

**Enrolled Minutes of the Fifty-Fifth Regular or Special Meeting
For the Twenty-Ninth Highland Town Council
Regular Plenary Meeting (Electronic/Hybrid)
Monday, November 22, 2021**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, November 22, 2021 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 *electronic and in person meeting*, pursuant to Governor Holcomb's Executive Order 20-04 and 20-09 allowing such meetings pursuant to IC 5-14-1.5-3.7 for the duration of the COVID-19 public health emergency, extended by Executive Order No. 21-28, through December 1, 2021. Some persons were participating remotely on a Zoom platform that allowed for real time interaction between and among all the Town Council and supported the public's ability to observe and record the proceedings. People were able to participate in person and remotely. When an agenda item provided for public comment, this was supported as well. All members of the Town Council were present in person.

The Town Council President, Roger Sheeman, presided. The Town Clerk-Treasurer, Michael W. Griffin, was present in person to memorialize the proceedings. The meeting was opened with Councilor Thomas Black reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

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

Additional Officials Present: John Reed, Town Attorney; Mark Knesek, Public Works Director (remotely); Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation (remotely); Edward Dabrowski, Director of Information Technology; and Kenneth J. Mika, Building Commissioner were present. All participated in person except where denoted remotely.

Guests: Theresa Badovich of the Idea Factory; and Jennifer Hudson, London Witte Group; were present remotely.

Minutes of the Previous Meetings:

The minutes of the regular meeting of November 08, 2021, were approved by general consent.

Comments from Visitors or Residents:

1. Larry Kondrat, Highland, expressed opposition to and opposed the consideration of Proposed Ordinance No. 1757.
2. With leave from the Town Council, Councilor Mark Schocke, left the council dais, and complained of the taking up of the proposed Ordinance No. 1757. Councilor Schocke further expressed his concern about the receipt of the proposed ordinance in an electronic transmission at midday, which he suggested did not allow sufficient time for its review. Councilor Schocke characterized his complaints as a being rendered as a "resident" and not as a member of the Town Council.
3. Lydia Schott, Highland, commenting via the Zoom platform, expressed her opposition to the ordinance.

Unfinished Business and General Orders:

1. **Proposed Ordinance No. 1757:** An Ordinance of the Town Council of the Town of Highland, Lake County, Indiana, authorizing the Issuance of its Taxable Economic Development Revenue Bonds, Series 2021 (S.J. Highland, LLC Development Project). *(It is expected that this will be introduced and filed)*

Amend Agenda. Councilor Schocke moved to amend the Agenda by removing the item Ordinance No. 1757. Councilor Herak seconded. Upon a roll call vote, a two-thirds vote being necessary to amend the agenda by removing Proposed Ordinance No. 1757 as an item of business, there were five affirmatives and no negatives. The motion passed. The agenda was amended to remove proposed Ordinance No. 1757 as an item of business.

After the motion was made and seconded but before the roll call vote, debate occurred as a colloquy between and among Councilor Herak, Councilor Schocke and Council President Sheeman. The colloquy regarded whether the enrolled ordinance should have been discussed in a study session before it was placed before the Town Council in a plenary meeting. The exchanges included personal concerns expressed by some of the Councilors regarding their impressions of manner in which the Town Council President conducted council business.

The Town Council President noted that it was his expectation that the ordinance would be merely introduced at this meeting. The ordinance would be discussed at the next standing study session.

2. **Proposed Ordinance No. 1758:** An Ordinance to Amend Chapter 5.40 of the Highland Municipal Code regarding Tattoo Parlors and further Amending the Ordinance Violations Bureau to include an Additional Fine Schedule for Ordinances that are Subject to Admission before a Violations Clerk in the Ordinance Violations Bureau.

Councilor Black introduced proposed Ordinance No. 1758 and moved for its consideration at the same meeting of its introduction. Councilor Herak seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives, no negatives and one abstention. With Councilors Zemen, Herak, Black and Zemen voting in the affirmative and Councilor Schocke abstaining, the motion passed. The ordinance could be considered at the same meeting of its introduction.

Abstention rationale. Councilor Schocke explained his abstention was due to his manager, Attorney David Gladish, of Gladish Law Offices, P.C., having ownership interests in property that will be possibly the subject of a use variance petition that will involve tattooing. Councilor Schocke expressed the desire to avoid the appearance of a conflict of interest.

Councilor Black moved for the passage and adoption of Ordinance No. 1758 at the same meeting of its introduction. Councilor Herak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives, no negatives and one abstention. With Councilors Zemen, Herak, Black and Zemen voting in the affirmative and Councilor Schocke abstaining, the motion passed. The ordinance was passed and adopted upon the signature of the municipal executive at the same meeting of its introduction.

TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND CHAPTER 5.40 of the HIGHLAND MUNICIPAL CODE REGARDING TATTOO PARLORS and FURTHER AMENDING THE ORDINANCE VIOLATIONS BUREAU TO INCLUDE AN ADDITIONAL FINE SCHEDULE FOR ORDINANCES THAT ARE SUBJECT TO ADMISSION BEFORE A VIOLATIONS CLERK IN THE ORDINANCE VIOLATIONS BUREAU

WHEREAS, IC 36-1-3-4(b) states that a unit of government has all the powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, IC 36-8-2-4, provides that a unit of government may regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare;

WHEREAS, IC 36-8-2-10, further provides that a unit of government may regulate the operation of businesses, crafts, professions, and occupations;

WHEREAS, The Town Council has been reliably advised that amending Chapter 5.40 of the Highland Municipal Code regulating tattoo parlors, by changing its provisions to be more aligned with the current, prevailing public regard and acceptance of the art and practices of tattooing, would be desirable and of public benefit; and,

WHEREAS, The Town Council now desires to make such amendments to Chapter 5.40 of the Highland Municipal Code, so as to modernize its regulatory language rendering it more effective and of greater utility in managing such businesses that may operate in the town,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Chapter 5.40 of the Highland Municipal Code be hereby amended by repealing it in its entirety and replacing it with a successor chapter to be styled as Chapter 5.40, which shall read as follows:

**Chapter 5.40
TATTOO PARLORS**

Sections:

- 5.40.010 Definitions
- 5.40.020 Regulation of tattoo parlors
- 5.40.030 Penalty

5.40.010 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Administer” means any creation, modification, extension, repair or touch-up of a tattoo.

“Person” means any individual, firm, association, partnership or other business entity of whatever form or character.

“Tattoo” means the insertion of permanent or indelible color or pigment in the skin by puncturing or entering through the outer layer of skin, whether or not it is solely for artistic purposes or otherwise.

5.40.020 Regulation of tattoo parlors.

(A) It shall be unlawful for any person to engage in or carry out the business of administering a tattoo to any other person, for or without consideration, ~~if the person administering the tattoo is not duly licensed in good standing to practice medicine or osteopathic medicine under the auspices of the Indiana Medical Licensing Board~~ **without first obtaining a business license under the provisions of Chapter 5.05 of this Code;**

(B) It shall be unlawful for any person to own, operate or manage an establishment which knowingly employs or uses a person who is or has violated any subsection herein.

(C) Subject to subsection (E) of this section, in the case of a person lawfully administering tattoos under this chapter, that person shall be regulated to the extent of the powers and duties of ~~the Medical Licensing Board pursuant to IC 25-22-5-1 et seq.~~ **the Indiana Department of Health and Rule 5 of Title 410, Article 1 and Title 844** of the Indiana Administrative Code as well as ~~any such other laws, rules or regulations as may be issued by a lawful regulatory or statutory authority utilized by the Medical Licensing Board~~ **to the extent those statutes, rules and regulations do not conflict with the letter and intent of the town’s municipal code, the latter of which shall be enforced by the appropriate town authorities.**

(D) In the case of a person lawfully administering tattoos under this chapter, that person shall not administer a tattoo to a person who is under the age of 18 years.

(E) Any building utilized to administer tattoos in violation of this chapter, with the actual or constructed knowledge of the owner or manager thereof, or after notice from the town, together with all fixtures and other property used in conjunction with the operation of said building, are hereby declared to be a public nuisance and are subject to prosecution and enforcement by the town to the full extent of the law provided.

5.40.030 Penalty.

(A) Except as otherwise provided, any person, entity or organization who shall violate any provisions of this chapter including the failure to obtain a business license, may be fined in the amount set forth in the designated schedule as a payable offense subject to admission before the violations clerk of the ordinance violation bureau in the amount set forth in the admissions clerk payable offenses schedule in HMC 9.85.060 (B). Each day of such unlawful activity as is prohibited shall be deemed a separate offense.

(B) If such persons, entity or organization shall violate any provisions of this chapter, and there is a failure to satisfy the civil violation as set forth in Chapter 9.85 HMC, then such violations shall be construed as justiciable offenses and shall be subject to a fine of not less than \$100.00 per violation, nor more than \$2,500. Each day of such unlawful activity as is prohibited shall be deemed a separate offense.

(C) In addition to satisfying any fine lawfully imposed under this chapter, the violator may also be made to pay the proper fee in order to comply with the provisions regarding operating with a proper business license.

Any person who violates or fails to comply with this chapter, or any part thereof, shall be punished by a fine not to exceed \$100.00. Every day any violation of this chapter shall continue shall constitute a separate offense. [Ord. 1035, 1996. Code 2000 § 115.99

Section 2. That Section 9.85.060 Subdivision (B) *General Regulations* of the Highland Municipal Code be hereby amended by including an additional fine schedule for ordinances that are subject to admission before a violations clerk in the ordinance violations bureau, and subject to the enforcement jurisdiction of the building inspector, the associate inspectors, the officers of the Highland police department, the public works director, the assistant public works director or any other person authorized or empowered to enforce the municipal codes of the town of Highland, which shall read as follows:

Code Section	Violation	Fine
5.40.020	Tattoo parlor violations	1st offense: \$100.00 2nd and all subsequent offenses: \$250.00

Section 3. That all provisions of ordinances in conflict with the provisions hereof are hereby repealed;

Section 4. That this ordinance shall become and be in full force and effect from and after its passage, adoption upon the signature of the municipal executive and until its subsequent amendment or repeal by proper ordinance, all pursuant to IC 36-5-2-10(c).

Introduced and Filed 22nd day of November 2021. Consideration on same day or at same meeting of introduction sustained a vote 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 22nd Day of November 2021, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Roger Sheeman, 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; IC 36-5-2-10.2)

3. Proposed Ordinance No. 1759: An Ordinance to Amend Chapter 3.45 in the Highland Municipal Code, to establish a New Trust Fund to be Styled the Local Underground Storage Tanks Fund of the Town of Highland, all Pursuant to IC 36-1-3, IC 36-5-2, IC 13-23 et seq., and 329 IAC 9-8 et seq.

The Town Clerk-Treasurer explained the purpose of the ordinance was to create a special "trust" fund that would serve as the custodian of a \$15,000 cash deposit to represent the deductible for coverage under the Excess Underground Petroleum Storage Tank Liability Fund. He asked that the Town Council allow for an introduction of the ordinance alone to allow further time for its review by the Town Attorney.

Councilor Zemen introduced and filed proposed Ordinance No. 1759. There was no further action.

4. **Enactment No. 2021-53:** An Enactment Reducing Appropriations In The Annual Budget For Works Board Department Of The General Fund, Pursuant To I.C. 6-1.1-18, I.C. 36-5-3-5, Et Seq.

Councilor Herak introduced and moved the consideration of Enactment No. 2021-53 at the same meeting of introduction. Councilor Black 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 the passage and adoption of Enactment No. 2021-53 at the same meeting of introduction. Councilor Black 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 upon the signature of the municipal executive at the same meeting of its introduction.

TOWN of HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2021-53

AN ENACTMENT REDUCING APPROPRIATIONS IN THE ANNUAL BUDGET FOR WORKS BOARD DEPARTMENT OF THE GENERAL FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, It has been determined that it is now necessary to reduce appropriations from what was appropriated in the budget for the Works Board Department of the General Fund;

WHEREAS, It has been determined that such diminished and reduced appropriations as may be approved by this enactment, will neither increase nor decrease the levy set under I.C. 6-1.1-17 and in the course of collection for FY 2021, however such reduction will return the resources dedicated to support such reduced appropriations to the cash on deposit to the credit of the General Fund; and,

WHEREAS, At the meeting of the Town Council of September 13, 2021, the Clerk-Treasurer pledged to an inquiring resident that upon a reliable ascertainment of the actual needed appropriation to fund the objects and purposes set forth in Ordinance No. 1748.1743-A, he would prepare and cause an enactment to be presented to the Town Council to reduce the appropriations in excess of the requirements of the stipend enabling ordinance,

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

Section 1. That for the expenses of said municipality, the following appropriations of money are hereby reduced and ordered returned and reverted to the funds herein named and for the purposes herein specified, subject to the laws governing the same:

CORPORATION GENERAL FUND:

Works Board Department

Reduce Account:

001-0011-11146 COVID Appreciation Stipends:	<u>\$290,247.00</u>
Total Reduction to 100 Series:	\$290,247.00

Total Reduction for the Fund: \$ 290,247.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and, *if possible*, that these reductions be used to reinforce the available financial support for the adopted and filed budget for FY 2022, pursuant to IC 6-1.1-17;

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 22nd day of November 2021. Consent to consider this enactment on 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 Passed and Adopted this 26th Day of April 2021, by the Town Council of the Town of Highland, Indiana. Having passed by a vote of 5 in favor and 0 opposed, with a duly constituted enactment, all pursuant to I.C. 36-5-2-9.6; I.C. 36-5-3-5; I.C. 36-5-4-2.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

/s/ Roger Sheeman, 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)

5. **Resolution No. 2021-54:** A Resolution Of The Town Of Highland, Indiana Ratifying, Affirming And Approving Resolutions No. 2021-27 And Resolution No. 2021-29 Of The Redevelopment Commission Authorizing The Disposal Of Property Owned By The Redevelopment Department, Pursuant To I.C. 36-7-14-22.

Councilor Zemen moved to pass and adopt Resolution No. 2021-54. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted upon the signature of the municipal executive.

TOWN OF HIGHLAND
RESOLUTION NO. 2021-54

A RESOLUTION OF THE TOWN OF HIGHLAND, INDIANA RATIFYING, AFFIRMING AND APPROVING RESOLUTIONS NO. 2021-27 AND RESOLUTION NO. 2021-29 OF THE REDEVELOPMENT COMMISSION AUTHORIZING THE DISPOSAL OF PROPERTY OWNED BY THE REDEVELOPMENT DEPARTMENT, PURSUANT TO IC 36-7-14-22

WHEREAS, The Highland Redevelopment Commission determined that the sale of certain real property and improvements owned by the Town of Highland Redevelopment Department, would further the execution of the redevelopment plan and best serve the interest of the community, from the standpoint of both human and economic welfare;

WHEREAS, The Redevelopment Commission complied with the provisions of Indiana Code 36-7-14-22, in disposing of the property, and did obtain an acceptable offer that its accepted from an able buyer;

WHEREAS, The Redevelopment Commission, at its meeting of September 28, 2021, did pass and adopt Redevelopment Resolution No. 2021-27, a resolution accepting an offer to purchase property owned by the Redevelopment Department located at 2821 Jewett Avenue, by Richard Kroll and the Zorn Brewing Group in the amount of eighty-eight thousand dollars and no cents (\$88,000);

WHEREAS, The Redevelopment Commission, at its meeting of October 26 2021, did pass and adopt Redevelopment Resolution No. 2021-29, a resolution accepting an offer to purchase property owned by the Redevelopment Department located at 2821 Jewett Avenue, by Richard Kroll and the Zorn Brewing Group in the amount of eighty-eight thousand dollars and no cents (\$88,000), but further offering a credit to cover roof repairs in the amount of seven thousand, eight hundred seventy-three dollars and no cents (\$7,873.00), thus reducing the sale price to eighty-thousand, one hundred twenty-seven dollars and no cents (\$80,127);

WHEREAS, In the course of perfecting and concluding the sale and transfer of the real property, representatives from the Meridian Title Corporation noted that the actual deed for the property was not recorded according to the requirements of IC 36-7-14-9(c), which provides that for property purchased by the commission, title should be conveyed to the Town of Highland, Department of Redevelopment, instead these deeds were held only in the name of the Town of Highland;

WHEREAS, As part of its due diligence, the Meridian Title Corporation indicated that in addition to the resolutions noted herein, it would be necessary to have an additional resolution from the Town Council as the governing body of the Town, affirming the sale, transfer of the deed and authorizing the redevelopment director to execute all documents where necessary to perfect and conclude the sale of the property; and,

WHEREAS, The Highland Town Council (the "Town Council"), as the legislative body of the Town, now desires to act upon a resolution, which provides reasonable assurance to the Meridian Title Company and all others, sufficient to allow the that the sale of the property as properly authorized by the Redevelopment Commission,

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF TOWN OF HIGHLAND, INDIANA, AS FOLLOWS:

Section 1. That the Highland Town Council makes the following findings and determinations:

(A) That the Redevelopment Commission complied with the provisions of Indiana Code 36-7-14-22, in disposing of the property, and did obtain an acceptable offer that its accepted from an able buyer;

(B) That the provisions and terms of Redevelopment Resolution No. 2021-27 and Resolution No. 2021-29 are acknowledged and affirmed;

(C) That the Redevelopment Commission is empowered under IC 36-7-14-12.2(a)(2) to hold, purchase, exchange, or otherwise dispose of property on terms and conditions that the commission considers best for the unit and its inhabitants;

(D) That for the property located at 2821 Jewett Avenue it was noted that the actual deed for the property was not recorded according to the requirements of IC 36-7-14-9(c), which expressly provides that for property purchased by the commission, title should be conveyed to the *Town of Highland, Department of Redevelopment*, and instead the deed for this subject property was recorded and held only in the name of the Town of Highland;

(E) That owing to the foregoing it is desirable and necessary to have an additional resolution from the Town Council as the governing body of the Town, affirming the sale, transfer of the deed and authorizing the redevelopment director to execute all documents where necessary to perfect and conclude the sale of the property;

Section 2. That based upon the forgoing findings and determinations, the disposal of the property 2821 Jewett Avenue, by the Redevelopment Commission to Richard Kroll and the Zorn Brewing Group in the amount of eighty-eight thousand dollars and no cents (\$88,000), offset by a credit to cover roof repairs in the amount of seven thousand, eight hundred seventy-three dollars and no cents (\$7,873.00), thus reducing the sale price to eighty-thousand, one hundred twenty-seven dollars and no cents (\$80,127); is affirmed;

Section 3. That the provisions of Redevelopment Resolution No. 2021-27 and Redevelopment Resolution No. 2021-29 are hereby further affirmed fully informing the sale and transfer of the deed to Richard Kroll and the Zorn Brewing Group, and authorizing and approving the redevelopment director as the proper officer to execute any and all documents in order to perfect and conclude the sale, transfer and disposal of this subject real property and improvements;

Section 4. That any actions that may have occurred prior to approval, evidenced in this resolution that ordinarily would take place following approval, are hereby approved and ratified, pursuant to IC 36-1-4-16 and that this resolution once adopted be delivered to the redevelopment director for its application and use in support of the property transfer and disposal.

DULY RESOLVED and ADOPTED this 22nd Day of November 2021 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/ Roger Sheeman, 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)

Exhibits: (they will follow)

RESOLUTION 2021-27
REDEVELOPMENT COMMISSION

A RESOLUTION OF THE HIGHLAND REDEVELOPMENT COMMISSION APPROVING AND ACCEPTING AN OFFER TO PURCHASE REDEVELOPMENT DEPARTMENT OWNED PROPERTY LOCATED AT 2821 JEWETT AVENUE AS SUBMITTED BY RICHARD J. KROLL IN THE AMOUNT OF EIGHTY-EIGHT THOUSAND DOLLARS AND 00/100 CENTS (\$88,000.00)

Whereas, The Redevelopment Commission of the Town of Highland, Indiana ("The Redevelopment Commission") is authorized to undertake redevelopment activities under IC 36-7-14 (the "Act") and more specifically Section 39 for which public money may be spent and private property may be acquired;

Whereas, Redevelopment activities include performing all acts incident to the statutory powers and duties of a Redevelopment Commission;

Whereas, The Redevelopment Commission wishes to dispose of property located at 2821 Jewett Avenue;

Whereas, The Redevelopment Commission did advertise and, through a public offering pursuant to Indiana Code 36-7-14-22, offered for sale on November 18, 2019 the property located at 2821 Jewett Avenue;

Whereas, The Redevelopment Commission did not receive, nor accept, an proposals and/or offers;

Whereas, The Redevelopment Commission determined to list the property through a real estate broker and during their meeting of August 24, 2021 did consider all offers that were subsequently submitted;

Whereas, The Redevelopment Commission, during their regularly scheduled plenary business meeting of August 24, 2021 did consider a motion to reject four offers to purchase property located at 2821 Jewett Avenue and invite the remaining four offerors to present their plan for the property in an Executive Session convened on September 14, 2021;

Whereas, The Redevelopment Commission did interview representatives of all four offers and determined that the highest and best use of the property was presented by representatives of the Zorn Brewing Company; and

Whereas, The Town of Highland, through its Redevelopment Commission, now desires to accept the offer as presented by Rick Kroll and the Zorn Brewing Group in the amount of \$88,000.00,

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

1. The prefatory statements set forth above are incorporated herein as if set forth at length.
2. That it is in the best interest of the Town and necessary in furtherance of the Redevelopment Plan to accept an offer in the amount of \$88,000.00 to purchase property located at 2821 Jewett Avenue as submitted by Rick Kroll and the Zorn Brewing Group.
3. Further all parties involved understand that the final sale of the property located at 2821 Jewett Avenue will be contingent on approvals from the Town of Highland Plan Commission and Board of Zoning Appeals.
4. Further still, the Redevelopment Director is hereby authorized to execute the agreement and all documents necessary to implement the project, except where IC 36-7-14-22(i) requires otherwise.
5. This resolution shall be in full force and effect after its passage and adoption by the Redevelopment Commission.

DULY PASSED AND RESOLVED by the Redevelopment Commission of the Town of Highland, Lake County, Indiana, this 28th day of September, 2021 having passed by a vote of 3 in favor and 0 opposed, with 1 abstention.

REDEVELOPMENT COMMISSION of the TOWN OF HIGHLAND, INDIANA

By: Cyril Huertter
Cyril Huertter, President

ATTEST:

By: Robyn Radford
Robyn Radford, Secretary
Town of Highland, Indiana Redevelopment Commission

9-28-2021
Dated

Kathy DeGuallo-Fox
Kathy DeGuallo-Fox, Redevelopment Director
Town of Highland Department of Redevelopment

9-28-2021
Dated

RESOLUTION 2021-29
REDEVELOPMENT COMMISSION

A RESOLUTION OF THE HIGHLAND REDEVELOPMENT COMMISSION AMENDING RESOLUTION 2021-27 APPROVING AND ACCEPTING AN OFFER TO PURCHASE REDEVELOPMENT DEPARTMENT OWNED PROPERTY LOCATED AT 2821 JEWETT AVENUE AS SUBMITTED BY RICHARD J. KROLL IN THE AMOUNT OF EIGHTY-EIGHT THOUSAND DOLLARS AND 00/100 CENTS (\$88,000.00) TO OFFER A CREDIT IN THE AMOUNT OF \$7,873.00 FOR ROOF REPAIR OF SAID PROPERTY.

Whereas, The Redevelopment Commission of the Town of Highland, Indiana ("The Redevelopment Commission") is authorized to undertake redevelopment activities under IC 36-7-14 (the "Act") and more specifically Section 39 for which public money may be spent and private property may be acquired;

Whereas, Redevelopment activities include performing all acts incident to the statutory powers and duties of a Redevelopment Commission;

Whereas, The Redevelopment Commission wishes to dispose of property located at 2821 Jewett Avenue;

Whereas, The Redevelopment Commission did advertise and, through a public offering pursuant to Indiana Code 36-7-14-22, offered for sale on November 18, 2019 the property located at 2821 Jewett Avenue;

Whereas, The Redevelopment Commission did not receive, nor accept, an proposals and/or offers;

Whereas, The Redevelopment Commission determined to list the property through a real estate broker and during their meeting of August 24, 2021 did consider all offers that were subsequently submitted;

Whereas, The Redevelopment Commission, during their regularly scheduled plenary business meeting of August 24, 2021 did consider a motion to reject four offers to purchase property located at 2821 Jewett Avenue and invite the remaining four offerors to present their plan for the property in an Executive Session convened on September 14, 2021;

Whereas, The Redevelopment Commission did interview representatives of all four offers and determined that the highest and best use of the property was presented by representatives of the Zorn Brewing Company; and

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Whereas, The Town of Highland, through its Redevelopment Commission, now desires to accept the offer as presented by Rick Kroll and the Zorn Brewing Group in the amount of \$88,000.00; and

Whereas, The Redevelopment Commission now desires to offer Rick Kroll and the Zorn Brewing Group a credit in the amount of \$7,873.00 for roof repairs of property located at 2821 Jewett.

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

1. The prefatory statements set forth above are incorporated herein as if set forth at length.
2. That it is in the best interest of the Town and necessary in furtherance of the Redevelopment Plan to amend Resolution 2021-27 and offer a credit in the amount \$7,873.00 and thereby reducing the purchase amount to \$80,127.00 of said property located at 2821 Jewett Avenue.
3. Further all parties involved understand that the final sale of the property located at 2821 Jewett Avenue will be contingent on approvals from the Town of Highland Plan Commission and Board of Zoning Appeals.
4. Further still, the Redevelopment Director is hereby authorized to execute the agreement and all documents necessary to implement the project, except where IC 36-7-14-22(i) requires otherwise.
5. This resolution shall be in full force and effect after its passage and adoption by the Redevelopment Commission.

DULY PASSED AND RESOLVED by the Redevelopment Commission of the Town of Highland, Lake County, Indiana, this 26th day of October, 2021 having passed by a vote of 4 in favor and 0 opposed, and 1 abstention.

REDEVELOPMENT COMMISSION OF THE
TOWN OF HIGHLAND, INDIANA

By: 
Cyril Hueter, President

ATTEST:

By: 
Bill Leep, Secretary
Town of Highland, Indiana Redevelopment Commission

10-27-2021
Dated


Kathy DeGuilio-Fox, Redevelopment Director
Town of Highland Department of Redevelopment

Nov 27, 2021
Dated

6. **Ratify the calling of an Executive Session:** Session convened at 5:30 p.m. Monday, November 22, 2021, pursuant to HMC Section 2.05.130(A) (4) and Section 2.05.130(A)(6) and Section 2.05.070(B)(3).

Councilor Black moved to ratify and approve the calling of the executive session as described. Councilor Zemen seconded. Upon a roll call vote, there were three affirmatives and two negatives. With Councilors Zemen, Black and Sheeman voting in the affirmative and Councilors Herak and Schocke voting in the negative, the motion passed. The executive session was ratified.

After the motion was made and seconded but before the roll call vote, there was a colloquy regarding the reasons for having an executive session to meet with a proposed commercial developer.

7. **Authorizing the proper officer to publish legal notice of a public hearing:** Public Hearing to consider additional appropriations in the amount of \$6,901.00 in the POLICE PENSION Fund.

Councilor Herak moved to authorize the proper officer to publish legal notice for a public hearing to consider proposed additional appropriations as indicated. Councilor Schocke seconded, Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication was authorized.

Remarks from the Town Council:
(For the Good of the Order)

- **Councilor Bernie Zemen:** *Park and Recreation Board Liaison • Fire Department, Liaison.*

Councilor Zemen acknowledged the Building Commissioner who reported on matters pending before the plan commission.

Councilor Zemen acknowledged the Fire Chief who reported on a weekend incident and general activity of the fire service and wished everyone a Happy Thanksgiving.

Councilor Zemen acknowledged the Parks and Recreation Superintendent, (remotely) who reported on the annual Pumpkin Plod Running Race.

Councilor Zemen wished everyone a Happy Thanksgiving.

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

Councilor Herak noted the recent passing of Donal Downey, who has served as a member of the Board of Sanitary Commissioners for many years. Councilor Herak also noted the passing of Karen Kuiper, spouse of former Councilor Konnie Kuiper.

Councilor Herak acknowledged the Building Commissioner who reported on activity of the Building and Inspection Department and code enforcement activity. He further offered comments regarding the activity before the Advisory Board of Zoning Appeals.

Councilor Herak acknowledged the Police Chief who reported on the Shop with a Cop program.

Councilor Herak acknowledged the Public Works Director, who reported (remotely) on projects under the aegis of the Public Works Department (agency). The Public Works Director reported on leaf collection.

- **Councilor Mark Schocke:** *Liaison to the Tree Board* • *Liaison to the Community Events Commission (resigned)*

Councilor Schocke noted a recent incident from Wisconsin where an SUV was driven into a crowd in a parade. Councilor Schocke inquired about the security of the pending holiday parade the weekend following Thanksgiving.

Councilor Schocke noted that the Tree Board had no formal budget but asked about the possibility of providing a postage budget.

Councilor Tom Black: *Liaison to the Board of Waterworks Directors.*

Councilor Black reported the progress on the Lake County Solid Waste Management District securing a new building.

Councilor Black wished all a Happy Thanksgiving.

- **Council President Roger Sheeman:** *Town Executive* • *Chair of the Board of Police Pension Trustees* • *Chamber of Commerce Liaison* • *Information Technology Liaison* • *Redevelopment Commission Liaison.*

The Town Council President acknowledged the Redevelopment Director who reported on the status of the Down Restaurant crawl. She further reported on project to replace the current neon lights for the Down Town Highland welcome sign with a more reliable, less expensive light.

Comments from Visitors or Residents

1. Larry Kondrat, Highland, offered a survey of anecdotes Mr. Kondrat believed were a survey of mistakes and in appropriate meetings convened by the Town Council, expressing his disfavor.
2. Dominic _____, Highland, reported his concerns about the aesthetics and lower maintenance at 2406 Wicker Park Drive, Highland. The resident inquired about the status of the onboarding of the newly authorized full-time code

enforcement officer. It was noted that the Building Commissioner would follow up with the resident regarding his concerns.

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 9, 2021, through November 22, 2021. Councilor Schocke seconded. Upon a roll call vote, there were five affirmatives, no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, 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, \$340,806.77; Motor Vehicle Highway and Street (MVH) Fund, \$42,143.57; Law Enforcement Continuing Education and Training and Supply Fund, \$4,230.81; Insurance Premium Agency Fund, \$229,530.96; Information Communications Technology Fund, \$16,170.32; Special Events Non Reverting Fund, \$3.48; Police Pension Fund, \$68,828.92; Municipal Cumulative Capital Development Fund, \$25,753.35; Gaming Revenue Sharing Fund, \$47,095.03; Total: \$774,563.21.

Payroll Docket for payday of November 5, 2021:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$15,111.74; Building and Inspection Department, \$7,109.08; Metropolitan Police Department, \$125,596.46; Public Works Department (Agency), \$68,652.36; Fire Department, \$3,680.94; Information Communications Technology Department, \$3,538.47 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$223,689.05.

Adjournment of Plenary Meeting. There being no further business on the agenda, the Town Council President declared the regular plenary meeting of the Town Council of Monday, November 22, 2021, adjourned at 7:55 O'clock p.m.

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

Approved by the Town Council at its meeting of _____, 2021.

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