

**Enrolled Memorandum of the Meeting  
Study Session/Meeting (Convened Electronically/Hybrid)  
Twenty-Ninth Town Council of Highland  
Monday, March 20, 2023**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in a study session on **Monday, March 20, 2023**, 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 between and among all of the Town Council and supported the public's ability to observe and record the proceedings. People were able to participate in person and remotely, allowing for all councilors to be simultaneously seen and heard. When the agenda item provided for public comment, this was supported as well. Councilor Toya Smith, Councilor Mark Schocke, Councilor Tom Black, Councilor Roger Sheeman all participated in person, with Councilor Zemen being absent.

The meeting was streamed live on the Town of Highland, Indiana Facebook page and participation was supported by the Zoom on-line communication platform.

**Silent Roll Call:** Councilors Toya Smith, Mark Schocke, Tom Black, Roger Sheeman, were present in person as indicated and Councilor Zemen was absent. The Clerk-Treasurer, Mark Herak was present to memorialize the proceedings. *A quorum was attained.*

**Officials Present:** Ed Dabrowski, IT Director, Metropolitan Police Chief Ralph Potesta and Redevelopment Director Maria Becerra were in person.

**General Substance of Matters Discussed.**

- x. **Discussion:** Appointments.
- **Statutory Boards and Commissions**
  - Executive Appointments (May be made in meeting or at another time)*

Regional Statutory Commissions or Boards

1. **Economic Development Commission.** (1) Appointment to be made by the municipal executive, but requiring nomination from the Town Council. Term ends just before February 1<sup>st</sup>. *(Currently vacant)*
  - a. Nomination by the Town Council. *(The council would pass a motion to nominate.)*
  - b. Appointment by executive. *(If nominee is acceptable, the Town Council President may appoint.)*

**Home Rule Boards and Commissions**

2. **Community Events Commission** *Multi-Year position: (1) appointment to be made by the Town Council President. Term: 4 years.*

Currently serving: *Jacqui Herrera, Sandy McKnight*

3. • **Tree Board:** (1) appointments, to be made by the municipal executive, but requiring nomination from the Town Council. *(Position currently held by Natalie Stromberg.)*
  - a. Nomination by the Town Council. *(The council would pass a motion to nominate.)*
  - b. Appointment by executive. *(If nominee is acceptable, the Town Council President may appoint.)*

### ***Legislative Appointments***

Regional Statutory Commissions or Boards

Home Rule Commissions

1. **Main Street Bureau Board:** (17) appointments to be made by the Town Council. Term: Two years ending 1 Jan 2023. *There are currently 9 of the 17 in place and serving. Currently serving are Teri Yovkovich, Rhonda Bloch, Alex Robertson, Renee Reinhart, Diane Barr- Roumbus, James Roumbus, Sandy McKnight, Al Simmons and Ben Reinhart..*
3. **Community Events Commission** *Multi-year positions: (4) appointment to be made by the Town Council. Term: 4 years. (Note: Currently vacant)*

*Single year positions: (2) appointments to be made by the Town Council. Term: 1 year. (Note: Currently serving, Jack Rowe, Carol Parker, Linda Carter, Rachael Carter, Maria Armagast, Michelle Coon)*

- x. Discussion: Authorize the proper officer to publish legal notice of a public hearing. Public hearing to considering additional appropriations in the amount of \$40,000.00 in the Redevelopment Capital Fund to be held on April 10, 2023, at 6:30 P.M. O'clock in the Municipal Building, 3333 Ridge Road Highland. (Tattoo Parlor)

Included in the agenda, was the Commercial Property Improvement Grant Program Guidelines. Both Councilors Sheeman and Schocke emphasized that it is the Redevelopment Commission's authority to tweak or make changes to the Guidelines and not the Town Council. Its their Guidelines. The purpose of this discussion is to simply to determine whether to place in on the agenda.

Councilor Black asked the Council on whether they were ready to take-action or did they need more time for discussion?

Councilor Schocke said he hasn't seen any receipts or any of the actual documentation. I mean to the extent that it all complies with the guidelines and all of that. Maybe there's not an issue here but basically, what we have is a request from the Redevelopment Commission to appropriate \$40,000 without any documentation that I've seen. Maybe it exists. I don't know.

Attorney Reed said he thought he sent out an email to all of the Council in response to a public access or records request which included all of the invoices in it.

Councilor Schocke said he didn't think so but he would check his emails again. I know you responded to the person who made the request but not to the Council.

Redevelopment Director Maria Becerra under the Guidelines dated 2020, upon completion of the project, she will gather all of the contractor receipts and other documentation and review them to make sure they qualify for the grant. She reminded the Council that at its December 12<sup>th</sup> meeting, the Council did approve the \$40,000 grant for Nephilim but unfortunately the appropriation lapsed. The Redevelopment Commission is simply coming before the Council to re-appropriate the \$40,000 so she can process the grant. She reassured the Council that all of the requirements of the guidelines will be followed.

Councilor Schocke said all that I am saying is that I would like to see the documents.

Maria said before the next meeting, she will provide the Council with the receipts she has received to date.

Councilor Schocke continued that I think the Guidelines are a little broad and sometimes I don't know what the improvements are. I think that this program started as a facade grant program, referencing the exterior and at some point it made a change to include interior which was before my time and now we're allowing for plumbing, mechanical and electrical. I do have a problem with paying for a private businesses HVAC system. I think that's above and beyond. If the idea is to make the outside look good and make our downtown look good, then I think we should stick to the exterior only.

Councilor Black said what if a building had an outside the window air conditioner extending over the street and to comply with the law they need to remove it and place it inside, so to me that would be eligible under the guidelines.

Councilor Schocke continued that he doesn't like the idea of paying for a private businesses HVAC. He said he sees inconsistencies in the guidelines. He pointed out that on one page it lists ineligible activities as interior work. Then when I go to the next page, it lists all interior work as eligible. Which one is it? The Redevelopment Commission needs to fix this as it is very misleading.

Maria said it isn't any longer known as the Façade Improvement Grant but as the Town of Highland Commercial Property Improvement Grant. Several applicants have received

grants based upon interior work. She cited Fuzzyline as an example. In all fairness to Nephilim, they applied for this grant back in November. The Redevelopment Commission approved the grant and the Council approved the grant for \$40,000. If the Council wants the Redevelopment Commission to change certain of the criteria, that's fine but it should be done going forward and re-appropriate the money for the grant to Nephilim. We are reviewing the receipts based upon the guidelines currently in place. We're working on that we're going to scrutinize those and make sure they fall within the guidelines that are written in the current commercial property grant. It's not fair to change the rules midstream. There aren't 2 programs, façade and interior but one program called Commercial Property Improvement Grant. This grant was initiated when Kathy DeGuilio-Fox was the Redevelopment Director. She changed things to include interior to accommodate Maria's.

Councilor Schocke asked Maria, you said the work was done in December. Why were the receipts entered then so they could get paid, rather than letting the appropriation lapse?

Maria said that you can't start work until the grant is approved as that's part of the guidelines. So, in order to get a \$40,000, the petitioner will have to show qualified receipts of \$120,000 in order to qualify.

Councilor Schocke asked why wouldn't you apply for the grant after the work is done?

Maria said no, the petitioner applies for the grant before they begin the work. They meet with myself and discuss what they are planning on doing. I think in the Nephilim application, I think her original estimate was \$450,000 to \$470,000. You don't receive the funds till you show that you've done the work and paid the contractors.

Attorney Reed advised the Council that he just sent the email he sent to the public access requestor to the Council.

Councilor Black said we need to re-appropriate the money as we promised it back in December.

Councilor Schocke says the improvements cannot be only made to the interior. You can have a great looking building on the inside by awful looking building on the outside. I mean, wasn't the original idea of the grants was to beautify downtown or whatever it might be. I mean, if you look at the front of Les Brothers Café and how modernized and dressed up it looks. Apex is another example.

Maria said the exterior work at Nephilim matches the exterior work of Fuzzyline.

Councilor Schocke said he wasn't trying to split hairs but if you look at number 10 of the guidelines, it clearly says the rules and guidelines are subject to change and can be changed at any time. He was suggesting that several of the guidelines need to be changed.

Councilor Sheeman said the building looks nice to the passing public every day but in the meantime, we need to fulfill our obligation. He added, if we hadn't reduced the appropriations in the Redevelopment Capital Fund to \$0 and moved everything into cash, we wouldn't be having this discussion as the Redevelopment Commission could have proceeded without approval from the Council as it would be under their purview. They're asking for the money we took from their budget.

Councilor Black instructed the Clerk-Treasurer to put the item on the March 27<sup>th</sup> agenda.

**x. Discussions: Reviews for Economic Revitalization Area Compliance**

Dan Botich, of SEH, was present to discuss the review process for Economic Revitalization Area Compliance.

Before he began, Councilor Black said he reviewed the CF-1 and felt all were-in compliance except for Demand Real Results, LLC as he had some concerns regarding the number of employees projected as they miss the projections.

Dan interjected that he very quickly wanted to give a very short overview. So, every year, the Town asks for all the businesses that receive an ERA, that they submit their CF-1 forms in a timely manner, so that they could be submitted to the Town Council for review in one batch as opposed to receiving them separately. What the Council has before them are all of the CF-1's as submitted. If the Council approves, they will be sent to the County Auditor, in one batch. If the County Auditor approves, making certain the Town Council approves, then the Auditor will then apply the deductions in August which is then applied to the certified AV. With that being said, we have looked at all the forms CF-1's that have been submitted and they are all accurate in their calculations and fulfill the requirements of the submission. We have not verified if they have the employees as stated on the form as we typically do not do that but we do check to make sure that the assessed valuations are accurate. The calculations are accurate and that it's consistent with prior years filings. He said to Councilor Black, we found nothing to be out of order with regards to Demand Real Results, LLC. There's a little bit unusual but it's not out of the scope. The issue there is the question of interior improvements. They apply for the deduction and they received the deduction. Most of the improvements made to the building were predominantly interior improvements which aren't assessed, so they technically don't receive a deduction because their AV is less than their improvements as interior improvements don't add to their AV. So, even though they receive it, they really don't receive a deduction. It's \$0 every year and is sort of a moot point. They may not have hired the number of employees to comply with their CF-1 but they aren't really getting a deduction so it is fine. They are technically filing it because they have to. If they don't file their CF-1, they would not be eligible to receive their deduction but by filing it, they're still not going to really get a deduction because they're AV didn't increase because interior improvements don't increase their AV.

That's one of those quirks with the assessed evaluation process. I know that it was a quick overview but I'll be happy to answer any questions the Council might have but they all appear to be in order.

Councilor Sheeman asked about City Volkswagen as there is nothing listed under Section 3 except for the actual.

Dan explained that in some and that's the case here, they use real property but the challenge is to determine what the assessed valuation is going to be because that's at the discretion of the Lake County Assessor, who has to go out and look at the building in order to assess it. For example, if a company was going to put in a \$1 million of real property improvements, historically, about 75 to 80% of that is going to be assessable property or roughly \$750,000 to \$800,000. We do our best to estimate that number and provide an economic analysis that ties into that number. We did not do that Volkswagen as their consultant or property owner did not know what the AV was going to be so they put to be determined. You then base the cost of the investment that was on the SB-1. In the case of City Volkswagen, they listed the actual number of employees and current salary. If you look at their real estate improvements, they thought it would be \$4,098,737 and it was assessed for \$2,761,200. Not a lot of people go to the Assessor and ask if they wouldn't mind cranking up my assessed value by \$1.3 MM. It does happen but it is more of an anomaly.

Councilor Black mentioned he did not see a CF-1 for Circle GMC and he advised that this was their last year and should have filed. It may be that the reduction was so low, they didn't bother to fill one out.

Dan went on to describe Webb Hyundai as it is a little bit unique. He advised the Council to understand that theirs was approved I believe 2 years ago and their investment was \$3.5MM. As of today, it has not been fully assessed to date, so it was estimated on January 1, 2023. So, when the Council approves their SB-1, it technically acts as their CF-1. So, if they submitted a CF-1, there was no need to do that but maybe they want to let the Council know what investment they've made to date but they wouldn't have received a deduction until it is fully assessed. I reached out to the Lake County Assessor today and according to them it wasn't fully assessed as of January 1, 2023, which means it would come under the form SB-1. The SB-1 would act as the first year's CF-1. They would receive a deduction in August which would be applicable to their 2024 taxes, as we pay our taxes in the rears. Once these are approved, we will go back and update the annual ERA monitoring report to the Town Council. We do that every year and I make a presentation to the Council which will show the Council which deductions rolled off and the tax levy impact and the effect on the tax rate. I will show the Council using a gnat chart which will show the Council which assess valuations deductions roll off in a particular year. For the year 2023, there are only 9 remaining ERA deductions. 6 will roll off within the next 2 to 3 years. By the year 2027, payable in 2028, there will be no more ERA deductions remaining.

Several Councilors expressed relief that eventually all the ERA deductions will drop off so the properties are paying their full amount of taxes.

**Consideration of the Compliance with the Statement of Benefits as filed and represented by People’s Bank S.B. 3915, 3919 & 3927 Ridge Road, Highland.** *At its meeting of September 14, 2015, the Highland Town Council passed Resolution No. 2015-37 approving this application and its terms for **property tax abatement** upon the increase in assessed value of \$667,800 as well as a new job and retention of five existing jobs all in consequence of construction of a new building, a People’s Bank SB Branch at 3915, 3919 and 3927 Ridge Road, for a period of time **not to exceed ten (10) calendar years**, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. The Town Council conducted its first review at its meeting of November 13, 2017, its second at the Town Council meeting of 26 February 2018 and its third review at its meeting of 25 February 2019 and its fourth review at its meeting of 9 March 2020 and its fifth review at its meeting of 8 March 2021 and its sixth one at its meeting of 28 March 2022. The Town Council found the applicant in compliance at each meeting. This is **the seventh review** for compliance by the petitioner of its terms in the application **but the sixth one** that applies after filing with the Lake County Auditor. This review is for Taxing period 2023 pay 2024. If approved, four years remain on the 10-year abatement.*

**Consideration of the Compliance with the Statement of Benefits as filed and represented by High RE 3940, LLC d.b.a., Culver’s 3950 Ridge Road, Highland.** *At its meeting of January 30, 2012, the Highland Town Council approved this application for **property tax abatement** upon the increase in assessed value in consequence of construction of a new building a Culver’s Restaurant 3940 and 3950 Ridge Road, for a period of time **not to exceed ten (10) calendar years**, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. The Town Council conducted its first review at its meeting of March 9, 2015, its second at its meeting of February 08, 2016, its third review at its meeting of February 27, 2017, its fourth review at its meeting of 26 February 2018, its fifth review at its meeting of 25 February 2019, its sixth review at its meeting of 9 March 2020, its seventh review at its meeting of 8 March 2021, its eighth review at its meeting of 28 March 2022. The Town Council found the applicant in compliance at each meeting. This represents **the ninth review** of compliance for this property and the ninth one that applies after filing with the Lake County Auditor. This review is for Taxing period 2023 pay 2024. If approved, one year remains on the 10-year abatement.*

**Consideration of the Compliance with the Statement of Benefits as filed and represented by City Volkswagen of Highland d.b.a., Highland Volkswagen, 9601 Indianapolis Boulevard, Highland.** *At its meeting of October 10, 2012 and confirmed at its meeting of December 10, 2012, the Highland Town Council approved this application for **property tax abatement** upon the increase in assessed value in consequence of construction of a new building a Volkswagen Retail Dealership, 9601,9553 and 9545 Indianapolis*

*Boulevard, Highland, for a period of time **not to exceed ten (10) calendar years**, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. The Town Council conducted its first review at its meeting of March 9, 2015, its second at its meeting of February 08, 2016, its third review at its meeting of February 27, 2017, its fourth review at its meeting of 26 February 2018, its fifth review at its meeting of February 25, 2019, its sixth review at its meeting of 9 March 2020, its seventh review at its meeting of 8 March 2021, its eighth review at its meeting of 28 March 2022 . The Town Council found the applicant in compliance at each meeting. This represents **the ninth** review of compliance for this property and the ninth one that applies after filing with the Lake County Auditor. This review is for Taxing period 2023 pay 2024. If approved, one year remains on the 10-year abatement.*

**Consideration of the Compliance with the Statement of Benefits as filed and represented by Indiana GROCERY GROUP (formerly known as SVT, LLC.), 2244-45<sup>th</sup> Avenue, Highland.** *At its meeting of March 26, 2012, the Highland Town Council approved this application for **property tax abatement** upon the increase in assessed value in consequence of construction of a new building SVT, LLC Headquarters, 2244 45<sup>th</sup> Avenue, Highland, for a period of time **not to exceed ten (10) calendar years**, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. The Town Council conducted its first review at its meeting of April 13, 2015, its second at its meeting of February 08, 2016, its third review at its meeting of February 27, 2017 its fourth review at its meeting of 26 February 2018, its fifth at its meeting of 25 February 2019, its sixth review at its meeting of 9 March 2020, its seventh review at its meeting of 8 March 2021, its eighth review at its meeting of 28 March 2022. The Town Council found the applicant in compliance at each meeting. This represents **the ninth** review of compliance for this property and the ninth one that applies after filing with the Lake County Auditor. This review is for Taxing period 2023 pay 2024. If approved, one year remains on the 10-year abatement.*

**Consideration of the Compliance with the Statement of Benefits as filed and represented by Indiana Land Trust Company TR#120086, dba Webb Hyundai, LLC 9236 Indianapolis Blvd, Highland.** *At its meeting of August 9, 2021, the Highland Town Council passed resolution 2021-39 and approved this application for **property tax abatement** upon the increase in assessed value in consequence of the remodeling of the existing building Webb Hyundai, LLC 9236 Indianapolis Blvd, Highland, for a period of time **not to exceed five (5) calendar years**, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. The Town Council is conducting its first review at this meeting. This is **the first** review for compliance by the petitioner for this property and the first one that applies after filing with the Lake County Auditor. This review is for Taxing period 2023 pay 2024. If approved, four years remain on the 5-year abatement.*

**Consideration of the Compliance with the Statement of Benefits as filed and represented by Demand Real Results, LLC, dba SAFETY TRAINING SERVICES, INC., 8516 Henry Street, Highland.** *At its meeting of September 8, 2014, the Highland Town Council approved this application for **property tax***



*abatement upon the increase in assessed value in consequence of conversion of existing vacant building located at 8516 Henry Street, Highland, for a period of time **not to exceed ten (10) calendar years**, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. The Town Council conducted its first review at its meeting of February 8, 2016, its second at its meeting of February 27, 2017, its third review at its meeting of 26 February 2018, its fourth review at its meeting 25 February 2019, its fifth review at its 9 March 2020, its sixth review at its 8 March 2021, with the Town Council finding that Demand Results, LLC abatement was not in compliance per (1) property owner did not substantially comply with its statement of benefits and that the failure to substantially comply was not caused by factors beyond the control of the property owner. Pursuant to I.C. 6-1.1-12.1-5.9, notice in the form of a letter was sent including the following:*

- (a) (i) *The current number of employees is less than what was originally estimated. Actual number of employees is 27. Estimated number of employees is 34.*
- (ii) *Number of employees retained is less than what was originally estimated. Actual number of employees retained is 25. Estimated number of employees retained is 34.*
- (iii) *Number of additional employees is less than what was originally estimated. Actual number of additional employees is 2. Estimated number of additional employees over three years is 16.*

*On April 12, 2021, the Town Council conducted a hearing to further consider the property owner's compliance with the statement of benefits and whether any failure to substantially comply was caused by factors beyond the control of the property owner.*

*The re-review was conducted on the 12 April 2021, the Council found Demand Results, LLC to be in compliance, its seventh review at its meeting of 28 March 2022. This represents the eighth review of compliance for this property and the eighth one that applies after the filing with the Lake County Auditor. This review is for Taxing period 2023 pay 2024. If approved, two years remain on the 10-year abatement.*

**Consideration of the Compliance with the Statement of Benefits as filed and represented by Evajo, L.L.C., d.b.a. Pramuk Dental Center, 2706 Highway Avenue, Highland.** *At its meeting of June 24, 2019, the Highland Town Council passed Resolution No. 2019-24 approving this application and its terms for **property tax abatement** upon the estimated increase in assessed value of \$960,000 to be a net value of \$102,000 as well as a new job and retention of three existing jobs, all in consequence of construction of a new building, at 2706 Highway Avenue, for a period of time **not to exceed five (5) calendar years**, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. The Town Council is conducted its first review at its meeting of 9 March 2020, its second review at its meeting of 8 March 2021 and its third review at its meeting of 28 March 2022. The Town Council found the applicant in compliance at each meeting. This represents **the fourth** review of compliance for this property and the fourth one that applies after filing with the Lake County Auditor. This review is for Taxing period 2023 pay 2024. If approved, one year remains on the 5- year abatement.*

**x. Discussions:** Political Signs in the Park and in the July 3<sup>rd</sup> parade

This was asked to be on the agenda by Councilor Black who wanted clarification so the HCCE could publish in their applications.

Attorney Reed commented on the memo he passed around and gave this explanation on why he commented in that way. When I initially looked at the rules and regulations, it appeared like anyone could put any number of political signs where they wanted, basically littering the park with political signs. Well, that's not what it was about. It has to do with someone who has rented booth space or have entered a float in the July 3<sup>rd</sup> twilight parade, the signs cannot be free standing but must be connected or attached to the booth or float. Even though a booth has been rented or float entered, the entrant cannot stick political signs all over the park grounds or along the parade route as that's considered public property. The same applies to other vendors who rent booth space to participate in the 4<sup>th</sup> of July Celebration at Main Square. The Town cannot forbid them from placing signs on their booth. The signs must be attached or connected to the booth and cannot be placed all over the park.

There being no further business necessary or desired to be discussed by the Town Council, the regular study session of the Town Council of **Monday, March 20, 2023**, was adjourned by the Town Council President, at 6:59 O'clock p.m.

Mark Herak,  
Clerk-Treasurer