

*Prepared by
Robert J. Golec
Hammond City Clerk*

MINUTES OF THE COMMON COUNCIL
JULY 13, 2015

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on July 13, 2015 in the Hammond City Council Chambers.

Council President Michael Opinker presided.

Council Coordinator Carmen Balboa facilitated.

PLEDGE OF ALLEGIANCE was recited by all.
Invocation by Councilman Higgs.

ROLL CALL

PRESENT: Markovich, Spitale, Venecz, Kalwinski, Higgs, Emerson, Opinker

ABSENT: Uylaki, Hinojosa

TOTAL: 7

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Kalwinski, moved to accept the minutes from June 22, 2015 and place on file.

AYES: ALL

APPROVAL OF CLAIMS

Councilman Markovich, supported by Councilman Higgs, moved to approve the claims from June 17, 2015 through July 8, 2015. Claim #3576 through claim #3954, inclusive.

Councilman Markovich, supported by Councilman Higgs, moved to amend in claim:

#3955 Hammond Hermits A.A. Common Council
\$600.00

ROLL CALL VOTE (amendment)

AYES: Markovich, Spitale, Venecz, Kalwinski, Higgs, Emerson, Opinker

NAYS: None

ABSENT: Uylaki, Hinojosa

Motion carried

7/0/2

AMENDMENT ADOPTED

ROLL CALL VOTE (as amended)

AYES: Markovich, Spitale, Venecz, Kalwinski, Higgs, Emerson, Opinker

NAYS: None

ABSENT: Uylaki, Hinojosa

Motion carried

7/0/2

CLAIMS APPROVED

(as amended)

PUBLIC HEARINGS

None

MINUTES OF THE COMMON COUNCIL cont.

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COMMUNICATIONS

Councilman Higgs thanked all that helped with the 3 on 3 Basketball Tournament and presented Councilman Markovich with a plaque reading, "Who's Got Game? Councilman Higgs in appreciation of Councilman Markovich, Hammond 3rd District Councilman, Hammond 3 on 3 Basketball Tournament, June 27, 2015." Thank you Councilman Markovich.

Councilman Markovich thanked Councilman Higgs.

Council President Opinker read a letter from Rick Powers, District Deputy Commissioner, Northwest District, INDOT to the Hammond Common Council.

COMMITTEE REPORTS

Council as a Whole Committee - Councilman Spitale - Brought out 15-27.

Community and Crime Watch Committee - Councilwoman Venecz -
Tues., July 21, East Hammond Pullman Crime Watch; 6:30 pm; Ophelia Steen Center
Thur., July 16, South Hammond Crime Watch; Hammond Housing Authority Building; 7:00 pm

Announced that on August 4th the Community and Crime Watch Groups are partnering with the City of Hammond to host the 32nd Annual National Night Out. It is a drug and crime prevention event.

Read the mission of National Night Out.

ORDINANCE 3RD READING - FINAL PASSAGE

15-27 An Ordinance Amending Ordinances 9207, 8880, 8942, 8091, 9016, 9072, 9207, and 9124 Creating a Voluntary Retirement Program in 2015 for Certain Eligible Employees of the City of Hammond

Councilman Spitale, supported by Councilwoman Venecz, moved for passage.

Councilman Spitale, supported by Councilwoman Venecz, moved that originally this was written up that this will not be offered for the next two years. I'm amending in that it will not be offered for at least the next three years. Everything else is the same as it was in 2013. This program here, this one for the retirement, they have to sign up no later than Tuesday, September 1, 2015 and retire prior to Thursday, Dec. 31, 2015. An employee who signs up for this program can not withdraw after Tuesday, September 1, 2015.

Councilman Markovich - Just to ask the sponsor, why would you want to go from two to three years? What's the purpose of that?

Councilman Spitale - It's to get those that are eligible for the time to make forth that effort at this time.

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Markovich - But if we're gonna make it three years, what if there's somebody that wants to leave after next year, after two years, and now they're gonna be stuck with a third year then. Why would we want to do that? If somebody wants to go earlier why would you want to force somebody to work longer than what they want to?

Councilman Spitale - I'd like to call up the City Controller, please.

Controller Garay - I think, to answer that question, it's really just to encourage those who are at that point to consider the buyout. It doesn't prevent anybody from leaving next year or the year after. It just states that this will not be offered to them in a buyout form until 3 years have passed. It will be at your guys discretion, of course, if you were to take this up again at a later point.

Councilman Higgs read from the ordinance.

Councilman Spitale - I think at the last meeting that we had, according to the minutes, that Councilman Higgs requested to be added as a sponsor too. Is that correct Councilman?

Councilman Higgs - Correct.

Councilman Higgs - I think some of the conversation that came up in caucus was whether or not employees would come back and work as consultants and I think that was the concern that Councilman Markovich had. Of course he is here and he can answer to that question, but in previous incidents where people have retired and they came back and they made more money so in this essence this particular ordinance, as Controller, do you feel as though any of those particular employees that are eligible for this will be coming back as consultants?

Controller Garay - The ordinance prevents them from coming back full time, as we discussed. It does not prevent them from coming back as a part time employee or as a consultant to the city. As we discussed in caucus also, there's really very few individuals who could come back part time and still afford to live without taking their PERF. You have to separate employment in order to withdraw your pension benefits. So, if you were to retire and then come back part time, that's not in essence separating employment. You'd still be considered an employee of the city and would not be eligible to withdraw your PERF benefits. There are situations where an individual may be brought back on as a consultant. There has not been any contracts discussed at this point. We are unfortunately, if you take a look at those who are eligible, there are a handful of employees who have been with us for a long period of time. They hold high positions in the city. They have a lot of knowledge that we would like to take advantage of. Replacing them is going to be very difficult so there might be a circumstance where a few of them will be brought back on in a consulting basis, at least initially, for the replacement to be able to contact at times of emergency or when there are questions that come up on the job. But there has not been any contracts to that nature discussed at this point that I am aware of.

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Higgs - I just have one other question, and that would be as it relates to the 10% share, have you defined which employees will get the proceeds from the 10% shared versus their departments?

Controller Garay - That comes down to what is available within the 10% and what is remaining in the departmental budgets. Whether there is enough there to accommodate these individuals leaving. So, there is a list and it is about 23 individuals who are eligible at this point. I don't anticipate that all will take it. Those numbers will be determined September 1st which gives us plenty of time to review that within the budgets schedule before the end of the year and so it will just be a mixture between those funds wherever it's available. That's how it was put into the last ordinance and we just mirrored that this time around.

Councilman Markovich - The only thing that I would have a problem with, and let's just say that somebody retires at a salary of \$90 thousand, which there are some at that point, so they take the retirement and we turn around and we hire somebody new and we're gonna hire somebody new at \$90 thousand with no forty years of experience.

Controller Garay - That may not be the case.

Councilman Markovich - Well, but what I'm looking at then is that if in case that does happen, I mean I can understand that we need to hire that other person as a consultant and help the new person out. But I feel that if we hire somebody in that position that they shouldn't be getting the full \$90 thousand because they don't have forty years of experience. So the only thing I would be looking at is that if anybody is hired in that position that it be a reduction of 25% salary until they can learn something or whatever because in essence what we do if we hire somebody new with no experience we're paying that \$90 thousand plus we'll probably be paying another, at an hourly basis the same amount of money, so we're paying twice the amount and who knows how long that's gonna be.

Controller Garay - I can't speak for every position, I still don't know, like we said, who will take this and who will not. Typically though in some of these positions it would move up through the ranks. I will tell you when I took over as Controller I did not come on as the same salary as the previous Controller because I did not have his experience. So I'm sure that will be taken into consideration when the new salary is offered to the individual replacing those who take the buyout.

Councilman Markovich - Because I know some of the cities and towns what they're doing in their budgets, they're not being hired at that same high salary. It's just like in the building trades, they have what they call an apprenticeship program.

Controller Garay - There is no guarantee with this buyout that the individual who comes and fills that position will make the same amount as the prior employee.

Councilman Markovich - Well, there's no guarantee but if that's what it is in the budget.

Controller Garay - Well, you also set the salary ordinance.

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Markovich - Well, we set the salary ordinance but we set it for next year and if it's \$90 thousand and somebody takes retirement and then you bring in somebody off the street without 40 years experience they're gonna get the \$90 thousand then.

Controller Garay - That is partially why we are requiring them to sign up for this by September 1st and they can't withdraw after September 1st. So we will know at that point exactly who is taking the buyout, what positions will be open in next years budget. We'll be able to set the salary ordinance that you will all approve and then the person who fills that position will come in at the salary dictated by the salary ordinance.

Councilman Markovich - Okay, well that makes sense then. I can understand that. But see I know with some of the budgets the cities and towns are doing, let's say they are saying that the salary is gonna be from \$65 thousand to \$80 thousand. That's gonna be the range and then depending on who applies and what experience and what education they have, whether they're a professional engineer. Like if you take in the Engineering Department, you know, then they could probably get more money or whatever.

Controller Garay - We sometimes with our job postings offer them at a salary range but we can't exceed what's actually in the salary ordinance. That's the bottom number. There are no ranges in the salary ordinance. You guys will set that. So, we would have, I would hope that we would have someone in mind to fill those positions before next year comes when we're adopting the salary ordinance this year.

Councilman Markovich - But we can set the budget. Whatever the budget is you can not give them a salary that's higher than what's in the budget.

Controller Garay - Correct.

Councilman Markovich - Whatever the salary ordinance, you can offer them \$100 thousand but if there's only \$60 thousand in the budget then they're gonna have to take the job for \$60 and that's it then.

Controller Garay - We cannot, in the Controller's Office, pay somebody more than what their salary is set in the salary ordinance which you pass.

Councilman Markovich - But I always thought that you could set the salary at \$100 thousand but if the budget says only \$60 thousand you can't still pay them the \$100 thousand.

Controller Garay - What you pass in the salary ordinance with the budget, that is what State Board of Accounts is looking at.

Councilman Markovich - See, you're putting a disclaimer there, with the budget.

Controller Garay - You don't have to pass it with the budget, we typically do, because it makes sense. What is put into the budget are the numbers that are in the salary ordinance. They're done in the salary ordinance by

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Controller Garay cont. - position. When we put them into the budget there may be three people at that same position so you will see a budget line item for a higher amount because it's accommodating three individuals at that same salary. So, to answer your question, there is not a point when what you see in the budget and what you see in the salary ordinance are different things.

Councilman Markovich - You're saying it's not different?

Controller Garay - No, they're always the same number. We always use the same number there. If it were to come back and the State said that we can't spend this much money and we need to reduce the budget and we had to come back and look at salaries, that would come before you again to do so. So it's never gonna be a point where the budget says this individual makes this much and the salary ordinance says they make something different. They have to match.

Councilman Markovich - Right, right.

Controller Garay - So we will have this information about the buyout and, hopefully, who will be replacing that individual in time for the budget hearings. So, you guys will set that amount when that time comes.

Councilman Higgs - So I guess my question would be, as it relates to the consultants, how do you determine what they're gonna make?

Controller Garay - That's really not my call.

ROLL CALL VOTE (amendment)

AYES: Spitale, Venecz, Kalwinski, Higgs, Emerson, Opinker

NAYS: Markovich

ABSENT: Uylaki, Hinojosa

Motion carried

6/1/3

AMENDMENT ADOPTED

ROLL CALL VOTE (as amended)

AYES: Markovich, Spitale, Venecz, Kalwinski, Higgs, Emerson, Opinker

NAYS: None

ABSENT: Uylaki, Hinojosa

Motion carried

7/0/2

ORDINANCE NO. 9305 PASSED

(as amended)

INTRODUCTION OF ORDINANCES

None

RESOLUTIONS

15R-15 A Resolution Supporting Civility in Hammond
Sponsored by Councilwoman Venecz

Councilwoman Venecz, supported by Councilman Spitale, moved for adoption.

Councilwoman Venecz - I don't know how it really happened but it seems that we've become a society that lacks respect for oneself and for others. We see it every day from our leaders in Washington and those who want to be leaders. Our own state lacks tolerance for those who think and live differently than them. Our music, our t.v. shows, our behavior, in general, has deviated from the standard of respectability and civility. I saw an editorial in The Times from Mr. Bob Heisse about a campaign called Civility Counts that is being promoted in Northwest Indiana and I knew this was the perfect time for Hammond to set the standard and support the efforts of the Whiting, Robertsdale and Gary Chambers of Commerce in promoting Civility Counts. So I ask for final passage of 15R-15.

ROLL CALL VOTE (adoption)

AYES: Markovich, Spitale, Venecz, Kalwinski, Higgs, Emerson, Opinker

NAYS: None

ABSENT: Uylaki, Hinojosa

Motion carried

7/0/2

RESOLUTION R15 ADOPTED

NEW AND UNFINISHED BUSINESS

Councilman Kalwinski, supported by Councilman Emerson, moved to schedule and Intent to Consider on 15-28 for July 27, 2015. AYES: ALL

Councilman Higgs read correspondence from the Hammond Civic Center regarding the Memorial Park Property at Highland and Wallace Road.

Councilman Higgs - The 14th Annual Back to School Supply Give away will be held August 15, 2015 from 12-2 at MLK Park Pavilion located on Highland and Columbia Avenue. Sponsored by yours truly, Councilman Higgs. It also is a rally to rally the children of Hammond High School as well. I think Ms. King is here to speak on that issue later on.

15-22 INTENT TO CONSIDER : CP-15-04; An Ordinance Reclassifying Certain Lands in the City of Hammond for Zoning Purposes and Amending Ordinance No. 8514 (An Ordinance Establishing a Zoning Plan for the City of Hammond Including the Regulations and Maps to Administer the Zoning Plan in Order to Provide for Orderly Growth and Development Within the City, All in Accordance with the Comprehensive/land Use Plan, as Amended) for Property Commonly Known as 5228-5238 Calumet Avenue/710 Michigan Street

Councilwoman Venecz, supported by Councilman Spitale, moved for passage.

NEW AND UNFINISHED BUSINESS cont.

Councilwoman Venecz - This is the reclassification from C-4, General Commercial, to I-1, which is Light Industrial for the property at 5228 - 5238 Calumet and 710 Michigan Street.

ROLL CALL VOTE (passage)

Markovich, Spitale, Venecz, Kalwinski, Higgs, Emerson, Opinker

NAYS: None

ABSENT: Uylaki, Hinojosa

Councilman Higgs, supported by Councilman Markovich, moved to send a letter to the Hammond Police Department requesting them to beef up the patrol in my district, preferably the 1000 of Highland and Eaton where there have been a couple of shootings and the 1000 block of Merrill. I don't know what they think this is you can just start shooting around here but whatever we got to do to stop it I'm willing to do so let me make that part of the record so no one is misconstrued. We will not tolerate shootings.

LETTER SENT: July 14, 2015

Councilman Higgs - I think there was a shooting in Little Waco, as they call it, and as I was listening to WJOB for some reason or another they thought it was in the 3rd District. But whether it's in the 3rd or the 2nd, it's not tolerated. It's not acceptable. We will not tolerate people going around killing innocent people. Shooting in their homes. And whatever we got to do to rally the troops up to go door to door, I as Councilman Higgs, will lead that effort. Whatever's necessary. And from my understanding a young lady lost her life, which was ridiculous. Then another young man also lost his life. In all the years that I've lived in Hammond I've never heard of such. This is ridiculous and it has to stop.

PUBLIC EXPRESSION

Carlotta Blake-King - Spoke on the collaboration with the Hammond High PTSA, putting together a #allstudentlivesmatter rally. It will be in conjunction with the Back to School Giveaway. The parents need to be in tune with what is going on in the high school. There will be notable guests, food, and music.

Chuck Hughes - Gary Chamber of Commerce - This Civility Counts campaign that we are impassioned about is not a cure all but we believe that in every endeavor whether it's an ounce of civility necessary or if it's more sever and a pound of civility is necessary, we think that things can be readily resolved. This an awareness campaign. There is no budgeting necessary.

Gordon Bradshaw - Gary Chamber of Commerce - The Civility Counts initiative is an initiative that has quite a storied history in its only 90 days in existence. In April of 2015 we carried this message to the presidential library of Gerald R. Ford in Grand Rapids, Michigan. We were invited there by a United Nations Ambassador who saw the efforts of the Gary Chamber of Commerce and saw the response that they were getting and believed it was something not only for the community but for the nation and other nations as well. We're hoping everybody gets involved in this.

PUBLIC EXPRESSION cont.

Bob Heisse - Editor of the Times Media Co. - Thank you, Hammond is the 3rd government body to endorse "Civility". Many readers have thanked me for this. We are talking to a group of charter schools that are talking about putting it into the curriculum and making it a model for the schools. The biggest public display of this will be happening next week in Whiting for the Pirogi Fest. We are assembling a group of up to 400 volunteers who will greet people.

Pastor J. Calaway - Pastor of The Gate - The violence in the area has reached new levels. We have met with the police chief as well as a couple of the council members and tomorrow we are going to be walking in that neighborhood and going door to door and sharing the services we have. Next Tuesday we are opening up for a

neighborhood town meeting.

Anne Herbert - The Crime Watch Group is very supportive of anyone who is supporting against the crime that is happening in Hammond. Read their mission statement.

Alvin Cheeks - That shooting was a block away from my house and I approached those and I told them you can't just be out here recklessly shooting. You have to sit down with the youth leaders, I know some people call them gang members. These young men are heavily armed and don't respect anything but the code that they live by. If you want them to have an approach to being proactive you have to sit down with them.

Councilman Higgs, supported by Councilman Spitale, moved to return to New and Unfinished Business.
AYES: ALL

NEW AND UNFINISHED BUSINESS cont.

Councilman Higgs - First and foremost I'd like to say to the minister that I've been on the council for 12 years, I've been actively involved in not just Little Waco but throughout the entire district. I've reached out to your congregation and your church on several occasions for some reason or another I didn't get a response. I just want to make that clear to you now that you're here in front of me. Certainly there are some developments that are in the works that's going on over on Sohl Avenue currently. I have met with residents throughout Douglas Pointe. I've had meetings there. Discussed issues. Certainly I am open for discussion and dialogue as it relates to that particular area. If you not familiar, it corners the 2nd and the 3rd and Mr. Torres who was in the audience, I don't know if he's still here, who just won the nomination for the 2nd District of the City of Hammond. So, Mr. Uylaki is currently holding that position and now Mr. Torres is the nominee. But certainly there are some issues that are plagued within that particular area and certainly I am willing to do whatever's necessary, let me make that clear, whatever's necessary, to help you in your efforts. Also there's been a street been redeveloped with new lighting, as well as new sidewalks, as well as new infrastructure, in the district. In that particular precinct which is just adjacent to your church as well as Ivy Tech. So, for clarification, and so that you're not thrown of or someone is giving you some misinformation, I would suggest that you reach out to me and I'm certainly open to reach out to you and do what's necessary to move forward.

NEW AND UNFINISHED BUSINESS cont.

Councilman Kalwinski - I'd like to take this moment to congratulate the 14 and under Hermits All Star Team that went down state is currently in South Bend hoping to move on and congratulations to the 12 and under All Star Team from Hermits Little League who are also moving on to state tournament play. Good luck to both teams and make the most of your efforts, and if anyone is willing or interested in helping them with expenses related to housing, transportation, etc., the council has done some of that today with a claim but if you're interested in doing that you can contact the president of the Hammond Hermits, David Lee, at 219-588-8506 and make a contribution. I think checks are made out to H.H.A.A., which is Hammond Hermits Athletic Association.

Councilman Higgs - Alvin, you're correct in what you were stating. One of the things that's most needed in our community is jobs and programs for our youth because and idle mind is the devil's worship and if they don't

have anything to look forward to and no opportunities it makes them stagnant and feel useless. And the reality of it is more programs and more jobs need to be implemented especially in the area that I represent. I hear it on a day to day basis, people are crying out for employment.

Councilman Markovich, supported by Councilman Higgs, moved to adjourn.

AYES: ALL

Michael Opinker, President

ATTEST:

Hammond Common Council

Robert J. Golec, City Clerk

Time: 7:00 pm

cb

Minutes approved at the Common Council Meeting of July 27, 2015.