

**Enrolled Memorandum of the Meeting
Study Session/Meeting (Convened Electronically/Hybrid)
Twenty-Ninth Town Council of Highland
Monday, August 1, 2022**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in a study session on **Monday, August 1, 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 between and among all of 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. Councilor Toya Smith, Councilor Mark Schocke, Councilor Tom Black, Councilor Roger Sheeman, Councilor Zemen all participated in person.

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, Toya Smith, Mark Schocke, Tom Black, Roger Sheeman, were present in person as indicated. The Clerk-Treasurer, Mark Herak was present to memorialize the proceedings. *A quorum was attained.*

Officials Present: Ed Dabrowski, IT Director, Ken Mika, Building Commissioner, were in person.

General Substance of Matters Discussed.

Discussion: Consideration of Proposed Additional Appropriations: (*non-controlled funds*) Proposed Additional Appropriations in Excess of the 2022 Budget in the **CCI Fund** in the amount of \$102,200.00. If this acceptable to the Council then at their August 8, 2022 plenary meeting, the motion will be: Authorizing the proper officer to publish legal notice of public hearing: Public Hearing to consider additional appropriations in the amount of **\$102,200** in the **CCI Fund**; The meeting would be August 22nd

At the Council's last meeting, you approved Transfer Resolution 2022-16 moving approximately \$672,000 into the Community Crossings Grant Fund. At that time, the Council was advised that there was a shortfall in the CCI Fund of approximately \$132,000. So tonight, I am asking the Council to instruct the proper officer to advertise for an additional appropriation in the amount of \$102,200 which is all that is remaining in that Fund to appropriate. The additional \$30,760 will have to be made up by cash reserves. I want to make the Council aware, that in order to completely fund the Community Crossing Grant, we are taking money from the cash reserves. I have already

spoken with Mark Knesek, Public Works Director and advised him as I advise the Council, you cannot keep relying on cash reserves to make up the short falls. In 2023, he'll either have to cut back on projects (in 2022, you had the River Drive project and the Community Crossings Grant which both draw from the same resources) or find a different funding mechanism. If the Council chooses not to advertise for an additional appropriation, then Public Works cannot continue with the Community Crossing Grant.

Councilor Zemen commented, I guess we don't have much of a choice.

Councilor Sheeman said that he would address with the Public Works Director during the budget process, that projects going forward, he needs to fund from his budget and not rely upon cash reserves.

Discussion: Proposal from the HCCE on the Highland Backyard Barbeque Festival to be held the weekend of September 17th & 18th at Main Square.

Jacqui Herrera began by passing out a hand out and began to explain that what she placed in front of the Council was just a brief estimate of the budget that we're looking at for the event which is inclusive of the entertainment. Included with the budget was the proposed layout. The layout is essentially the same size as the Park's 75th Anniversary Celebration. The HCCE did not want to proceed forward until they presented the plan to the Council and got a general consensus from the Council that they were in favor and whether or not they should proceed.

Sandy McKnight provided signed copies of all the band contracts and the W-9's. Since the contracts are signed, she said those budget numbers are solid and not an estimate.

Councilor Schocke asked Jacqui if anyone from the HCCE approached or had discussions with the Park Department. Councilor Schocke wanted to make sure the Backyard Barbeque is on the Park Department's radar screen. I presume the Park Board will give you a thumbs up but I don't know. We have a study session this Thursday, so it would be nice that the Park Board has a copy of the layout for their meeting.

Jacqui responded that it is going to be very similar to the 75th Anniversary layout. The difference is that there is additional square footage to encompass a cornhole tournament. They wanted the cornhole tournament to be inside the beer garden but other than that, it is mimicking the 75th anniversary.

Councilor Zeman asked what is a cornhole tournament. Much laughter from the Council. They explained that another termed used was bags.

The Clerk-Treasurer re-emphasized to Councilor Schocke and Jacqui of keeping the Park Board informed as to the layout of the beer garden so you don't have what happened several weeks ago when the Park Board felt they were blind-sided by the layout for the 4th of July beer garden layout. He also reminded them that the Park Board has to

approve the Special Events Permit and then forward it to the Town Council for their approval.

Jacqui said Trever was at the meeting, so he is aware of the layout. She was also going to send that evening, an email to the Alex and the Park Board a copy of the draft proposal and layout.

Councilor Sheeman asked Jacqui that he noticed that the car show was taking place on the grass. Was that ever tried before and what happened if it rains.

Jacqui reiterated that Trever was at the meeting and as long as it doesn't rain, everything will be fine. It is very similar to the trunk and treat or the Park's 75th which had blow ups on the grass.

Councilor Sheeman asked but what if it does rain.

Jacqui said they are working on an alternate site, either on the street or in the parking lot.

The Clerk-Treasurer was asked about the budget for this event. He responded we received another invoice today for \$1,000 for the removal of the grease. As of today, there is \$9,000 unencumbered.

Councilor Schocke suggested that we might want to consider an additional appropriation now so we build in some margin.

HIGHLAND'S "BACKYARD BARBECUE"

Main Square Park

Saturday, September 17, 2022, 12:00 pm-10:00 pm

12-4 pm Children's Activities
1-6 pm Cornhole Tournament
2-9:30 pm Live Music
12-9:30 pm Beer Garden
12-9:45 pm Food Vendors/Vendors

Sunday, September 18, 2022, 12:00 pm – 9:00 pm

12-6 pm Car Show
1-6 pm Cornhole Tournament
2-7:30 pm Live Music
12-7:30 pm Beer Garden
12-7:45 pm Food Vendors/Vendors

ESTIMATED* BUDGET ITEMS FOR "BACKYARD BARBECUE"

ENTERTAINMENT: \$9836

BANDS: \$6400

SOUND: \$2436

KID'S ACTIVITIES: \$1000 budget*

SANITATION: \$915

PERMIT: \$230*

BEER GARDEN: 75% LeRoy's/25% HCCE split

CORNHOLE TOURNAMENT: \$500 (for rentals and printouts)*

EVENT INSURANCE: ??*

SECURITY: ??*

P&R: ??*

Highland's Backyard BBQ Entertainment

Saturday September 17, 2022

2:00pm – 3:30pm – Stern Approval / \$350.00

4:00pm – 5:30pm – Mike Green / \$350.00

6:00pm – 7:30pm – Casa Casa / \$800.00

8:00pm – 10:00 – Chicago Bonfire / \$1500.00

Sunday September 18, 2022

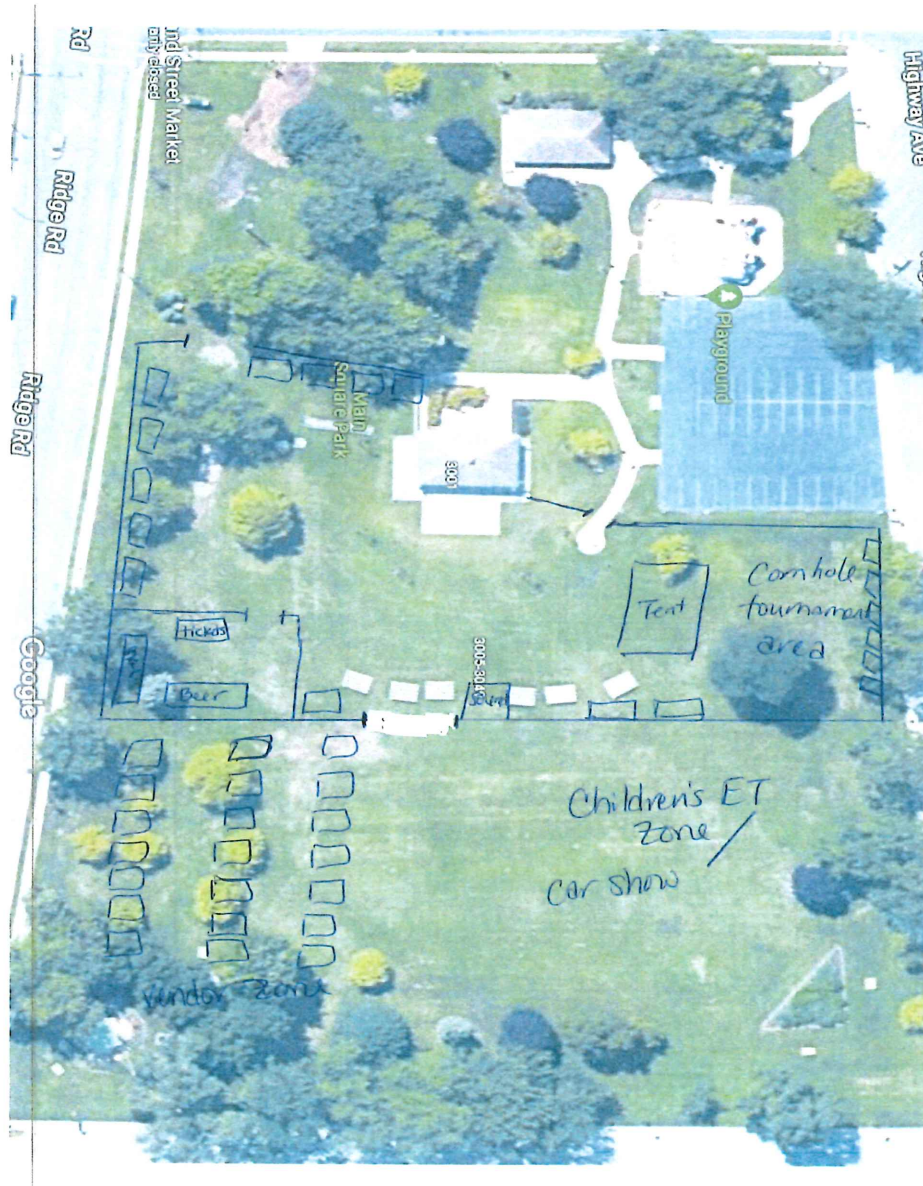
2:00pm – 3:30pm – UnProfessionals / \$400.00

4:00pm – 5:30pm – Michele Velez-Dennis P. / \$1000.00

6:00pm – 8:00pm – Nate Venturelli / \$2000.00

9/17-9/18 – Brian Wynn Sounds Cool Audio / \$2436.00

Total cost for entertainment - \$8836.00



Discussion: Request from the Metropolitan Police to raise the hourly rate of the crossing guards from \$11.43 per hour to \$13.43 per hour.

The Clerk-Treasurer said he had received a request from the Metropolitan Police Chief about raising the hourly rate for the school crossing guards. The Chief also copied Councilor's Zemen and Sheeman. The Clerk-Treasurer reiterated, if the Council is interested in the Chief's request, he would prepare an amendment to the salary ordinance adjusting the hourly rate of the crossing guards and sub crossing guards. With school starting on the 11th of August, it should be

considered at the August 8th meeting. It would have to be considered on 1st reading.

Councilor Zemen asked when did school begin that early. When he was in school, school started after Labor Day. One of the reasons was that the schools were not air conditioned.

Councilor Sheeman asked, didn't we bump up their hourly rate last year. The answer was in the affirmative. He said he is not opposed to raises but here you go wanting to them another \$2 when you gave them one last year. We are beginning the budget process, let's wait and see if we have available funding left over. He is opposed to bumping up their hourly rate.

Councilor Schocke counter that it seems like a pretty cheap price to pay for the safety of our children.

With no real consensus being reached, so unless advised otherwise the item will not be on the agenda for August 8th.

Discussion: The Clerk-Treasurer asked the Council if he should build raises into the 2023 budget.

The Clerk-Treasurer advised that he has a preliminary hearing with the DLGF regarding the 2023 budget this Thursday. It is only a workshop, providing feedback on where they feel the Clerk-Treasurer is in the budget process. He asked the Council to think about whether they want to incorporate raises in the 2023 budget (until the final budget is certified, no raises can be given) or wait till the budget is certified and then adopt a salary ordinance. The employees would like to know sooner rather than the end of the year if they are getting a raise and how much. The Clerk-Treasurer asked the Council to consider as either is acceptable. He asked that if they want to incorporate raises in the 2023 budget, to advise so he can see the effect on the total budget and not wait until the September 19th introduction of the budget to make such a decision. He said, I am not looking for a percentage but rather a dollar amount. If a percentage amount is given, the employees may come to expect that percentage and until the budget is certified, no raises can be given.

Councilor Schocke added that while we are speaking of budgets, he would like for a couple of minutes at the end of the meeting to discuss the meeting that Councilor Black and he had with the Highland Public Schools Superintendent Brian Smith. He said I want to be upfront with everyone. I did meet with School Town of Highland and I would like to bring everyone up to date.

Discussion: ABZA Finding of Fact, a neutral recommendation. The Town of Highland Advisory Board of Zoning Appeals met in regular session on Wednesday, June 22, 2022. The Motions and votes taken resulted in a Neutral recommendation,

which is being forwarded to the Town Council this petitioners Use Variance Request.

Mr. Mika began by stating that at the June 22, the Board of Zoning Appeals, a petition was before them for a use variance, commonly known as the old Ultra property. The petitioner was seeking a use variance to convert part of the property into personal storage units. The petitioner, Sursee Improvements, LLC wants to convert 40% of the building into personal storage and add a couple of retail spaces and a fitness center. And behind the stores in an area described by the petitioner as flex area. The big issue was the personal storage because its not a permitted use in that particular zoning. The BZA with only 4 members present voted 2 in favor and 2 opposed, which resulted in a neutral vote being forwarded for the Council to act upon. This involves a potential personal storage facility use for percentage of the old Ultra site. I don't have a dog in this fight, one way or the other, and none of my comments aren't meant to sway anybody's decision one way or the other. I did talk with Redevelopment Director, Kathy DeGuilio-Fox about this project. She had been dealing with this management company prior to the lockdown caused by the pandemic. We both were pretty clear that a personal storage facility along Indianapolis Boulevard was not something that the Town would look at favorably from either a redevelopment standpoint or a planning and zoning standpoint. Indianapolis Boulevard is our main thoroughfare through Town and it is well travelled. That particular site has a lot of potential for retail something this management company argued they haven't been able to attract tenants. He said, we suggested that they sell the property to someone who is interested in retail. What's interesting is because the north half, which includes the antique mall, was at one time owned by this same management company before the property went into foreclosure. The new owners of the antique mall, are leasing retail spaces left and right. As a matter of fact, they have an interested party who wants to rent the old Taco Bell and turn it into a coffee shop. The Council should be aware that the developer who was approved for the self-storage units off of Osborne, which is behind the Ultra property, has said if this project goes in, he'll pull out. That would be a shame as part of his agreement was to develop Osborne. He, who is a developer, said that there's more potential for that property as retail versus personal storage units. Ken distributed an email from the developer of the storage units on Osborne. He is also the developer who bought the Braum Bloomin Barn and completely remodeled it and look how nice that turned out.

Councilor Schocke said he read the minutes from the meeting. I'm comparing and contrasting the Osborne Street Storage and the proposal here. It seems like the Osborn storage is kind of tucked back behind the Jimmy Johns and it's not really visible, you know it's not like it's on the main drag, whereas this proposal is on the main drag and that's a huge difference in my mind.

Ken added and that was one of the reasons the Osborne project passed the Town Council was that it was tucked behind Ultra and out of visibility of sight. I mentioned the developer of that project, who also bought Braum Blooming Barn and remodeled it. He and others I talked to, feel that we are selling the Town short if we allow something like

this go into this site. Again, this is my personal opinion and I'm not trying to influence anyone on the Council. When asked when it will appear on the Council's agenda, Ken responded he hopes for the August 8th, meeting. He said he has been playing phone tag with the petitioner's new attorney, Dave Westland. Mr. Westland replaces the petitioner's original attorney, Jim Wieser. He hopes that the petitioner will make a presentation. And you know they'll try to paint a rosy picture and I have the utmost respect for Attorney Westland. I worked with him through the years, even back when he was partners with Rhett Tauber. I will try to reach out to him that he's on Monday's agenda. I hope they'll have a presentation but I have no idea.

Councilor Zemen inquired as to how many acres were there and the answer was about 8 acres. He asked why they were having so many problems as I think that property would be great for a Costco or Sam's club or Top Golf.

Mr. Mika responded that in my opinion, they are not actively pursuing retail or good clients. Whenever the topic comes up the petitioners have a bunch of excuses. No body want to see a vacant building. It has been vacant for five years at least. But in development, sometimes you have to be patient. The potential is there. I mean everybody's experiencing this problem. I don't care if it's Merriville, Southlake Mall or strip malls, they all are affected by it.

Councilor Zemen added he read where Calumet City is going to renovate River Oaks.

Mr. Mika said to just jump at anything isn't wise because then you will have to potentially live with that development for years. A little history on the zoning ordinance change. Several years ago, this particular use was permitted in a B3 zoning district. It might have also been permitted in a B1 zoning district. We have a lot of legal nonconforming uses like this throughout town. When we redid the zoning ordinance that was taken into consideration and that's why we included it in a different zoning district category, where it would be approved, which essentially light industrial.

Councilor Schocke said he was reading through the Findings of Facts and at the very end of Exhibit A there appears to be something like notes of the discussion from the BZA on this project which was a 2 to 2 vote. I see some discussion from Mr. Martini as to why he was in favor. I see some discussion from Mr. Thomas about marketing but I don't really get a good feel about the meat of the discussion. I mean, why the Board voted the way they did. I'm trying to get in their minds a little bit as to why the vote was deadlocked.

Mr. Mika commented that the main selling point of the petitioner was the length of time the building been vacant. They claim that they have been marketing the project, which were stated in the minutes.

Attorney Reed said he tried to encapsulate the minutes the best he could as it was 2 pages of colloquy. The petitioners argued that if they are allowed to put in the self or personal storage, which will make a lot of money, they'll be able to put the money back into the building and attract the retail tenants that everyone keeps talking about. The

problem is that the building has been vacant so long that its going to cost the petitioner \$15M just to bring it up to code. Everything basically has to be redone and a grocery store doesn't really fit as everything is pretty old. They feel the 38% personal storage is the economic engine that would drive their ability to attract retail tenants. With income coming in, we can now spend money to fix up the building, thereby attracting more tenants.

Mr. Mika added that the petitioner knows there are covenants in the overlay district that apply. None of the other building, including the flex area could not be used for self-storage. The problem is you have no guaranteed that the money generated will be used to renovate the building. They also said it would all be indoors and temperature controlled as opposed to an unsightly building with 100 garage doors.

Councilor Sheeman questioned the need for another fitness center. You already have 3 or 4 in Highland and what effect a fitness center located in Ultra would have on Lincoln Center which is less than 1 mile away.

Attorney Reed also pointed out that an additional selling point was that Indianapolis Boulevard is in an overlay district and the petitioner would have to come up with a development plan, which is like a PUD. They would have to specify the building materials that would be used and the style.

Ken did say that the petitioner will have to re-subdivide the property and will have to put in a retention pond as there is no legitimate stormwater drainage.

The Clerk-Treasurer reminded the Council of the history of the property. When Walmart went in about 1 mile away in Hammond, Ultra did not renew their lease. The petitioner, who was the owner back then, could not find a tenant and ultimately filed for bankruptcy. The property went on sale for back taxes. The petitioner bought back his own building for pennies on the dollar. We've had several interested parties but the petitioner has put a \$4M price tag. Add another \$1M to have to tear it down.

Councilor Schocke said I'm not an expert at redevelopment by any means, but my thought would be if we provided the correct incentive to some developer, saying hey, look we'll kick in for the demo costs, will you bring your development here.

Councilor Sheeman reiterated that they still have a \$4M asking price which is based on New York real estate values which is too much for our area.

Ken Mika reiterated that he personally feels that developers like Jim Lyons would be willing to buy and develop but not at an asking price of \$4M. He actually bid on the northern part but was not the successful bidder. When both sites went into foreclosure, it was the Town's hope that a decent developer would acquire both properties, tear them down and start from scratch. You are talking about 17 acres.



TOWN OF HIGHLAND

Highland Municipal Building • 3333 Ridge Road
Highland, Indiana 46322
219-838-1080 • Fax 219-972-5097



Population 23,696
Incorporated in 1910

July 27, 2022

Bernie Zemen, President
Highland Town Council
3333 Ridge Road
Highland, In 46322

RE: ABZA FINDINGS OF FACT CONCERNING A USE VARIANCE REQUEST FOR SURSEE IMPROVEMENTS, LLC, FOR THE LOCATION COMMONLY REFERRED TO AS 8401 INDIANAPOLIS BLVD. FOR THE PURPOSE OF ALLOWING THE PETITIONER TO USE A PERCENTAGE OF AN EXISTING BUILDING FOR THE PURPOSE OF ESTABLISHING AN INDOOR CLIMATE CONTROLLED STORAGE FACILITY. THE PROPERTY IS LOCATED IN A B-3/GENERAL BUSINESS DISTRICT/INDIANAPOLIS BLVD. OVERLAY DISTRICT, IN WHICH SELF STORAGE FACILITIES ARE NOT A LISTED PERMITTED USE.

The Town of Highland Advisory Board of Zoning Appeals met in regular session on Wednesday, June 22, 2022. The motions and votes taken resulted in a – **Neutral** – recommendation, which is being forwarded to the Town Council concerning this petitioners Use Variance request.

Please find attached the prepared Findings of Fact for this petition. The file content can be made available upon request. The attached Findings were memorialized at the July 27, 2022 ABZA Meeting. This matter can now be acted upon by the Town Council. Should you have any questions please do not hesitate to contact me.

Sincerely,

Kenneth J. Mika
Zoning Administrator

Cc: Town Council
Mark Herak
Attorney John Reed

Attached: Findings of Fact

HIGHLAND BOARD OF ZONING APPEALS

Petitioner:	Property Location:
Sursee Improvements, LLC	8401 Indianapolis Boulevard
c/o DLC Management Corp.	Highland, IN 46322
565 Taxter Road, Suite 400	
Elmsford, NY 10523	

**FINDINGS OF FACT FOR NEUTRAL RECOMMENDATION
OF A USE VARIANCE IN THE INDIANAPOLIS BLVD. OVERLAY DISTRICT**

- 1) The Petitioner requests a favorable recommendation for a Use Variance at 8401 Indianapolis Boulevard, Highland, IN, for an indoor storage facility in a B-3 Zoning District. The B-3 Zoning District, defined within Highland Municipal Code ("HMC") Chapter 18.45.030, does not include Storage Facilities as a permitted use. Therefore, this petition is considered under HMC Chapter 18.115.050, "Use Variances."
- 2) This matter came before the Highland Board of Zoning Appeals for public hearing on June 22, 2022, as a matter continued, by agreement, from May 25, 2022. Petitioner appeared by Jack Rosencrans and Dan Nieman of DLC Management Corporation. Petitioner presented proof of notice and publication as required by law.
- 3) Mr. Reed stated that the Proofs of Publication were in order, that it was properly published for the meeting of May 25, 2022 and that this would carry over to the June 22, 2022 meeting. Additionally, Mr. Ken Mika confirmed that the signage was posted correctly.
- 4) Jack Rosencrans and Dan Nieman (the "Consultants") of DLC Management Corporation introduced themselves as the legal representatives of Sursee Improvements, LLC. Mr. Rosencrans stated that the owner has had title to the property since 2006 and that marketing efforts were ongoing. Mr. Rosencrans and Mr. Nieman handed out materials depicting the subject property and containing plans for the proposed development. The Consultants stated that the proposal was to develop approximately 50,000 square feet of the property's footprint as a storage facility, and that the proposed storage facility could be two (2) useable stories. In addition, the Consultants stated that the proposed use of the 50,000 square feet is approximately 38% of the total footprint of the existing building.

The Consultants discussed the challenges facing the property (drainage, grading, sight improvements, concrete work, landscaping, etc.) and stated that the addition of the proposed indoor storage facility would generate the income necessary to make the changes to the property needed for its overall redevelopment. The Consultants acknowledged that the property was part of the gateway to Highland.

- 5) Mrs. Murovic, the Chairperson, opened the public meeting. One gentleman, Mr. Richard Jureczko, of 2715 41st Street, came forward and inquired about uses at the

property other than the proposed self-storage component. The Consultants answered the remonstrator's inquiry by discussing the current Dollar Tree, the proposed fitness franchise and other potential uses for the remainder of the property. The public hearing was then closed and the variance request returned to the Board of Zoning Appeals for further discussion.

6) Mr. Helms requested a clarification of the hardship(s) claimed by the Consultants. The Consultants stated that the building is simply not viable, due to its age and condition, for the type of tenants that could afford the rents to actually make the necessary upgrades to the facility. In making that point, the Consultants also indicated that the air conditioning system, store fronts and sprinkler system also need to be replaced, and that all of the needed improvements would cost approximately \$15,000,000. Mr. Helms inquired as to whether the storage units could be converted back to retail space in the future and the Consultants indicated that conversion back to retail would not be an option. Ms. Murovic then then inquired if the storage units would be only rentals. The Consultants confirmed that the storage units would be strictly rentals. A substantial discussion was then held between the Consultants and the Board, and the same can be found at Exhibit A, attached hereto.

7) Following the discussion contained within Exhibit A, Mr. Martini motioned to grant a Favorable recommendation to the Town Council for the Use Variance for the proposed self-storage units contingent upon (1) the establishment of a covenant limiting the self-storage units to 40% of the floor square footage in the main building, (2) that there be no use of the flex-space area for self-storage units, and (3) that there be no outside storage allowed. Mr. Helms seconded and the motion. The motion failed to pass, with a roll call vote of two (2) in favor and two (2) opposed. The result of the tie vote is that a NEUTRAL recommendation be forwarded to the Town Council.

WHEREFORE, based upon the above Findings of Fact, the Highland Board of Zoning Appeals, by operation of the preceding votes taken:

Forwards a NEUTRAL recommendation to the Town Council of the Town of Highland. Vote taken on June 22, 2022. Findings of Fact approved on the 27th day of July, 2022.

**TOWN OF HIGHLAND
BOARD OF ZONING APPEALS**

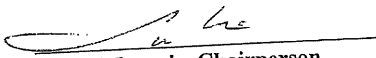

Susan Murovic, Chairperson
Town of Highland Board of Zoning Appeals

EXHIBIT A to JULY 27, 2022 BZA FINDINGS

Mr. Martini asked if the inside storage would be climate controlled. Mr. Rosencrans said it would be and that studies indicated that storage facilities are under served in Highland. Mr. Helms asked if there was any chance in the future that the space could be converted back to retail space if there was a need for it in the future. Mr. Rosencrans stated that would most likely not happen, as it would be difficult to convert it back to retail space after the storage had been approved. Mrs. Murovic asked if these units would be strictly rental units. He replied that they would only be rented. Mr. Martini asked if the storage would have 2 levels and Mr. Rosencrans replied that they did want to have 2 levels, bringing the total storage space close to 100,000 square feet. Mr. Rosencrans stated that it would be more like 75,000 square feet of storage space, because of loading areas and hallways. Mr. Thomas asked about marketing the spaces as retail. He mentioned the old K-Mart site to the north of this property that has a lot of retail and is adding more. Mr. Thomas and Mrs. Murovic mentioned the fact that this is a very visible area, that it was the entryway to Highland and the fact that there is a beautiful park across the street from this property and felt this development may not be conducive to the area. Mr. Rosencrans replied that the property is certainly not an attractive gateway to Highland the way it sits right now. He stated that his company purchased this property because of the fact that they recognized it as a good retail site, with great visibility and it was a busy commercial corridor. He added that DLC owns 80 commercial properties around the country and commercial leasing was their main business. He also stated that they had been working with a 3rd party broker for the past year that had brought them no activity. The petitioner's spoke of various problems in the marketing of the space including the condition of the property, the location, the fact that the other retail area just to the north had been able to open a few of the retail spots on their own, saving a lot of money. Mr. Rosencrans pointed out that in order for DLC to open those types of retail spots, they would have to invest 2 – 3 million dollars into each store. Mr. Thomas asked what improvements had been made to the property since 2006. Mr. Rosencrans stated that they have made repairs to the roof and are responsible for the capital upkeep of the property and keeping it clean. He continued that they would love to improve the façade, but in reality, the possible tenants for these spaces have their own types of branding for the store fronts that they would want and demand, so any improvements they made now may have to be pulled out in the future when the spaces were leased. He added that the property has been losing money, so financing any work is difficult. Mr. Rosencrans added that they have given great effort to the marketing of this property in the last 5 years and he would argue that what was being proposed tonight is an attractive option, considering it is the gateway to Highland and even though it does include the self-storage, it is not a blight on the neighborhood, but rather a great improvement to what is existing there now. Mrs. Murovic stated she didn't feel it would be aesthetically pleasing, conducive, or really help improve the area.

Mr. Martini asked what guarantee Highland would have that, if the variance were granted, would they absolutely invest the kind of money and make the improvements they were saying they would. Mr. Mika explained that getting a use variance would only be the first step for the petitioners and they would then have to go through the Plan Commission for approvals. He added that this property is located in an Indianapolis Boulevard Zoning Overlay District, which

is essentially a Planned Unit Development and there were strict requirements for building materials, drainage, lighting, landscaping, and many others. The property would also have to be sub-divided. He stated that if they get this use variance, they will still have to comply with the Plan Commission's standards under the zoning ordinance. Mr. Mika then asked Mr. Rosencrans about the flex space indicated on the drawing and if there would be any possibility of that space becoming additional self-storage in the future if there were no retail tenants interested. Mr. Rosencrans replied that this would be a topic of discussion in the future if the retail tenants that move in to those front spaces don't want the full 200' depth and there would be some dead space behind their businesses. Mr. Mika stated that if this use variance is ultimately granted by the Town Council, they may require that the self-storage be contained to the specific area designated for it and the flex space will not be allowed to house any additional self-storage. Mr. Rosencrans said he understood and would respect that decision if it was made by the Town Council, but he would ask for as much flexibility for the space at the same time. Mr. Martini asked Mr. Mika if this use variance decision would stay with the land. Mr. Mika replied that was correct, then asked Mr. Reed if the Town could also add a covenant to the decision that would add some restrictions to the decision, such as limiting the use of the flex space and indicating that outside storage would be prohibited. Mr. Reed replied that there could be a covenant written in favor of the Town, that whatever percentage of allowed self-storage is approved, no further expansion of storage area would be permitted. This could also include outside storage and could be recorded against the entire property. Anyone interested in the property in the future would see this written covenant, as it would have a bond number and be officially recorded against the entire property. He added that this is not an unchangeable document, so could possibly be changed in the future. Mr. Mika added that permits would have to be pulled for any future expansions and there would be records of past use variance/variance details in the database that would show what was approved, so the expansion could be monitored that way.

EXHIBIT A

Memorandum of Meeting
Monday, August 1, 2022

Ken Mika

From: James Lyons <jrl144@icloud.com>
Sent: Monday, August 01, 2022 3:37 PM
To: Ken Mika
Subject: Re: Vacant Ultra

Hi Ken

I was thinking about allowing storage use at the old grocery store on Indianapolis. I truly believe that is the most visible and prominent site in Highland . That site should be destined for great things such as a large mixed use project with hotels, condos , office space and retail use. Just look at what Munster is accomplishing. In this case patience is a virtue . If the town allows a storage facility there, it will forever destroy the highest and best use for that site . It will remain a storage facility forever. As an current investor and future investor in Highland I would be completely disappointed if such a great site gets destroyed . Please feel free to read my email to The study session tonite.

Sincerely
Jim Lyons

Sent from my iPhone

> On Sep 13, 2021, at 12:17 PM, Ken Mika <kmika@highland.in.gov> wrote:

>

> Jim,

> The permits are good for 6 months - 180 - days. Though, as long as we are made of any extenuating circumstances we normally leave them open to not exceed 12 months.

>

> Ken

>

>

> -----Original Message-----

> From: James Lyons [mailto:jrl144@icloud.com]

> Sent: Monday, September 13, 2021 9:32 AM

> To: Ken Mika <kmika@highland.in.gov>

> Subject: Brumms Plaza facade

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> Hello Ken

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> My son will be dropping off the building permit application today for the remodel of Brumms Plaza at 2540 45th Street. My question is .. how long is the permit good for? Not surprisingly , my siding materials are up to 3 months back ordered and truly hate siding in the harsh winter months (quality control). Would we be able to start some work now and then complete in the Spring. Please advise.

>

> Thank You

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> Jim Lyons

> 219-406-0203

Discussion: Councilor Schocke wanted to update the Council regarding the meeting he and Councilor Black had with the School Town regarding adding an additional School Resource Officer.

As stated earlier, Councilor Schocke and Councilor Black, as well as, the Metropolitan Police Chief, met last Tuesday with the Highland Public Schools Superintendent, Brian Smith and the Assistant Superintendent Ryan? at the Highland Administration Building. Also, in attendance were School Board Members Victor Garcia and Bob Kuva. The purpose of the meeting was to discuss the possibility of funding a second school resource officer. Councilor stated that the School Town is beginning the budget process just as the Town is and have similar budget issues. They're trying to crunch numbers as we but I communicated our strong desire to protect the Community, especially since we've got one school resource officer and six schools. Ideally, we would like to have six school resource officers which budget wise is impractical but if we could just make a second one, in the short term. There was initially some discussion about what they were doing to secure their doors a little better and thinking about getting an alarm system. Initially, they tried to kind of float the idea that maybe the alarms would be sufficient, and I said well that's great but a person that is actually there and interacting with the students might be better off than just an alarm. I'm all for the alarms, but I think, maybe we should talk about the second SRO because not only is it like a school safety issue but the School Resource Office interacts with the kids. They have lunch with them. They have programs together. While the kids are learning and growing, there's security. Ultimately, it comes down to numbers. Chief Hojnicky brought with him the break out of the current school resource officer who's a Corporal. He's paid, with benefits a little over \$130,000. If the second officer was a 1st Class Patrolman, you are talking with benefits around \$120,000. Currently, we split the cost, although I think the School Town of Highland actually takes a larger share of the cost than the Civil Town, I think it was like a \$90,000 with a \$40,000 split something like that. I discussed with them, conceptually speaking, if we're looking at around \$120,000 with benefits and if we were to do a 50/50 split, it'd be something I'd be interested in doing and looking for an additional 60 grand from our budget for the year 2023. I asked them to look and explore, to do the same, so that way, we could match up 60 and 60 roughly and have a 50/50 split. He said that they're willing to look at the numbers. In fact, they have their own budgeting process that's just starting now as well. We couldn't do it this year but could set a target date of say January 1, 2023. We need to get the process rolling, so the Chief can identify certain offices that may be interested and then have the school town interview them so they can effectively select which one they want. Ultimately it will depend upon cost. The idea of Public Safety Tax was raised and we said we are exploring it. One of the priorities of the school town is a referendum to pay teachers and they could tack on a school resource officers. Ideally, the School Town would like to have a referendum in place by next May. Its not like you can snap your fingers and it done. There is a process that you have to go through. My impression that the public at large wouldn't be opposed to a referendum to increase security for the school, in light of what we've seen. I don't think there is any price you can place on a human life. If we can somehow increase our security and if that starts with one officer, I think it' s something that we should try to do. It was a very productive conversation. I think that we're trying to have a joint conversation between both bodies going forward.