

Agenda
Seventieth-Fourth Regular or Special Meeting
of the Twenty-Ninth Town Council of Highland
Regular Plenary Meeting of Monday, September 12, 2022 at 7:00 p.m.
Agenda organized pursuant to Section 2.05.090 of the Highland Municipal Code

**This meeting will be broadcast as an electronic meeting pursuant to
Town of Highland Ordinance 1765**

Topic: Town of Highland, IN - Town Council Plenary Meeting
Time: Sep 12, 2022 07:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/88020775866?pwd=TGJlNHk1dWk5MktKUzdwaFhSTkVVQT09>

Meeting ID: 880 2077 5866

Passcode: 576696

One tap mobile

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+13017158592,,88020775866#,,,,*576696# US (Washington DC)

Dial by your location

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 719 359 4580 US

+1 720 707 2699 US (Denver)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 386 347 5053 US

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Prayer:

Roger Sheeman

Pledge of
Allegiance:

Roger Sheeman

The Town of Highland acknowledges its responsibility to comply with the American with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, etc.) for participation in or access to Municipal sponsored public programs, services and or meetings, the Town of Highland requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and or meeting. To make arrangements, contact the ADA Coordinator for the Town of Highland at (219) 972-7595.

Roll Call:

Bernie Zemen



Toya Smith

**A GREAT PLACE
TO CALL HOME**

Mark J. Schocke

Thomas (Tom) Black

Roger Sheeman

Minutes of

Previous Session: Minutes of the Regular Meeting of August 22, 2022.

Special Orders:

1. **Plan Commission Docket: Plan Commission Docket No. 2021-01:** Petitioner seeking an amendment to the governing PUD Ordinance involving a major modification to an existing R-3 PUD/ Planned Unit Development Multi-Family Resident District located at 2515-2525 Longwood Drive, Highland, The current zone is R-3 PUD/Multi-Family Residential District, petitioner seeks an Amendment to an existing R-PUD/Residential Planned Unit Development for construction of two (2), four (4) Unit Townhomes with attached garages compared to the original approved plan of two (2), eight (8) Unit Condominiums with detached garages. **Petitioner:** Rich Clousing/R&T Industries, by its attorney, Adam Sworden, 450 Vale Park Road, Suite E, Valparaiso, Indiana 46385. The matter was certified by the Municipal Plan Commission with a **favorable recommendation**, by a vote of six (6) in favor, no opposed at its meeting of August 17, 2022. It is expected that the enrolled Findings of Fact will be taken up by the Plan Commission at its meeting on September 12, 2022. This is now placed before the Town Council, pursuant to IC 36-7-4-1505 (c), Chapter 18.70.100(B), and 18.55.050 of the Highland Municipal Code. (Also see IC 36-7-4-608(f) (PUD Ordinances) (Still a map amendment))
 - (a) Certification of Action by the Plan Commission regarding a Proposed Amendment to the Existing R-3 PUD/Multi-Family Residential District a R-3 PUD Planned Unit Development Residential District Plan. *(The Town Council may adopt the following ordinance, accept the plan commission favorable recommendation or not pass the ordinance and deny the recommendation of the plan commission.90 days tolls on 17 August 2022)*
 - (b) Proposed **Ordinance No. 1767:** An Ordinance Amending the Comprehensive Zoning Ordinance Passed by the Town Council of the
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Town of Highland, Lake County, Indiana, on the 9th day of October 2017, by Ordinance No. 1659 and Codified as Title 18 of the Municipal Code to be Effective on the date of adoption; and hereinafter reclassifying an area in the Town of Highland, Lake County, Indiana from a R-3 PUD Planned Unit Development to R-3 PUD Planned Unit Development Multi-Family Residence District for petitioner Rich Clousing/R&T Industries..

Further Note: As an ordinance to amend the zoning code, IC 36-5-2-9.8 (b)(1) states the usual rules for considering an ordinance on the same night of introduction do not apply.

2. **Advisory Board of Zoning Appeals Docket:** Petition for a **Use Variance** for property located at 8333-8357 Indianapolis Blvd., **Highland**, to allow the petitioner the use of the location for an Autobody Collision Repair Center. The property is located in a B-3/General Business District/Indianapolis Boulevard Zoning overlay district, in which Autobody Collision Centers are not a listed, permitted use. The petitioner, RPS Capital Investments, LLC was represented by Attorney Jared Tauber.. *(The petition supports the variance)*

The Advisory Board of Zoning Appeals met in regular session on Wednesday, July 27, 2022. As part of their agenda, by a vote of four (4) in favor and none (0) opposed, the Board voted to send a **Favorable Recommendation** to the Town Council for the petitioner's use variance. The findings of fact were memorialized and approved by the board in written form at its meeting of 24 August 2022. *(90 days ends 22 November 2022).*

Pursuant to IC 36-7-4-918.6, the Town Council may act to GRANT the requested use variance an approve the use variance or it may REJECT the requested use variance and DENY the use variance. If not acted upon by the Town Council within 90 days after the ABZA makes it recommendation, the action of the Advisory Board of Zoning Appeals stands.

(A) Opportunity for Comment.

(B) Action on the Recommendation.

3. **Advisory Board of Zoning Appeals Docket:** Petition for a **Use Variance** for properties located at 9227 Indianapolis Blvd., **Highland** and 9224-9292 Spring Street, to allow the petitioner the use of the locations for an Offsite New Car Parking Lot. The property is located in a B-3/General Business District/Indianapolis Boulevard Zoning overlay district, in which Offsite Park Lots are not a listed, permitted use. The petitioner, Garber Chevrolet
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was represented by Attorney Jared Tauber.. *(The petition supports the variance)*

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Pursuant to IC 36-7-4-918.6, the Town Council may act to GRANT the requested use variance an approve the use variance or it may REJECT the requested use variance and DENY the use variance. If not acted upon by the Town Council within 90 days after the ABZA makes it recommendation, the action of the Advisory Board of Zoning Appeals stands.

(A) Opportunity for Comment.

(B) Action on the Recommendation.

4. **Advisory Board of Zoning Appeals Docket:** Petition for a **Use Variance** for property located at 8401 Indianapolis Blvd., **Highland**, to allow the petitioner to use a percent of the existing building for the purpose of establishing an indoor climate controlled storage facility. This is a non-conforming use. The property is currently zoned as B-3/ General Business District. Petitioner: **Jack Rosencrans and Dan Nieman of Sursee Improvements, LLC, c/o DLC Management Corporation, Elmsford, NY.** *(The petition supports the variance).*

The Advisory Board of Zoning Appeals by a vote of two (2) in favor and two (2) opposed acted to send a **neutral recommendation of the request for a use variance** for the property. The ABZA acted at its meeting of 22 June 2022. The findings of fact were memorialized and approved by the board in written form at its meeting of 27 July 2022. *(90 days ends 25 October 2022).*

Action on the Recommendation. Prior to the meeting the petitioner's attorney reached out to the Town's Attorney and advised that they would like to modify their plan based upon comments they heard from the August 1, 2022 Town Council study session and are requesting a deferral until the September 12th plenary meeting. The petitioner Mr. Rosencrans was in attendance. He said they would like to ask for a deferral until the September 12th plenary meeting.

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The Town Attorney advised that with the deferral being until the 12th of September, still keeps the project well within the 90-day window. The 90-day clocked started July 27th when the BZA approved the findings of facts. He said the developer wants to take another look at the entire proposal, possibly submit a different or completely different proposal or withdraw the petition all together. He said he talked with Building Commissioner Ken Mika, as well as, Councilor's Zemen and Schocke and none had a problem with the deferral. He felt a motion to defer was in order.

Councilor Schocke moved to grant the request of the petitioner to defer to the September 12th plenary meeting. Councilor Smith seconded. Upon a roll call vote of the elected officials, there were five (5) affirmatives and no negatives. The deferral was granted.

Pursuant to IC 36-7-4-918.6, the Town Council may act to GRANT the requested use variance or approve the use variance or it may REJECT the requested use variance and DENY the use variance. If not acted upon by the Town Council within 90 days after the ABZA makes its recommendation, the action of the Advisory Board of Zoning Appeals stands.

(A) Opportunity for Comment.

(B) Action on the Recommendation.

**COMMENTS FROM
THE PUBLIC or
VISITORS**

This portion of the Town Council Meeting is reserved for persons who desire to address the Town Council regarding matters on the agenda. Persons addressing the Town Council are requested to limit their presentations to **two (2) minutes** and encouraged to avoid repetitious comments.

Communications:

The Town Council will hold a special meeting, on September 19, 2022 at 7:00, here in the Plenary Meeting room located at 3333 Ridge Road Highland to conduct a Pre-Adoption Hearing of the Proposed Fiscal Year 2023 Budget for the Town of Highland, Pre-Adoption Hearing of the Proposed Fiscal 2023 Budget of the Sanitary District and a Pre-Adoption Hearing of the Proposed Fiscal Year 2023 Budget of the Waterworks District pursuant to IC 6-1.1-17-20. The study session scheduled for that evening will begin immediately after the Plenary Meeting.

Staff Reports:

• Building & Inspection Report for August 2022.

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- Fire Department Report for August 2022.

- Workplace Safety Report for August 2022.
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Appointments:

- Home Rule Boards and Commissions
(Appointments have been placed on agenda in case there is readiness to act)

Executive Appointments

1. Economic Development Commission (1) appointment to be made by the Town Council President. Term expires 01.30.2022. *(Note: Currently held by Matthew Reardon.)*

Legislative Appointments

Home Rule Commissions

1. Community Events Commission
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**Unfinished
Business &
General Orders:**

NEW BUSINESS:

1. *Authorize a special meeting* of the Town Council for September 19, 2022 at 7:00 p.m. to conduct a Pre-Adoption Hearing of the Proposed Fiscal Year 2023 Budget for the Town of Highland, Pre-Adoption Hearing of the Proposed Fiscal 2023 Budget of the Sanitary District and a Pre-Adoption Hearing of the Proposed Fiscal Year 2023 Budget of the Waterworks District pursuant to IC 6-1.1-17-20.
2. **Works Board Order No. 2022-25:** An Order of the Works Board Finding And Determining Certain Personal Property Of The Municipality As No Longer Needed For The Purposes For Which Originally Acquired and Deemed Worthless and of No Market Value, And Further Authorizing And Approving Disposal Or Transfer Of Said Property.
3. **Proposed Appropriation Enactment No. 2022-17:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget from Monies received as a Grant from the State or Federal Government, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5 ET SEQ.
4. **Proposed Appropriation Enactment No. 2022-18:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget from Monies received as a Grant from the State or Federal Government, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5 ET SEQ.

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5. **Works Board Order No. 2022-26:** An Order of the Works Board Approving and Authorizing the Purchase of Certain Public Safety Communications Equipment (Opticom System), as Identified by the Metropolitan Police Chief, from Michiana Contracting Inc., of Plymouth, IN and finding it to be a Special Purchase pursuant to I.C. 5-22 and Chapter 3.05 of the Municipal Code.
 6. **Works Board Order No. 2022-28:** An Order of the Works Board Approving and Authorizing the Purchase of Breaching Tools, as Identified by the Metropolitan Police Chief, from Kiesler Police Supply, of Jefferson, IN pursuant to Chapter 3.05 of the Municipal Code.
 7. **Approval of Medical & Life Plans:** Authorizing the Clerk-Treasurer to renew Aim Medical and Life Insurance Plans, effective January 1, 2023.
 8. **Resolution No. 2022-20:** A Resolution Approving an Interlocal Cooperation Agreement between the Incorporated Town of Highland and the School Town of Highland for the Utilization of School Resource Officer Program Services for 2022-2023.
 9. **Ordinance Number 1764.1760-H:** An Ordinance to Amend Ordinance No. 1760 to establish the wage and salary rates of the Elected Officers, the Non-Elected Officers, and the Employee of the Town of Highland, Indiana particularly authorizing modification to the Special Detail Pay Provisions of the Metropolitan Police Department.
 10. **Appropriation Transfer Resolution No. 2022-21:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From and Among Major Budget Classifications In the CCI and CCMG (Revenue) Fund to the CCMG(expenditure) as Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.
 11. *Authorize the changing of the start times from 6:30 to 7:00 for the September 19, 26, October 3 and October 10 and to retroactively approve the September 12, 2022 meeting.*

Comments or Remarks from the Town Council: (Good of the Order)	Councilor Bernie Zemen Councilor Toya Smith Councilor Mark Schocke
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Councilor Thomas Black

Councilor Roger Sheeman

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VISITORS**

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**ACTION TO PAY
Accounts Payable
Vouchers**

Accounts payable vouchers August 24, 2022 to September 13, 2022 in the amount of \$928,044.36.

Payroll Docket for the payday of August 26, 2022 in the amount of \$79,051.96
Payroll Docket for the payday of August 26, 2022 in the amount of \$226,636.53
Payroll Docket for the payday of September 9, 2022 in the amount of \$250,892.74

ADJOURNMENT

The Town Council may meet in study session immediately following the Regular Meeting.

Posted pursuant to IC 5-14-1.5-4(a)

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