

**Enrolled Memorandum of the Meeting  
Study Session/ Special Meeting  
Seventh Special or Regular Meeting  
Twenty-Ninth Town Council of Highland  
Monday, March 16, 2020**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in a **special meeting** and concurrent, co-extensive study session on **Monday, March 16, 2020** at 6:30 O'clock P.M., in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President called a special meeting of the Town Council to run concurrently and co-extensively with the standing study session of the Town Council. The special meeting was called to address an emergency involving actual or threatened injury to persons or property, or actual disruption of the governmental activity conducted by the Town of Highland, owing to the emerging state and national emergency regarding Corona Virus COVID 19. Notice of the special meeting was issued to the Town Council and to all members of the media that had presented a request before January 1 of the current year at the same time. (No media presented such a request.) Nevertheless, notices were issued to journalists and representatives of the TIMES of NWI and the POST-TRIBUNE as well as Lakeshore Radio and WJOB by electronic mail. (Confer IC 5-14-1.5-5(d))

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

**Additional Officials Present:** Larry Kondrat, Board of Waterworks Directors; and Ed Dabrowski, IT Consultant (Contract) were present.

**General Substance of Matters Discussed.**

- 1. Executive Emergency Proclamation Issued Pursuant to 10-14-3-29.** The Town Attorney and the Town Clerk-Treasurer briefed the Town Council regarding the executive proclamation and the companion enactment. These measures were recommended owing to the need to make the Town Council President able to issue instructions during the emergency period owing to the Corona Virus COVID-19.

It was noted that this action would also release cumulative capital development fund resources for any purpose associated with the emergency.

The Town Council President indicated that he adopted the proclamation and executed it with his signature.

**THE TOWN of HIGHLAND  
PROCLAMATION of the MUNICIPAL EXECUTIVE NO. 2020-02**

**FINDING AND DETERMINATION AN EMERGENCY EXISTS AND DECLARING A LOCAL DISASTER EMERGENCY**

**Whereas,** From time to time circumstances exist such that an exigency occurs that could not reasonably be foreseen and that threatens the public health, welfare, or safety and requires immediate action; and

**Whereas,** The President of the United States and the Governor of the State of Indiana have issued emergency declarations in consequence of the Corona Virus COVID-19 Pandemic;

**Whereas,** The Town of Highland, through its Town Council President, as the principal executive officer now desires to issue a finding and determination that an emergency exists sufficient to support the declaration of a *Local Disaster Emergency*, all pursuant to IC 10-14-3-29;

**Now Therefore be it hereby Proclaimed and declared** by the Town Council President of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That pursuant to IC 10-14-3-29, there now exists a local disaster emergency in the Town of Highland, Lake County, Indiana, to be continued for a period not to exceed seven (7) days from the date of its entry, except by the consent of the Town Council as the governing body of the Town of Highland;

**Section 2.** That this declaration shall be given prompt and general publicity and shall be filed promptly in the office of the Clerk-Treasurer of the Town of Highland;

**Section 3.** That the effect of this declaration of a local disaster emergency is to: (1) activate the response and recovery aspects of all applicable local or inter-jurisdictional disaster emergency plans; and (2) authorize the furnishing of aid and assistance under the plans;

**Section 4.** That the public health, welfare, or safety is in immediate danger such that requires the expenditure of money in the Municipal Cumulative Capital Development Fund, provided such expenditure shall be for purposes to protect the public health, welfare, or safety in this emergency situation that demands immediate action, all pursuant to Section 3.45.140 (B)(1) of the Municipal Code and IC 36-9-15.5-8(c).

**BE IT SO PROCLAIMED, DECLARED and ORDERED** pursuant to and under the authority of Highland Municipal Code Section 3.45.140 (B)(1) and IC 10-14-3-29. Entered this 16<sup>th</sup> day of March 2020 by the Town Council President of the Town of Highland, Lake County, Indiana. Filed with the Clerk-Treasurer on 16<sup>th</sup> day of March 2020 at 6:30 0'clock p.m.

**TOWN of HIGHLAND, INDIANA**  
**By its Town Council President**

/s/ Mark J. Schocke, President

**Attest:**

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

**2. Executive Enactment No. 2020-20:** An Enactment Expressing a Finding and Determination that an Emergency Exists and Declaring a Local Disaster Emergency and Conferring Special Authority on the Municipal Executive of the Town of Highland. *(This enactment served as a companion to the Executive Proclamation clarifying the extent of the executive powers that the Town Council President possessed in consequence of the emergency and extended the period of authority for a total of 28 days.)*

Councilor Sheeman introduced and moved the consideration of Enactment No. 2020-20 at the same meeting of its introduction. Councilor Black seconded. 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 introduction.

Councilor moved the passage and adoption of Enactment No. 2020-20 at the same meeting of its introduction. Councilor Black seconded. A two thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of introduction.

**TOWN OF HIGHLAND**  
**ENACTMENT (ORDINANCE)**  
**Enactment No. 2020-20**

**AN ENACTMENT EXPRESSING A FINDING AND DETERMINATION THAT AN EMERGENCY EXISTS AND DECLARING A LOCAL DISASTER EMERGENCY AND CONFERRING SPECIAL AUTHORITY ON THE MUNICIPAL EXECUTIVE OF THE TOWN OF HIGHLAND**

**Whereas,** From time to time circumstances exist such that an exigency occurs that could not reasonably be foreseen and that threatens the public health, welfare, or safety and requires immediate action; and

**Whereas,** The President of the United States and the Governor of the State of Indiana have issued emergency declarations in consequence of the Corona Virus COVID-19 Pandemic;

**Whereas,** It is of vital public interest that continuity of government operations be preserved and supported during the national, state and local responses to the current exigency;

**Whereas,** It is expected that the Town of Highland, through its Town Council President, as the principal executive officer will issue a finding and determination that an emergency exists sufficient to support the declaration of a *Local Disaster Emergency*, all pursuant to IC 10-14-3-29;

**Whereas,** In order to allow the lawful alacrity of response and action by the public resources of the Town of Highland, the Town Council President, as municipal executive, should be expressly granted such authority to act for the town, in the interest of administrative efficiency and where the public good requires it, the Highland Town Council desires to authorize certain emergency powers consistent with IC 10-14-3-29;

**Now Therefore be it hereby Enacted** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That in the event the Town Council President, pursuant to IC 10-14-3-29, issues a proclamation stating, that there now exists a local disaster emergency in the Town of Highland, Lake County, Indiana, to be continued for a period not to exceed seven (7) days from the date of its entry, except by the consent of the Town Council as the governing body of the Town of Highland;

**Section 2.** That subject to law, that this enactment serves as approval of the governing body that it grants the Town Council President, to act during the local exigency for three additional periods of authority, bringing the period to twenty-eight (28) days, after which, such authority will require action by the Town Council as the legislative body of the municipality;

**Section 3.** That the effect of this enactment is to confer such powers that are granted a municipal executive under IC 36-4 et seq and IC 36-4 et sequitur, except the authority to dismiss or demote a public officer acting as a department head, and the procedure affecting the adoption of ordinances or resolutions of the municipality;

**Section 4.** That the tolling for the extension of authority under this enactment shall begin upon the passage and adoption of the enactment and the Clerk-Treasurer shall inform the Town Council as to the duration remaining as conferred by this enactment.

Introduced and Filed on the 16<sup>th</sup> Day of March 2020. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 16<sup>th</sup> Day of March 2020, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

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

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

**ATTEST:**

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

**3. Proposed Ordinance No. 1715:** An Ordinance to Amend Section 5.11.02 of the Highland compensation and Benefits Ordinance, Particularly Amending the Provisions Special Administrative Leave Under Extreme and Unexpected Circumstances concerning National Emergencies.

The Town Council and the Town Attorney discussed a draft version of the proposed ordinance that would amend the Compensation and Benefits Ordinance provisions regarding Special Administrative Leave, purporting to modify the language to create enduring section for preserving the pay for regular full-time workers. It also provided for some pay for some part-timers except for those in the Public Works Department

and the Parks and Recreation Department, based upon the initial concerns raised by those department heads in prior meetings.

The Town Council had an extended discussion about the difficulty of protecting pay for some part-timers and not all. There was a discussion about whether some part-time workers had any expectation of protection of income if there was a work stoppage.

The discussion included whether the determination could be left to department heads. There was a discussion regarding the possibility of distinguishing those "eligible part-time workers" who are offered access to group health insurance pursuant to the Affordable Care Act. It was determined that the Town Attorney would rework some of the language and bring it back for review and mark-up.

Councilor Zemen introduced and filed the proposed Ordinance No. 1715. There was no further action.

4. ***Discussion of Information shared during daily telephone conferences with Department Heads, and two members of the Town Council.*** The Town Council President reported that it had been determined that the Town hall would close to the public, while operations would continue within, to practice social distancing.

The Town Council President further reported that the Lincoln Community Center fitness center would be closed in addition to the Lincoln Community Center fieldhouse. The Town Council discussed whether the daycare that is a lessee operating at the Lincoln Community Center should be closed. A consensus emerged that owing to guidance from the Indiana Governor, it would be still helpful to keep the daycare open for the present time. The Town Council indicated that he would advise the Parks and Recreation Superintendent.

5. ***Discuss the prospect of a vehicle exchange between the Town of Highland Building and Inspection Department and the Town of Highland Police Department.*** The Town Council discussed that the Police Department is experiencing undue difficulty in purchasing replacement vehicles as the supply is lower than demand. It was further noted that recently, the Town purchased new chargers for the police department and three were included that were designated for the Building and Inspection Department.

It was further noted that the Police Department could obtain Dodge brand Durango Sport Utility Style vehicles, and would exchange three of the Dodge Durango vehicles with the Building and Inspection Department for the three Dodge Chargers. The Chargers would need to be repurposed by removing the Building and Inspection Department logo and applying the police department markings.

The discussion included an inquiry regarding whether the price and application of the Durango vehicles was appropriate for the Building and Inspection Department's purposes. The inquiry included a discussion of whether there was a less expensive alternative vehicle or in the alternative an alternative fuel vehicle that could be obtained.

The Clerk-Treasurer indicated that since these vehicles are documented in the capital asset report, assigned to a specific department, the Town Council would need to act to approve or authorize the exchange of assets between departments.

- 6. Discuss the agreement with Lounges Entertainment for Professional Entertainment Services for the Independence Day Festival In July 2020 in the amount of \$33,000. This was an agenda matter for the meeting of Monday, March 9, 2020. At that meeting, the works board order that would approve the agreement the motion to approve the Works Board Order did not attain a second. So, the motion could not be considered. That tells me this needs to be discussed.*

The Town Council discussed why the motion to pass and adopt Works Board No. 2020-08, which would have approved the Lounges Entertainment Agreement did not attain a second, thereby the motion to pass was not enabled. The discussion included the omission of the signatures on the affidavit and the certificate for the e-verify use as required in Indiana law. It was noted that it is common for those to have them signed following adopting action by the Town Council. It was noted that the agreements would not be operative without those being signed.

The discussion included the apparent increase in cost for the services over the previous year, which was \$21,000 plus \$3,000 for the production services. The discussion included and exploration of the Fifteen thousand dollar (\$15,000) Canadian National Railroad Grant for which the Police Department had successfully applied and whether some of that could or would be dedicated to support enhanced entertainment bands. It was noted that some amount from that grant, not yet received, would be available to support entertainment.

The Town Council discussed the possibility of authorizing a Special Event with Alcohol Permit, (SEAP) issued by the Park and Recreation Board under HMC Section 11.10.225, and then approved by the Town Council, to support a craft beer garden to coincide with the Independence Day Festival at Main Square. There was an extended discussion regarding the location of the beer garden and the use of fencing with an extensive parameter. It was noted that Councilor Herak had participated in a site review at Main Square with others that explored the siting of the craft beer garden.

- 7. Discussed the Prospect of Modifying the Power Transmission for the Existing Town Hall Generator.* The Town Council noted that the exigent generator dedicated for the Town Hall was still programmed to fully power the basement where the police department formerly was housed. The size of the generator was limited in terms of output when purchased so, it was dedicated to fully powering the police department and some offices in the main floor. It was noted that the Building and Inspection Department had no power from the generator. The Town Council discussed perhaps having the Assistant Electrical Inspector to perhaps perform the necessary change at the electrical distribution box. It was noted that such a measure should be cleared with the Building Commissioner and there was the issue of funding the work outside of the Building Budget.

**Adjournment.** There being no further business necessary or desired to be discussed by the Town Council, the special meeting and study session of the Town Council of **Monday, March 16, 2020**, was adjourned by the Town Council President at 8:21 o'clock p.m.

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

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

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