

**Enrolled Minutes of the Twenty-fourth Regular or Special Meeting  
For the Twenty-Ninth Highland Town Council  
Regular Plenary Business Meeting (Electronic/Hybrid)  
Monday, November 23, 2020**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, November 23, 2020 at 6:31 O'clock P.M., in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

This meeting was convened as an *electronic meeting*, pursuant to Governor Holcomb's Executive Order 20-04 and 20-09 allowing such meetings pursuant to IC 5-14-1.5-3.6 for the duration of the COVID-19 public health emergency, extended by Executive Order No. 20-47. Some persons were participating remotely on a Zoom platform that allowed for real time interaction, and supported the public's ability to observe and record the proceedings. People were able to participate in person and remotely. When the agenda item provided for public comment, this was supported as well. Councilor Mark Herak and the Town Council President Mark Schocke participated in person in the plenary meeting room. Councilor Bernie Zemen, Councilor Thomas Black and Councilor Roger Sheeman participated electronically.

Pursuant to HMC Section 2.05.130(A)(2), the Town Council considered and reviewed the agenda in an informal proceeding. Once completed the Town Council moved to the full plenary meeting.

The Town Council President, Mark J. Schocke presided. The Town Clerk-Treasurer, Michael W. Griffin, was present (in the plenary meeting room) to memorialize the proceedings. The meeting was opened with Councilor Roger Sheeman offering a prayer and reciting the Pledge of Allegiance to the Flag of the United States of America.

**Roll Call.** Present on roll call were Councilors Bernie Zemen (electronically), Mark Herak, Mark J. Schocke, Thomas Black (electronically), and Roger Sheeman (electronically). The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** John P. Reed, Town Attorney (electronically); Peter T. Hojnicky, Police Chief; Mark Knesek, Public Works Director (electronically); William R. Timmer, Jr., CFOD, Fire Chief (electronically); Alex M. Brown, CPRP, Parks and Recreation Superintendent (electronically); Kathy DeGuilio-Fox, Redevelopment Director (electronically); and Kenneth J. Mika, Building Commissioner (electronically) were present.

*Also present:* Larry Kondrat and Ed Dabrowski IT (Contract) Director also of the Board of Waterworks Directors; and Richard Underkofler of the Tree Board were also present.

*Guests:* Theresa Badovich of the Idea Factory was also present electronically.

**Minutes of the Previous Meeting:** Councilor Zemen moved the approval of the minutes of the regular plenary meeting of November 09, 2020. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The minutes were approved.

**Special Orders:**

- 1. Consideration of Proposed Additional Appropriations:** (non-controlled funds) Proposed Additional Appropriations in Excess of the 2020 Budget for the Public Safety LIT Fund in the amount of \$14,450.

- (a) Attorney verification of Proofs of Publication: The TIMES 11 November 2020. The Town Attorney indicated that proof of publication was in order.
- (b) **Public Hearing.** The Town Council President called the public hearing to order.
  - 1. Larry Kondrat, Highland, sought clarification regarding the purpose of the proposed additional appropriation. It was noted that it supported the repair of the remote emergency vehicle traffic light control device, styled as Opticom.
- (c) Action on **Enactment No. 2020-56:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Public Safety Local Income Tax Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced and moved for the consideration of Enactment No. 2020-56 at the same meeting of its introduction. Councilor Sheeman seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved for the passage and adoption of Enactment No. 2020-56 at the same meeting of its introduction. Councilor Sheeman seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland  
Appropriation Enactment  
Enactment No. 2020-56**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the PUBLIC SAFETY LOCAL INCOME TAX 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 **Public Safety Local Income Tax 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 **Public Safety Local Income Tax Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

PUBLIC SAFETY LOCAL INCOME TAX FUND

<b>Increase:</b>	
249-0000-43046 Traffic Control Device	<u>\$ 14,450.00</u>
Total 400 Series:	<b>\$ 14,450.00</b>
<b>Total for Fund:</b>	<b>\$ 14,450.00</b>

**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 the 23<sup>rd</sup> Day of November 2020. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 23<sup>rd</sup> Day of November 2020, 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/Mark J. Schocke, President (IC 36-5-2-10)

ATTEST:

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

**Comments from Visitors or Residents:**

1. Larry Kondrat, Highland, inquired about the purchase of additional vehicles, which was the intended subject of Works Board Order No. 2020-44.

The Police Chief explained that the opportunity to purchase two police-equipped Ford Explorers was urged by resident Aaron Straker, an employee of Ford, who entreated the Police Chief to consider purchasing Fords. It was further noted that this price was particularly competitive.

There were no further public comments.

**Unfinished Business and General Orders:**

1. **Resolution No. 2020-54:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Public Safety Local Income Tax Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2020-54. Councilor Sheeman seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. the resolution was adopted.

TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2020-54

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the PUBLIC SAFETY LOCAL INCOME TAX FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO I.C. 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Public Safety Local Income Tax Fund**;

NOW, THEREFORE BE IT RESOLVED 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 appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Public Safety Local Income Tax Fund**, which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

PUBLIC SAFETY LOCAL INCOME TAX FUND

Reduce Account:  
249-0000-43007 EQUIPMENT SCBA \$ 27,000.00  
Total 400 Series Reductions: \$ 27,000.00

Increase and Create Accounts:  
249-0000-36006 STREETLIGHT MAINTENANCE \$ 13,000.00  
249-0000-36007 TRAFFIC SIGNAL MAINTENANCE \$ 14,000.00  
Total 300 Series Increases: \$ 27,000.00

**Total of Fund Decreases: \$ 27,000.00**  
**Total of Fund Increases: \$ 27,000.00**

**DULY RESOLVED and ADOPTED** this 23<sup>rd</sup> Day of November 2020 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/ Mark J. Schocke, President (IC 36-5-2-10)

Attest:

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

- 2. Resolution No. 2020-55:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Police Department Of The Corporation General Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2020-55. Councilor Sheeman seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. the resolution was adopted.

**TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2020-55**

**AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the POLICE DEPARTMENT of the CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO I.C. 6-1.1-18-6.**

**WHEREAS,** It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Police Department in the Corporation General Fund**;

**NOW, THEREFORE BE IT RESOLVED** 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 appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Police Department in the Corporation General Fund**, which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION GENERAL FUND

**Police Department**

Reduce Account:  
001-0009-11121 PATROL SALARY \$ 20,000.00

<i>Total 100 Series Reductions:</i>	<b>\$ 20,000.00</b>
Reduce Account:	
001-0009-21001 Gasoline	<u>\$ 20,000.00</u>
<i>Total 200 Series Reductions:</i>	<b>\$ 20,000.00</b>
Reduce Account:	
001-0009-34023 Health/Medical Group	<u>\$ 13,600.00</u>
<i>Total 300 Series Reductions:</i>	<b>\$ 13,600.00</b>
<b>Total of Fund Decreases:</b>	<b>\$ 53,600.00</b>
Increase Account:	
001-0009-11130 Overtime	<u>\$ 20,000.00</u>
<i>Total 100 Series Increases:</i>	<b>\$ 20,000.00</b>
Increase Account:	
001-0009-23004 Other supplies	<u>\$ 7,300.00</u>
<i>Total 200 Series Increases:</i>	<b>\$ 7,300.00</b>
Increase Account:	
001-0009-43005 Other Equipment	<u>\$ 26,300.00</u>
<i>Total 400 Series Increases:</i>	<b>\$ 26,300.00</b>
<b>Total of Fund Increases:</b>	<b>\$ 53,600.00</b>

**DULY RESOLVED and ADOPTED** this 23<sup>rd</sup> Day of November 2020 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/ Mark J. Schocke, President (IC 36-5-2-10)

Attest:

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

- 3. Works Board Order No. 2020-44:** An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Lakeshore Ford of Chesterton, IN through the State of Indiana (2) two 2021 Ford Utility Police Interceptor Base, pursuant to I.C. 5-22-7.

Councilor Herak moved the passage and adoption of Works Board Order No. 2020-44. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. the resolution was adopted.

**Town of Highland  
Board of Works  
Order of the Works Board 2020-44**

**An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Lakeshore Ford of Chesterton, IN through the State of Indiana (2) two 2021 Ford Utility Police Interceptor Base pursuant to I.C. 5-22-7.**

**Whereas**, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department;

**Whereas**, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$150,000.00;

**Whereas**, The Metropolitan Police Chief has identified Lakeshore Ford of Chesterton, IN through the State of Indiana to be a desirable source vendor for the purchase of two (2) 2021 Ford Utility Police Interceptor Base at price of \$31,623.00 each for a total of \$63,246.00;

**Whereas**, The price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040 (E) as well as Section 3.05.050 (B) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency;

**Whereas**, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(2) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department;

**Whereas**, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department;

**Whereas**, The Purchasing Agent, pursuant to Section 3.05.060 (F)(1) of the Highland Municipal Code, expected that the purchase would be at least \$50,000 and not more than \$150,000.00 and therefore solicited quotes from at least three (3) vendors known to deal in the lines or classes of supplies to be purchased;

**Whereas**, The Purchasing Agent, elected to seek formal bids pursuant to Section 3.05.060 (F)(3) of the Highland Municipal Code, with bids opened via email on October 16th, 2020 the results of such bids as follows:

- (A) Lake Shore Ford, 1498 Old Port Rd, Chesterton, Indiana at a unit price Of \$31,623.00 for each and a total price of \$63,246.00.
- (B) Webb Ford, 9809 Indianapolis Blvd. Highland, IN at a unit price of \$34,884.00 for each and a total price of \$69,768.00
- (C) Paul Huring Motors, 720 North Hobart Road, Hobart, Indiana at a unit Price of \$35,998.00 for each and a total price of \$71,996.00.

**Whereas**, The purchase of the vehicle will be supported by a duly approved appropriation in the Metropolitan Police Department of the Corporation General Fund; and,

**Whereas**, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein,

**Now, Therefore Be It Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

**Section 1.** That the Works Board hereby authorizes and approves the purchase from Lakeshore Ford of Chesterton for the purchase of two (2) 2021 Ford Utility Police Interceptors at the price of \$31,623.00 each, for a total of \$63,246.00; pursuant to IC 5-22 and Section 3.05.060 (F)(1)(3) of the Highland Municipal Code;

**Section 2.** That the Works Board hereby finds and determines that the offer from Lake Shore Ford of Chesterton to be the lowest responsive and responsible offered at the unit price of \$31,623.00 and a total price of \$63,246.00, all pursuant to IC 5-22 and Section 3.05.060 (F)(1)(3) of the Highland Municipal Code;

**Section 3.** That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

**Be It So Ordered.**

**Duly, Passed, Adopted and Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 23<sup>rd</sup> day of November 2020 having passed by a vote of 5 in favor and 0 opposed.

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

/s/ Mark J. Schocke, President (IC 36-5-2-10)

**Attest:**

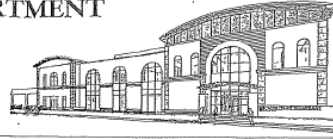
/s/ Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)



**HIGHLAND POLICE DEPARTMENT**

3315 RIDGE ROAD  
HIGHLAND, IN 46322-2097  
(219) 838-3184

PETER T. HOJNICKI, CHIEF OF POLICE



DATE: October 21, 2020

RE: Squad Quotes

To Who it may concern;

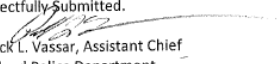
On October 16, 2020 the Highland Police Department solicited three (3) quotes for two (2) 2021 Ford Utility Police Interceptor vehicles. The three (3) Ford dealers contacted, via email, were Lakeshore Ford, Webb Ford, & Paul Heuring Ford: We have done business with all three (3) for these dealers in the past.

Below are the quotes received by each dealer, via email.

- 1: Lakeshore Ford, 1498 Old Port Rd. Chesterton, IN. (Don Hadley)  
Received October 16, 2020 at 1:41PM  
Price per unit: \$31,623.00  
Total: \$63,246.00
- 2: Webb Ford, 9809 Indianapolis Blvd. Highland, IN. (Kevin Hasseloff)  
Received October 16, 2020 at 6:33PM  
Price per unit: \$34,884.00  
Total: \$69,768.00
- 3: Paul Heuring Ford, 720 N. Hobart Rd. Hobart, IN. (Joseph Orosz)  
Received October 20, 2020 at 12:01PM  
Price per unit: \$35,998.00  
Total: \$71,996.00

It is our desire to purchase the two (2) 2021 Ford Utility Vehicles from Lakeshore Ford, which was the lowest quote of the three.

Respectfully Submitted.

  
Patrick L. Vassar, Assistant Chief  
Highland Police Department

**4. Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance. Assistant Public Works Director recommends the following:**

(A) *The hiring of Brendan Curran, to the full-time position of Utility Worker B in Public Works Department (Agency) at a rate of pay of \$12.80 per hour. This will not increase the full-time workforce greater than the authorized work force strength.*

Councilor Black moved to approve the full-time appointment/hire of *Brendan Curran* for the position and pay indicated. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Brandon Curran's hiring was authorized.

**Comments from the Town Council:**

*(Good of the order)*

- **Councilor Bernie Zemen:** • *Fire Department, Liaison* • *Liaison to the Plan Commission*

Councilor Zemen acknowledged the Fire Chief who offered a survey of Fire Department activity and expressed appreciation for the appropriation that would

support the repair of the Opticom device. He noted that an issue with the synchronization of the walk button and the Opticom units had been addressed.

Councilor Zemen wished all a happy Thanksgiving. He further expressed condolences to the family of retired police officer Darren Suroviak, who recently died.

- **Councilor Mark Herak:** • *Budget and Finance Chair • Liaison to the Advisory Board of Zoning Appeals • Town Board of Metropolitan Police Commissioners, Liaison • Public Works Liaison.*

Councilor Herak acknowledged the passing of retired Highland Police Officer Darren Suroviak.

Councilor Herak wished all a happy Thanksgiving.

Councilor Herak acknowledged the Police Chief who reported on extra patrols scheduled for the holidays and thanked the Town Council for its additional appropriation approval.

Councilor Herak acknowledged the Public Works Director who offered a survey report of street resurfacing and repair. He also spoke to the salt reserves and the readiness of the department to address streets in the event of snow.

Councilor Herak acknowledged the Building Commissioner who offered a survey regarding matters before the Advisory Board of Zoning Appeals, noting it had canceled its standing meeting for November. He further noted that the ABZA would meet on December 9.

The Building Commissioner also cautioned residents regarding the parking rules that go into effect when there is one or more inches of snow accumulated on streets.

Councilor Herak asked that the matter of the proposed sanitary and storm sewer rate changes be discussed at the next Study Session

- **Councilor Tom Black:** *Liaison to the Board of Sanitary Commissioners • Liaison to the Board of Waterworks Directors.*

Councilor Black wishes everyone a happy Thanksgiving.

Councilor Black acknowledged the IT Consultant, who reported on plans to change out desktop units from the supply recently purchased.

- **Councilor Roger Sheeman:** *Chamber of Commerce Liaison • Liaison to the Community Events Commission • Information Technology Liaison • Redevelopment Commission Liaison • Tree Board liaison.*

Councilor Sheeman reported on the Main Street Bureau second Restaurant Crawl set to take place on Tuesday, November 24, 2020. Councilor Sheeman listed some of the restaurants and some of the specials that were to be offered.

Councilor Sheeman acknowledged the Redevelopment Director who reported on the progress of the Redevelopment project reconstruction of the downtown parking lot on the southwest corner of the intersection of Highway Avenue and Kennedy Avenue.

She reported on the award of a Clean Cities/Indiana Department of Environmental Management (IDEM) grant supported by the Volkswagen US EPA Settlement that



would support the acquisition of electronic charging stations for the downtown parking area.

The Redevelopment Director further reported on the search of replacement lights for the downtown area on Highway Avenue.

Councilor Sheeman reported that Santa's annual parade and march usually scheduled the weekend following Thanksgiving was cancelled owing to the COVID Pandemic and Lake County's attainment to the Red Zone designation. Councilor Sheeman hoped that the Community Events Commission would still host fireworks for New Year's Eve.

Councilor Sheeman wished all a happy Thanksgiving.

- **Councilor President Mark Schocke:** *Town Executive • Chair of the Board of Police Pension Trustees • Park and Recreation Liaison.*

The Council President acknowledged the Parks and Recreation Superintendent who reported that the annual Thanksgiving Day running event, the Pumpkin Plod, was cancelled owing to the Pandemic. Participants were given an option of competing virtually by running on their own and reporting their times. It was noted that the House Holiday Decorating Contest would still be conducted.

The Town Council President wished all a happy Thanksgiving.

#### **Comments from Visitors or Residents:**

1. Richard Underkofler, Highland and Tree Board Secretary reported the status of the Tree City USA designation application.
2. Larry Kondrat, Highland, inquired about the status of the rezoning sought by Russell Group for the Senior Housing Development between Kleinman and Cline Avenue. Mr. Kondrat asked whether there was an issue with the legal notice for the Plan Commission hearing.

*Legal opinion regarding the Economic Development Agreement of September 30, 2019 between the Town of Highland and S.J. Indiana, LLC.* The Town Attorney, with leave from the Town Council, was invited to report on two matters about which the Town Council President asked him to research and report. Pursuant to that request, the Town Attorney first offered his legal opinion that the economic development agreement between the Town and the senior housing developer, Russell Group d.b.a. S.J. Indiana, LLC, which is contingent upon the senior development proceeding at the site north of Strack and Van Til Grocery Store between Kleinman and Cline Avenues. The agreement provides an incentive to reconstruct the private drive known as "Ernie Strack Drive" as a fully improved public way, does remain in effect. The Town Attorney further opined that the executive actions taken earlier in the year, which suggested that the agreement was void because the municipal executive believed that a party was in breach, was not sufficient to end the agreement.

*Legal opinion regarding the Disposition of the Map Amendment (Rezoning) Adopted by Ordinance No. 1720 in Consequence of Publication of an Incomplete Legal Notice.* Pursuant to the Town Council President's request, the Town Attorney next opined regarding the effect of the developer's incomplete published notice on the recent rezoning of the property north of Strack and Van Til's grocery store for the proposed senior housing development. (Scrivener's Note: The legal descriptions in the legal notice only encompassed two parcels and not the entire portion of the proposed site.)

The Town Attorney further stated that since the first published notice was incomplete, and that the documents relied on by the Plan Commission were complete in their descriptions, the rezoning actions that were taken in consequence of it are a nullity, further voiding the ordinance adopted by the Town Council, to approve the Plan Commission's favorable recommendation to rezone the property from R-1A to R-3 Planned Unit Development. It was noted that the developer has petitioned and reinitiated the rezoning.

A colloquy ensued between and among The Town Attorney, Mr. Kondrat and Councilor Herak in which Councilor Herak's suggestion that the notice might be effective in supporting the rezoning of the parcels described in the published notice -- if not the entire land under consideration for development was debated.

Mr. Kondrat expressed his opposition to the use of public money for the senior development.

With leave from the Town Council, the Town Council President suggested that the Town Council should consider approving steps for the Town Hall and the boards and commissions in consequence of the higher positivity rate for COVID and Lake County's attainment of the Red Zone designation.

*Agenda amendment.* Councilor Herak moved to amend the agenda to include instruction and steps for the Town hall as well as boards and commissions owing to the increase in COVID cases. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion to amend the agenda as indicated passed. The agenda was amended to include instructions and measures for the Town Hall and public meetings owing to the increased COVID cases.

**Action.** Prohibit Public Traffic in Town Hall and Electronic meetings for boards and commissions during the Red Zone designation.

Councilor Herak moved to authorize and instruct that the Town Hall resort to its pre-partial reopening pandemic practices, closing to in-person access, and further to direct that all meetings of boards and commissions be conducted electronically during the Red Zone designation at least through December 7, 2020. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. *The motion passed. The closure of Town Hall to public access and the requirement for board and commission meetings to be conducted electronically was adopted.*

With leave from the Town Council, the Town Council President resumed the public comment period.'

3. Harvey Crouch, Highland, inquired as to the identity of the Town Council election Ward in which he resides. It was noted that he was in Ward Four.

Mr. Crouch also asked about the role of the Advisory Board of Zoning Appeals and whether the Town Council could reverse an action of that Board.

With leave from the Town Council, the Building Commissioner explained how measures called *use variances* do come before the Town Council and those actions can be reversed by it.

4. Janelle Scheeringa, Highland, inquired whether Highland had ordinances that regulated self-storage units. It was noted that such buildings presently don't directly fit into any existing zoning category. However, in some circumstances they could be permitted if approved by the Advisory Board of Zoning Appeals as a *use variance*.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period November 10, 2020 through November 23, 2020. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, other payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

**Vendors Accounts Payable Docket:**

**General Fund, \$209,560.83; Motor Vehicle Highway and Street (MVH) Fund, \$13,838.09; Local Road and Street Fund, \$33,835.75; Law Enforcement Continuing Education, Training, and Supply Fund, \$1,372.31; Information Communications Technology Fund, \$3,758.91; Solid Waste Management District Grant Fund, \$153,208.82; Civil Donation Fund, \$263.50; Police Pension Fund, \$69,426.22; Municipal Cumulative Capital Development Fund, \$1,379.00; Gaming Revenue Sharing Fund, \$6,195.00; Public Safety LIT Fund, \$4,049.50; Total: \$496,887.93.**

**Adjournment of Plenary Meeting.** There being no further business before the Town Council, agenda having been completed, Councilor Zemen moved to adjourn and Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The regular plenary meeting, convened electronically, of the Town Council of Monday, November 23, 2020 adjourned at 8:11 O'clock p.m.

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

Approved by the Town Council at its meeting of \_\_\_\_\_, 2020.

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