

**Topics Tentatively Scheduled for Study Session Discussion
and
Topics Requested for Action at Future Business Meetings of the Twenty-Ninth
Town Council of Highland**

**Monday, April 06, 2020:
Study Session 6:30 p.m. (if convened)
Plenary Meeting room**

This meeting contributes to Agenda building for the plenary meeting. Please, also be aware of the running enrolled list of matters that are likely for the plenary meeting, subject to review by the municipal executive.

- X. Discuss the extension of the authority of the Municipal Executive under IC 10-14-3-29, which expires on April 13 without action by the Town Council.

Matters remaining to be discussed:

- X. Robyn L. Pappenheim, P.E. (IN, IL) Of DVG Team Inc., the traffic engineer will be present to discuss with the Town Council regarding the issue of the Park and Recreation successful grant application for the installation of Hawk Pedestrian Traffic Control at the Bike Path intersection at Kennedy Avenue. *(NIRPC actually funded this in its forthcoming Transportation Improvement Plan. There is a difference of opinion on the merit of this installation.) John Bach has suggested that the engineer present to the Town Council. John Sent an electronic mail regarding this. POSTPONED from STUDY SESSION MARCH 16.*
- X. Discuss the current sidewalk replacement program of the Town.
Sidewalk maintenance program HMC Section 8.20.020
Elective sidewalk replacement program
- X. Discuss the prospect of having the Redevelopment Department Modify the Facade Improvement Grant program to include non-profit entities.
- X. Discuss the prospect of establishing a five-year capital plan for the Town, convening all boards with capital authority to discuss what is already in place and what may be planned. *(Town Council, Park and Recreation Board, Redevelopment Commission, Board of Waterworks Directors and Board of Sanitary Commissioners)*
- X. Discuss the status of rate review being conducted by Board of Sanitary Commissioners and the Board of Waterworks. Discuss whether it would be desirable to absorb the surcharges imposed by the online and electronic money processing bureaus, in the rate base rather than impose the charges directly on users of online, and credit card services to pay for municipal services. *(Whatever the position, the Boards of jurisdiction with each utility will have to consent.)*
- X. If ready, mark-up of Ordinance to amend the municipal code establishing an honorific Agenda Building Status Report

- 1 -

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

display policy for the Town. (Still being drafted)

II.

• Plenary Business Meeting of Monday, April 13, 2020 Likely matters

- X. Accounts payable vouchers Docket for the period of March 23, 2020 to April 13, 2020 in the amount of _____. *(Could be co-signed by Town President)*
- X. Payroll Dockets for the payday of March 13, 2020 in the amount of **\$222,166.96**.
- X. Minutes of the Meeting of Monday March 23, 2020.
- X. Works Board Order (or Alternative) to award the concrete services materials and supplies vendor as lowest most responsible and responsive.
- X. Works Board Order (or Alternative) to award the Landscape services for the downtown area and other ancillary public way properties.
- X. Works Board Order (or Alternative) to approve and authorize purchase High Definition video system at 45th Avenue ad Prairie.

• Statutory Boards and Commissions

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

(Appointments have been placed on agenda in case there is readiness to act. These represent remaining that could be executed)

1. **Redevelopment Commission:** (1) Non-voting member term ends 6.30.2020 Must be from the School Town of Highland. Terms are 2 years. *(Currently held by Patrick Krull. Town Council President will confer with School town to inform his appointment.)*

Legislative Appointments

Home Rule Commissions

1. **Community Events Commission:**

(1) appointment to be made by the Town Council. **Term: 4 years.** *(Note: vacancy of which term expires January 2022)*

- X. Proposed Ordinance to Amend the Highland municipal Code establishing a Banner policy for the Town of Highland. (This might not be ready yet)

TRACKING EMERGENCY AUTHORITY FOR TOWN COUNCIL PRESIDENT

Authority	Date	Days of Authorization	Total	Expiration Date	Days Remaining*	Subject matter
Proclamation 2020-02	16-Mar-20	7	7	23-Mar-20		IC 10-14-3-29
Enactment No. 2020-20	16-Mar-20	21	28	13-Apr-20	10	Confers Executive three more 7 days plus the original to make 28 days/Defines executive authority as IC 36-4 and IC 36-5;
Order No. 2020-12	23-Mar-20	60	60	22-May-20	49	Waiver of utility late charges and moratorium cessation of service for non payment
Order No. 2020-16	26-Mar-20			3-May-20	30	Waiver of fees to dump compactible solid waste

Current Date
03-Apr-20

* Days remaining is based upon the current date shown

Enactment 2020-20 Section 4 requires the CT to inform the Town Council of duration of authority remaining

HIGHLAND MUNICIPAL CODE

Provisions related to Sidewalk Repair and Maintenance

8.10.010 Compliance.

No person shall construct any sidewalk upon and along any street, road, highway or public right-of-way in the town unless the same shall be constructed according to the following requirements and specifications contained in this chapter. [Code 1983 § 18-21; Code 2000 § 172.15].

Penalty, see HMC [8.05.060](#).

8.10.020 When sidewalks required. *(Also see HMC Section 8.10.080)*

(A) Whenever sidewalks have been installed along at least 80 percent of any side of any block, or whenever a parcel of property is to be used for parking or storage, regardless of the density of sidewalks on block, within the town, the town council may authorize the building inspector to request the owners of property on that side of that block to install sidewalks in conformity with construction requirements of the town. The property owners shall have 90 days from the date of the notice within which to construct said sidewalk as required by the notice.

(B) Upon authorization by the town council, the building inspector shall notify those landowners, as designated by the council, of the request to install sidewalks.

(C) Should any property owner fail to do so within that period, said person shall not be entitled to a building permit until such time as said sidewalk is installed by the owner and approved by the building inspector. [Ord. 685, 1974. Code 1983 § 18-22; Code 2000 § 172.16].

8.10.080 Repair and maintenance of sidewalks and driveways. *(This is codified from Ord. 999)*

(A) *Responsibility of Repair and Maintenance of Abutting Sidewalks and Driveways.*
The responsibility for the repair and maintenance of sidewalks and driveways within the town is hereby deemed to be that of abutting property owners. Property owners shall be responsible for maintaining the abutting sidewalks in a reasonably safe condition, and shall repair and maintain the abutting sidewalk at their own expense as and when needed, in the opinion of the **building commissioner or his designee**.

(B) *Notice of Order to Repair.* Should a property owner fail to maintain his or her abutting sidewalk and/or driveway in a reasonably safe condition, then, in the interest of the health, safety and general welfare of the public, the town, in its sole discretion, may issue a notice or an order to repair the sidewalk and/or driveway to the responsible owner.

(C) *Issuance and Service of Notice to Repair.*

(1) Notice of an order to repair or improve any sidewalk and/or driveway within the town shall be issued by the **building commissioner or his designee**. The notice shall be addressed to the common address of the property in question and also to the address of the owner of the property, if different, and shall be sent by certified mail.

(2) The property owner shall perform the requested repairs or improvements to the sidewalk and/or driveway within 30 days from the date of the notice as required by the notice, or any extended time therefrom allowed by the **building commissioner or his designee**.

(D) *Contract for Repair*. In the event any property owner fails to comply with the order to repair any sidewalk or driveway within the town issued by **the building commissioner or his designee**, the town council, in its sole discretion, may have the sidewalk or driveway constructed or repaired. In causing the sidewalk to be constructed or repaired, the town council may let a general contract for the making or repairing of all sidewalks or driveways subject to the issued order. The letting of any contract under the provisions of this section shall be governed by the laws of the state regulating contractual authority of the town council for such matters, as they may be amended from time to time.

(E) *Assessments*. Assessments for the construction or repair of sidewalks or driveways shall be levied and collected pursuant to the terms of IC [36-9-36-1](#) et seq., as amended from time to time. The entire cost of the sidewalk or driveway improvements or repairs shall be assessed and apportioned against each lot or parcel of property abutting on the improvement in the proportion that the improved lineal front footage of each lot or parcel of property bears to the entire length of the improvement. [Ord. 999, 1998. Code 2000 § 172.22].

8.05.060 Penalty.

(C) In addition to any assessment provided for under HMC [8.10.080](#) (E), any person or property owner who refuses to maintain and keep sidewalks or driveways abutting their property in proper repair and condition, after notice has been given as required by HMC [8.10.080](#), shall be charged with an infraction and shall be fined not less than \$25.00 nor more than \$500.00. Each day that an unreasonable condition exists after notice is given is deemed to be a separate violation, and shall constitute a separate offense. [Ord. 375A, 1989; Ord. 902, 1984; Ord. 999, 1998; amended during 2012 recodification. Code 1983 §§ 18-42, 18-79; Code 2000 § 172.99].

8.20.020 Responsibility for maintenance and care – Paving prohibited. (PARKWAYS)

(A) Except where the town has accepted responsibility for maintenance of parkway streetscape (i.e., the downtown area), the person whose property abuts a street or alley shall maintain and care for any parkway that adjoins or is a part of his property. Such maintenance and care shall include, but not be limited to, the planting and regular mowing of grass, planting, trimming and removal of bushes and trees and the maintenance of flower beds, all in good condition. The town will assume responsibility for parkway tree planting, pruning, maintenance and removal where limbs obstruct use of streets. A person whose property abuts a street shall be responsible for pruning trees where limbs overhang and obstruct use of sidewalks or driveways.

(B) A person whose property abuts the parkway in the downtown area shall be responsible for trash removal from greenways, planters and bump-out streetscape structures installed in the parkway.

(C) No person may hereafter pave, repave or cause to be paved all or any part of a parkway, except to provide an apron for driveway access to the property or adjoining property except as provided in subsection (D) of this section. All driveway aprons constructed subsequent to the passage of the ordinance codified in this chapter shall be constructed of concrete, asphalt or brick pavers.

(D) Whenever a person desires to utilize the parkway area for parking due to a hardship, the person shall file an application with the public works director. The application shall include the following:

- (1) Name.
- (2) Address.
- (3) Nature of hardship.
- (4) Plans and specifications that detail the method of paving the parkway, including size of the area, cross-section and type of materials. [Ord. 1670 § 1, 2018].

Sidewalk Replacement Program

Introduction

Ordinance No. 999, An Ordinance Providing for the Repair and Maintenance of Sidewalks and Driveways, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency, provides as follows:

Section 1. Responsibility for Repair and Maintenance of Abutting Sidewalks and Driveways. The responsibility for the repair and maintenance of sidewalks and driveways within the Town of Highland is hereby deemed to be that of the abutting property owners. Said property owner shall be responsible for maintaining the abutting sidewalk in a reasonably safe condition, and shall repair and maintain the abutting sidewalk at their own expense as and when needed in the opinion of the Building Commissioner of the Town of Highland, or his designee.

Section 2. Notice of Order to Repair. Should a property owner fail to maintain his or her abutting sidewalk and/or driveway in a reasonably safe condition, then, in the interest of health, safety and general welfare of the public, the Town at its sole discretion, may issue a notice of an order to repair said sidewalk and/or driveway to the responsible property owner.

Section 3. Issuance and Service of Notice to Repair. Notice of an order to repair or improve any sidewalk and/or driveway within the Town shall be issued by the Building Commissioner, or his designee. The Notice shall be addressed to the common address of the property in question and also to the address of the owner of the property, if different, and shall be sent by Certified Mail.

The property owner shall perform the requested repairs or improvements to the sidewalk and/or driveway within thirty (30) days from the date of the notice as required by the Notice, or extended time therefrom allowed by the Building Commissioner, or his designee.

Section 4. Contract for Repair. In the event any property owner fails to comply with the order to repair or improve any sidewalk or driveway within the Town issued by the Building Commissioner or his designee, the Town Council, in its sole discretion, may have the sidewalk or driveway constructed or repaired. In causing the sidewalk or driveway to be constructed or repaired, the Town Council may let a general contract for the making or repairing of all sidewalks subject to the issued order. The letting of any contracts under the provisions of this Ordinance shall be governed by the laws of the State if Indiana regulating contractual authority of the Town Council for such matters, as they may be amended from time to time.

Section 5. Assessments. Assessments for the construction or repair of sidewalks or driveways shall be levied and collected pursuant to the terms of I.C. 36-9-36-1 et seq. as amended from time to time. The entire cost of the sidewalk or driveway improvement or repairs shall be assessed and apportioned against each lot or parcel of property abutting on the improvement in the proportion the improved lineal front footage of each lot or parcel of property bears to the entire length of the improvement.

Section 6. Penalties. In addition to any assessments provided for under Section 5 of this Ordinance, any person or property owner who refuses to maintain and keep sidewalks or driveways abutting their property in proper repair and condition, after notice has been given as required by the Ordinance, shall be charged with an infraction and shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each day that an unreasonable condition exists after notice is given is deemed to be a separate violation, and shall constitute a separate offense.

Program

Step 1. Sidewalk Inspection

The sidewalk inspection shall be performed, as directed by the Public Works Director, or his designee.

Inspection Criteria

1. Change of Elevation between two panels of sidewalk or a change in elevation at a crack within one pane of sidewalk, which exceeds one inch (1").
2. Excessive "Spalling" defined as the chipping or flaking of concrete, bricks, or other masonry where improper drainage or venting and freeze/thaw cycling exists.
3. Excessive cracking within one or more panes of sidewalk or driveway that a reasonable person would determine to be hazardous.

The sidewalk inspector shall prepare a report of each location deemed to be in an unsafe condition, pursuant to the inspection criteria. The report shall contain the location (address) of the abutting property, date and time of inspection, description of the unsafe condition, and the number of feet of sidewalk that needs to be repaired or replaced. The inspector shall rate the severity of the condition. The inspector shall also apply marking paint in a manner that identifies all sections that need to be replaced. Upon completion of an inspection area, the inspector will prepare a final report (report format attached), in Microsoft Excel format, that includes the property owner's name and address (if different from the inspection location), location (address) of the abutting property, date and time of inspection, description of the unsafe condition, and the number of feet of sidewalk that

needs to be repaired or replaced. The list shall be prioritize the list based upon severity. Property owner information shall be obtained through the parcel and property records of Lake County.

Step 2. Notice to Property Owner

Letters containing the property owner's name and address (if different from the inspection location), location (address) of the abutting property, date and time of inspection, description of the unsafe condition, the number of feet of sidewalk that needs to be repaired or replaced, and the deadline for compliance (letter format attached) shall be mailed to each property owner contained in the report and, if the property owner does not reside at the subject location, to the occupant of the subject property. In addition to the letter, a copy of Ordinance 999 and a copy of the Town of Highland Sidewalk Replacement Program shall be attached.

If the property owner determines to participate in the Town of Highland Sidewalk Replacement Program, the work shall be implemented pursuant to the policies established therein.

The inspector shall meet with any property owner, as necessary, to offer explanation of the program or answer any questions the property owner may have. Pursuant to Ordinance No. 999, the property owner shall perform the requested repairs or improvements to the sidewalk and/or driveway within thirty (30) days from the date of the notice as required by the Notice, or any extended time therefrom allowed by the Building Commissioner, or his designee.

If the property owner determines not to participate in the Town of Highland Sidewalk Replacement Program, he/she may complete the replacement according the sidewalk specifications of the Town of Highland.

If the property owner determines not replace the public sidewalk pursuant to the notice, the Town shall takes steps, pursuant to the Sidewalk Ordinance, to have the sidewalk replaced and assess the property for the work.

Step 3. Follow-up Inspection

The sidewalk inspector shall conduct a follow-up inspection of each location identified in the initial inspection. After all extensions and all remedies have been exhausted, the Sidewalk Inspector shall prepare a final report identifying those property owners that have not complied with the order. The Sidewalk Inspector shall prepare an estimate for the removal and replacement of sidewalk and driveway that has not been repair or replaced by the abutting property owner pursuant to the order, on a unit cost basis, as

determined by the annual Materials and Services bid award for sidewalk, driveway, and concrete removal.

The Report shall be delivered to the Public Works Director, or his designee, and assessments shall be levied and collected pursuant to the terms of I.C. 36-9-36-1.

Step 4. Assessments.

(1) The Public Works Director, or his designee, shall prepare a "Preliminary Order for the Sidewalk Replacement Project and Financing thereof through Municipal General Improvement Fund and Special Assessments from Property Owners Benefiting from such Improvements" for consideration by the Board of Works. The Board of Works shall hold a Public Hearing for all persons affected by the special assessments. Subsequent to the Public Hearing, the Board of Works shall consider a "Confirming Order for the Sidewalk Replacement Project and Financing thereof through Municipal General Improvement Fund and Special Assessments from Property Owners Benefiting from such Improvements".

(2) The Public Works Director, or his designee, shall prepare a "Preliminary Order Adopting and Approving Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the Sidewalk Replacement Project" for consideration by the Board of Works. The Board of Works shall hold a Public Hearing for all persons affected by the special assessments. Subsequent to the Public Hearing, the Board of Works shall consider a "Confirming Order Adopting and Approving Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the Sidewalk Replacement Project".

Step 4. Sidewalk Construction

Upon final approval of the assessment rolls, the work shall be ordered by the Sidewalk Inspector. The work shall be funded from proceeds of the General Improvement Fund.

Step 5. Notice of Assessment

After the sidewalk has been replaced, the Public Works Director shall deliver the Assessment Roll to the Office of the Clerk Treasurer and the Clerk shall deliver the Notice of Assessment to the respective properties for payment pursuant to the terms of the Order of the Works adopting and approving said assessments. Unpaid assessments shall be filed with the Office of the Treasurer, Lake County, Indiana for collection.