roll call vote, three (3) votes being necessary to pass, there were four (4) affirmatives and no negatives. The motion passes.

Comments from the Town Council:

(Good of the order)

- **Councilor Toya Smith:** • *Advisory Board of Zoning Appeals Liaison • and Board of Sanitary Commissioners liaison.*

Councilor Smith acknowledged the Building Commissioner, Ken Mika to comment on the upcoming BZA meeting which is in two (2) weeks. Mr. Mika advised that there is one (1) item on the agenda dealing with a set back of a fence.

Councilor Smith also commented that the Sanitary Board signed off on the Consent Decree. The projected cost is around \$71M and will be phased in over twelve (12) years.

Councilor Mark Schocke: • *Park and Recreation Liaison • and Community Events Commission Liaison.*

Councilor Schocke acknowledged the Parks and Recreation Superintendent who reported that Adult Softball will begin within the next two (2) weeks. The Summer Brochure is at the printing and the 21st Annual Park Pride Day is April 23rd. The Park Board approved the contract for solar lights on the bike trail. Superintendent Brown does not anticipate construction till next spring. recreation programming. He commented that the CEC is busily planning the Memorial Day

- **Councilor Tom Black:** *Liaison to the Board of Waterworks Directors • Redevelopment Commission Liaison.*

Councilor Black acknowledged the Public Works Operation Director who commented that branch and leaf pick up has begun. Leaf pick up will last for about 2 weeks. The crews are patching potholes. Public Works is really utilizing their new TV truck.

Councilor Black noted that the Lake County Solid Waste Management District is working to relocate to a new building it will own.

Councilor Black also noted the post card that would be soon in the mail for all residents regarding the new impact of the wholesale rates on the consumption rate for the next ten years.

Councilor Black acknowledge the Clerk-Treasurer who commented plans are progressing on the beer garden and a meeting is scheduled the both Chiefs.

- **Councilor Roger Sheeman:** *Town Board of Metropolitan Police Commissioners Liaison • Fire Department, Liaison • Chamber of Commerce Liaison • • Information Communications and Technology Department Liaison.*

Councilor Sheeman acknowledged the Redevelopment Director and asked if there was any news as to her replacement. She has posted the position on the AIM website but hasn't received any inquiries. She thanked the Sanitary Board for waiving the sewer liens of \$123 on the property at 8610 and 8620 Kennedy so the sale could be completed to Metropolitan Builders. The garage at 2815 Jewett has been repaired and the building is set to be sold on April 12, 2022.

Councilor Sheeman acknowledged the Police Chief who thanked the Council for approving Works Board Order 2022-07 for the purchase of 44 body cams. They have begun processing the next group of applicants. Hopefully they'll get some good candidates. The 4 police vehicles have been ordered from Bozak Ford of Burns Harbor. No delivery date was given however the Chief commented that several departments that went with the Dodge Chargers have had their orders cancelled.

Councilor Sheeman acknowledged the Fire Chief who thanked the Council for approving the hire of the 1st full-time secretary for the Fire Department. The Chief wished everyone a Happy Easter.

Councilor Sheeman acknowledged the IT Director who commented that he is in the process of rolling out a Cyber Security Training to all of the Department Heads before rolling it out to the employees.

- **Council President Bernie Zemen:** *Town Executive • Chair of the Board of Police Pension Trustees • Liaison to the Tree Board.*

Comments from Visitors or Residents:

1. Mr. & Mrs. Mlodecki of Crown Point, who own the apartment complex behind the Performance Plus Complex on 45th Highland, expressed their frustration that there was a complaint about the noise (the balls bouncing off metal bats when they were told metal bats wouldn't be used), practicing after 5 P.M in the evening (when they left to come to the plenary which was around 6:10 P.M. teams were still practicing). They were told by the owner that no ball playing would be allowed after 5 P.M. in the evening. Balls still continue to end up in their yard and in some cases less than 100 feet. They also complained that the owner of the complex had hired a landscaper who placed mulch around their 15 lilac trees. The Mlodecki's viewed it as a dig by the owner of Performance Plus. The trees are on their property. They're in the process of having them relocated. Councilman Schocke commented that he didn't see a problem with mulch being placed around trees. Mr. Mika responded that he has a meeting with the owner of the complex on April 12th.
2. Mr. Kondrat expressed concerns that his 1st and 14th Amendments rights were being violated by Councilor Sheeman, as Councilor Sheeman, in addition to calling him a liar, wants to impose a fine on him as he considers Mr. Kondrat a nuisance. Councilor

Sheeman strongly objected to Mr. Kondrat's remarks. The Town Attorney advised Mr. Kondrat that his two (2) minutes were up.

3. Dominic of 2405 River Drive, Highland was concerned that his neighborhood was beginning to look like crap and many neighbors are renters and don't keep up their property. Dominic asked if the Code Enforcement Officer could pay closer attention when driving down his neighborhood as many neighbors do not bring their garbage cans back in a timely manner. He expressed concern about the two houses next to him. He had expressed concerns about these houses in September. One (1) house was missing roofing shingles and another looks in disrepair. Mr. Mika said both houses have been sent property maintenance letters. Now that the weather is breaking, a property maintenance letter has been sent to the two (2) properties in question by the Building and Inspection Department. Mr. Mika said they will stay on top of the property owners to make sure the repairs are completed. He also wanted to know when the project would begin on River Drive. Tim Gembala advised that the project had not been let so probably not till late summer but if he called the Public Works Garage in the morning, Tim could give him a better answer.

Payment of Accounts Payable Vouchers. There being no further comments from visitors or residents, Councilor Schocke moved to allow the vendors accounts payable vouchers

as filed on the pending accounts payable docket, covering the period **March 30, 2022 through April 12, 2022**. Councilor Sheeman seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$238,385.61; Motor Vehicle Highway and Street (MVH) Fund, \$24,167.68; Insurance Premium, \$205,418.24; Law Enforcement Continuing Education, Training, and Supply Fund, \$2,033.21; Corporation Bond & Interest Fund, \$404,000.00; Information and Communications Technology Fund, \$9,619.03; Police Pension, \$2,321.43; Traffic Violations and Law Enforcement Agency Fund, \$3,000.00;
Total: \$484,945.20.

Adjournment of Plenary Meeting. There being no further items of business on the agenda, Councilor Schocke moved that the meeting be adjourned. Councilor Sheeman seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives. The motion passed. Plenary meeting of the Highland Town Council of Monday, April 11, 2022 was adjourned at 7:56 O'clock p.m.

Mark Herak
Clerk-Treasurer

Approved by the Town Council at its meeting of April 25, 2022.