

**Enrolled Memorandum of the Meeting
Study Session/Meeting Hybrid Electronic/In-person
Twenty-Ninth Town Council of Highland
Monday, January 17, 2022**

Rev. Dr. Martin Luther King, Jr. Holiday

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in a study session on Monday, January 17, 2022, 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 both 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. 21-33. 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. Councilors Bernie Zemen, Mark Herak, Mark Schocke, Tom Black and Roger Sheeman were present in person.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, and Roger Sheeman, were present in person as indicated. Councilors Mark Schocke and Thomas Black were present remotely, via Zoom. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. *A quorum was attained.*

Officials Present: John P. Reed, Town Attorney (remotely); and Ed Dabrowski, Director of Information Technology; were also present.

Other Officials: Larry Kondrat of the Board of Waterworks Directors; Jackie Herrera and Sandy McKnight of the Community Events Commission were also present.

Guests: Theresa Badovich for the Idea Factory (remotely) was also present.

General Substance of Matters Discussed.

1. **Discussion:** *Review the ways and means to allow for the monthly publications and the annual water quality report to be delivered to residents who would not receive utility mailings.* The Town Council discussed the methods that could be used to alert residents who do not directly receive a utility bill of town matters including receiving the monthly newsletter, the quarterly school town newsletter and the annual US EPA required consumer confidence report. During the discussion the use of a post card to harvest the names of interested persons who might wish to be part of a separate data base for emailing these documents. It was noted that these publications are always available on the town website. It was further noted that the published versions are also made available at the Town Hall and the Lincoln Community Center.

Theresa Badovich of the Idea Factory indicated that using a software platform such as MailChimp, there could be a possible solution. She would follow-up.

2. **Discussion:** *Ways and means for local match to support Community Crossings Grant Applications for road resurfacing.* The current pending roadway work estimate from the public works director was noted and its estimated cost of between \$1.2 and 1.4 million. The merits of the Community Crossings Program (See IC 8-23-30) funding local match grants with up to \$1 million dollars, with a dollar for dollar match. The Town Council noted that the local match to be applied to the current year application had been identified from current appropriations by the Public Works Director. It was noted that

it would not fund the max nor reach the full costs estimates for the roads identified by the Public Works Director. The Town Council discussed the local wheel and municipal surtax as a recurrent source for generating the local match. (See IC 6-3.5-10 and IC 6-3.5-11) There was no further discussion.

- 3. **Discussion:** A draft ordinance to expand the size of the town council from five to seven. The Town Council received the draft of an ordinance prepared by Councilor Schocke proposing to expand the Town Council membership from the current five members to seven members, eliminating wards and electing by the voters of the whole town.

Ordinance No. ^^^^
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE AMENDING SECTION 2.05.050 OF THE HIGHLAND MUNICIPAL CODE CONCERNING THE NUMBER OF MEMBERS OF THE TOWN COUNCIL AND CREATION OF ALL AT LARGE DISTRICTS

WHEREAS, the Town of Highland wishes to increase the number of members to the Town Council;

WHEREAS, under its broad Home Rule powers, the Highland Town Council may adopt ordinances and resolutions to the extent not inconsistent with general or special law; and

WHEREAS, the Highland Town Council finds that increasing the number of Town Council Seats and making all districts at large is in the best interests of the Town and its residents and promotes the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED by the Highland Town Council as follows:

Section 1. Amendment of Section 2.05.050 of the Code. Section 2.05.050 of the current Highland Municipal Code shall be stricken entirely and replaced with the following:

2.05.050 Election Districts and the Town Council

- (A) The town shall not be divided into election districts.
- (B) The town council shall be comprised of seven at large members.
- (C) The members of the Highland town council shall be elected at large by the voters of the whole town.

Section 2. Conflict and severability. In the event this ordinance conflicts with any other ordinance of the Town of Highland or other applicable law, the more restrictive shall apply. If any phrase or portion of this ordinance is held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

Section 3. Effective Date. This ordinance shall be in full force and effect for the election cycle beginning with the November 2023 election and thereafter.

DULY RESOLVED and ADOPTED, this ___ day of _____, 2022 by the Town Council of Highland, Lake County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

TOWN COUNCIL of the TOWN OF
HIGHLAND, INDIANA

Roger Sheeman, President (Ind. Code 36-5-2-10)

Attest:

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

The Town Council discussed the rationale for the expansion, its impact on better service for the people of Highland and the potential added costs. The discussion included comparing the manner in which the School Board of Trustees are elected, noting it is at large. The discussion noted that the Town Council of Merrillville and Cedar Lake were composed of seven members. It was further noted that the Merrillville Town Council is pure district, meaning that at elections residents only get to vote for one member of the Town Council, and the Town Judge. Cedar Lake uses wards but the voters of the whole town vote for all councilors.

It was noted that as drafted, the ordinance would need to be changed did not comport with the provisions of IC 36-5, which governed how alterations in the number of legislative body members for a town.

The discussion included an exploration of retaining five members but allowing for abolishing the wards or allowing for both wards and pure at large seats.

4. **Discussion:** *Continue discussion regarding an appropriate memorial for Dr. Mark Kendra, late of Highland, service on the Plan Commission.* The Town Council discussed the desirability of an appropriate memorial for the late Dr. Mark Kendra, who had served on the municipal plan commission. The discussion included a discussion of the desirability of having a memorial to Paul L. Doherty, who served 12 years on the Town Council, 12 years as clerk-treasurer and offered continuing service in his retirement on regional boards and commissions. The discussion included the possibility of naming the concourse or the plaza near the Highway of Flags Veterans Memorial site at the intersection of US 41 and Ridge Road.
5. **Discussion:** *An Ordinance to amend the Compensation and Benefits Ordinance regarding longevity, the 1 year longevity rate owing to the excel rounding convention needs to change the bi-weekly amount from \$7.12 to \$7.20.* The clerk-treasurer briefed the Town Council regarding the rounding issue with the Excel® spreadsheet and that even reviewed this rate for longevity after a year, with the chosen multiplier. The amendment is needed to make equal the hourly rate with the biweekly salaried rate. There was no objection to having the amendment on the agenda.
6. **Discussion:** *Authorizing the Fire Department to convert its position of departmental secretary from a part-time position to a full time position.* This would involve amending the wage and salary ordinance. The Town Council was briefed on a request from the fire department to amend the wage and salary ordinance to permit a full-time secretary for the department. It was noted the current worker was retiring but would participate in training a successor.

The Town Council was further briefed on the increase in costs. It was noted that before moving forward the Town Council desired to hear from the Fire Chief regarding the change. The Town Council Liaison to the Fire Department, Councilor Sheeman, indicated that he would follow-up as well.

7. **Discussion:** *Appointments to boards and commissions generally, and what remains.* The Town Council reviewed a report listing the remaining appointments. The Town Council members then had a colloquy with Ms. Herrera and Ms. McKnight regarding the status of the Community Events Commission.

The colloquy included a discussion of the need to begin to contract with bands soon in order to have desirable bands for the summer festival. Ms. Herrera noted that there are only a small number of commissioners attending meetings. They discussed the desirability of changing its standing meeting day.

It was noted that Kelly Bridges, a Highland resident, former members of the Community Events Commission and the responsible employee at North Township for its summer concerts series, would be contacted about helping with the bands. Contacting Mr. Tom Lounges of Lounges Entertainment was further discussed. It was noted that appointments to the Community Events Commission were needed.

8. **Discussion:** *Sense of the Town Council resolution regarding the “replace don’t erase” effort regarding the potential elimination of business personal property from the tax base.* The Town Clerk-Treasurer presented a flyer from Aim about its efforts to change the efforts of the Indiana General Assembly to eliminate by allowing full depreciation the business personal property tax, which represents property tax base for all governments that rely on property taxes as part of its revenue stream. It was noted that there was a sample sense of the council resolution that could be passed and sent to the General Assembly in order to encourage them to not eliminate this part of the tax base without a corresponding replacement source of revenue. It was further noted that the technical impact would be to shift these taxes onto residential tax base and could trigger losses from the circuit breaker by raising tax rates. The Town Council was encouraged to review the material at the website and consider passing a sense of the Town Council resolution.
9. **Ad Hoc.** *Discussion of the Mask requirement.* The Town Council noted that the proposed OSHA Rule for employers of 100 or more workers requiring mandatory COVID 19 testing or COVID vaccination was overturned by the United States Supreme Court. The discussion included whether the current CDC recommendation requiring masks in public buildings should be relaxed and made voluntary locally. It was noted the current governing council policy adopts the CDC guidance. It was further noted that Lake County was experiencing one of the larger surges in cases. The Town Council did not determine to change the indoor mask requirement.
10. **Final:** The Clerk-treasurer reminded the Town Council to review the matters that were listed as being likely for consideration at the January 24 plenary meeting.

There being no further matters to discuss , the Town Council President adjourned the standing study session of Monday, January 17, 2022, 8:03 o’clock p.m.

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