

**Enrolled Minutes of the Second Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Special Meeting
Monday, January 9, 2012**

Special Meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its special session on Monday, January 9, 2012 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Bernie Zemen, presided and the Town Deputy Clerk-Treasurer was present to memorialize the proceedings. The meeting was opened with Councilor Mark Herak 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, Dan Vassar, and Brian Novak. Councilor Kuiper was absent owing to illness. The Deputy Clerk-Treasurer, Katy Dowling was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; and Cecile Petro, Redevelopment Director were present.

Also Present: Dominic Noce of the Redevelopment Commission, Tom Crowel and Ken Cuvala of the Crowel Insurance Agency, Fred Terpstra of Culver's Restaurant, and Randy Palmanteer of the Northwest Indiana Building Trades were also present.

Special Orders:

1. **Public Hearing on the Matter of Resolution No. 2011-54 in which the Town Council designated an Economic Revitalization Area (ERA).** The Economic Revitalization Area was designated by the Town Council for an area commonly known as 3940 and 3950 Ridge Road in the Town of Highland, Indiana at its meeting of December 12, 2011. At the same meeting, the Town Council fixed the date of January 9, 2012 as the date to hear testimony, remonstrances and objections from persons affected by or interested in the designated Economic Revitalization Area.

The Town Attorney verified the proofs of publication in accordance with Indiana Code 5-3-1. Councilor Zemen proceeded with the public hearing.

Cecile Petro, Redevelopment Director reviewed the content of the resolution with the Town Council. With leave from the Town Council, Ms. Petro introduced Mr. Fred Terpstra of Culver's Restaurant and invited him to comment on the status of site development. Mr. Terpstra indicated that he is awaiting final approval from the Indiana Department of Environmental Management so that he made proceed with closing on the sale of the site. Mr. Terpstra further indicated that he anticipates construction to begin between March 1 and April 1 and plans to be open no later than July 1, 2012.

Councilor Herak inquired as to what type of follow-up takes place to ensure that the recipients of abatement comply with the terms. Ms. Petro reviewed the process with the Town Council, including annual approval from the Town Council that requires the businesses to show that they are compliant based on the amount of value added, number of jobs added, etc.

Mr. Tom Black of 3515 Garfield Avenue inquired if all businesses that locate/relocate will be given 10-year abatements. Further, Mr. Black inquired about how this impacts the Town's financial resources. Councilor Herak responded that the abatements are reviewed on a case-by-case basis and that the Town Council depends upon the Redevelopment Commission and Director to evaluate and recommend to the Town Council.

Mr. Mark Harrison of 3004 Garfield indicated that he is not in favor of the Economic Revitalization Area and that he believes the Town needs the additional tax money so that Public Works employees can receive raises.

There being no further comments, Councilor Zemen closed the public hearing.

Councilor Herak moved the passage and adoption of Resolution No. 2012-01. Councilor Vassar seconded. Under discussion, Randy Palmateer of the Northwest Indiana Building Trades asked that Mr. Terpstra's abatement have a condition that union labor would be utilized in the construction of Culver's Restaurant. Councilor Herak advised that this was simply a vote on the ERA, that Mr. Terpstra's petition would be heard at a later date. Mr. Palmateer asked that the condition be added at the time Mr. Terpstra's petition is heard. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND, INDIANA
RESOLUTION NO. 2012-01**

A RESOLUTION CONFIRMING AN ECONOMIC REVITALIZATION AREA AT 3940 ROAD and 3950 RIDGE ROAD

WHEREAS, Indiana Code 6-1.1-12.1 *et seq.*; amended, (the "Act") allows a partial abatement of property taxes attributable to "Redevelopment" or "Rehabilitation" activities and installation of new machinery and equipment in "Economic Revitalization Areas" as those terms are defined in the Act, and

WHEREAS, The Act provides that such Economic Revitalization Areas are areas within the Town which have:

"...become undesirable for, or impossible of, normal development, and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired values or prevent a normal development of property or use of property", and

WHEREAS, The Act empowers the Town Council to designate Economic Revitalization Areas within the Town by following a procedure hearing, provision of a public notice at least ten days before the date of a public hearing, conducting a public hearing and confirmation of the Preliminary Resolution and a Final Resolution, and

WHEREAS, The Town Council adopted **Resolution 2011-54** fixing 7:00 PM, Monday, January 9, 2012 in the Council Chambers, Highland Town Hall, 3333 Ridge Road, Highland, Indiana, as the time and place for a public hearing for receiving remonstrances and objections from persons interested in or affected by the designation of a Economic Revitalization Area and directed the publication of notice of said hearing in accordance with the requirements of applicable law and notice was published ten days prior to the public hearing; and

WHEREAS, Notice of the public hearing was given to taxing units with a report consistent with statutory requirements of IC 6-1.1-12.1-3 (a) to provide a "Statement of Benefits" expected to be derived from the proposed Economic Revitalization Area ten days prior to the public hearing; and

WHEREAS, Having conducted the public hearing on Monday, January 9, 2012, in which the Town Council received evidence concerning the Economic Revitalization Area, including all remonstrances and objections from interested persons, the Town Council now desires to take appropriate action regarding the designation of an Economic Development Area (ERA), based upon that evidence, the Statement of Benefits and the Council's independent investigation;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council of the Town of Highland as follows:

Section 1. That the Town Council hereby finds and determines that designations of **3940 Ridge Road and 3950 Ridge Road** as an Economic Revitalization Area(s) is consistent with its guidelines, endeavoring to create a positive image for the town through well designed, high quality development; to increase jobs and generate tax revenues through new development; to encourage development of business opportunities for all; to encourage private investment on Ridge Road which is located within the Redevelopment Commercial Corridor II; to enhance district neighborhoods through increased well planned economic opportunities; and to facilitate rehabilitation and expansion of the building at this location(s);

Section 2. That the Town Council hereby still further finds and determines as follows:

(a) That real estate located at **3940 Ridge Road and 3950 Ridge Road** continues to be undesirable for, or impossible for, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values of or prevent a normal development of property or use of property, and/or such real estate includes a facility or group of facilities that are technologically, economically, or energy obsolete and which such obsolescence may lead to a decline in employment and tax revenues; and

(b) That the goal for a net increase of twenty (20) full-time equivalent (FTE) jobs as set forth in the *Statement of Estimated Benefits* associated with the ERA designation can reasonably be expected to result within the *Economic Revitalization Area* with average salaries of \$18,000.00 per year from private investment that would not occur but for a property tax abatement incentive; and

(c) That the goal for a \$817,000.00 net increase in the assessed value of real estate can reasonably be expected to result within the *Economic Revitalization Area* from private investment that would not occur but for a property tax abatement incentive; and

(d) That the totality of the benefits expected increased private investment within the *Economic Revitalization Area* is sufficient to justify property tax deductions; and

(e) That in making the foregoing findings and determinations regarding designation of the real estate as an *Economic Revitalization Area*, the Town Council has considered the effective utilization of vacant urban land, the stabilization and conservation of neighborhoods, the rehabilitation and replacement of obsolete and deteriorated structures, improvements to the physical appearance of the Town, effective utilization of energy, avoidance of environmental harm and increases in employment and assessed value of property located within the Town.

(f) That the foregoing findings of fact are true, all information required to be submitted has been submitted in proper form and all requirements for approval of property tax abatement within the Highland Redevelopment Area have been met.

Section 3. That **Resolution 2011-54** adopted by the Town Council on December 12, 2011 is hereby confirmed and the real estate located at **3940 Ridge Road and 3950 Ridge Road** as described in **Exhibit A** is hereby declared, designated and found to be an *Economic Revitalization Area*.

Section 4. That a property owner or owners within the *Economic Revitalization Area* who seek tax abatement must submit an application on a form approved by the Redevelopment Commission and a "Statement of Benefits" (Form SB-1) prescribed by the Indiana Department of Local Government Finance before installing new equipment or before the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. The application will establish standards to be used for evaluating applications for tax deduction that have a reasonable relationship to development objectives and design standards of the Redevelopment Commission.

Section 5. That along with the application, an Application Fee shall be paid, hereby fixed in the amount of \$250.00 to defray actual processing and administrative costs and an Economic Development Fee, not to exceed 15% of the tax savings over the course of the tax abatement, shall be paid, subject to appropriate authorization by ordinance of the legislative body.

Section 6. That as part of the consideration of all abatement applications, the Town Council will conduct a public hearing before making its decision whether or not to approve a deduction. The Town Council may approve a deduction period up to ten (10) years.

Section 7. That the Clerk-Treasurer is authorized and directed to file a copy of this resolution, including a description of the real estate as contained in **EXHIBIT I**, with the Lake County Auditor.

DULY RESOLVED and ADOPTED this 9th Day of January 2012, 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:

Kathleen A. Dowling, IAMC
Deputy Clerk-Treasurer (IC 33-16-4-1; IC; 1-1-4-1(5); IC 36-5-6; IC 36-5-6-7)

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer and Principal

EXHIBIT A

LEGAL DESCRIPTION OF 3940 AND 3950 RIDGE ROAD

3940 RIDGE ROAD

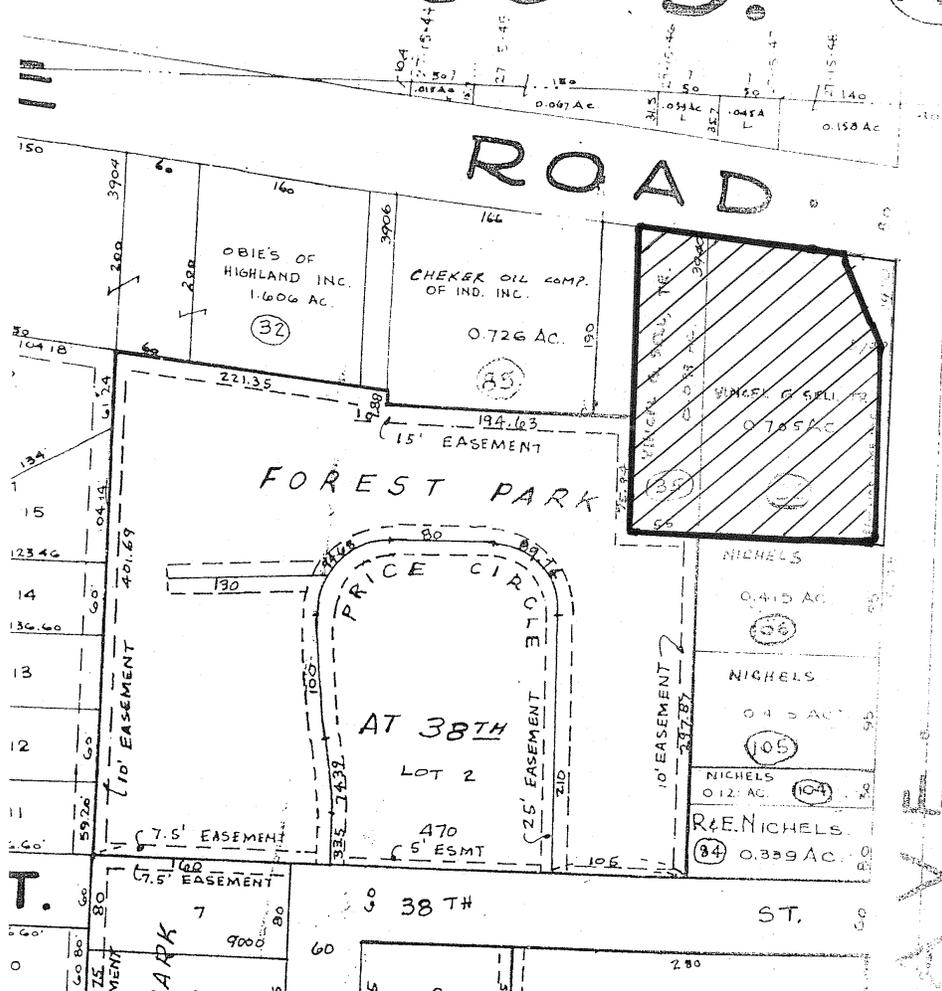
Part of the East 440 feet of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 27, Township 36 North, Range 9 West of the 2nd Principal Meridian, described as commencing at a point in the center of Ridge Road 191.178 feet Northwest of the East line of said Section 27 at the intersection of the center line of Cline Avenue and Ridge Road; thence Northwesterly along the center of said Ridge Road 251.55 feet; thence South to the North line of the South 7 acres of the East 440 feet of the said Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; thence East along the North line of said South 7 acres 250 feet; thence North to the point of beginning, except therefrom that part described as follows: Commencing at a point in the center of Ridge Road 442.728 feet Northwest of the East line of said Section 27 at the intersection of the center line of Cline Avenue and Ridge Road; thence Southeasterly along the center of said Ridge Road 166.20 feet; thence South 190.24 feet; thence due West to the West line of said East 440 feet; thence North to the point of beginning, in the Town of Highland, Lake County, Indiana. Key No. 27.17-35 (Parcel No. 45-07-27-228-005.000.026),

3950 RIDGE ROAD

Part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 27, Township 36 North, Range 9 West of the 2nd Principal Meridian, in Highland, Lake County, Indiana, described as beginning at the intersection of the East line of said Section 27 with the center line of Ridge Road at a point 96.70 feet South of the Northeast corner of said Section 27; thence South 232.09 feet along the East line of said Section 27; thence West 245.00 feet at right angles of said East line of Section 27; thence North 257.18 feet at right angles to aforesaid 245 foot line to the center line of Ridge Road; thence Southeasterly on the center line of Ridge Road 246.54 feet to the place of beginning, excepting the Northerly 40 feet which is embraced in Ridge Road and also excepting that part granted to the State of Indiana by right-of-way grant, dated February 25, 1961 and recorded March 27, 1961 in Deed Record 1150, page 518, as Document No. 319407, and also excepting that part condemned in Cause No. C61-656, Lake Circuit Court, filed May 11, 1961 and excepting the West 55 feet measured along the South line thereof. Key No. 27-17-36 (Parcel No. 45-07-27-228-006.000-026).

3940 to 3950 RIDGE ROAD

C. 27-36-9. (17)



- Action on Property, Commercial and other non-health insurance lines for the Town of Highland for FY 2012 as presented by Crowel Insurance Agency. Crowel Insurance Agency has proposed a total cost of \$223,587. This includes the increased property values for Lincoln Community Center and all additions throughout the year.

Mr. Crowel and Mr. Cuvala reviewed the process that they went through in generating the 2012 renewal, including additional changes that will further reduce the renewal amount.

Councilor Herak moved for approval of the Property, Commercial and other non-health insurance lines for FY 2012. Councilor Novak seconded the motion. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed.

Adjournment. Councilor Novak moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular meeting of the Town Council of Monday, January 9, 2012 was adjourned at 7:24 O'clock p.m.

Kathleen A. Dowling, IAMC
Deputy Clerk-Treasurer