

**Enrolled Minutes of the Sixty-Six Regular Meeting
For the Twenty-Ninth Highland Town Council
Regular Plenary Business Meeting (Electronic/In person Hybrid)
Monday, May 9, 2022**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, May 9, 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 both an in person and an electronic meeting. 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 Toya Smith, Councilor Mark Schocke, Councilor Roger Sheeman all participated in person. Councilor Zemen was absent.

Pursuant to HMC Section 2.05.130(A)(2), the Town Council considered and reviewed the agenda in an informal proceeding in the plenary meeting room before the president called the meeting to order.

The Town Council Vice President Tom Black presided. The Town Clerk-Treasurer, Mark Herak, was present to memorialize the proceedings. The meeting was opened with Councilor Toya Smith 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 Toya Smith, Mark J. Schocke, Thomas Black, Roger Sheeman and Clerk-Treasurer, Mark Herak were present. Councilor Zemen was absent. A quorum was attained.

Additional Officials Present: John Reed, Attorney with Abrahamson, Reed & Bilse; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Edward Dabrowski, Director of Information Technology; and Kenneth J. Mika, Building Commissioner; Kathy DeGuilio-Fox, Redevelopment Director. Alex M. Brown, CPRP, Superintendent of Parks and Recreation was remote.

Also present: Larry Kondrat of the Board of Waterworks Directors.

Guests: Theresa Badovich (remotely) and Robin Carlascio (remotely) of the Idea Factory were also present.

Minutes of the Previous Meetings: The minutes of the April 11, 2022 and April 25th Plenary meetings were approved. Councilor Schocke moved, Councilor Smith seconded the approval of the April 11, 2022 and April 25, 2022 Plenary Minutes. Upon a roll vote of the elected officials, there were four (4) affirmatives and no negatives. The motion passed and the minutes were approved.

Special Orders: None

Comments from the Public or Visitors: There were no comments from the public.

Communications:

1. Peter Hojnicky, Metropolitan Police Chief requesting \$25,000 be transferred from Public Safety Account 249-0000-43008 to Public Safety Account 249-0000-22004. That item will be taken up under New Business.

Staff Reports: The following staff reports were received and filed.

• **Building & Inspection Report for April 2022**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0		
Commercial Additions or Remodeling:	5	5	0	\$581,367.00	\$10,795.50
Signs:	3	0	3	\$13,819.00	\$1,059.00
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0		
Residential Additions:	0	0	0		
Residential Remodeling:	61	61	0	\$689,412.00	\$16,264.50
Garages:	1	1	0	\$26,000.00	\$718.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	1	1	0	\$25,748.00	\$664.50
Fences:	11	11	0	\$65,448.00	\$2,178.00
Swimming Pools:	4	4	0		\$216.00
DrainTile/ Waterproofing:	2	2	0	\$36,903.00	\$810.00
Miscellaneous	25	25	0	\$141,321.00	\$6,677.20
TOTAL:	113	110	3	\$1,651,574.00	\$39,291.00
Electrical Permits	19	12	7		\$2,636.00
Mechanical Permits	18	16	2		\$2,135.00
Plumbing Permits	11	8	3		\$2,199.85
Water Meters	0	0	0		\$0.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
TOTAL Plumbing:	11	8	3		\$2,199.85

April Code Enforcement:

Investigations: 65
 Citations: 07
 Warnings: 01

April Inspections:

Building: 48 Electrical: 22 Plumbing: 40 HVAC: 08
 Electrical Exams: 1

• **Fire Department Report for April 2022**

<u>Type of Call</u>	<u>Month</u>	<u>YTD</u>
General Alarms	12	48
Paid Still Alarms	21	85
Still Alarms	4	13
Total Alarms:	37	Calls YTD: 146

• **Workplace Safety Report for April 2022**

There was one (1) workplace incident to report in April. The following report was filed.

Department	Injuries this Month	Year to Date 2022	Total in 2021	Restricted Days 2022	Lost Workdays This Year (2022)	Restricted Days Last Year (2021)	Lost Workdays Last Year (2021)
Parks & Rec		1					
Fire			1				
Police		2	4		67		10
Street							
Water & Sewer			2			32	
Maintenance	1	4	2	18	17		
Other			0		0		
TOTALS	1	6	9	18	84	32	10

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

General Orders and Unfinished Business:

New Business:

1. **ACTION TO APPROVE PAY FOR EMPLOYEE WHO IS TEMPORARILY REPLACING ANOTHER EMPLOYEE AT A HIGHER GRADE LEVEL, AFTER THIRTY FULL DAYS IN THE POSITION, PURSUANT TO SECTION § 4.01 OF THE COMPENSATION AND BENEFITS ORDINANCE. PUBLIC WORKS DIRECTOR IS REPORTING HE HAS ASSIGNED BART CASHMAN TO ACTING SUPERVISOR OF MAINTENANCE.**

THE PUBLIC WORKS DIRECTOR MADE THE ASSIGNMENT EFFECTIVE 4/5/2022 AND MR. CASHMAN HELD THAT POSITION FROM THAT DATE THROUGH JULY 5, 2022. BART CASHMAN WILL BE CONSTRUED AS ELIGIBLE FOR THE PAY OF A SUPERVISOR OF MAINTENANCE EFFECTIVE MAY 5, 2022, PROVIDED IT IS APPROVED.

COUNCILOR SCHOCKE MOVED TO APPROVE THE TEMPORARY ASSIGNMENT AND THE HIGHER PAY FOR THE PERIOD FOLLOWING THIRTY DAYS IN THE POSITION. COUNCILOR SHEEMAN SECONDED. UPON A ROLL CALL VOTE, THERE WERE FOUR (4) AFFIRMATIVES AND NO NEGATIVES. THE MOTION PASSED. THE TEMPORARY ASSIGNMENT AND THE HIGHER PAY WERE APPROVED.

2. **Resolution No. 2022-09:** 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 IC 6-1.1-18-6.

Councilor Sheeman moved the passage and adoption of Resolution No. 2022-09. Councilor Smith seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2022-09**

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

Police Department

Reduce Account: #249-0000-430.08 P.D. Equipment/Video \$25,000.00
Total 400 Series Reductions
\$25,000.00

Increase Account: #249-000-220.04 P.D Equipment \$25,000.00
Total 200 Series Increases \$25,000.00

Total of All Fund Decreases: \$25,000.00
Total of All Fund Increases: \$25,000.00

DULY RESOLVED and ADOPTED this 9th Day of May 2022 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**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Mark Herak
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Comments from the Town Council:

(Good of the order)

- **Councilor Toya Smith:** • *Advisory Board of Zoning Appeals Liaison* • and *Board of Sanitary Commissioners liaison.*

Councilor Smith acknowledged the Building Commissioner, Ken Mika who commented on the upcoming BZA meeting on Wednesday, May 25, 2022. Mr. Mika advised that there are two (2) items on the agenda both variances. One petitioner, in the Antique Mall, is requesting a variance to the size of a sign. The other, deals with the Ultra Property. The petitioner would like to use the property as a self-storage facility which is not a permitted use. Mr. Mika commented that the petitioner was at last Wednesday's plan commission meeting, proposing the plan to the Commissioners. Part of the property will be used for retail space and the remainder for self-storage (which is not a permitted use in that zoning). He reminded those present that the owner of the Ultra property is different from the owner of the Antique Mall property. Mr. Mika added, that unlike the self-storage approved several weeks ago which is located behind Ultra, the petitioner's proposal would be facing or on Indianapolis Blvd and he felt the Town would be selling itself short. There is also another self-storage being proposed for the Tri-State Coach site. Councilor Schocke asked Mr. Mika, who was representing the petitioner. Mr. Mika stated it was Attorney Wieser. Councilor Schocke responded that it was highly ironic that it's the same attorney who brought Highland another project. Mr. Mika commented that construction is soon to begin on the gas station on the northwest corner of Indianapolis and Hart Road and that the Olive Garden is scheduled to open on Monday, May 23rd. Mr. Mika and Chief Timmer will be doing a follow up inspection tomorrow and plans on issuing an occupancy permit.

Councilor Mark Schocke: • *Park and Recreation Liaison* • and *Community Events Commission Liaison.*

Councilor Schocke acknowledged the Park Superintendent, Alex Brown commented that it is an extremely busy time of year. Mr. Brown commented on some of the upcoming events, starting with the Park's second concert series on Sunday, May 9th. The last middle school dance will be held this Friday, May 13th and the Mother and Sons superhero dance will be the following Friday. The Superhero Dance is the equivalent to the Daddy Daughter Dance. Highland Park's are hosting a huge USA Volleyball and Invitational in the field house this weekend. Next Monday, May 16th is the bid opening for the repaving of the bike trail. It will be repaved from 45th street to the river. Alex said they are trying to maintain everything and keeping all the youth sports going through the rain outs. Literally, girl's softball, Babe Ruth, youth soccer are going on now, in addition to the 250 acres the parks have to maintain. Thank goodness that the college kids are starting to get home for the summer. That will be a big help. Councilor Schocke complimented the Lincoln Center Staff for organizing the dance spring showcase which was last Friday evening. He appreciated everyone's work and they all did a wonderful job in organizing. Alex said there were about 400 people in attendance. Councilor Schocke mentioned the Council of Community Events meeting to be held on Wednesday, May 10 at 6:30. The Council

is finishing final preparation for the Memorial Day Service to be held on May 30th, at 10:00 a.m. at Main Square. They have confirmation that former Clerk-Treasurer and current State Senator Michael Griffin will be speaking. The Council continues to plan for the 4th of July Festival. He asked the Clerk-Treasurer about the band contract. Mr. Herak responded that all contracts were signed by President Zemen and forwarded to the various bands. The bands need to sign and return with a W-9. Councilor Schocke asked about the beer garden. There was a meeting last Thursday and the beer vendor was there. There will be a meeting this Thursday, May 12th, to review the changes to the planned layout. As with any plans there are logistic problems. It was brought up, if the fence goes all the way to Ridge Road, those vendors abutting Ridge Road will not be able to park next to their booths. The footprint was actually lessened to eliminate 1 of the entrances and exits. Instead of four (4) entrances/exits, there will be three (3). Councilor Schocke concluded by thanking the FOP for the Police Memorial this past Saturday at Markley Park. It was a very nice program, the weather was decent and a good turnout.

- **Councilor Tom Black:** *Liaison to the Board of Waterworks Directors • Redevelopment Commission Liaison.*

Councilor Black acknowledged Kathy Deguilio-Fox, Redevelopment Director, who was thrilled to announce that on April 22nd, the Redevelopment Commission received an award from Partners for Clean Air. Highland was named the 2022 Partners for Clean Air recipients for the EB chargers that were installed in the new downtown parking lot. Kathy was unable to attend the luncheon but wrote an acceptance note which was read by George Georgeff of the Redevelopment Commission, stating that Highland does all it can to reduce the carbon footprint and works every day to make sure that Highland is being a good citizen to the environment. She was asked about revenue from the charging stations. She responded that they are generating revenue but the main purpose wasn't for the revenue but to attract users of the charging stations to visit downtown Highland while their vehicles were charging. This is in addition to reducing the carbon footprint. She commented that the Redevelopment Commission had awarded a contract to Legacy Sign to refurbish the Welcome to Highland Downtown Sign. She reported that the sale of the property on Jewett was completed on April 12th. The owner of SIPS bought the building. She reported that the SIPS location on Jewett is the best producing shop of all the SIPS.

- **Councilor Roger Sheeman:** *Town Board of Metropolitan Police Commissioners Liaison • Fire Department, Liaison • Chamber of Commerce Liaison • • Information Communications and Technology Department Liaison.*

Councilor Sheeman acknowledged Pete Hojnicky, Metropolitan Police Chief, who thanked the Council and Clerk-Treasurer for attending Saturday's FOP Memorial. Sadly, the attendance does get smaller but it is nice to see the families of the fallen officer's families. He said they have excellent video of the ceremony taken by the police department's drone. Councilor Sheeman then recognized William Timmer, Fire Chief who commented they had a very exciting Mother's Day. They had a house fire on

Franklin and at the same time somebody went into the car wash across from McDonalds and dumped 500 to 600 gallons of diesel fuel into the sewer system. They reached out to neighboring communities for mutual aid but as luck would have it, one of the Lake Ridge Fire Department who happens to serve on the Hazmat Team was driving by and offered assistance. The house fire on Franklin was contained to the kitchen. He updated the Council on the 90/10 grant to update the Opticom System. This grant would update both Highland's and Munster's system. Currently, Highland and Munster are on different systems which requires each vehicle to have a dual responder which is more costly. They are waiting for the cost estimates. Ideally, it would be great if everyone in Lake County went with the same system. He also thanked those who called to check on his wife Bonnie as she was recently hospitalized. He was happy to report she is home and resting. Councilor Sheeman then acknowledged Ed Dabrowski, IT Director who said he had no reports but would answer any questions anyone might have. There were no questions except Councilor Schocke asked Mr. Dabrowski what he scored on the Cyber Security Test. He like so many others also scored an 80%.

- **Council President Bernie Zemen:** *Town Executive • Chair of the Board of Police Pension Trustees • Liaison to the Tree Board.*

Comments from Visitors or Residents:

1. Dominic Vasili, Highland, inquired not only for himself but his neighbors regarding the status of the River Drive reconstruction project. He received his water bill today and there was nothing in it about the project and nobody seems to know anything at the moment. The Clerk-Treasurer responded that he felt the bids would be opened some day next week. Councilor Black said the project is still scheduled for completion either late summer or early fall. Mr. Vasil was under the impression the project would start late March, then it was moved May and once the contract is awarded the project would start in roughly three (3) days. Mr. Vasili was advised that it is normally thirty (30) days after the awarding of the contract, construction would start. Dominic advised the Council why he is so interested in the River Drive project. There are three (3) or four (4) trees that belong to the town and are on the corner of his property. The trees are scheduled to come down. One (1) of the trees has a branch that overhangs his house and he's with the heavy winds Highland has been experiencing, the branch may break off and land on the roof of his house.
2. Antonio Alvarez, Chicago, stated that he owns a piece of property north of the Little Calumet River, commonly known as the Ox Bow, and was inquiring as to if Highland would be willing to sell the piece of property north of the property he owns. Per his GPS, it shows that the Town of Highland is still the owner of the property. He was also inquiring as to the proper zoning as he would like to build a camp site and build a kayak launch into the Little Cal. He was told that the property in question is actually owned by the City of Hammond and was recorded improperly. As to the proper zoning, he needs to follow-up with the City of Hammond. The town attorney was told to follow up with Hammond City Attorney, Kevin Smith, as this matter was

supposed to be resolved several years ago. Alex Brown advised him that before building any type of launch, he needed to check with the Army Corp of Engineers. They are extremely protected of the dike and don't take too lightly of placing structures on the dike. He said he has been working with the Army Corp. He said it was his trailer that was torched on the property last year. Town Attorney Reed asked for Mr. Alvarez' email address and he will reach out to the Hammond City Attorney. Mr. Alvarez asked if Dan Repay is still the head of the Little Calumet River Basin, he was told yes. Alex Brown said the embankment on the Highland side is too steep to build a ramp and be handicapped accessible.

3. Larry Kondrat, Highland, began by congratulating Councilor Black on his victory as a delegate to the Republican State Convention. Mr. Kondrat felt by Councilor Black placing fifth versus tenth, it shows that the constitutes view him as honest. While at the polls, he was approached by a voter regarding the handicap ramp in front of a popular eatery. The voter had taken his mom to this popular eatery and couldn't park by the handicap ramps as there were no handicap signs but three (3) 15 minute parking signs instead. Councilor Schocke asked Chief Hojnicky if the popular eatery had received permission to install the signs or simply put them up themselves. Chief Hojnicky advised that the popular eatery had come before the Traffic Safety Commission and received permission. Mr. Kondrat stated that for his business he had to install four (4) handicap parking spots. Mr. Mika said that the handicap parking requirements pertain to the Town as a whole and not the individual businesses on Highway. After the meeting, Mark Knesek, Public Works Director reached out to Mr. Kondrat regarding the handicap ramp to explain, it is not a handicap ramp but a loading ramp. Because of ADA requirements, the loading ramp could not be turned into a handicap ramp, the pitch would be too steep. Mr. Kondrat then began discussing the Ultra property and the proposal that was presented by Mr. Wieser at last Wednesday's Plan Commission study session. He was questioning the members of the Redevelopment Commission's rationale of self-storage units on the Ultra site and is that the best use. If the Ultra property was worth \$40M or \$50M or \$60M and the best use the Town could find was a self-storage, it's time to get rid of the members of the Redevelopment Commission. They are ineffective. Isn't a developer trying to do the same at the old Tri-State Coach site? That the only thing the Town can attract is a two (2) story building with a mesh roof. The Town just rezoned property to put a self-storage behind Ultra. Councilor Schocke wanted to know why he wasn't made aware of this project. Mr. Kondrat stated that once again the Councilman who represents his Ward was not privy to information regarding a development project. Councilman Schocke said he asked and was told it was none of his business, it's a secret. Mr Kondrat asked Councilor Black if he was the liaison to the Redevelopment Commission and was he aware of the project. Councilor Black responded that he is the liaison to the Redevelopment Commission but has only heard bits and pieces of this project but nothing official. No new plans have been presented to the Redevelopment Commission. Since the proposal requires a variance, it will have to come to the Council for a vote. Nothing has been presented to the Council. It was brought to the Plan Commission to start the dialog. Mr. Kondrat argued that if the petitioner has plans to present at the Plan Commission, its not a fairly new project and when my Councilman is told that it's a secret. Kathy DeGuilio-Fox,

Redevelopment Director, said some months ago, an executive session between the Plan Commission, the Redevelopment Commission and the developer to discuss a light industrial use for the property which included a new building. The plan presented to the Plan Commission was a totally different project than the one presented in the executive session and the plan presented at the Plan Commission. This plan was never presented to the Redevelopment Commission. The Redevelopment Director questioned Councilor Schocke as to who told him it was a secret. He responded, you did, about two (2) weeks ago. The Redevelopment Director said I wasn't in town 2 weeks ago. Councilor Schocke responded that maybe it was a month ago. Kathy recommended that the zoom meeting be replayed. The Redevelopment Director doesn't like talking about project until they are concrete.

Payment of Accounts Payable Vouchers. There being no further comments from visitors or residents, Councilor Schocke moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **April 26, 2022 through May 9, 2022.** Councilor Sheeman seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$346,439.74; Motor Vehicle Highway and Street (MVH) Fund, \$26,263.87; Insurance Premium, \$211,996.66; LR&S, \$1249.61; Law Enforcement Continuing Education, Training, and Supply Fund, \$,737.04; Information and Communications Technology Fund, \$12,448.80; Special Events, \$338.59; Police Pension, \$68,964.76; Traffic Violations and Law Enforcement Agency Fund, \$500.00; Donation, \$191.00; Total: \$599,826.72.

PAYROLL DOCKET FOR PAYDAY OF APRIL 22, 2022:

COUNCIL, BOARDS AND COMMISSIONS, \$10,406.07; OFFICE OF CLERK-TREASURER, \$15,815.55 BUILDING AND INSPECTION DEPARTMENT, \$9,148.05; METROPOLITAN POLICE DEPARTMENT, \$119,980.17; PUBLIC WORKS DEPARTMENT (AGENCY), \$66,602.71; FIRE DEPARTMENT, \$34,386.42 AND 1925 POLICE PENSION PLAN PENSION FUND, \$68,757.11; INFORMATION AND TECHNOLOGY DEPARTMENT, \$3,690.41; TOTAL PAYROLL: \$328,786.49.

Adjournment of Plenary Meeting. There being no further items of business on the agenda, Councilor Schocke moved that the meeting be adjourned. Councilor Smith seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives. The motion passed. The Plenary meeting of the Highland Town Council of Monday, May 9, 2022 was adjourned at 7:36 p.m.

Mark Herak
Clerk-Treasurer

Approved by the Town Council at its meeting of May 9, 2022.