

ORDINANCE No. 1489
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND the HIGHLAND MUNICIPAL CODE,
ESTABLISHING AND AUTHORIZING A HIGHLAND MAIN STREET
BUREAU, REPEALING ALL ORDINANCES in CONFLICT THEREWITH,
and DECLARING an EMERGENCY

WHEREAS, I.C. 36-1-3-4(b) specifically provides that a unit of local government has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute; and

WHEREAS, IC 36-7-4 specifically provides that a unit of local government shall govern planning and development according to its terms and provisions;

WHEREAS, The Town Council has previously adopted the provisions of IC 36-7-4 establishing a plan commission and IC 36-7-14 establishing a redevelopment commission;

WHEREAS, The Highland Town Council has determined that the amendment of the Highland Municipal Code to Establish and Authorize a Highland Main Street Bureau, a section within the Redevelopment Department, to be an exercise of local authority consistent with the provisions of IC 37-7-4, IC 36-7-14 and IC 36-1-3 and necessary or desirable in the conduct of its affairs;

WHEREAS, The Highland Town Council has further determined that the amendment of the Highland Municipal Code to Establish and Authorize a Highland Main Street Bureau would further perfect the organization of the municipality and advance its ability to provide and manage economic development and redevelopment in the municipality; and

WHEREAS, It would be and is in the best interest of the Town of Highland to enact such an ordinance as an amendment to the Highland Municipal Code;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. The Highland Municipal Code is hereby amended by adding a new Chapter or Subchapter, as the Clerk-Treasurer may direct, to be numbered ____ and to be entitled: *Highland Main Street Bureau*, which shall read as follows:

Redevelopment Department: Highland Main Street Bureau

§ XXX.01 ESTABLISHMENT

There is hereby authorized, created and established a subdivision of the Redevelopment Department of the Town of Highland, to be called the *Highland Main Street Bureau*, pursuant to IC 36-1-3, and IC 36-7 et seq.;

§ XXX.02 BOARD of DIRECTORS

(A) The Highland Main Street Bureau shall have a board of directors, which shall consist of not less than seven (7) members and not more than twenty (20) members, as follows:

- (1) The municipal executive shall appoint four (4) special constituency members, one of which shall be chosen from the membership of the Highland Town Council; one of which shall be chosen from the membership of the Highland Economic Development Commission; one of which shall be chosen as a representative of the Highland Chamber of Commerce, from its membership or staff; and one of which shall be chosen as a representative of the Highland Downtown Association from its membership.
- (2) The municipal legislative body shall appoint up to eleven (11) persons, who must be Highland residents who are interested in the objects and purposes of the Main Street Bureau.
- (3) The entire membership of the Highland Redevelopment Commission shall be members by virtue of their office.

(B) The clerk of the municipal legislative body shall certify members appointed by legislative body and the executive shall certify his appointments. The certificates shall be sent to and made a part of the records of the Redevelopment Department.

§ XXX.03 TERMS OF SERVICE and MEMBERSHIP EXPECTATIONS

(A) Each member selected under section XXX.02 (A)(2) shall be appointed for a term of two (2) years and may not serve more than four years in any six-year period. Each member initially chosen under this ordinance, shall serve a term that term expires on the first Monday of January following the appointment. Thereafter, appointments shall run from the date of appointments, for a period not to exceed two years, concluding on the first Monday of January of the second year after the year of the member's appointment. If there is a vacancy for any reason, then the term is for the balance remaining on the unexpired term of the vacating member.

(B) A member selected under section XXX.02 (A)(1) serves until his or her successor is appointed and qualified. Additionally, the term of office of a member who is appointed from the membership of the Town Council or the Economic Development Commission, is coextensive with the member's term of office on that body. An original or a replacement member is eligible for reappointment.

(C) Members serve without compensation, but may be reimbursed for reasonable expenses incurred in furtherance of the purposes and objectives of this ordinance. Reimbursements are subject to State and local law, and may be allowed by the Redevelopment Commission as that body allows other expenditures.

(D) A citizen member may not hold other elective or appointive office in municipal, county, or state government.

(E) All members of the Highland Main Street Bureau and its Board of Directors are expected to actively participate in activities of the organization and its board including but not limited to (1) participation in meetings of the board; (2) supporting and encouraging the participation of others, such as business leaders, community leaders and other citizens, when appropriate; and (3) contribution of time, talent and information.

§ XXX.04 MEMBERSHIP VACANCIES AND REMOVAL

(A) The appointing authority may remove a member from the board of directors for any reason. Members appointed by either the municipal executive or the legislative body, serve at the pleasure of the appointing authority.

(B) If a vacancy occurs among the appointed members of the board of directors, then the appointing authority shall appoint a member for the unexpired term of the vacating member.

§ XXX.05 QUORUM, OFFICIAL ACTION AND ORGANIZATION

(A) A quorum consists of a majority of the entire membership of the board of directors.

(B) Action of the board of directors is not official, unless it is authorized, at a regular or special meeting, by a majority of the entire membership of the board of directors.

(C) At its first regular meeting in each year, the board of directors shall elect from its membership a president and a vice president. The vice president may act as president of the board of directors during the absence or disability of the president.

(D) The board of directors may elect or appoint and fix the duties of a secretary, who is not required to be a member of the board of directors.

§ XXX.06 QUARTERS, RECORDS AND MEETINGS OF THE BOARD

(A) The municipality shall provide suitable offices for the holding of board of directors meetings.

(B) The board of directors shall fix the time for holding regular meetings each month or as necessary. The board of directors shall keep minutes of its meetings. The minutes of board of directors meetings and all records shall be filed in the office of the Redevelopment Department and are public records.

(C) Special meetings of the board of directors may be called by the president or by two (2) members of the board upon written request to the secretary or the Redevelopment Director.

(D) The secretary shall send to all members, at least three (3) days before the special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if:

- (1) the date, time, and place of a special meeting are fixed in a regular meeting; and
- (2) all members of the board of directors are present at that regular meeting.

(E) All meetings of the board of directors are subject to the provisions of IC 5-14-1.5 et sequitur. Memoranda or minutes of meetings shall be made available within a reasonable time following meetings.

§ XXX.07 EXPENDITURES AND APPROPRIATIONS

(A) The fiscal body of the municipality may make appropriations to carry out the duties of the board, which shall be accounted for in the proper fund of the Redevelopment Department.

(B) The Redevelopment Commission may expend, in accordance with applicable municipal fiscal procedures, all amounts appropriated to it for the purposes and activities authorized by this chapter.

§ XXX.08 GIFTS AND GRANTS

(A) The municipality may accept gifts, donations, and grants from private or governmental sources for Highland Main Street Organization purposes

(B) Any money so accepted shall be deposited with the municipality in the fund established by Ordinance No. 1469, codified as _____, entitled *Economic Development Non-Reverting Fund* to be available for expenditures by the Redevelopment Commission for the purpose designated by the source.

(C) The resources identified in this section are authorized to be deposited to the credit of the *Economic Development Non-Reverting Fund in addition to any funds that are authorized under the fund's enabling ordinance.*

§ XXX.09 POWERS AND DUTIES

(A) The Board of Directors of the Highland Main Street Bureau may enlist and employ the resources of the Redevelopment Department, as the Redevelopment Commission may direct or allow, for the discharge of the duties of the Highland Main Street Bureau.

(B) The Highland Main Street Bureau shall:

- (1) strive to effectively and efficiently develop steps to restore, revitalize and promote the downtown of Highland. The downtown shall include but not be limited to all structures, attractions, and properties in the downtown area of Highland.
 - (2) promote growth, development, and stability in our downtown and utilize public/private partnerships to achieve those goals;
 - (3) prepare and submit an annual budget in the same manner as other departments of the municipal government and be limited in all expenditures to the provisions made for the expenditures by the fiscal body of the municipality.
- (C) The Highland Main Street Bureau, through its board of directors may:
- (1) adopt rules or operating bylaws for the administration of the board that are not inconsistent with the provisions and purposes of this ordinance, and state or municipal law.
 - (2) adopt and carryout a written work plan;
- (D) It shall be the duty of the Highland Main Street Bureau, through its board of directors to the extent practicable, to employ the following Indiana Main Street recommended four point approach to in the exercise of it powers:
- (1) Address the issue of **Design** or enhancing the physical appearance of the Highland Downtown by rehabilitating historic buildings, encouraging supportive new construction, developing sensitive design management systems and long-term planning. Further, it is the goal to work with all these elements to create a friendly, attractive place that will draw in visitors and businesses.
 - (2) **Organize for success** by building consensus and cooperation among the many groups and individuals involved in the revitalization process to ensure a self-reliant, broad-based, long-lasting downtown revitalization program. Foster cooperation from both the public and the private sector to achieve long-term, large-scale results.
 - (3) Employ **promotion** by marketing the commercial district's assets to customers, potential investors, businesses, local citizens, and visitors. To keep investors, visitors, and businesses coming downtown, work to reshape the community perspective of the Highland Downtown as a hub of activity. Build upon the community's unique heritage and culture send a consistent, compelling message promoting the downtown area.

- (4) Employ **economic restructuring**, strengthening the district's existing economic base while finding ways to expand it to meet new opportunities and challenges from outlying development. Highland Main Street Bureau's ultimate goal is to make the Highland downtown economically viable. Researching the regional market and consumer trends will provide a realistic picture of what market mix will work for the Highland downtown. Employing research, the Highland Main Street Bureau can begin stabilizing existing businesses and recruiting new businesses to fill the gaps.

§ XXX.10 GRANTS IN AID

The Highland Main Street Organization Board of Directors may, within its approved budget, negotiate for grants-in-aid and agree to terms and conditions attached to them, subject to the approval of the Redevelopment Commission.

Section 3. That any and all such ordinances in conflict with the provisions of this ordinance, are hereby repealed and have no further force or effect. *The Clerk-Treasurer shall be authorized to assign appropriate section numbers in support of the codification of the particular provisions of this ordinance.*

Section 4. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 28th day of February 2011. Consideration on same day or at same meeting of introduction attained 5 votes in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

Duly Ordained and Adopted this 28th day of Feb, 2011 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Brian J. Novak
Brian J. Novak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin
Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

