

**Enrolled Memorandum of the Meeting
Study Session/Meeting Convened Electronically
Twenty-Ninth Town Council of Highland
Monday, May 18, 2020**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met *electronically* in a study session on **Monday, May 18, 2020** at 6:31 O'clock P.M., in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.*

**Special note:* This meeting was convened allowing members of the Town Council to participate electronically without being physically present, be counted in the quorum and able to simultaneously listen and respond to matters taken up in the meeting, all pursuant to Governor Holcomb's Executive Orders 20-04 and 20-09 extended by Executive Order No. 20-25 allowing meetings to be convened pursuant to IC 5-14-1.5-3.6 for the duration of the Corona Virus COVID 19 emergency. Social distancing and sheltering in place were also ordered by the Governor as part of slowing the spread of the virus.

The meeting was streamed live on the Town of Highland, Indiana Facebook Page and participation was supported by the Zoom on-line communication platform.

Silent Roll Call: Councilors Bernie Zemen (participating electronically), Mark Herak (participating electronically but on the premises), Mark J. Schocke (participating electronically) Thomas Black (participating electronically) and Roger Sheeman (participating electronically) were present as indicated. The Clerk-Treasurer, Michael W. Griffin was present (participating electronically but on the premises) to memorialize the proceedings. A quorum was attained.

Officials Present: (all participating electronically), John P. Reed, Town Attorney; John M. Bach, Public Works Director; Kathy DeGuilio-Fox, Redevelopment Director; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Dave Byers, Recreation Director; Kenneth J. Mika, Building Commissioner; and William R. Timmer, Jr., CFOD, Fire Chief were present.

Additional Officials Present: Larry Kondrat and Rick Volbrecht of the Board of Waterworks Directors; and Ed Dabrowski, IT Consultant (Contract); was present.

Guests: Theresa Badovich and Robin Carlascio of the Idea Factory were also present participating electronically.

General Substance of Matters Discussed.

1. Discussion of enrolled draft transition plans for the Opening certain municipal facilities: *Indiana Governor Executive Order No. 2020-26 Section 4 (a) set forth a requirement for a written plan describing measures and safeguards to ensure a safe environment for the employees, customers, clients and members. The plan shall be provided to each employee or staff and posted publicly. It expressly requires the following four elements be included:*

- i) Instituting an employee health screening process;
- ii) Employing enhanced cleaning and disinfecting protocols for the workplace, including regularly cleaning high-touch surfaces;
- iii) Enhancing the ability of employees, customers and clients to wash hands or take other personal hygiene measures such as use of hand sanitizer;
- iv) Complying with social distancing requirements established by the CDC, including maintaining six-foot social distancing for both employees and members of the general

public when possible and/ or employing other separation measures such as wearing face coverings or using barriers; and

- It is conceived presently that a general policy (town wide) would attain for workers performing administrative and clerical functions.
- Then there would be specific additional policy for the workers whose functions are unique such as public works, fire department, police department and Parks and Recreation.
- It is also expected that there will be a special set of policies for recreation and related programmed activities of the parks and recreation department dealing with participant safety.

The Town Council discussed the draft policies submitted by the Clerk-Treasurer and several department heads to be embraced as policy that would be used as the Town re-opened its facilities to the public and resumed providing certain recreation programming for Highland.

The discussion included a review of the four points that were set forth in Governor's Order No. 20-26 to be included in any policy to resume services. The Council and the department heads believed that the draft policies did comply with the forgoing four elements.

The discussion included a discussion of what actions would constitute a health screening for workers including whether the temperatures would be taken at home by the worker and reported at the workplace or taken at the workplace but still recorded.

It was noted that the policies as conceived, would consist of a general, town wide set of requirements, first emanating from the Town Hall, applicable for all the administrative offices of the Town and then a series of specialized policies that apply owing to the differences in the nature of services and its delivery.

The Town Council discussed whether masks should be required for workers driving in town vehicles, if there are two or more riding. It was noted that the policy for the Public works required workers of two or more in a vehicle to wear a mask or face covering. The parks and recreation version made it optional for workers who already closely associated. The discussion explored the merits of having a uniform approach.

The Town Council further discussed including a special "sunset" provision for the policy. It was suggested to tie the enactment to CDC guidance regarding the change or elimination of the transition period, but not later than 31 December 2020.

It was further suggested that the specialized policies such as those for parks and recreation, be approved by the park and recreation board.

The Town Council and the department heads discussed whether to require the public to wear a face covering or mask to enter public buildings. The discussion noted that the Governor's order suggested it was optional. The discussion noted that some cities and towns nearby had made it a requirement. The discussion included whether the masks or face coverings could be required for the Town Hall while being made voluntary but highly encouraged for other buildings.

2. ***Possible new Town Executive Order outlining new protocols regarding extension of waiver of late charges for utilities.*** It was noted that the current waiver/moratorium will end May 22.

The Town Council President, the Town Council and the Clerk-Treasurer discussed the merits of extending the moratorium on delinquent and late charges for the utilities. Noting that the current Order of the Town Council President imposing the current moratorium, would expire on May 22. After further discussion, it was suggested that a final extension to September 30, 2020, would be desirable.

3. ***Possible Extension of the existing Executive Emergency Proclamation.*** The discussion noted that the current extension of executive authority under the emergency powers of IC 10-14-3-29. The Clerk-Treasurer discussed the desirability to continue or extend the Town Council President's authority under the current emergency. The Clerk-Treasurer noted that the specific emergency law allows the use of the cumulative capital development fund's resources for emergency purposes. It was noted that the current authority will expire on May 25. It was further that the town council could extend this authority under the same emergency. It was determined that it was desirable to extend the emergency declaration issued by the Town Council President at its meeting of June 8, 2020.
4. ***Discussion of setting an executive session to discuss whether to join a lawsuit challenging legal basis of IC 6-9-2 et seq, the Innkeeper Tax Law for Lake County.*** The Town Council President, the Town Council and the Town attorney discussed the merits of having an executive session to discuss whether to file an amicus brief in this lawsuit as described.

The Town Council President that under the provisions of IC 6-9-2 et seq, the Town only receives \$4,800 per year at a maximum from the Innkeeper Tax. Further it was noted that besides the economic consideration, there is the policy consideration that if the law is ruled unconstitutional, the Town Council would lose a representative on the governing board of directors of the Lake County Convention and Visitors Bureau.

The Town Council discussed then the possibility of simply joining with an existing amicus brief that might be likely filed by one of the larger beneficiaries of the current Lake County Innkeeper Law, including Indiana University Northwest, Purdue Northwest, and the City of Gary.

5. ***If ready, mark-up of Ordinance to amend the municipal code establishing an honorific display policy for the Town.*** (Still being drafted) The Town Attorney noted that that he was in receipt of the draft reviewed by a colleague who specializes in First Amendment issues. He would review the notes and make a revised draft ready for review in time for the Study Session of the Town Council of June 1, 2020.
6. ***Discussion of recent rain weather event and the flooding complaints on Sunday, May 17.*** It was noted that the Town of Highland experienced a protracted rain event bringing 5.75 inches of downfall from Thursday through Sunday, with 2.75 inches to have fallen in a forty-five minute period.

The Town Council President, the Town Council and the Public Works Director discussed the rain episode. It was noted that complaints about standing water in the streets, was in many cases designed to occur as storage method to avoid basement flooding.

The Public Works Director and Councilor Herak noted that some basement flooding was due in part to either the absence of a backflow protection valve on sump pumps or the absence of overhead plumbing in homes that have remodeled basements to include a shower or smaller bathroom.

The discussion included a review of the negotiated consent decree that is pending between the Town of Highland Department of Public Sanitation and the US Department of Justice as well as US EPA and the Indiana Department of Environmental Management.

It was suggested that the Public Works Director prepare a readable overview of the storm management and sanitary sewer system and discuss events like the one on Sunday in a forthcoming issue of the monthly newsletter.

7. *Use of Town Hall as a Polling Place for the June 2 Primary Election.* It was confirmed that the Town Hall has been identified for use as a polling place for the forthcoming primary election. It was further noted that responsibility for observing the social separation and the requirements for hygiene to be observed during the COVID 19 Virus public health emergency were the responsibility of the Lake County Election and Voters Registration Board.

There being no further business necessary or desired to be discussed by the Town Council, the *electronically convened* regular study session of the Town Council of **Monday, May 18, 2020**, was adjourned by the Town Council President, at 8:36 o'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer