

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on March 12, 2018 in the Hammond City Council Chambers.

Council President Janet Venecz presided.

Council Coordinator Carmen Balboa facilitated.

PLEDGE OF ALLEGIANCE was recited by all.
Invocation by Councilwoman Venecz

ROLL CALL

PRESENT: Markovich, Spitale, Kalwinski, Torres, Higgs, Emerson, Woerpel, Rakos, Venecz

ABSENT: None

TOTAL: 9

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Emerson, moved to accept the minutes of February 26, 2018 and place on file. AYES: ALL

APPROVAL OF CLAIMS

Councilman Markovich, supported by Councilman Higgs, moved to approve the claims from February 21, 2018 through March 7, 2018. Claim #1309 through claim #1590, inclusive.

ROLL CALL VOTE

AYES: Markovich, Spitale, Kalwinski, Torres, Higgs, Emerson, Woerpel, Rakos, Venecz

NAYS: None

ABSENT: None

Motion carried

9/0/0

CLAIMS APPROVED

PUBLIC HEARINGS

None

COMMUNICATIONS

Councilman Higgs - Recently there was an incident at my home where I got sick and somehow or another the impression got as though I was personally accusing anyone, or the Fire or the Police Department of something , the nature, there was \$200 that was actually on my table that came up missing. I never accused anyone, I simply went to the Police Department first and asked the question as to if they knew what happened to the money. I went to the Fire Station, the Fireman, I don't even know his name, came out and said, "How did you get in here?" The door was open and from that point on another Fire Department Battalion or whatever he is came and start talking to me and I explained to him that I was not accusing anyone of anything I just simply wanted to

COMMUNICATIONS cont.

Councilman Higgs cont. - know what happened to my money. And for that I am, if I'm at fault for asking a question for something that was inside my house, I'm sorry. What could I say? But, in all honesty and all respect, I have the utmost respect for the Fire and the Police Department and I never accused them of talking anything. I just simply wanted to know what happened to the money that was on my table. I don't know how it got blown out of proportion and so I guess it's a political attack or whatever, I don't know, but the reality of it is I am sorry and I apologize for any mis-communication that occurred and took place in regards to that particular issue. That's all I have to say.

Councilman Rakos announced a fundraiser for Scott Middle School's Science Olympiad Team tonight. It goes 'til 9 o'clock at Freddy's Steak House and you can buy tickets at the door. Thank you.

Councilman Higgs read correspondence from the Hammond Police Department responding to his request of a sweep at the Tanglewood Apartment Complex. Last year a sweep was done and approximately 80 reciprocity warning citations and 60 days later further investigation led to 50 court citations issued. The vast majority of these are still pending in court. Regarding Douglas Pointe, management has been contacted and are very reciprocal to the police doing a reciprocity sweep there. Notice will be given to the residents explaining Indiana reciprocity law and then there will be a sweep. Warnings will be issued and will be checked against the list of residents on leases there along with other sources. Then court citations will be issued. Regarding 800 Carroll, there were ten reciprocity tickets issued and three vehicles red tagged for either no plates or expired plates.

Councilman Higgs announced a cleanup in the 3rd District. Bags and gloves will be provided. Starting on May 7th and continuing for the following two weeks and hopefully some dumpsters will be donated.

Councilman Rakos announced that on Saturday, March 17, Hessville will have the first ever St. Patrick's Day Parade starting at 1 o'clock at Hessville Park going all the way to 161st down Kennedy. Come out and help turn Hessville green.

COMMITTEE REPORTS

Building & Zoning Committee - Councilman Woerpel - Brought out 18-04.

Community & Crime Watch Committee - Councilwoman Venecz - Upcoming meetings:

- Fri., Mar. 16; C.W. at Silver Birch; 1 p.m. (L. C. Sherif as Guest speaker-Lunch provided)
- E. Ham'd Pullman C.W.; Tues., Mar. 20; Ophelia Steen Center; 6:30 p.m.
- Hessville C.W.; Thur. March 15; Jean Shepherd Center; 7 p.m.
- Lafayette Neighborhood Watch; Wed., Mar. 21; Lafayette School; 6:30 p.m.
- S. Ham'd C.W.; Thur., Mar. 15; Former Ham'd Housing; 7 p.m.

ORDINANCE 3RD READING - FINAL PASSAGE

18-04 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 *7527 Kennedy Avenue*

Councilman Woerpel, supported by Councilman Spitale, moved for final passage.

Councilman Woerpel - This is just a re-one from R-1 to S-1 for the old F.O.P. property and it's for future development.

ROLL CALL VOTE

AYES: Markovich, Spitale, Kalwinski, Torres, Higgs, Emerson, Woerpel, Rakos, Venecz

NAYS: None

ABSENT: None

Motion carried 9/0/0 ORDINANCE NO. 9404 PASSED

INTRODUCTION OF ORDINANCES

None

RESOLUTIONS

None

NEW AND UNFINISHED BUSINESS

Councilman Higgs - I did receive from the Superintendent of Parks in regards to the renovation of the pavilion at the park, and hopefully we can get that completed this year. I'm gonna see what's in the budget and since the Mayor's here hopefully he'll work with the Superintendent of Parks so we can get that completed for the renovation of the new pavilion at Harrison Park. Estimated cost is 299,6000 , that's without the trees.

Councilman Emerson - I'd like to wish everyone a Happy St. Patrick's Day and attend the Hammond's first St. Patrick's Day Parade over in the 6th District.

Councilwoman Venecz - I would like to announce that the Prom Genie has their 5th Annual Boutique Day coming up this Saturday, which is March 17, from 9 a.m. to 2 p.m. at the Jean Shepherd Center. Anyone looking to get a free prom dress, shoes, you can get a makeover, hair styles, manicures. Go to the Jean Shepherd Center and everything is free of charge. Again, that's Saturday, March 17 from 9 a.m. to noon.

Councilman Woerpel - Just for those that have an agenda that Intent to Consider wasn't needed because the ordinance passed.

*Prepared by
Robert J. Golec
Hammond City Clerk*

PUBLIC EXPRESSION

David Turpin Jr. - Asked Council to reintroduce the resolution in support of DACA.

Ruth Turpin - Teaches Ethics for the Professions at Purdue NW. Explains how this would pertain to a DACA resolution in Hammond.

Linda Anguiano - Here in support of DACA. Would like the Council to write a statement saying that they support DACA. Wouldn't ask the Council to do anything that would jeopardize Hammond's funding.

Lilia Wolf - Here in support of DACA. Has people in her life that are Dreamers or have family that are Dreamers.

John Halstead - As a U.S. Citizen he felt compelled to speak today because he knows many people that are directly affected by DACA and are afraid to speak out. Discussed the history of immigrants in the U.S. Believes this is a form of racism.

Carl Wolf - Here to once again ask the Council to put forward and pass a resolution to support DACA recipients. The city stood up against Pence's anti-gay legislation called RIFRA. We should do it again. Stand up to this crazy racist talk. We need to stand up and say we're not gonna put up with this.

Mayor McDermott - I'd like to continue the story, and I appreciate Mr. Wolf for coming up here and telling a story that happened in 2013. It happened exactly the way he said it. In fact, quite frankly, a lot of what he said I agree with. But let's continue the story. So in 2013 Mayor McDermott and the Hammond City Council stand up to a state law that's passed by Indiana and approved by the Governor, and we were outraged. First off, it was a state law that stripped our powers locally and we stood up in 2013. I remember being on tv, myself. I remember the City Council passing a resolution. Then in 2014 when we went back to the State House, the Indiana legislature passed a law that applied to one city in the State of Indiana, Hammond, Indiana. Where they gutted our rental registration program and said that you could only charge \$5 per unit and took \$750 thousand from Hammond every year since then. So, 2015, 2016, 2017, we're \$2.1 million out of pocket so far. Then I filed a lawsuit against the State of Indiana for targeting Hammond like that and we won. The Court of Appeals said, "Hammond, your constitutional rights were violated by the Supermajority. Good job, Mayor McDermott, you were right." The State of Indiana is appealing that and it's going to the Supreme Court. Acknowledging the State of Indiana targeted the City of Hammond and violated the Indiana Constitution. We're still \$2.1 million out of pocket and we're still paying for lawyers to go to the Indiana Supreme Court, and we may lose there. If we lose we'll never get that \$750 a year back, ever. Then Mr. Wolf also said Gary is being sued over their ordinance, very similar to the one we're proposing, or talking about. Gary was sued. They are asking for money. I agree it is a right wing wacko that is suing Gary. But I can tell you one thing I know about Gary, the Mayor and every city person on the city council were named individually and they all have their own lawyers. Ten lawyers on a 1st amendment case. Even if Gary is not found guilty for anything, that's a \$2 or \$3 million dollar case. Just defending themselves. For what? For passing a resolution that we have no control over. We have no control over. This was something passed by the U.S. Federal Government. I agree, I'm not a fan of this guy. I think he's doing a horrible job tearing our country apart. But our country voted for him. He's the President of the United

PUBLIC EXPRESSION cont.

Mayor McDermott cont. - States. And our state voted for Governor Holcomb. We worked hard against him. We have a 2/3 Supermajority in the House of Trump supporting Republicans. We have things they could take. And they could do it tomorrow, easily. And what are we gonna do, file a lawsuit and say give us our gaming money back? Give us our water revenue back. And then what are we gonna say, "Carl, you said that we weren't gonna get sued." So he says, "Sorry, I was wrong." Defend yourselves. We have stuff to lose. This isn't our job. I'll sign that resolution Tom McDermott right now. I have no problem with that. You ask the Mayor and the City Council to send something to Donald Trump, it does, to send something to U.S. Congress, it does, to send something to Governor Holcomb, the Attorney General, the Indiana Supermajority, saying, "Screw you, we are opposed to DACA." Guess what happens, next year I'm gonna be living in Indianapolis defending us. Trying to keep our gaming money. Trying to keep our water revenue right here where it belongs. They will take it. They've done it before, they will do it again. I understand everybody. I sympathize, it's a horrible thing we are talking about right now. This is the Hammond City Council. I am the Hammond Mayor. I have nothing to do with the immigration issue. Okay. You talk about the right guys. Tod Young, he has stand solidly with the President of the United States on this issue. That's where this pressure should be getting exerted. Congressman Pete, I imagine he supports opposing DACA, okay. I'm sure he supports us in this issue. Tod Rokita, it's be a joke if that guy was elected. You should be working hard ... you're focusing your energy in the wrong place guys. And we do have things to lose and the lawyers I talked to said, "You better stay out of this one and stay in your lane, Mayor McDermott, because you got stuff they could take." They've done it before and they'll do it again. I'm sorry, when you're asking the Mayor and the City Council to get involved, it's a whole separate thing. You ask Dave Woerpel, he may feel different individually. Tom McDermott, I'll do it right now. Mayor McDermott, I have a job to do and so do you, and that job is to protect our assets. Because they'll take them. They've done it before, they'll do it again.

Audrey Higgs - Here to say that she was there when her son fell off the couch and had to call for the paramedics to come in to take him to the hospital. When I moved the table in the living room I did not know that there was money on the table because I am partially blind. If they had of told me something I would have removed it. There was a young lady that also came in. I don't know if she took it or someone else. I don't think they did. My son went to ask them about it. I told him to be respectful to them. It was wrong for somebody to put it in the paper. They were respectful when they were in my house and always are when I have to call them. If it's a misunderstanding, I am sorry about that and I'm sure he is too.

Chief Jeff Smith, Hammond Fire Department - When Councilman Higgs showed up at the station there were five guys there, two had to leave on a call. Those were the two guys that picked you up and took you to the hospital along with the truck company. I've got six letters and four of these letters state that you said, "I want my \$200 did you guys take it?" Are my guys lying? After you went to the police department and accused them and they informed you that they had the body cams on. I've got six intimidation reports. The body cams showed that the money was still on the table when after the fire department left. Today you show up with an apology, 96 hours later. I don't accept it. You should have came that day.

Kendall Warner - It's troublesome to see this man come up and tell Councilman Higgs he don't accept his apology. If you are not adult enough to sit down and be respectful and talk to somebody, you're gonna always

PUBLIC EXPRESSION cont.

Kendall Warner cont. - have these problems. You don't see many of Councilman Higgs kind in the audience because they function off the same principle of systemic racism that most people do. Divide and conquer. That was disrespectful what that gentleman just came up here and did to the councilman.

Anne Herbert - Thanked the Hammond Police and Fire Department for the great job that they do protecting all of us. I'm sure there are other people throughout the city that have the same opinion.

Mayor McDermott - I appreciate what was said, but I'm the Fire Chief's boss and I want to say something I know about the Fire Chief. His entire career he's been a fireman. He hasn't spent time in prison, he doesn't know the streets like that, but he was a fireman from the get-go and now he's the leader of the firemen who were accused of stealing \$200. Six of them felt defensive enough where they filed police reports. He's representing his people. And he's pissed off. I can tell. I've known Jeff for a long time, he's pissed. And you know what, he's allowed to be pissed. I'm not gonna reprimand him because this is a pretty screwed up situation. His people were wrongfully accused and he's probably pissed off about it.

Terry Steagall - Steelworkers 1010 - The Union passed a resolution supporting DACA. I think the goal is to unify people. People are trying to create divisions. We are trying to create the momentum throughout the country to unify people to do the right thing. I understand the Mayor's concern about financial things and the fears of political retributions but sometimes you have to take a stand. It was good to see those kids in Parkland stand up and make an impact.

Michael Opinker - Here regarding the incident which happened with Councilman Higgs. When I got wind of this I was livid. Between my father and I we have 52 years on the Hammond Fire Department and we have never experienced an incident like this. In 24 years I have never been accused of stealing something from a resident on a call. Now Councilman Higgs makes a comment that he never said that. Six firemen write letters to what they heard and all of a sudden he doesn't remember saying that. You should be ashamed of yourself.

Juan Andrade - Here regarding DACA. We stood up today and said the Pledge of Allegiance today and said, "one nation under God", and I think Hammond is part of this nation. We're not asking this Council to support a resolution in favor of DACA but to follow the other cities and towns in this country that have already done so. These children were brought here by an adult, they didn't come here on their own. It is wrong to end the conditions that allow them to stay here. There are elections coming up and DACA and immigration are going to be two major issues as well as the gun issues.

Jose Bustos - Has been working for Catholic Charities for the last ten years. I have seen these DACA kids, these Dreamers. When this program was adopted it was a whole new world for these kids who after that day didn't have no future in their minds. We had dozens of kids but since then we have had thousands, literally, over two thousand DACA recipients that we have handled in my office and hundreds were from the city of Hammond. They come from all over. These kids have grown up in this country and it is all they know. They don't know any other language. There is more crime by documented people in this country than by the undocumented.

PUBLIC EXPRESSION cont. -

Alvin Cheeks - Has been coming to the Council Meetings for thirty two years. Loves the Democratic process in America. In 2004 his left hand was damaged when hit by a squad car, that was the first time. The second time was by an Indiana State Trooper at the Festival of the Lakes where he was disrespecting one of the sisters. Councilman Higgs you apologized, it takes a man to apologize. Photographing meetings is legal. Thanked the members of the FOI.

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

AYES: ALL

Janet Venecz, President
Hammond Common Council

ATTEST:

Robert J. Golec, City Clerk

Time: 7:05 p.m.
cb

Minutes approved by the Hammond Common Council on March 26, 2018.