

**Enrolled Minutes of the Ninety-ninth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Special Meeting
Monday, September 30, 2019**

The Special Meeting of the Highland Town Council was called to order at 6:45 p.m. at the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana, in the plenary meeting chambers. The Town Council President, Steve Wagner, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with the Town Council President leading the Pledge of Allegiance to the Flag of the United States of America.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Konnie Kuiper, Dan Vassar and Steve Wagner. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter Hohnicki, Police Chief; and Kathy DeGuilio-Fox were also present.

Additional Officials Present: Larry Kondrat, Board of Waterworks Directors; and Ed Dabrowski, IT Consultant (contract) were also present.

Guests: Robin Carlascio of the Idea Factory and James L. Wieser, Attorney for S.J. Highland, LLC an Iowa Limited Liability company, were also present.

Special Orders:

1. **Resolution No. 2019-41:** A Resolution Adopting The Agreement Among S.J. Highland, LLC, An Iowa Limited Liability Company, Griffland Center, Inc., An Indiana Corporation, The Town Of Highland, Public Works Department And The Town Of Highland, Redevelopment Department Concerning A Senior Housing Project.

Councilor Herak moved the passage and adoption of Resolution No. 2019-41. Councilor Vassar seconded. Prior to the roll call vote, the Town Attorney was recognized to offer a brief summary of the terms of the agreement.

With the encouragement of the Town Council, the Town Attorney offered a summary of the terms of the agreement under consideration. He noted that the agreement still required approval by the Redevelopment Commission, as well as a sale of the property by Griffland Center, Inc., to S.J. Highland, LLC, An Iowa Limited Liability Company. Finally it was noted that the agreement would also require the desired and necessary zoning to be granted to S.J. Highland, LLC, An Iowa Limited Liability Company.

The Town Attorney further described that the agreement covered a commitment to improve and make into a public way a portion of the private property currently known as "Ernie Strack Drive". Further it included commitments to support the acquisition of property not owned by Griffland Center, Inc., that would be necessary to support the construction of a public road way where the private Ernie Strack Drive is presently identified.

With no further summary to offer, the roll vote was taken. With Councilors Zemen, Vassar, Herak, Kuiper and Wagner voting in the affirmative, and no vote in the negative, the motion to pass and adopt Resolution No. 2019-41 passed. The resolution was adopted.

**TOWN of HIGHLAND
RESOLUTION NO. 2019-41**

A RESOLUTION ADOPTING THE AGREEMENT AMONG S.J. HIGHLAND, LLC, an IOWA LIMITED LIABILITY COMPANY, GRIFFLAND CENTER, INC., AN INDIANA CORPORATION, THE TOWN OF HIGHLAND, PUBLIC WORKS DEPARTMENT and the TOWN OF HIGHLAND, REDEVELOPMENT DEPARTMENT CONCERNING A SENIOR HOUSING PROJECT.

WHEREAS, Section 2 of IC 36-7-2 provides that a unit of local government may plan for and regulate the use, improvement and maintenance of real property and the location, condition and maintenance of structures and other improvements;

WHEREAS, Section 8 of IC 36-8-2 provides that a unit of local government may regulate the introduction of any substance, or odor into the air, or any generation of sound;

WHEREAS, Section 7 of IC 36-9-2 provides that a unit of local government may regulate the use of public ways;

WHEREAS, An adopted agreement that will serve to guide a project generally and set forth specific requirements regarding the improvement and maintenance of a public way now operating as a private way commonly known as "Ernie Strack Drive", is deemed necessary and desirable in support of specified economic development project located at the Griffland Shopping Center;

WHEREAS, The Town Council as the Works Board and the governing body of the Public Works Department, now wishes to approve an agreement as described,

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

Section 1. That the Highland Town Council hereby adopts the agreement among S.J. Highland, LLC, an Iowa Limited Liability Company, Griffland Center, Inc., an Indiana Corporation, the Town of Highland, Public Works Department and the Town of Highland, Redevelopment Department concerning a senior housing project as an exhibit affixed to this resolution;

Section 2. That the proper officials, agents and employees of the Town are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Town in accordance with the provisions of the Agreement, provided it is approved by the all the required proper governing authorities;

Section 3. That the Clerk-Treasurer shall transmit a fully executed resolution to the proper officers and the Town Attorney to evidence its adoption by the Town Council.

DULY RESOLVED and ADOPTED this 30th Day of September 2019 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

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

/s/Steven Wagner, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

The Agreement adopted by this resolution is on file with the Office of the Clerk-Treasurer.

Adjournment. There being no further business for the special meeting, Councilor Vassar moved to adjourn. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion to adjourn passed. The Special meeting of the Town Council of Monday, September 30, 2019, adjourned at 6:47 O'clock p.m.

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