

**Enrolled Memorandum of the Meeting  
Study Session/Meeting (In person)  
Thirtieth Town Council of Highland  
Monday, January 6, 2025**

The Thirtieth Town Council of the Town of Highland, Lake County, Indiana met in a study session on **Monday, January 6, 2025**, at 6:30 O'clock P.M., in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

\*This meeting was convened as an in person meeting and lived streamed to the Town of Highland Facebook. Facebook permits the public to observe and record the proceedings but allows no interaction between and among the Town Council and members of the public. The public is able to participate in person. All Councilors were simultaneously seen and heard. Councilor Georgeff, Councilor Turich, Councilor Robertson, Councilor Black, Councilor Philip Scheeringa all participated in person.

*Silent Roll Call:* Councilors George Georgeff, Doug Turich, Alex Robertson, Tom Black, Philip Scheeringa, were present in person as indicated. The Clerk-Treasurer, Mark Herak was present to memorialize the proceedings. *A quorum was attained.*

*Officials Present:* IT Director Ed Dabrowski, Metropolitan Police Chief Ralph Potesta, Public Works Director Mark Knesek, Highland Fire Chief Mike Pipta, Park Superintendent Alex Brown and Redevelopment Director Maria Becerra were in person.

**General Substance of Matters Discussed.**

- x. **Discussion:** Election of Town Council President
- x. **Discussion:** Election of Town Council Vice President
- x. **Discussion:** Selection and Appointment of Town Attorney/Firm. *(No formal action necessary as firm continues unless the Town Council acts otherwise).*

The Clerk-Treasurer reviewed the process with the Council stating that the motion is to nominate for the calendar year 2025. There was no further discussion. He then reviewed the appointments that come due the 1<sup>st</sup> Monday in January, with that person until a successor is appointed or qualified, not to exceed ninety days. He advised the Council of those appointees who wished to be reappointed and those who expressed that they did not want to be reappointed and those he did not hear from.

Councilor Turich asked about the interview process as he related that when he applied for the Plan Commission, he was brought in for an interview. He wanted to know if they were going to interview those candidates who had expressed an interest in being reappointed and were there any other candidates who expressed interest.

The Clerk-Treasurer advised that in the past, those candidates who had expressed an interest to be reappointed, the Council would bring them for a quick, maybe five (5) minute interview so that those Council members who did not know the candidate could

meet them. He then said, anytime he receives an application for appointment, he forwards it to the Council.

Council Scheeringa suggested we could have the Idea Factory post on our website, those appointments that came due on the 1<sup>st</sup> Monday in a January.

x. **Discussion: Appointments.**

*Unless otherwise noted, all terms expire on the 1<sup>st</sup> Monday in January 2025 and until a successor is appointed or qualified, not exceeding ninety (90) days.*

• **Statutory Boards and Commissions**

*Executive Appointments (May be made in meeting or at another time)*

1. **Municipal Plan Commission** (1) appointment to be made by Town Council President. *(Note: Currently held by Toya Smith, (D) term ending 1<sup>st</sup> Monday January 2025.) No more than two (2) of any party. Current composition is two (2) Republicans, two (2) Democrats. Term is four (4) years.*

*Toya Smith (appointed by the Plan Commission to the Advisory Board of Zoning Appeals)*

*(Term co-extensive with her Plan Commission term – 1<sup>st</sup> Monday in January 2025)*

2. **Redevelopment Commission** (3) appointments to be made by Town Council President. *(Note: Currently held by George Georgeff, Alex Robertson and Tom Black, all expiring 1<sup>st</sup> Monday in January 2025 and up to 90 days after term expires if no action)*
3. **Waterworks Board of Directors:** (1) appointment to be made by Town Council President. *(Note: Currently held by Peggy Phillips (R), term ending 1<sup>st</sup> Monday January 2025). Term is for three (3) years. Current composition of the board is two Republicans and three Democrats. No more than three of any one party under state law. The Clerk-Treasurer said he has not heard from Peggy if her desire is to see reappointment.*
4. **Board of Sanitary Commissioners:** (2) appointments to be made by Town Council President. *(Currently held by Greg Cieslak (R) and Richard Garcia (D), term ending 1<sup>st</sup> Monday January 2025 and up to 90 days after term expires if no action.) Term is for four (4) years. Current composition of the Board is three (3) Democrats and two (2) Republicans. There can be no more than 3 from any one party.*

***Regional Statutory Appointments.***

- 5 **Town Representative to the Lake County Public Safety Communications Commission.** *Pursuant to Lake County Ordinance No. 1362A-2, the Town of Highland is a Group A municipality, so the appointment is an Executive appointment. Term ending December 31, 2024. Term is for four years. Currently held by Michael Pipta.*

6. **Economic Development Commission.** (1) Appointment to be made by the municipal executive, but requiring nomination from the Town Council. (*Currently held by Blane Roberts, term ending 1<sup>st</sup> Monday February 2025 and up to 90 days after term expires if no action*)
7. **Northwestern Regional Planning Commission (NIRPC).** (1) No action necessary unless a change is desired. Town Council President is appointing authority. Must be an elected official who resides in the Town. (*Current serving: Tom Black.*) Must be a member of the Town Council. Term is co-extensive with term on council unless legislative body acts otherwise
7. **Joint Board of Delegates of the Interlocal Ethics Entity.** (1) Appointed by Municipal Executive (*Currently serving: Tom Black*) No term. Notifying in case the Council President wants to recall and appoint someone else. Must be a member of the Town Council. Term is co-extensive with term on council unless legislative body acts otherwise
8. **Lake County Convention and Visitors Bureau Board of Directors.** (1) Appointment by Town Council President. (NOT DUE UNTIL JUNE 30 2025) (*Currently serving Christine Cash*) Appointing authority must give sole consideration to individuals who are knowledgeable about or employed as executives or managers in Hotel, Motel, Banking, Real Estate and hospitality. Cannot hold an elected or appointed political office

Home Rule Commissions or Boards

9. **Community Events Commission Multi-year positions.** (1) appointment to be made by the Town Council President. Term: 4 years. (*Note: Currently vacant*)
10. **Main Street Bureau Board of Directors.** Town Council President appointment. (1) Appointment. Town Council Representative must be a member of the Town Council. Term co-extensive with term of appointee. (*Note: Currently serving is Alex Robertson*)
11. **Tree Board.** (2) Appointments to be nominated by the Town Council but appointed by the Town Council President. (*Note: Currently held by Richard Underkofler and Blane Roberts, term ending 1<sup>st</sup> Monday January 2025*). Term is for three (3) years
  - a. Nomination by the Town Council. (*The council would pass a motion to nominate.*)
  - b. Appointment by executive. (*If nominee is acceptable, the Town Council President may appoint.*)
- **Tree Board Chairperson.** The Town Council President also appoints the Chairperson to be selected from the membership of the board. (See HMC Section 8.25.030 (C)) (*Currently held by James Colias.*)

12. **Committee and Liaison Assignments.** *Assignments made by Town Council President. (Custom and Convention)*

*Legislative Appointments*

1. **Municipal Plan Commission** *(Note: Appointees may be elected or appointed officials or employees of the Town. **No action necessary** as incumbents continue to serve unless the legislative body acts to change. Currently serving: Morgan Wright (municipal employee); Bernie Zemen (appointed official, he is a member of the Water Board); Doug Turich (elected official). The term of office of a member (who is appointed from the membership of a legislative body, a public board or commission or as an employee) is co-extensive with the member's term of office on that body, board, or council, or term of employment. , Unless the appointing authority, at its first regular meeting in any year, appoints another to serve as its representative, the current appointee serves for another year . (Pursuant to IC 36-7-4-217)*
  
2. **Advisory Board of Zoning Appeals:** (1) appointment to be made by Fiscal Body. *(Note: Currently held by David Helms, term ending 1<sup>st</sup> Monday January 2025). Term is for three (3) years.*

*Toya Smith (appointed by the Plan Commission to the Advisory Board of Zoning Appeals)*

*(Term co-extensive with her Plan Commission term – 1<sup>st</sup> Monday in January 2025)*

3. **Park and Recreation Board.** (1) appointment to be made by the Town Council. *(Note: Current appointee is Carlos Aburto (D), term ending 1<sup>st</sup> Monday January 2025) Term is for four (4) years. (Current composition is 2 democrats and 2 republicans. Not more than 2 members may be of the same party.)*
  
4. **Town Board of Metropolitan Police Commissioners.** (2) appointments to be made by the Town Council. *(Note: Current appointees are Mike Danko (R) and Larry Moses (R), term ending 1<sup>st</sup> Monday January 2025). Term is for three (3) years. (Current composition for these five citizen positions is three (3) democrats and two (2) republicans)*
  
5. **Redevelopment Commission.** (2) appointments to be made by the Town Council. *(Note: current appointees are Doug Turich and Phillip Scheeringa.)*

*Regional Statutory Appointments*

6. **Lake County Solid Waste Management District Board of Directors.** (1) No action necessary unless a change is desired. *(Note: Currently serving Tom Black) Must be a member of the Town Council. Term is co-extensive with term on council unless legislative body acts otherwise.*

*Home Rule Commissions*

2. **Main Street Bureau Board:** (17) appointments to be made by the Town Council. *(Note: Current Appointees are: Renee Reinhart, Ben Reinhart, Diane Barr-Roumbus, James Roumbus, Sandy McKnight, Al Simmons, Sandy Ray, Ben Tomera, Laura Pilewski and Desiree Biro, term ending 1<sup>st</sup> Monday January 2025). Term is for two (2) years.*
3. **Community Events Commission Multi-year positions:** (4) appointments to be made by the Town Council. **Term: 4 years.** *(Note: Currently vacant)*

*Single year positions:* (9) appointments to be made by the Town Council. **Term: 1 year.** *(Note: Currently serving, Linda Carter, Rachael Carter, Olga Briseno, Jack Rowe, Kathy Camp-Burke and Kelly Bridges)*

4. **Traffic Safety Commission:** (5) appointments, which must be comprised of 1 representative from the Fire Department, (1) representative from the Public Works Department (Agency), (1) member from the Town Board of Metropolitan Police Commissioners, and (2) members from the Police Department. Also note, HMC Chapter 10.45 provides that the Police Chief serves as Chief of the Commission regardless of being an appointed member of the commission. (Currently serving, Mike Pipta, Fire Department Representative; Mark Knesek Public Works Department (Agency) representative; Steve Jurczak, Town Board of Metropolitan Police Commissioners representative; Commander John Banasiak, Police Department representative; and Chief Ralph J. Potesta, Police Department representative.)

*"The commission shall also consist of a representative from the town council, which may be held by a single member or alternating between several members of the town council as the town council may direct. Only one member at any given time may participate in a meeting of the traffic safety commission.*

**x. Discussion:** ABZA Findings of Fact concerning:

A use variance request by David and Mary Beth Lubarski, for the location commonly referred to as 8830 Kennedy Avenue (Art House), for the purpose of allowing the petitioner the use of a portion of the building for a tattoo studio. The property is located in a B-2/ Central Business District, in which a tattoo studio is not a listed, permitted use within this zoned district.

The Town of Highland Advisory Board of Zoning Appeals met in regular session on Wednesday, October 23, 2024. As part of their agenda, by a vote of four (4) in favor and zero opposed, the Board voted to send an Favorable Recommendation to the Town Council for the petitioner's Use Variance Request. The ABZA, as part of their motion, stipulated the following:

1. That there be standard hours of operation, so as not to interfere with neighboring resident activities.
2. That there be customer by appointment only.

3. That once the tattoo use is determined, the entire property/building becomes a business and there be no residential use of the second floor.
4. That they obtain the necessary licensing for the tattoo studio.
5. That they obtain a State Commission Design Release (CDR) due to the change in occupancy use.

The Findings of Fact were memorialized and approved by the Advisory Board of Zoning Appeals at its meetings of December 11, 2024. (90 days ends March 11, 2025). This tolls from the making of the recommendation which could be the meeting at which the ABZA acts not when filed.

The Clerk-Treasurer gave a brief explanation of the Use Variance before the Council.

Councilor Scheeringa opened up the discussion asking the Council for their comments and feedback on the Use Variance.

Councilor Turich began by summarizing the discussions on this matter at the Council's last two (2) meetings. He said there was a discussion about moving the tattoo parlor from upstairs to downstairs. During the conversation, the Council asked Attorney Reed to provide the wording for the correct motion. At the December 23, 2024 Town Council's plenary meeting, Attorney Reed was not in attendance and the motion wasn't provided. Rather than moving forward, the decision of the Council was to take no action and regroup before moving forward. The Council's other concern was that raised by Councilor Scheeringa on whether a new State Commission Design Release would be required. Councilor Scheeringa, too, was absent and that the matter wasn't resolved.

Councilor Scheeringa said he did talk with Building Commissioner Ken Mika and Mr. Mika advised him that a new State Commission Design Release was not necessary.

The Clerk-Treasurer reminded the Council that unless the motion states differently, Mr. Mika would follow the stipulations outlined in the ABZA meeting of October 23, 2024. Items no. 3 & 5 which were a concern to the petitioner would remain in effect.

Attorney Reed felt that a simple motion, excluding item no. 3 & 5 would suffice. He said he would have it by next Monday's Town Council plenary meeting. He advised that the matter did not have to go back before the ABZA as these are considered minor changes and ABZA is an advisory board and they don't have the authority to approve or disapprove, only recommend, so the Town Council can change.

The petitioner stated that the second floor apartment would remain an apartment and the proposed tattoo parlor would relocate to an unused room on the first floor. She said the proposed change would have increased the property taxes at least double, making it impossible to operate.

Attorney Reed reiterated that the Council cannot guarantee what the Accessor's Office is go to do, even with item no. 3 removed. He said the Council has no control over what the

Assessor's Office does. The Assessor could come in and reassess the property and change the status. He wasn't saying they would but they could.

Hearing no further discussion, the Council President advised the Clerk-Treasurer to keep the ABZA matter on the agenda on the Town Council Plenary meeting of January 13, 2025.



## 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

November 1, 2024

Phillip Scheeringa, President  
Highland Town Council  
3333 Ridge Road  
Highland, IN 46322

**RE: CERTIFICATION OF ACTION TAKEN BY THE TOWN OF HIGHLAND BOARD OF ZONING APPEALS CONCERNING A USE VARIANCE REQUEST BY DAVID & MARY BETH LUBARSKI, FOR THE LOCATION COMMONLY REFERRED TO AS 8830 KENNEDY AVENUE (ART HOUSE), FOR THE PURPOSE OF ALLOWING THE PETITIONER THE USE OF A PORTION OF THE BUILDING FOR A TATTOO STUDIO. THE PROPERTY IS LOCATED IN A B-2/CENTRAL BUSINESS DISTRICT, IN WHICH A TATTOO STUDIO IS NOT A LISTED, PERMITTED USE WITHIN THIS ZONED DISTRICT.**

The Town of Highland Advisory Board of Zoning Appeals met in regular session on Wednesday, October 23, 2024. As part of their agenda, by a vote of four (4) in favor and zero (0) opposed, the Board voted to send a **Favorable Recommendation** to the Town Council for the petitioner's Use Variance request. The BZA, as part of their motion, stipulated the following:

1. That there be standard hours of operation, so as not to interfere with neighboring resident activities.
2. That there be customer by appointment only.
3. That once the tattoo use is determined, the entire property/building becomes business, and there be no residential use of the second floor.
4. That they obtain the necessary licensing for the tattoo studio.
5. That they obtain a State Construction Design Release (CDR) due to the change in occupancy use.



**HIGHLAND BOARD OF ZONING APPEALS**  
**Minutes of the Meeting of**  
**October 23, 2024**

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on October 23rd, 2024. Commissioner Thomas called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Commissioner Thomas.

**ROLL CALL:** Present were Commissioners Helms, Smith, Wright, and Thomas. Commissioner Murovic was absent. Also present were the Building Commissioner/ Zoning Administrator, Ken Mika, and the Town Attorney, John Reed.

**MINUTES:** The minutes of the August 28th, 2024, meeting were approved as posted.

**ANNOUNCEMENTS:** The date of the next Board of Zoning Appeals meeting will be December 11th, 2024, combining both November and December's meetings, due to the upcoming holidays.

**COMMUNICATIONS:** None.

**Old Business:** None.

**New Business: Public Hearing for David and Marybeth Lubarski, 9022 Parrish Avenue, Highland, IN,** requesting a Use Variance for a Tattoo Studio located within an existing business at 8830 Kennedy Avenue, Highland, IN 46322. {HMC 18.40.030} Listed Permitted Uses in a B-2 zoned district do not include Tattoo Studios.

Commissioner Thomas asked Mr. Reed if the Proof of Publication for this hearing had been advertised correctly. Mr. Reed confirmed that it had, and that it had been published on October 3<sup>rd</sup>, 2024. Mr. Mika also confirmed that the sign had been posted on the property correctly.

Commissioner Thomas then asked if there was anyone to present the petition for Use Variance. Mrs. Marybeth Lubarski stepped forward and introduced herself and her husband, David, and stated that they were the owners of the property at 8830 Kennedy Avenue. She then passed out a survey of the property to each of the Board Members. She proceeded to introduce the other family members present, which were her son David, who helped them out at the Art House, her son Zachary, who was the tattoo artist, and Zachary's wife, Brie. Marybeth continued to say that she and her husband had purchased the property in 2015 with the intent of turning it into an art gallery with an apartment upstairs for their three children, who were all artists. She continued to say that it has now become a gallery for the community, and it is used in quite a few different ways. She then asked that her son, David, continue to explain the ways the gallery, called Promise

You Art House, is used. David stated that they describe it as an eclectic hub for art and art services where they support local art groups. He added that they were part of the Highland Arts Council, the Highland Neighbors for Sustainability and other local environmental groups. They also host field trips for local youth activities, offer Boy Scout and Girl Scout badge activities, and they invite local musicians and artists often to support them and their art. They also have book readings and other community events. Mrs. Lubarski then explained that the reason they were here tonight was to ask that their son, Zachary, could join them at the Promise You Art House by using one of the rooms upstairs as a Tattoo Studio. She added that David had passed out a floor plan, showing where they would like to add the studio. She then asked her son, Zachary, to continue by explaining his plans. Zachary stated that his goal was to open up a private tattoo studio upstairs in the Promise You Art House. He added that it would be different than a typical tattoo studio in that he would be the only artist working in the studio and there would be only one client at a time. He stated he had been doing tattoos for seven years and that he kept everything very professional. His clients ranged from pastors to veterinarians and all types of different people. He said he strives to make people feel comfortable and welcome, which is in keeping with the Promise You Art House, so he'd like to join in on that with his expertise and what he does.

Commissioner Thomas opened the meeting to the public. Hearing no remonstrance, he closed the public meeting and brought the discussion back to the Board.

Commissioner Helms pointed out that because this hearing was a Use Variance request, the Board of Zoning Appeals would only be giving a recommendation to the Town Council this evening and would not actually be deciding the outcome. Mr. Reed added that this was a positive or negative recommendation and then the Town Council would take over the decision. Mrs. Lubarski asked if they would have to give the same presentation to the Town Council at their meeting. Mr. Reed stated that they would have the opportunity to make comments and answer questions at the Town Council meeting, but generally it would not be as involved as the BZA meeting presentation. Mr. Mika added that Attorney Reed would be preparing Findings of Fact that would have to be approved at the next BZA meeting on December 11th, then their Use Variance petition would be added to the next Town Council meeting, which would likely be the last meeting of December.

Commissioner Helms asked if the upper floor was used as a residential area any longer. Mrs. Lubarski said that it was not and hadn't been used in that way for a year. Mr. Mika asked if they had been using the upstairs for anything else as it pertains to their commercial business. Mrs. Lubarski replied that they were not using it for anything else at this time.

Commissioner Thomas asked Zachary if he was a licensed tattoo artist in the State of Indiana. Zachary replied that he was, through the licensed tattoo shops that he has been working at. In order to be on his own, he said he will have to go through the State to obtain a license for his shop, also. Commissioner Thomas asked them about the parking situation and where his future clients would be parking. Zachary responded that they

would be using the street parking and if the art house was closed, they would also be utilizing the driveway. Commissioner Thomas asked how many parking spaces they had now. Mr. Lubarski responded that they currently have 5 – 6 parking spaces on the driveway. Commissioner Wright asked if they were planning any build-out for the studio, or if they were keeping the space, which was a bedroom, the same as it is now. Mr. Lubarski replied that it would be kept the same, and that they didn't want to make any drastic changes in case it may need to be utilized as an apartment in the future. Mr. Mika stated, in this zoned district, this would be allowed legally.

Commissioner Thomas asked what the business hours would be for the tattoo studio. Zachary replied that they did vary, because of the fact that he had private sessions, but his typical hours were 10 – 4, or 10 – 6 p.m. He added that he liked to get home by six or earlier to spend the evening with his family; they had a two-year-old and another baby on the way. Commissioner Wright asked Mr. Mika if there was any additional fire protection that was required on the second floor. Mr. Mika replied that in this case, because they are changing from a residential use to a commercial use in a building that was built in 1910, they would have to hire a design professional (architect) to put plans together and file them with the State of Indiana, for what is referred to as a Construction Design Release because they are changing the occupancy from a residential use to a commercial use. Commissioner Wright asked if there would be anything else required from an ADA standpoint. Mr. Mika replied that they may have to get into that with the State when they apply for the CDR and that he couldn't say at this point that it wouldn't be necessary. The design professional would have to evaluate the whole project.

Mrs. Lubarski mentioned that they were lifelong residents of Highland and wanted to stay in Highland and make their business a family run business. She continued to say that the rental income would help them support the art house and they would, in turn, be helping out a family member by providing a space for his art and livelihood. She also pointed out that their hardship was the fact that they were not collecting the income from the apartment any longer, and the income from the rental of the studio would help them financially to keep the Promise You Art House thriving, and to pay their taxes.

Commissioner Helms motioned to give a favorable recommendation to the Town Council with the conditions/restrictions that there be standard hours of operation, so as to not interfere with neighboring residents activities; that there be customers by appointment only; that once it was determined to be a tattoo studio, the entire property becomes only a business and there will be no residential use of the second floor; that they obtain the necessary licensing for the tattoo studio and the Construction Design Release from the State, due to the change of occupancy. Commissioner Wright seconded, and the motion passed unanimously with a 4 – 0 roll call vote.

**BUSINESS FROM THE FLOOR:** None.

**ADJOURNMENT:** Motion: Mr. Helms Second: Mr. Wright Time: 6:54 p.m.

**HIGHLAND BOARD OF ZONING APPEALS**

Petitioners:	Property Location:
David & Marybeth Lubarski	8830 Kennedy Avenue
9022 Parrish Avenue	Highland, IN 46322

**FINDINGS OF FACT FOR FAVORABLE  
RECOMMENDATION OF A USE VARIANCE  
IN A LEGAL NON-CONFORMING B-2 ZONING DISTRICT**

1) The Petitioner is requesting a Use Variance to establish a Tattoo Studio at the location of 8830 Kennedy Avenue. This proposed use requires a use variance from HMC 18.40.030. The requested use does not fall within the permitted uses in the B-2 zoning district. The ability to obtain a use variance from this section of the HMC is contained in HMC 18.40.040, under the procedures found in HMC 18.115.050.

2) This matter came before the Highland Board of Zoning Appeals for public hearing on October 23, 2024. Petitioners appeared in person. Petitioners presented proof of notice and publication as required by law.

3) Chairperson Murovic asked attorney John Reed if the proofs of publication were in order. Mr. Reed stated that the Proof of Publication was in order, and that the same was properly published for the meeting of October 23, 2024. Additionally, staff confirmed that the signage was correctly posted on the subject property.

4) The Petitioners then made the presentation for the requested use variance as shown on Exhibit A, hereto.

5) The Chairperson then opened the meeting to the public. Hearing no remonstrance, the Chairperson closed the meeting to the public and brought the discussion back to the Board of Zoning Appeals.

6) See Exhibit B, attached hereto, for the additional discussion.

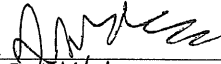
8) Board member Helms motioned to give a favorable recommendation to the Town Council with the conditions/restrictions that there be: (1) standard hours of operation, so as to not interfere with neighboring residents activities, (2) that there be customers by appointment only, (3) that once the subject space is determined to be a tattoo studio, the entire property become only a business and there be no residential use of the second floor, (4) that Petitioners obtain the necessary licensing for the tattoo studio from the State of Indiana, and (5) that the Petitioners obtain a Construction and Design Release from the State of Indiana, due to the change of occupancy. Board Member Wright seconded, and the motion passed unanimously with a 4 – 0 roll call vote.

9) Pursuant to the testimony and facts submitted to the Board, which are a part of the record herein, the Board of Zoning Appeals makes the following Findings of Fact:

- A. The Town of Highland Zoning Ordinance, HMC 18.40.030 lists the uses and limitations of uses permitted in the B-2 Zoning District.
- B. Unless a Use Variance is granted, the subject property could not be utilized as a Tattoo Studio as the same is not permitted in the B-2 Zoning District.
- C. Due to the fact that most of the surrounding properties are dissimilar in nature, and the proposed Use Variance would change the general nature of use for the subject property from its current status within the legal non-conforming nature of the property in a former B-2 Zoning District, create potential hazards for the public, and generally be of a character different and deleterious to the other uses in the immediate vicinity, the Petitioner's request would be unreasonable. However, the limitations suggested by the Petitioners alleviate the aforementioned issues.
- D. That the proposed Use Variance would not subvert the general purposes served by the Highland Zoning Ordinance, (HMC 18.40.030), would not materially or permanently injure other property or uses in the same zoning district and vicinity, and would not be injurious to the public health, safety, morals and general welfare of the community.
- E. That the proposed use, with the limitations aforementioned, is compatible with the allowable uses and layout of the subject property in general, and the other similarly situated properties in the area, and the proposed use will not adversely affect neighboring properties.

**WHEREFORE**, based upon the above Findings of Fact, the Highland Board of Zoning Appeals, by a vote of four (4) in favor and none (0) opposed, voted to **MAKE A FAVORABLE RECOMMENDATION** to the Highland Town Council for the Use Variance requested. Action taken to give a **FAVORABLE RECOMMENDATION** to the Town Council on October 23, 2024. Findings of Fact approved the 11<sup>th</sup> day of December, 2024.

**TOWN OF HIGHLAND  
BOARD OF ZONING APPEALS**

  
\_\_\_\_\_  
*David Helms*, Member  
Town of Highland Board of Zoning Appeals

## EXHIBIT A

Commissioner Thomas then asked if there was anyone to present the petition for Use Variance. Mrs. Marybeth Lubarski stepped forward and introduced herself and her husband, David, and stated that they were the owners of the property at 8830 Kennedy Avenue. She then passed out a survey of the property to each of the Board Members. She proceeded to introduce the other family members present, which were her son David, who helped them out at the Art House, her son Zachary, who was the tattoo artist, and Zachary's wife, Brie. Marybeth continued to say that she and her husband had purchased the property in 2015 with the intent of turning it into an art gallery with an apartment upstairs for their three children, who were all artists. She continued to say that it has now become a gallery for the community, and it is used in quite a few different ways. She then asked that her son, David, continue to explain the ways the gallery, called Promise You Art House, is used. David stated that they describe it as an eclectic hub for art and art services where they support local art groups. He added that they were part of the Highland Arts Council, the Highland Neighbors for Sustainability and other local environmental groups. They also host field trips for local youth activities, offer Boy Scout and Girl Scout badge activities, and they invite local musicians and artists often to support them and their art. They also have book readings and other community events. Mrs. Lubarski then explained that the reason they were here tonight was to ask that their son, Zachary, could join them at the Promise You Art House by using one of the rooms upstairs as a Tattoo Studio. She added that David had passed out a floor plan, showing where they would like to add the studio. She then asked her son, Zachary, to continue by explaining his plans. Zachary stated that his goal was to open up a private tattoo studio upstairs in the Promise You Art House. He added that it would be different than a typical tattoo studio in that he would be the only artist working in the studio and there would be only one client at a time. He stated he had been doing tattoos for seven years and that he kept everything very professional. His clients ranged from pastors to veterinarians and all types of different people. He said he strives to make people feel comfortable and welcome, which is in keeping with the Promise You Art House, so he'd like to join in on that with his expertise and what he does.

## EXHIBIT A

## EXHIBIT B

Commissioner Helms pointed out that because this hearing was a Use Variance request, the Board of Zoning Appeals would only be giving a recommendation to the Town Council this evening and would not actually be deciding the outcome. Mr. Reed added that this was a positive or negative recommendation and then the Town Council would take over the decision. Mrs. Lubarski asked if they would have to give the same presentation to the Town Council at their meeting. Mr. Reed stated that they would have the opportunity to make comments and answer questions at the Town Council meeting, but generally it would not be as involved as the BZA meeting presentation. Mr. Mika added that Attorney Reed would be preparing Findings of Fact that would have to be approved at the next BZA meeting on December 11th, then their Use Variance petition would be added to the next Town Council meeting, which would likely be the last meeting of December.

Commissioner Helms asked if the upper floor was used as a residential area any longer. Mrs. Lubarski said that it was not and hadn't been used in that way for a year. Mr. Mika asked if they had been using the upstairs for anything else as it pertains to their commercial business. Mrs. Lubarski replied that they were not using it for anything else at this time.

Commissioner Thomas asked Zachary if he was a licensed tattoo artist in the State of Indiana. Zachary replied that he was, through the licensed tattoo shops that he has been working at. In order to be on his own, he said he will have to go through the State to obtain a license for his shop, also. Commissioner Thomas asked them about the parking situation and where his future clients would be parking. Zachary responded that they would be using the street parking and if the art house was closed, they would also be utilizing the driveway. Commissioner Thomas asked how many parking spaces they had now. Mr. Lubarski responded that they currently have 5 – 6 parking spaces on the driveway. Commissioner Wright asked if they were planning any build-out for the studio, or if they were keeping the space, which was a bedroom, the same as it is now. Mr. Lubarski replied that it would be kept the same, and that they didn't want to make any drastic changes in case it may need to be utilized as an apartment in the future. Mr. Mika stated, in this zoned district, this would be allowed legally.

Commissioner Thomas asked what the business hours would be for the tattoo studio. Zachary replied that they did vary, because of the fact that he had private sessions, but his typical hours were 10 – 4, or 10 – 6 p.m. He added that he liked to get home by six or earlier to spend the evening with his family; they had a two-year-old and another baby on the way. Commissioner Wright asked Mr. Mika if there was any additional fire protection that was required on the second floor. Mr. Mika replied that in this case, because they are changing from a residential use to a commercial use in a building that

was built in 1910, they would have to hire a design professional (architect) to put plans together and file them with the State of Indiana, for what is referred to as a Construction Design Release because they are changing the occupancy from a residential use to a commercial use. Commissioner Wright asked if there would be anything else required from an ADA standpoint. Mr. Mika replied that they may have to get into that with the State when they apply for the CDR and that he couldn't say at this point that it wouldn't be necessary. The design professional would have to evaluate the whole project.

Mrs. Lubarski mentioned that they were lifelong residents of Highland and wanted to stay in Highland and make their business a family run business. She continued to say that the rental income would help them support the art house and they would, in turn, be helping out a family member by providing a space for his art and livelihood. She also pointed out that their hardship was the fact that they were not collecting the income from the apartment any longer, and the income from the rental of the studio would help them financially to keep the Promise You Art House thriving, and to pay their taxes.

## EXHIBIT B

5

- x. **Discussion:** : Ordinance Number 1792-G: An Ordinance to Amend Ordinance No. 1792 to establish the wage and salary rates of the Elected Officers, the Non-Elected Officers, and the Employee of the Town of Highland, Indiana particularly regarding a one-time appreciation bonus for the active and participating members of the Highland Fire Department for period of January 1, 2024 through November 30, 2024.



The Clerk-Treasurer gave a brief explanation of the Ordinance No. 1792-G, advising the Council that the ordinance was 1<sup>st</sup> introduced at the Council's plenary meeting of December 23, 2024, so all that is required is a simple majority vote at the Council's plenary meeting of January 13, 2025.

Councilor Scheeringa opened up the discussion asking the Council for their comments and feedback on Ordinance No. 1792-G. There were no comments from the Council.

Hearing no further discussion, the Council President advised the Clerk-Treasurer to keep Ordinance No. 1792-G on the agenda on the Town Council Plenary meeting of January 13, 2025,

**ORDINANCE No. 1792-G**  
**of the**  
**TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE to AMEND ORDINANCE No. 1792 to ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA PARTICULARLY REGARDING a ONE-TIME APPRECIATION BONUS for the ACTIVE AND PARTICIPATING MEMBERS OF THE HIGHLAND FIRE DEPARTMENT FOR THE PERIOD OF JANUARY 1, 2024 THROUGH NOVEMBER 30, 2024.**

**WHEREAS**, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

**WHEREAS**, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

**WHEREAS**, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees; and

**WHEREAS**, I.C. 36-5-3-2(b), further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer; and

**WHEREAS**, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year; and

**WHEREAS**, The Town Council of the Town of Highland, as the town

legislative body, now desires to further fix the compensation of the active and participating members of the Highland Fire Department by providing a *one-time appreciation bonus*, in appreciation for and in recognition of the commendable service to the municipality during the calendar year 2024; and

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Town Council of the Town of Highland, Lake County, Indiana, that the wages, salaries, and special detail levels of the officers and employees of the Town of Highland, are hereby further established and fixed, pursuant to the provisions indicated herein and as follows:

**Section 1.** (A) That for the paid on call active and participating members of the Town of Highland, there shall be a paid one-time appreciation bonus for the months of January 1, 2024 through to November 30, 2024;

(B) That the one-time appreciation bonus authorized by this ordinance shall be calculated on making 10% to 19% of fire calls, a flat rate of one hundred dollars (\$100) and between 20% and above of fire calls a flat rate of two hundred-fifty dollars (\$250), in the service period described in this section to be paid in a lump sum and not to exceed \$7,650; and

(C) That the provisions of this ordinance will apply to paid on call firefighters of the Town of Highland, the names listed in the attached exhibit to this ordinance, who are active and participating members on the date of passage and adoption of this ordinance;

**Section 2.** That Section 12 (G) Fire Fighters Compensation of Ordinance No. 1792 be amended by adding Section 12 (G)(7) of that Ordinance by adding the following section, which shall be numbered as Section 12 (G)(7) and read as follows:

**Section 12(G).** *Fire Fighters Compensation.* That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its **Fire Department** as follows:

**Fire Calls Made**

(7) Appreciation Bonus (34)	10% - 19% a flat fee of \$100
	20% and above a flat fee of \$250

\*the Appreciation Bonus is a one-time bonus and applies to the calendar

year of 2024, from January 1, 2024 through November 30, 2024. Further bonuses are at the discretion of the Town Council and funds availability.

**Section 3.** That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

**Section 4.** That except where otherwise noted herein, other compensation and benefits matters not expressly provided herein for salaried and hourly employees and the Clerk-Treasurer shall be as set forth in the Compensation and Benefits Ordinance, commonly called the Employee Handbook as amended from time to time;

**Section 5.** (A) That an emergency exists for the immediate taking effect of this Ordinance which, shall become effective and shall remain in full force and effect from and *after the date of its passage and adoption* pursuant to any constraints currently in force in Ordinance No. 1792 and until its repeal or amendment by subsequent enactment as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10;

(B) That the Clerk-Treasurer shall have authority to implement the provisions of this ordinance pursuant to the authority expressly set forth in IC 36-5-6-6 (a) (3) & (4).

(C) That all payments authorized by this ordinance shall be subject to an additional appropriation of *unreserved, undesignated* fund balance on deposit to the credit of the Corporation General Fund, paid from this approved appropriation to all employees subject to this ordinance's terms regardless of the assigned office or department of the eligible worker;

**Section 6.** That this ordinance is intended to be complementary and a companion to and in support of the existing ordinances governing wages, salaries and compensation and shall not be construed as abridging those provisions except as expressly set forth in Section 4 of this ordinance;

**Section 6.** (A) That the provisions of this ordinance, shall become effective and shall remain in full force and effect from and after the date of its passage and adoption, and until its repeal or amendment by subsequent enactment;

Introduced and Filed on the 23<sup>rd</sup> day of December 2024. Consideration on same day or at same meeting of introduction was not considered pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 13<sup>th</sup> Day of January 2025, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of in favor and opposed and abstention.

Memorandum of Meeting  
Monday, January 6, 2025

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

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Philip Scheeringa, President (IC 36-5-2-10)

**Attest:**

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Mark Herak  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)



- x. **Discussion:** Proposed Ordinance No. 1810: An Ordinance to Amend the Compensation, Benefits and Personnel Program of the Municipality, to be known as the Compensation and Benefits Ordinance Commonly known as the Employee Handbook, Pursuant to IC 36-1-3 and other Relevant Statutes. (increasing the clothing allowance and car allowance for active and participating members of the Highland Fire Department)

The Clerk-Treasurer gave a brief explanation of the Ordinance No. 1810, advising the Council that the ordinance was first introduced at the Council's plenary meeting of December 23, 2024, so all that is required is a simple majority vote at the Council's plenary meeting of January 13, 2025.

Councilor Scheeringa opened up the discussion asking the Council for their comments and feedback on Ordinance No. 1810. There were no comments from the Council.

Hearing no further discussion, the Council President advised the Clerk-Treasurer to keep Ordinance No. 1810 on the agenda at the Town Council's Plenary meeting of January 13, 2025,

- x. **Discussion:** Appropriation Enactment No. 2025-01: An Enactment Appropriating Additional Monies in Excess of the Annual Budget For the General Fund in the amount of \$51,000, All Pursuant To I.C. 6-1.1-18, I.C. 36-5-3-5, Et Seq.

The Clerk-Treasurer gave a brief explanation of the Appropriation Enactment No. 2025-01, with the public hearing being set for the Council's plenary meeting of January 13, 2024 at 6:30 p.m. He advised the Council to introduce only at their plenary meeting of January 13, 2025.

Councilor Scheeringa opened up the discussion asking the Council for their comments and feedback on Appropriation Enactment No. 2025-01. There were no comments from the Council.

Hearing no further discussion, the Council President advised the Clerk-Treasurer to Place Appropriation Enactment No. 2025-01 on the agenda on the Town Council's Plenary meeting of January 13, 2025,



See Proof on Next Page

**AFFIDAVIT OF PUBLICATION**

Northwest Indiana Times  
601 W. 45th Ave.  
(219) 933-3333

State of Florida, County of Broward, ss:

I, Morgan Creekmore, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Northwest Indiana Times, a publication that is a "legal newspaper" as that phrase is defined for the city of Munster, for the County of Lake, in the state of Indiana, that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

**Publication Dates:**

- Dec 30, 2024

**Notice ID:** b8g1UeWPPMe6B0rvA8xg

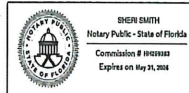
**Publisher ID:** 141219

**Notice Name:** Additional Appropriation January 13, 2025

**Publication Fee:** \$29.98

*Morgan Creekmore*

Agent



**VERIFICATION**

State of Florida  
County of Broward

Signed or attested before me on this: 12/31/2024

*S. Smith*

Notary Public

Notarized remotely online using communication technology via Proof.

TOWN OF HIGHLAND  
NOTICE TO TAXPAYERS OF PROPOSED  
ADDITIONAL APPROPRIATIONS

Notice is hereby given the taxpayers of the Town of Highland, Lake County, Indiana, that the Town Council of said Municipality in said Municipal Building, 3333 Ridge Road, at 6:30 p.m. on the 13th day of January 2025, will consider the following additional appropriations in excess of the budget for the current year in the following fund:

General Fund  
Acct. 1101-0007-36001 Acct. 1101-0007-36003  
Fire Depart Equipment Repairs Fire Depart Building Repairs  
\$22,246.36 \$28,753.64

TOTAL for the FUND: \$51,000.00

Funds to support these additional appropriations in the General Fund shall be supported by miscellaneous revenue, unreserved unobligated fund balance on deposit to the credit of the fund.

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriations, as finally made, will be filed with the Department of Local Government Finance, for its review. The Department of Local Government Finance shall make a written determination of the sufficiency of funds within fifteen days of receipt of a certified copy of the action taken.

TOWN COUNCIL of HIGHLAND George Georgeff, President  
By: Mark Herak  
Clerk-Treasurer  
12/30 - 141219

HSPAXLP



**Town of Highland  
Appropriation Enactment  
Enactment No. 2025-01**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONIES IN EXCESS OF THE ANNUAL BUDGET for the GENERAL FUND ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.**

**WHEREAS,** Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **General Fund**;

**WHEREAS,** It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **General Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

GENERAL FUND

Acct. No. 1101-0007-36001 Fire Department Equipment Repairs	\$22,246.36
Acct. No. 1101-0007-36003 Fire Department Building Repairs	\$28,753.64
<i>Total 300 Series:</i>	\$51,000.00

**Fund Total: \$51,000.00**

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on 13th day of January 2025. Consideration on same day or at same meeting of introduction was not considered, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 27<sup>th</sup> Day of January 2025, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of in favor and opposed and abstention.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

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**George Georgeff, President (IC 36-5-2-10)**

ATTEST:

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Mark Herak  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- x. **Discussion:** Resolution No. 2025-01: A Resolution of the Fiscal Body of the Town of Highland Approving and Fixing the Official Charges or Fees for Information and Communication Technology Services provided by the Municipality to its Executive Departments and Offices accounted in the Information and Communication Technology Fund.

The Clerk-Treasurer gave a brief explanation of the Resolution No. 2025-01, which is required to fund the Information and Communication Technology Services.

Councilor Scheeringa opened up the discussion asking the Council for their comments and feedback on Resolution No. 2025-01. There were no comments from the Council.

Hearing no further discussion, the Council President advised the Clerk-Treasurer to Place Resolution No. 2025-01 on the agenda for the Town Council's Plenary meeting of January 13, 2025,

**TOWN of HIGHLAND  
Town Council Resolution No. 2025-01**

A RESOLUTION of the FISCAL BODY of the TOWN of HIGHLAND APPROVING and FIXING the OFFICIAL CHARGES or FEES for INFORMATION and COMMUNICATION TECHNOLOGY SERVICES PROVIDED BY THE MUNICIPALITY TO ITS EXECUTIVE DEPARTMENTS and OFFICES and ACCOUNTED in the INFORMATION and COMMUNICATION TECHNOLOGY FUND

**WHEREAS,** The Town Council of the Town of Highland serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C. 36-1-1-2-9 and I.C. 36-5-2-2;

**WHEREAS**, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon local units of government the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

**WHEREAS**, The Highland Town Council did adopt and establish an Information and Communication Technology Fund, by adoption of Ordinance No. 1323, amending the Highland Municipal Code by adding a new section § 31.08 (now codified as Section 3.45.110), which provides for an internal service fund as an accounting entity to which the resources and costs associated with providing information and communication technology services to the municipality will be accounted; and,

**WHEREAS**, Section 3.45.110 (F) (1) particularly provides that resources or revenue for these services supported by the internal service fund may consist of *“interdepartmental charges, contributions, cost shares or assessments levied against funds or departments of the municipality to support the lawful purposes and budget of the Information and Communication Technology Fund;”*

**WHEREAS**, Section 3.45.110 (F) (1) (a) still further provides that the *“charges and rates shall be developed and recommended by the proper officers of the municipality and fixed and approved by the Town Council”*;

**WHEREAS**, The proper officers of the municipality have developed and now recommend charges and rates for **FY 2025** to support the costs associated with the provision of information and communication technology services to the municipality and its several executive departments and utilities; and,

**WHEREAS**, The Town Council now desires to fix and adopt the charges and rates as recommended,

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the proper officer(s) of the municipality have developed and now recommend the following annual charge for services for the fiscal year **2025** as follows:

(a) For information and communication technology services provided to the several departments reposed in the **Corporation General Fund**, the annual charge is **allocated at 25% of costs or \$99,000.00;**

(b) For information and communication technology services provided to the department reposed in the **Park and Recreation Fund**, the annual charge is **allocated at 19% of costs or \$79,280.00;**

(c) For information and communication technology services provided to the department reposed in the **Redevelopment General Fund, the annual charge is allocated at 5% of costs or \$21,000.00;**

(d) For information and communication technology services provided to the Waterworks Utility, **the annual charge is allocated at 25% of costs or \$105,656.00;**

(e) For information and communication technology services provided to the Wastewater/Stormwater Utility, **the annual charge is allocated at 26% of costs or \$105,656.00;**

**Section 2.** That the Town Council hereby finds and determines that the rates and charges as recommended are consistent with IC 36-1-3-8(a)(6), calculated to include reasonable costs associated with those purposes outlined in Section 3.45.110 (D) of the Highland Municipal Code;

**Section 3.** That the Town Council hereby now fixes and approves the annual rates and charges as set forth herein, and authorizes the municipal fiscal officer to take such lawful measures to charge and collect the fees herein, either as a single lump sum fee or collected periodically until fully collected, and then to deposit these charges into the **Information and Communication Technology Fund;**

**DULY RESOLVED and ADOPTED** this 13<sup>th</sup> Day of January 2025, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of in favor and opposed.

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

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George Georgeff, President (IC 36-5-2-10)

**ATTEST:**

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**Mark Herak,**  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

x. **Discussion:** Resolution No. 2025-02: A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4 of the Indiana Code and Section 3.20.040 of the Highland Municipal Code for, the Corporation Bond and Interest Fund, The Park District Bond and Interest Fund, the Sanitary District Bond and Interest Fund and the Waterworks District Bond & Interest Fund.

The Clerk-Treasurer gave a brief explanation of the Resolution No. 2025-02, advising the Council that the numbers weren't finalized so Resolution No. 2025-02 probably won't be ready in time for their next meeting.

Councilor Scheeringa opened up the discussion asking the Council for their comments and feedback on Resolution No. 2025-02.

Hearing no further discussion, the Council President advised the Clerk-Treasurer to place Resolution No. 2025-02 on the agenda for the Town Council's Plenary meeting of January 13, 2025 only if the Clerk-Treasurer felt that it is ready for adoption.

TOWN of HIGHLAND

**RESOLUTION NO. 2025-02**

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4 OF THE INDIANA CODE AND SECTION 3.20.040 OF THE HIGHLAND MUNICIPAL CODE FOR, THE CORPORATION BOND AND INTEREST FUND, THE PARK DISTRICT BOND AND INTEREST FUND, THE SANITARY DISTRICT BOND AND INTEREST FUND AND THE WATERWORKS DISTRICT BOND & INTEREST FUND.

**Whereas**, The Clerk-Treasurer has advised the Town Council that cash balances in the **Corporation Bond and Interest Fund, Park District Bond and Interest Fund, Sanitary District Bond & Interest Fund, Waterworks District Bond & Interest** are not sufficient to meet their regular expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the debt service funds;

**Whereas**, The Clerk-Treasurer has further advised that there is sufficient money on deposit to the credit of the **Municipal Cumulative Capital Development Fund** and the **Economic Development Local Income Tax Fund** that can be temporarily transferred, pursuant to IC 36-1-8-4 and HMC Section 3,20.040;

**Now, Therefore Be it Resolved** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the amount of **\$290,000.00** be borrowed for the **Sanitary District Bond and Interest Exempt Fund** with the amount of **\$290,000.00** to be loaned by the **Municipal Cumulative Capital Development Fund**, as authorized by HMC Section 3.20.040 and IC 36-1-8-4;

**Section 2.** That said loan in the amount **\$290,000.00** be repaid to the **Municipal Cumulative Capital Development Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Fund** with such loan to be repaid no later than December 31, 2024, subject to IC 36-1-8-4(b).

**Section 3.** That the amount of **\$480,000.00** be borrowed for the **Park District Bond & Interest Non-Exempt Fund** with the amount of **\$480,000.00** to be loaned by the **Economic Development Local Income Tax Fund**;

**Section 4.** That said loan in the amount of **\$480,000.00** be repaid to the **Economic Development Local Income Tax Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Park District Bond & Interest Fund** with such loan to be repaid no later than December 31, 2025, subject to IC 36-1-8-4(b).

**Section 5.** That the amount of **\$385,000.00** be borrowed for the **Corporation Bond & Interest Fund** with the amount of **\$385,000.00** to be loaned by the **Economic Development Local Income Tax Fund**;

**Section 6.** That said loan in the amount of **\$385,000.00** be repaid to the **Economic Development Local Income Tax Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Corporation Bond & Interest Fund** with such loan to be repaid no later than December 31, 2025, subject to IC 36-1-8-4(b);

**Section 7.** That the amount of **\$225,000.00** be borrowed for the **Waterworks District Bond & Interest Fund** with the amount of **\$225,000.00** to be loaned by the **Municipal Cumulative Capital Development Fund**, by HMC Section 3.20.040 and IC 36-1-8-4;

**Section 8.** That said loan in the amount of **\$225,000.00** be repaid to the **Municipal Cumulative Capital Development Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Waterworks District Bond & Interest Fund** with such loan to be repaid no later than December 31, 2025, subject to IC 36-1-8-4(b);

**Section 9.** That for the temporary loans made by the Town of Highland to the Sanitary District Bond and Interest Fund, the Park District Bond and Interest Fund and the Corporation Bond & Interest Fund for the purposes of HMC Section 3.20.040(B)(1), this resolution shall serve as evidence of the obligation and that under Section 3.20.040(B)(4) no interest will attain.

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 13th day of January 2025. Having been passed by a vote of in favor and opposed.

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

\_\_\_\_\_  
George Georgeff, President (IC 36-5-2-10)

Attest:

\_\_\_\_\_  
Mark Herak  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

**x. Discussion: 2025 Annual Public Meeting Notice for the Town of Highland**

Councilor Scheeringa opened up the discussion asking the Council for their comments and feedback on the 2025 Annual Public Meeting Schedule.

Councilor Turich began by saying currently we have two (2) study sessions, which are the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of the month and two (2) plenary meeting, which are the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of the month. He first suggested having the study session on the 2<sup>nd</sup> Monday of the month and the plenary or public meeting on the 4<sup>th</sup> Monday of the month.

There was discussion amongst the Council on going to that new format suggested by Councilor Turich, with the Clerk-Treasurer expressing concern as the vendors would then be paid once a month and depending upon when the invoice was received and processed, it could be two (2) months before they are paid.

Attorney Reed said other Towns have one (1) study session and one (1) plenary meeting each month but they are lengthy meetings. Some starting at 3 o'clock pm and going until 9 o'clock pm.

The discussion then centered on continuing having the plenary meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Monday's of the month, with a study session following immediately afterward. The study session would contribute to the agenda building for next plenary meeting. By having the study session after the plenary meeting, that gives the Council time to think about the topic versus having a study session and going directly into the plenary, similar to what the Plan Commission and Park Board does.

Councilor Turich emphasized the Council is still having two (2) study sessions and two (2) plenary meetings each month as it currently is. The only difference is rather than meeting every Monday of the month, the Council will be meeting only 2 Monday's of the month.

**x. Discussion: Future direction of the HCCE**

Councilor Scheeringa opened up the discussion to Councilor's Turich and Robertson as they headed up this project.

Councilor Turich began by saying he and Alex Brown have spent a lot of time over the course of the last 60 days, meeting with the park board, discussing opportunities to kind of shift the HCCE from under the Town Council to the Park Department. He emphasized that the HCCE has done a tremendous job over the course of the last three (3) or four (4) years increasing revenues to over \$200,000. He said the challenge is how to best support them. Currently, Alex Robertson serves as Liaison, who has done a tremendous job,

allowing the HCCE to make tremendous strides but in addition to the Council, he operates his own business, in addition to working full-time as a pipe fitter. The Council is looking to support the HCCE with a leader within the Town, who can facilitate their meetings and help with the budgetary process. Because of the close working relationship between the HCCE and the Park Department, it makes sense to put the HCCE under the Park Department. The goal of the Council is not to drastically change the way the HCCE functions but there will be changes on how decisions are made and the voting process. However, the idea of being led by a group of volunteers that are generating ideas and looking to better our community is something the Council would like to see continued.

Councilor Robertson added that seeing how things have been run in the past, he felt the biggest thing is making sure that the HCCE has a contact directly with someone in the Town to help streamline things outside of the normal meetings and events because the HCCE are volunteers and it isn't fair to lean on them and the rest of the volunteers to do everything. He felt it was a good move to put the HCCE under the Park Department because they already work closely with them. He felt it was important to have a town employee designated who will assume much of the burdens and responsibility that fall outside of the normal planning and operations. He gave the example of when the power went out during the BBQ Festival. It isn't fair that the HCCE take on all that responsibility. Considering how the events have grown, there needs to be someone that's on the Town's payroll that is responsible for helping out.

Councilor Turich said as he mentioned in the beginning, we have had several meetings with the Park Superintendent and he has identified an individual within the parks department that is willing to take on these additional responsibilities. That individual, has spoken with the group and is committed to continue their current workload. This individual is excited about the opportunity and looking forward to the growth of that group. He said it is important to keep moving and putting a plan in place by the end of the month as there is a lot of work ahead of us as we prepare for the 4<sup>th</sup> of July Festival and other activities. His goal is to figure out what needs to be done and establish milestones so this can be accomplished by the end of the month.

Councilor Scheeringa said this person would help facilitate the decisions of the HCCE. We welcome dialog but at some point, a decision has to be made. This person would help facilitate in and the guide the decision and once a decision is made and voted on, this person would then take it to the Park Board and get the decision approved and executed.

Councilor Robertson said they will probably want to streamline the voting members of the HCCE to maybe four (4) or five (5). This person would be the person go follow-up on things like the porta-potties and things like that. They will be the person who the HCCE can lean on. The HCCE will still meet, plan and vote. It will be pretty much business as usual. This person would be on the Town's payroll, giving them the help to get these done and without the HCCE, who have their day to day jobs, from taking on all the burden.



Councilor Scheeringa said the Park Board will act like the Council in appointing the members to the HCCE and instead of Mark being the purchasing agent, it will be the Park Board.

Councilor Turich added the purchasing approval would remain at \$15,000 before Alex Brown would have to take it to the Park Board.

The Council asked for Alex Brown's comments. He said this has happened once before. It was 19 years ago and the HCCE was put under the Park Department. That arrangement lasted for two (2) years. The process then was the Town Council disbanded the current group and then anyone that wanted to reapply, would re-apply to the Park Department with the Park Board making the appointments. He reminded the Council there are a lot to do in changing of the ordinance and resolutions. The reason it didn't work is because the Town Council didn't want to be involved anymore but in reality, they really did. The dynamics didn't work between as the two (2) boards both were trying to run the HCCE. It just didn't work. And when the Town Council hired a Town Manager, he was insistent the HCCE fall under him.

Councilor Robertson said he really doesn't want the Council or the Park Board to put their fingers in it. The HCCE will still exist. Nothing will really change with this new person except less burden will be upon the HCCE and less static when it comes to planning these events and approval will come quicker.

The big concern was that this was creating a whole new position. Councilor Turich said the Park Department is not hiring a new person or creating a new position but adding additional responsibilities to a current employee. The job description will have to be changed and this person should receive additional compensation.

There was continued discussion as to whether this person should continue to report to the Recreation Director or to the Park Superintendent. They also discussed whether the salary range should be expanded because of the additional responsibilities or create a whole new job title with its own salary range or consider this position equivalent to the Recreation Director and increase the authorized staffing by one of recreation directors as some Councilors felt the two (2) positions were similar. If a new job title was created, would the authorized staffing of park supervisors be reduced by one or would another recreation supervisor be hired. Councilor Turich suggested that the Park Superintendent and Park Board discuss the various options and then let him know and he'll bring it back to the Council.

Park Superintendent Brown said he would rather keep the position reporting to the Recreation Director and not hire an additional person but do similar as to what the police department does with the Field Training Officers or Range Officers in that they give them specialty pay. He suggested they do the same for this person. They would be compensated additionally for overseeing the HCCE or serving as liaison. He said the reporting area is gray but feels this person should still report to the Recreation Director.

Councilor Turich said that he didn't necessarily agree but he would lean upon the park superintendent's expertise. He reiterated that the park board and park superintendent sit down and meet and iron all this out and he'll bring it back to the Council for a decision.

Carol Parker, a member of the HCCE, said with the proposed reporting structure change, the by-laws should be looked at and modified as well. She was advised the by-laws would be modified where necessary. She gave an example of in the by-laws, each member is bonded for up to \$10,000. This directly affects our individual liability. She said the by-laws state each member is bonded up to \$10,000. While at one of the meetings, the HCCE was advised it should be \$15,000. The Clerk-Treasurer said those bonds not specified by state statute (non-statutory), those members were removed from the non-statutorily town wide coverage and placed in employee dishonesty coverage which provides a higher limit. She said she brought this up before as she wants to make sure steps are in place that looks out for the individual members. He gave another example about contracts written by the Park Department which are looking out or protecting the parks. She said in the most recent contract, the HCCE is responsible for electricity and security in the park. She feels that the Council should make the HCCE members aware of their culpability in these things when signing such contracts. She went on to say per their by-laws, the HCCE has no authority to direct town employees which makes perfect sense so from that perspective the HCCE is happy to being placed under the parks and looking forward to working with them. She said she sees it as a huge advantage for advertising being able to combine with parks on their mailing She added that she doesn't know how other commissions operate but at no time did she or any other newcomer every receive an explanation as to what their responsibilities were. She felt that would be helpful so people know what they are signing up for, so the newcomers will understand what is expected of them. You might even get more volunteers as they will feel more comfortable by knowing what their responsibilities and expectations are.

Sandy McKnight, a member of the HCCE commented that she thinks the move is great especially with the set-up and design that was discussed and the what the HCCE envisioned. She asked about what happens with the non-reverting capital fund when the HCCE moves under the Park Department. She was advised that the non-reverting fund will move over to the Park Department.

Councilor Turich concluded that everything he heard tonight just adds to his excitement about moving the HCCE under the Park Department. He said he has heard nothing but good things. He said he's challenged to find something negative. He said he realized that there will be an adjustment but there is a huge potential and the Park Superintendent has found a great candidate. He re-emphasized that it is not the Council's intention to disband the HCCE or change the ways they are currently doing it but there are some opportunities that can be improved upon with a little bit of guidance.

Kelly Bridges, a member of the HCCE, said her only concern is that while the details are being worked out in making this transition, is the processes that the HCCE has to go through in order to make the 4<sup>th</sup> of July Festival happen and she was advised it won't be

slowed or deterred in anyway. You mentioned tonight that you are going to continue with the same processes but implement new leadership. She wanted to know what changes in the HCCE processes that requires the Council to implement new leadership? She was advised that the HCCE should continue to what it's doing. Send out the contracts for the bands and food vendors.

The question was raised about fireworks once again at Homestead Park. Public Works Director Knesek said with the delay from Hammond on the Storm Water Remedial Retention Plan, he saw no reason why the fireworks could not be held at Homestead this year and maybe even the year after.

**Chapter 11.15  
COMMUNITY EVENTS COMMISSION**

Sections:

- 11.15.010 Establishment.**
- 11.15.020 Organization and structure.**
- 11.15.030 Purposes.**
- 11.15.040 Annual report.**
- 11.15.050 Special events nonreverting operating fund.**
- 11.15.060 Budget and disposition of funds.**

**11.15.010 Establishment.**

(A) A community events commission is established to advise and assist with the planning and execution of special events within the town of Highland. All corporate powers of the town of Highland are vested in the town council. No individual member of the commission or collective action of the commission may direct action to be taken by the town council, any employee or contractor of the town.

(B) The commission shall consist of 16 voting members, at most, with seven members appointed to staggered terms of office and nine members appointed to concurrent annual terms of office. The commission may consist of fewer than 16 voting members, and a quorum for conducting the business of the commission shall consist of a majority of the then appointed voting members. One member shall serve an initial term expiring on the first day of January 2008; three members shall serve an initial term expiring on the first day of January 2010; and three members shall serve an initial term expiring on the first day of January 2011. Thereafter, each member serving a staggered term may be appointed to a term of four years. Each member of the annual concurrent appointments may be reappointed to a term of one year. The municipal executive shall make the initial one-year appointment, one of the initial two-year appointments and one of the initial three-year appointments. The legislative body shall make two of the initial two-year appointments and two of the initial three-year appointments. Finally, the legislative body shall also make the annual one-year term appointments.

(C) All members of the commission shall serve until their successors have been appointed and confirmed, subject to the limitation set forth in IC [36-1-8-10\(c\)](#).

(D) Members of the commission serve at the pleasure of the appointing authority. New members will be appointed to fulfill the unexpired term of a member whose seat becomes vacant for any reason during his or her term. Successive appointments shall be made by the proper appointing authority making the initial appointments as described in subsection (B) of this section.

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(E) The senior management staff person from each department of the town shall serve as ex officio, nonvoting members of the commission.

(F) No person shall be appointed as voting member of the commission who has not attained the age of 18 years and who is not a resident of Highland.

(G) The members of the commission serve without compensation. Members of the commission shall not accept gifts, gratuities or other consideration from contracted vendors or vendors under consideration for use at a special event.

(H) A faithful performance or surety bond as prescribed by IC 5-4-1 et seq. in the amount of \$10,000 shall be obtained for the commission to cover the faithful performance of the duties of the officers and members of the commission, including the duty to comply with IC 35-44-1-2 and the duty to account properly for all monies and property received in consequence of the duties and activities set forth in this chapter.

(I) The premium upon said bond shall be paid from the fund established by HMC 11.15.050 or any other proper fund of the municipality. Said bond may be executed with any recognized and responsible surety company authorized to do business in the state of Indiana, pursuant to IC 5-4-1 et seq.

(J) The bond shall be filed in the office of the clerk-treasurer and recorded in the office of the recorder of Lake County, pursuant to IC 5-4-1-5.1.

(K) The clerk-treasurer shall serve as the purchasing agent for the activities of the commission, pursuant to HMC 3.05.050(D)(9) and IC 5-22 et seq. [Ord. 1398 § 1, 2008; Ord. 1450 § 1, 2010; Ord. 1681 § 8, 2018. Code 2000 § 32.40].

**11.15.020 Organization and structure.**

(A) At its first regular meeting each year, the commission shall elect from its members a President, Vice President, Financial Secretary, and Secretary.

(B) The Vice President shall act as chairperson during the absence or disability of the chairperson. In absence or disability of the President and the Vice President, the Financial Secretary shall act as chairperson. In the event that the President, the Vice President, and the Financial Secretary are absent, the Secretary will preside over the remainder of the body constituting a quorum which then shall appoint a President pro tempore, who shall perform the duties of the President for that meeting.

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(C) Subject to the provisions of this chapter, the President shall preside over the meetings of the commission and shall exercise and perform such duties as are assigned to him or her by this section, as well as perform the duties customary to the office as set forth in the parliamentary authority.

(D) The clerk-treasurer shall serve as treasurer of the commission, pursuant to IC 5-13-5-2. The Financial Secretary shall collect all valid invoices for goods or services obtained in carrying out the lawful purposes of the commission. The Financial Secretary shall be responsible for the receipt of applications and associated fees and charges and properly cause them to be deposited with the clerk-treasurer according to the provisions of HMC 11.20.020. The Financial Secretary shall prepare and sign accounts payable vouchers to be filed for allowance by the town council, all according to IC 5-11-9, 5-11-10 and 36-5-4 et seq.

(E) The Secretary shall be responsible for preparing the agenda for commission meetings in consultation with the President and providing public notice of the meetings of the commission. The Secretary shall take roll at the meetings of the commission and shall cause minutes to be kept, showing the vote of the commission members on each question and on the other official actions of the commission, all pursuant to IC 5-14-1.5. The Secretary shall maintain copies of communications and reports considered by the commission. In addition, the Secretary performs the duties customary to the office as set forth in the parliamentary authority.

(F) The commission is a public body and shall comply with the Indiana Open Meetings Act by providing public notice of its meetings consistent with the Open Meetings Act, pursuant to IC 5-14-1.5. Its records shall be considered public records, governed by IC 5-14-3 et seq.

(G) The parliamentary authority for the commission is Robert's Rules of Order, newly revised. The commission may take no action on any agenda item unless a quorum of the commission is present. A quorum shall be a majority of the then appointed voting members of the commission.

(H) At its first organizational meeting and at the first meeting of each calendar year thereafter, the commission shall establish dates and times for its regularly scheduled meetings. In formulating its meeting schedule, the commission shall attempt to avoid conflict with members' work and vacation schedules. Meetings shall generally be held once per month, unless there is no business to be considered by the commission. Meeting dates, once established, shall be filed with the clerk-treasurer. [Ord. 1398 § 1, 2008. Code 2000 § 32.41].

**11.15.030 Purposes.**

(A) The community events commission is established to advise and assist with the planning and execution of special events within the town of Highland.

(B) The purposes of the commission are:

- (1) To coordinate the annual celebration of the Fourth of July festivities (Independence Day) including, but not limited to: a festival, parade and fireworks;
- (2) To coordinate a Christmas parade;
- (3) To coordinate Memorial Day and Veteran's Day ceremonies;
- (4) To assist with other special events the commission determines will promote good will in the town of Highland, including, but not limited to, an annual eighteenth century historical reenactment, seasonal festivals, beer gardens, block parties, parades, arts and craft shows and itinerant restaurants;
- (5) To appoint standing and/or ad hoc committees to sponsor and produce specific special events; and
- (6) To formulate ordinances for consideration by the town council establishing standard operating policies, rules and regulations applicable to special events and permits therefor, as the commission may deem necessary to conduct its affairs. [Ord. 1507 § 1, 2012. Code 2000 § 32.42].

**11.15.040 Annual report.**

The community events commission shall prepare and submit an annual report concerning special events to the town council and clerk-treasurer in December of each year. [Ord. 1398 § 1, 2008. Code 2000 § 32.43].

**11.15.050 Special events nonreverting operating fund.**

(A) There is hereby authorized, created and established a special nonreverting operating fund, to be called the special events nonreverting operating fund for use by the town in support of the purposes of this chapter.

(B) The fund is dedicated and established to provide operating resources for parks and recreation programs, operations and special events undertaken by the town under advice of its special events advisory commission, pursuant to the authority of IC 36-10-2 and 36-1-3 et seq.

(C) Expenditures from this fund shall be governed by the following provisions:

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(1) Expenditures from this fund shall be for the purposes and in support of the purposes set forth in this chapter and according to the laws and relevant guidelines governing the disposition of the assets, which comprise the fund, provided the expenditures shall be only operating in nature;

(2) Neither the establishment nor the purposes of this fund shall be in derogation of the lawful purposes or construed to exclude the lawful purpose or expenditure from such other funds of the municipality for the same or similar purposes;

(3) Expenditures from the fund may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations, and shall be disbursed only on approved accounts payable vouchers allowed by the town council, all pursuant to IC [5-11-10](#), [36-5-4](#) and [36-5](#) et seq.

(D) The sources of money for the fund are the following:

(1) Gifts and donations from any person given expressly for the purposes and objects of the fund, unless otherwise directed by action of the town council;

(2) User fees and other charges as may be authorized and fixed by the community events commission in connection with special community events;

(3) Pursuant to IC [5-13-9](#) and this code, moneys in the fund may be invested; provided, that the yields from the purchase and sale of any such investments be deposited with the fund.

(E) The appropriations and the cash on deposit to the credit of the fund shall not revert to any other fund but remain with the special events nonreverting operating fund at year end and until such time as an ordinance is passed dealing with the disposition of the assets of this fund.

(F) The clerk-treasurer, as municipal fiscal officer, is hereby directed and authorized to perform such duties and keep such accounts as to fulfill the purpose of the funds herein named and to carry out the provisions of this chapter.

(G) The nonreverting special event fund may be liquidated by an ordinance approved by the town council. Should there be any funds left on deposit in said fund, such funds shall revert to the general fund of the town unless otherwise provided by ordinance of the town council. [Ord. 1398 § 1, 2008; Ord. 1507 § 2, 2012. Code 2000 § 32.44].

**11.15.060 Budget and disposition of funds.**



**x. Discussion: 2025 Community Crossing Matching Grant**

Public Works Director Knesek said he sent to the Council an email advising the Council that the deadline to turn the grant in is by the end of the month. The State is once again offering a match of up to \$1.5m. He said a few of the Council wanted him to go for the entire \$1.5m match but he's only budgeted \$790,000 so there is a shortfall of roughly \$700,000. He said, he hates to beat a dead horse (wheel tax) but if the town had implemented a wheel tax, an additional \$630,000 in revenue would have been generated. This year basically making up the shortfall. He didn't know how much longer the State is going to offer the \$1.5m match but he said he would sure like to jump on the \$1.5m so we could pave \$3m worth of streets. With the wheel tax, think about how many more streets could be paved. He said he's talked with a lot of the residents regarding a wheel tax and most had no problem with the wheel tax if more streets got paved.

Councilor Turich said he understands the cost of asphalt has gone but we need to communicate better by explaining to the residents that with a wheel tax, these streets scheduled for repaving in 2028 could be repaved in 2026 or sooner. He said we need to communicate to the residents that we're not implementing a wheel tax to place a burden on them but as a way to help the community. And yes, we understand there's a financial impact but there's a benefit.

Councilor Black said he agrees that we need to pave more streets but he also felt improving the sidewalks town wide, similar to what Griffith did is important. He asked if it was possible to bond against the wheel tax. Attorney Reed said they did something similar with the Calumet Avenue underpass, creating the wheel tax to pay for Munster's portion of the project.

Public Works Director Knesek said one of the biggest problems with the deteriorating streets is the heavy trucks going down Kennedy Avenue or Ridge Road. You can see the paving line is falling apart because the semis drive that drive through that shouldn't be driving on. Every time there's a wreck on the interstate, they get off even though their GPS tells them not to. He said he would really like the Council to consider a wheel tax. You can call it a road maintenance fee. He said if it is adopted this year, the Town wouldn't receive any revenue until 2026.

Councilor Scheeringa asked the Clerk-Treasurer if he could find additional money to close the gap. The Clerk-Treasurer said that he and the Public Works Director had already spoken on the matter as we are in the process of closing the books for 2024. Once the books are closed, he'll have a better feel. He suggested that the Council approve the request of the Public Works Director with the money already appropriated which is due by the end of January and let him work on finding additional matching money and then apply for the July letting. The Public Works Director and the Council were in agreement on that approach.

**x. Discussion: 177<sup>th</sup> Street.**

Public Works Director Knesek brought up the condition of 177<sup>th</sup> Street. He said it is Highland's road and is in horrible shape but the road doesn't benefit Highland Residents. It is mainly used by truck traffic making deliveries to the industrial park or the hotels off of Kennedy Avenue in Hammond. When the entrance off of Kennedy Avenue, with its bump outs, was reconfigured, it prohibited truck traffic. All truck traffic was rerouted to the Cline Avenue entrance which is 177<sup>th</sup> Street. It is going to cost over \$600,000 to repave Highland's portion. Since Highland residents don't benefit by the road, Mr. Knesek was suggesting to close the road. He said the Town uses Liable Road when they want to access the old town dump. He suggested that maybe the Town should offer the road to Hammond as it is there businesses that are benefitting from the entrance off of Cline Avenue. Hammond can either pave the road or reconfigure the entrance off of Kennedy Avenue to allow truck traffic to service those businesses in the industrial park.

Councilor Georgeff suggested the Town approach the Convention and Tourism Bureau to see if they might be interested in paving the road because they are generating money from the hotels in the industrial park and those hotels are serviced by truck traffic coming off of 177<sup>th</sup>.

Attorney Reed suggested the Town could vacate the road and not maintain it or maybe enter into a maintenance agreement with Hammond to maintain the road. He said in either case, the Town needs to communicate with the City of Hammond or the South Shore Convention Bureau before taking any action.

The Clerk-Treasurer said he would reach out to Phil Taillon, President/CEO of the South Shore Convention and Visitors Authority.

Councilor Scheeringa said from a public safety standpoint, it is important that 177<sup>th</sup> remain open and drivable as it is a huge public safety access point.

Councilor Scheeringa asked if there were any additional agenda items. Hearing none, he adjourned the meeting at 8:00 p.m.

• **Plenary Business Meeting of Monday January 13, 2025**

- Minutes of the Meeting of Monday, December 23, 2024.
- Public Hearing – Additional Appropriations – Appropriation Enactment No. 2025-01
- Ordinance No. 1792-G
- Ordinance No. 1810
- Resolution No. 2025-01
- Resolution No. 2025-02
- Appropriation Enactment No. 2025-01
  - Payroll Docket