

**Enrolled Memorandum of the Meeting
Study Session/Meeting (Convened Electronically/Hybrid)
Twenty-Ninth Town Council of Highland
Monday, October 17, 2022**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in a study session on **Monday, October 17, 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 took the roll and then left to enter the Fiscal 2023 Budget of the Waterworks District into Gateway. The minutes were memorialized from the recording transcript of the meeting. *A quorum was attained.*

Officials Present: Pete Hojnicky, Metropolitan Police Chief, Ed Dabrowski, IT Director were in person.

General Substance of Matters Discussed.

Discussion: Meeting with the Highland Neighbors for Sustainability . Councilor Zemen asked that this be placed on the agenda.

The Highland Neighbors for Sustainability are asking the Council to create a Sustainability Commission. Communities that already that have a Sustainability Commissions are: South Bend; Bloomington; Richmond; Michigan City.

Those present for the Highland Neighbors for Sustainability were: Cathy Perrin; Jean Bernius; Mary Hackett; Rory Kosioir and Donna Zemen.

Prior to the meeting Councilor Zemen passed out a rough draft of a prepared ordinance that was topic of the future discussions between the Council and the Highland Neighbors for Sustainability.

ORDINANCE NO. [XYZ]

CREATING SEC [XYZ] IN CHAPTER [XYZ] OF THE TOWN OF HIGHLAND MUNICIPAL CODE
ESTABLISHING A COMMISSION ON SUSTAINABILITY AND A RESTRICTED, NON-REVERTING
DONATION FUND

WHEREAS, managing our natural resources in a sustainable manner is essential for the health and well-being of all people and future generations; and

WHEREAS, nature and its biota of which we share the Earth not only hold an intrinsic value, but also contribute to our well-being, economy, culture, and way of life; and

WHEREAS, sustainable development benefits a town economically, socially, environmentally; and

WHEREAS, with assistance, businesses, community leaders, and neighbors can partner to improve the environmental quality of our community to work together to create a clean, safe, and equitable place to live and work for current and future generations; and

WHEREAS, sustainability involves collaboration with multiple agencies, town departments, commissions, and boards and thus, a Commission on Sustainability would serve to coordinate initiatives, educate the public, and get citizens involved.

NOW, THEREFORE, BE IT ORDAINED by the Town of Highland, Town Council that a Commission on Sustainability shall be established, and Section [XYZ] in the Town of Highland Code is created to read as follows

Sec. [XYZ] Commission on Sustainability

Establishment; Purpose and Intent

- There is hereby established a Commission on Sustainability. The purpose of this Commission is to
 - Review and analyze the policies relating to the environmental quality of the town, to act as an advisory commission to the Town Council and Council President in their efforts to oversee the protection and integrity of the natural environment, protect and preserve public and private trees, promote growth management and land use planning, minimize air, water, and land pollution, protect downstream areas, and promote recreation opportunities and environmental awareness and advise and recommend on any issue which the Commission determines necessary or advisable for the enhancement and stewardship of the urban forest both public and private;
 - Provide advice to staff, the Town Council, and the Council President on successful implementation of any plans including but not limited to environmental sustainability, environmental justice, climate mitigation, climate adaptation, and climate resilience, and on how that work can be performed more efficiently and effectively;
 - Advise the staff, the Town Council, and the Council President on opportunities to realize equity and fairness across the diverse communities that represent the Town of Highland through its sustainability programs and any policies or actions that impact

environmental quality of the town;

- Provide suggestions to staff, the Town Council, and the Council President on how to better engage and involve Town of Highland residents and businesses in sustainability issues;
- Identify and track the metrics measuring the progress of the sustainability aims of the Commission;
- Coordinate communication between agencies, departments, commissions, and boards working on sustainability issues and education;
- Coordinate and collaborate with the Highland Tree Board regarding any efforts concerning public and private trees and the stewardship of the urban forest
- Perform outreach and coordinate grant development with relevant municipal staff to support sustainability projects in multiple areas;
- Collaborate with municipal staff to draft new or amended policies to further the sustainability aims of the Commission.

(2) It shall be the aim of the Commission to:

- Advocate all aspects of sustainability: equity, environment, and economy;
- Advocate for the conservation of energy sources, energy efficient buildings, and the use of renewable, clean energy;
- Promote waste diversion by encouraging composting, recycling, reusing material, and refusing products or materials that would otherwise contribute to polluting our environment and contributing to the waste stream;
- Advocate the prevention of illegal dumping and littering;
- Promote the use of local food sources and local sourcing of products;
- Promote local organizations and businesses that adopt and implement sustainable practices;
- Promote the care, stewardship, and respect of natural areas and their respective species;
- Promote home gardening, pollinator gardens, and tree plantings that support native species, improve access to fresh foods, and improve our physical and mental health;
- Promote the development of public green spaces, sidewalks, and bike paths;
- Promote the use of public transportation and eco-friendly vehicles;
- Promote the minimization of urban runoff and pollution of our water resources;
- Advocate for clean air and water and promote actions that would help improve environmental quality and public health, including but not limited to reducing noise pollution, light pollution, and the consumption of resource-intensive foods;
- Advocate environmental justice principles in all of the Commission's work to ensure equity is fairly reflected for all Town of Highland residents regardless of race, ethnicity, creed, religion, sex, gender identity, sexual orientation, age, and/or disability;
- Advocate for local businesses becoming more sustainable;
- When appropriate, and subject to the approval of the Council President and the Town Council, enter into contracts and accept grants for the administration of conservation projects that may contribute to the strengthening and refinement of a coordinated sustainability program;

- Assure a coordinated Town-wide effort in achieving a comprehensive sustainability program in our community.

b) **Membership; Governing Regulation of the Commission**

- Appointments. The Commission shall be composed of seven members. All seven (7) members shall be residents of the Town of Highland with at least one (1) member involved in environmental efforts. Two (2) members shall be students that represent the Town of Highland's middle school and/or high school and shall be nominated by their respective principal(s). Members shall be appointed and removed by the Council President, with advice and consent of the Town Council.
- Terms. Four (4) members shall be appointed for a term of two (2) years and three (3) members for a term of one (1) year. Thereafter, each member appointed shall serve for a term of two (2) years or until the member's successor is duly appointed and qualified, or until the member is removed. No members shall serve more than four (4) consecutive terms.
- Compensation. All members shall serve without compensation.
- Expenses. The expenses for carrying on the Commission's activities may be budgeted for and paid out of the funds in the Town treasury and appropriated by the Town Council. Members may be reimbursed for conference fees, travel, mileage, and per diem expenses as preapproved by the Commission on Sustainability.
- Removal. A member of the Commission may be removed by the appointing authority for cause during his or her term. If any member fails to attend (3) successive meetings without cause and without prior approval of the chairperson, the Commission shall declare the member's office vacant and promptly notify the appointing agency of said vacancy.
- Vacancy. The appointing authority shall fill a vacancy on the Commission by appointing a new member for the unexpired term. A vacancy on the commission shall not impair the right of the remaining members to exercise all the powers of the Commission.
- Meetings. The Commission shall convene no less frequently than once every month, unless deemed unnecessary by the chairperson with written agreement by a majority of the members of the Commission. The Commission may meet more often, should the demand necessitate. The Commission may, at any meeting, set a future meeting date.
- Minutes. Minutes shall be kept of all Commission meetings, including the vote of each member upon each action by the Commission. The minutes of all Commission meetings shall be sent to the Town Clerk and the Council President within thirty (30) days following said meeting.
- Quorum. Four (4) members shall constitute a quorum of the Commission at all times.
- Election of Officers. At the first meeting of each year, the Commission shall elect members to serve as the Chairperson, the Successor Chair, the Secretary, and the Treasurer for a term of one (1) year.

c) **Organization and Conduct of Meetings.** The Chairperson may call a meeting of the Commission. Meetings may also be called by written notice signed by at least three (3) members of the Commission. The Commission may, at any meeting, set a future meeting date. Decisions are made by simple majority vote.

d) **Duties and responsibilities.** The Commission shall have the duties and responsibilities to carry out the aims and goals as defined in the Section, including, but not limited to, the following:

- Advise the Council President and, where appropriate, the Town Council, on the hiring of any personnel necessary to the implementation of this Section;
- Develop broad sustainability metrics;
- Develop short-term and long-range goals;

- Track annual progress on annual and long-range goals, as well as broad sustainability metrics;
 - Report at least annually, in writing, on its activities to the Council President and the Town Council;
 - Apply for any federal, state, local, or private grants, appropriations, or gifts, when appropriate, subject to the approval of the Council President and the Town Council, in order to carry out the purposes of the Section;
 - Propose other ordinances in order to carry out this Section and to propose additions or amendments to this Section as deemed necessary and appropriate to ensure the effectiveness of this Section
 - The Commission may prepare and implement educational programs in order to support and emphasize the purpose and intent of the Section among the various groups and individuals in the Town, to further goodwill among such groups and individuals, and to publicize and encourage participation in this and other boards and commissions.
- e) **Intra-governmental Cooperation.** All boards, councils, commissions, and departments of the government of the Town of Highland are directed to give full cooperation to the Town of Highland Commission on Sustainability.
- f) **Fund Established.** There is hereby established a Commission on Sustainability Donation Fund. This Fund shall be a restricted, non-reverting fund. The purpose of this Fund shall be for the receipt of money from contributions and donations from private citizens, businesses, organizations, fundraisers, and other possible sources and said monies shall be used for the Commission on Sustainability. Expenditures from this Fund shall be used for the following purposes:
- Materials and supplies for use in the operation of the Commission;
 - Education of the public, including promotional, educational, and training supplies, and for community events;
 - Training and advocacy for Commission members, including transportation and lodging;
 - Educational scholarships; and
 - Grants to entities, organizations, and activities identified under Indiana Code as being able to receive aid from a unit, which include the following:
 - Parks, playgrounds and recreational facilities and programs (IC 36-10-2-2);
 - Museums, cultural, historical, and scientific facilities and programs, and community restitution or service facilities and programs (IC 36-10-2-4);
 - Neighborhood center, community centers, civic centers, convention centers as defined by IC 36-10-1-5, auditoriums, arenas, and stadiums (IC 36-10-2-5);
 - Transportation systems (IC 36-9-2-2);
 - Hospitals (IC 36-8-2-5); and
 - Airports, bus terminals, train terminals, and transportation facilities (IC 9-2-3).
- The Commission shall not use the funds in the Fund for any other purposes than those stated herein.

This Ordinance to be effective upon passage by the Town Council, approval by the Council President, and necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: _____
[NAME], Member

Town of Highland Town Council
CO-SPONSOR BY: _____
[NAME], Member
Town of Highland Town Council

[NAME], Member
Town of Highland Town Council

[NAME], Member
Town of Highland Town Council

[NAME], Member
Town of Highland Town Council

Passed by the Town Council of the Town of Highland, Indiana, this ___ day of ___, [XYZ] by a vote of ___ to ___

[NAME], Member
Town of Highland Town Council

Approved by me, this ___ day of ___, [XYZ],

[NAME]
Town of Highland, Indiana

ATTEST:

[NAME], Clerk
Town of Highland, Indiana

Cathy Perrin began by saying I get so excited to find out that Park Forest is gonna save a million dollars over twenty years by putting solar panels on their waste water plant. Doesn't that blow your mind. I mean, it's not even just good for the earth. It's good for our budgets. I'm really excited to try to bring more sustainable ideas to Highland because I know you guys and lady are all super busy all the time and since I'm retired, I have time to surf the Internet and to find out what everybody else is doing. Michigan City just got their City declared a solar smart community which helps people get solar power. I'm thinking there's probably a lot of people in Highland who might be interested in learning about solar power. South Bend has a long history of electric vehicles. Highland recently

installed charging stations. I know they weren't free but I feel if people knew about the things that are available, they would be willing to try new things. You've all seen the benefits of sustainability from the material that I sent you. It's possible to prevent damage to property and infrastructure from flooding and storms. And I don't know if anybody saw 60 minutes a couple of weeks ago of a community in Florida that was hit directly by the hurricane but the damage wasn't as severe as they had put all the utilities underground. So, when it rained and the floods came, it did not impact any houses but went through the streets and drained into retention ponds. They designed their community that way. It is cheaper to build something right the first time than having to rebuild it. Bloomington, Indiana has a sustainability commission and they are working with their local utility, telling residents what they can do to cut down on their energy bills. I know Nipsco is very eager for people to cut down on their energy bills and they have all sorts of programs that can do that. Several years ago, I had them come out and they went through my whole house and provided many helpful ideas on how to cut back on my energy consumption, things like insulation and storm windows. I think more people would be interested in learning about those programs. I went to St. Mary's Festival in Griffith and it appalled me at the amount of trash that was all over the ground. When I offered some tips, they said it was easier just to toss it on the ground and then pick up. They didn't have any recycling. It's something fairly easy to do. There's a lot of low-hanging fruit that we could do to get started and to make Highland a greener and more sustainable place to live.

Councilor Schocke said I happened be here for a Park Board meeting and I saw your group go into Tree Board Meeting and I suggested or made the suggestion to the Council, why don't we join forces or combine the Tree Board and Sustainability Commission. To me it would be a natural fit. But here you are, asking for a separate commission. Does the Tree Board not fit your mission statement?

Cathy said we met with the Tree Board and are some really fine people, doing some really good work on the Tree Board. I don't want to take anything away from the Tree Board but I think ours is different. I think we are complementary but not the same.

Councilor Schocke responded that I only did a cursory reading of the ordinance Councilor Zemen presented but I do see some overlap. For example, protect and preserve public and private trees or the enhancement and stewardship of urban forests, both public and private. I wrote a little note about coordinating the sustainability group and the Highland Tree Board regarding any efforts concerning public or private trees or in urban forests. I would hate to have 2 boards not getting along. You guys have a different standard for trees and the Tree Board has their own standard for trees and we're gonna defer to the Tree Board. I don't want to dilute the abilities of the Tree Board. I want to support them. Maybe you would be willing to recommend to the Tree Board the planting of wild or native trees. At this point, I thank you for coming but if your unwilling to change some of your language in the ordinance, its not worth discussing anymore, as we have a lot on our plate.

Donna Zemen said, I don't know if Bernie told you but this year we grew 9 pumpkins in our backyard. I'm pretty happy about that and we grew a bunch of tomatoes, which we

ended up canning some of them. It's a fun thing. I'm looking forward to doing certain things in my home, like using rain barrels. I plan on having my gutters run into them.

Councilor Sheeman said he made a couple of notes and had a question for you. The ordinance mentions tracking annual progress of long-range goals, as well, as broad sustainability metrics. Then basically, a report is written and emailed to the Town Council and the President and then the next thing is to apply for federal, state and local private grants. These all sound wonderful. The question I have is, who is actually doing the report writing. Do you need a staff? Is there going to be a proposed department head because I can tell you right now that it sounds great but it is very time intensive. Are you, as a volunteer group going to put that together? Are you planning on having support staff here in the town help?

Cathy Perrin responded, we are volunteers. This is very important to us. This is important to the future of our children, our grandchildren, and we are willing to put in the work to get this accomplished. If you would like to give us staff, I would happily take staff, but I figured that was not an option, so I figured that we would be doing this this kind of work.

Councilor Schocke said when it deals with the Federal and State and local grants, I know some of our boards and commissions have their own grant people, like Redevelopment or Police. Maybe Redevelopment would be willing to work with you on grants as it relates to solar power or maybe even native planting. I'm really a big believer in collaboration. I don't want to fight with people. For example, the HCCE, they put together all of these things in Town like the parade and the Main Square Festivals. But in order to do that, they are overseen by the Park Board because they have a professional staff to make sure everything is in order. Would you foresee some type of professional, department head kind of person taking this group under their wings or would you prefer to go on your own? He said to John Reed that this strikes me almost as a Civic Foundation.

John Reed said it can run independently of the Town. Any funding that it would get from grants or donations would not be a line item in a budget. It would not have any sort of tax levy or effect the Town's tax rate. It would operate entirely on grants and the donations or funds collected. It would be independent of an appointing authority and ultimately would have the ability to spend the money that it collects in the way they choose because it is not tax dollars. They would run independently.

Councilor Sheeman said our Department Heads are stretched about as far as you are going to stretch people. Because it doesn't have a tax levy associated with it, I suppose as long as the Council is comfortable with the language and what authority it has over it as you wouldn't want a rogue commission to have the ability to invest or do things under the Town flag that are contrary to the other purposes of the Town. In this regard, it would hard to see a conflict like that but that doesn't mean it can't happen or become problematic. A lot of times, we put boards and commissions under various departments. For example, planning and BZA fall under the building department. Traffic Safety falls

under the Police department. It is probably best to do this with this group because they would get more individual attention. Looking at the second paragraph down, under purpose, it says it's establishment, purpose and intent to promote growth, management and land use planning which basically falls under the Plan Commission and potentially the BZA. Those Boards are governed by state law and not local laws. . Just put all that under, you know, planning and zoning, and leave it. It would probably better to do it this way, because things get more individual attention than they would get otherwise.

Councilor Schocke said if you scroll down the document to part E, Inter-government Cooperation, it states that all boards, councils, commissions and department of government of the Town of Highland are directed to give full cooperation to the Town of Highland's Commission on Sustainability. You'll note that I crossed that off as we can't have that. I love the idea of solar energy but if you guys came to us and said, Hey, by the way, we're going to cut off from Nipsco and we're going to put up solar panels. And by the way, that's going to cost twenty million dollars. I'd be like, whoa guys, I appreciate where you're coming from. but yikes, that's a lot of money and I don't think that's realistic to set up our own grid, at least not in this century. Rather, I would like you to come to the Council saying, we found some information or grants that you might find useful. I not be in a position to be dictated to. The ordinance mentions the development of short term and long-range goals. Do you have any of those goals in mind.

Cathy Perrin responded that a few weeks ago, we went to see Republic Recycling. We went on a field trip to go see what they were doing. It was an astonishing to see the amount of stuff that is thrown away. I would really like to do something like some sort of a recycling fest and coordinate with possibly the Park Board. Bring people together and have some fun activities by tie it in with learning, showing them what kind of things are recyclable. I've recycling for years and after the field trip found trip that some of the items I was recycling couldn't be recycled and we tossed in the land fill. . I would really like to educate people and have fun at the same time. Republic said they use to sort at the curb but it became to costly. Now, they simply pick up whatever is at the curb and bring it here to sort.

Councilor Schocke responded, I am all for what you do. I think sustainability is great. I'm not sure it should become part of the government of Highland. I tend to agree with Mr. Reed that it's probably best as a civic organization, who from time to time, can come before this body and make suggestions. I'm not sure about incorporating it as a commission or a board in the Town. We can't tell people you can't drive your car or tell people they have to install solar panels. It would have to be voluntary.

Jean Bernius responded that it seems like the Council is struggling over so many ideas that we have. Perhaps if we gave the Council more specifics ideas were involved in, like a climate control action plan. This is all voluntary, as a commission, we don't have any power. We can't make laws and don't have a big budget but what we're trying to do is educate and persuade.

Councilor Smith responded, I get what you are trying to do or saying and I like it but the language needs to be cleaned up because for me to make a sound decision, I have to be able to know what I'm making a decision on and right now the decision is kind of like all over the place. I think you have to narrow this down because the way it is written, its almost like here's a bunch of squares and check off which ones you like and leave blank the ones you don't. Maybe use bullet points to make it more succinct.

Mary Hackett asked if any of the Council had seen a recent article in the Times. It was a great story on greenhouse gas and one of the goals of the Sustainability Commission is to have a sustainability commission in each of the localities.

Councilor Sheeman asked if he could ask a couple of questions and please forgive my ignorance as I just don't know what some of this stuff is, so maybe you can help me. The words sound nice but I don't know what they mean. What is environmental justice? There's another section talks about advocating for environmental justice principles and all the commission's work to ensure equity and a fair equity for all of the Town's resident regardless of age, race, ethnicity, creed, religion, sex, gender identity. It all sounds wonderful, you know equality but I don't know what environment justice is and what does it have to do with equality.

Cathy Perrin gave an example as they are probably not going to put a dump in my backyard or yours but there are places where people don't have a voice and they do put those kind of things in their back yards. That's what we are fighting against in Hobart. We are fighting against the putting in of a truck terminal. Residents are saying we don't want that here. The same with putting some industry across from a school. We want to make sure that everybody is treated equally. They are taking advantage of the poor neighborhoods or poor communities.

Councilor Schocke said it is like a quasi-zoning in nature. No one would like a meat packing company in their backyard but those folks in the lower income sections, have more of a chance of a meat packing plant in their back yard. I need to read up on it a little more so I can educate myself a little better because I'm asking you cold questions. I took a note hear, collaborate with municipal staff to draft new or amended policies to further the sustainability in to the commission. What type of policies would you suggest for our Town?

Cathy Perrin responded that the police department, for example is already doing a fine job of recycling with the drug collection. You're collecting the drugs at the police station and keeping them out of the water supply. Maybe you need a little recycling center here in Town or at the Town Hall or Lincoln Center. Maybe we could form a co-op and give presentations on solar power. Maybe several neighbor could go together a do a group buy to save costs on solar material. We're trying to reduce 2 of our carbon emissions from municipal vehicles over the next two years.

Rory Kosior said she is a college student, majoring in public affairs with a concentration in environmental policy and wanted to know how she could get her hands on the

ordinance so she could help fix the language. She felt the biggest issue was control and being forced to cooperate with the advice. We are not asking for additional appropriations but it would be nice if the Town could reimburse members for conference fees, travel expenses and being given a per diem to cover daily expenses. The Sustainability Commission would have to pre-approve.

Council Zemen thanked everyone for coming and it appears the overall consensus appears that the ordinance needed to be tightened up, as well as, their ideas. Attorney Reed and Cathy Perrin will exchange e-mails. He offered to place it on the study session in 2 weeks.

Cathy Perrin thanked the Council for the opportunity to discuss the details of the Sustainability Commission. The Council provided much food for thought and they will work on tightening up the language. She also provided a definition of Environmental Justice from the U.S. Department of Energy.

Environmental Justice at the Department of Energy

Environmental justice is actually a principal of American democracy that combines civil rights with environmental protection. It demands that those who have historically been excluded from environmental decision making, traditionally minority, low-income, and American Indian and Alaska Native communities, have the same access to environmental decision makers, decision-making processes, and the ability to make reasoned contributions to decision-making processes as any other individuals.

The U.S. Department of Energy (DOE, or Department) is committed to environmental justice. We take it seriously. It is a Department-wide activity with Department-wide responsibility. Fair treatment is how we conduct business at DOE. Several of the Department's Operating Principals memorialize this commitment. We endeavor in all we do to treat people with the dignity and respect they deserve, while keeping our commitments and ensuring safe, secure, and environmentally responsible operations. Meaningful involvement requires that our stakeholders have a working knowledge of the subject matter under discussion, as well as the process for conducting the discussion. In order to be productive participants, all stakeholders must be versed in the subject matter and understand the rules of the process. Otherwise, their participation will not be meaningful.