

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on December 17, 2018 in the Hammond City Council Chambers.

Council President Janet Venecz presided.

City Clerk Robert J. Golec facilitated.

PLEDGE OF ALLEGIANCE was recited by all.  
Moment of Silence was observed.

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 December 10, 2018 and place on file. AYES: ALL

APPROVAL OF CLAIMS

Councilman Markovich, supported by Councilman Higgs, moved to approve the claims from December 5, 2018 through December 12, 2018. Claim #7300 through claim #7501, inclusive.

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

#7502	Berger, Robert	Common Council	\$1,978.00
#7503	Greentree Enterprise	MVH	\$1,990.86
#7504	Westland & Bennett	CDBG	\$10,725.00
#7505	Indiana Grocery Group	City Clerk	\$661.49
#7506	Chicago Title Co.	Riverboat Gaming	\$575,000.00
#7507	Westland & Bennett	CDBG	\$3,210.00
#7508	City of Hammond	CDBG	\$15,667.40
#7509	City of Hammond	CDBG	\$14,224.35
#7510	City of Hammond	CDBG	\$5,978.35
#7511	City of Hammond	CDBG	\$3,710.70
#7512	City of Hammond	CDBG	\$21,851.90
#7513	City of Hammond	CDBG	\$10,307.50
#7514	City of Hammond	CDBG	\$10,719.80
#7515	City of Hammond	CDBG	\$29,819.99
#7516	City of Hammond	CDBG	\$116,491.36

APPROVAL OF CLAIMS

Councilman Higgs - Heather, could you please step to the podium and explain why the transfer for Juan's salary?

City Controller Garay - Good evening, Juan's position is the TIF Coordinator and so part of his salary is being allocated to the allocation areas in which he's done projects. So what he's done over the year is track this year, is track his time on each TIF specific project and then they disburse them amongst those allocation areas. So it helps to take a little bit of the burden off of the Redevelopment General Fund with the circuit breaker losses that we've experienced. Their apologies, Redevelopment has their last meeting of the year tomorrow and they didn't realize that you guys were meeting before them, so that's why you have a lot of Redevelopment claims.

Councilman Higgs - What is his total salary, Heather? Can you tell me?

Mayor McDermott - Councilman Higgs, I don't think it's appropriate to keep summoning staff up here for every single question you have. You do this every meeting. We're in there, we talk, and then you come in here and you summon. I mean, it's making my staff members not want to show up here because they're sitting in the audience trying to watch their government and you summon them up like they're your servants and it's not that way. So, if you have questions, I'd ask you, we go through all of these back there in the room. We could clear all this stuff up. But you come out on the floor and you summon people up like, "Come up here. Answer this question for me." It's inappropriate. I talked to my staff about it this morning, Councilman Higgs, specifically.

Councilman Higgs - Mayor, the reason for me requesting this, I was not given these claims in caucus. Had I been given them to me, and had an opportunity to review them. I simply asked the question and as a councilman I have an obligation to find out what's going on as it affects the city. So, I don't see a problem with it and I don't why would you have a problem with it. It's a simple question.

Mayor McDermott - It's out of hand, Councilman Higgs. It happens too much.

Councilman Higgs - That's your feelings.

Mayor McDermott - That's right, and I'm their boss. So, I'm up here. I'd ask you...

Councilman Higgs - Well, this is the way I feel about it. So, I mean, I don't know what else to tell you.

Mayor McDermott - You could vote against it, I guess, if you really feel strongly about it.

Councilman Higgs - I asked a question.

Council President Venecz - Clerk Golec, roll call on the amended claims.

APPROVAL OF CLAIMS cont.

ROLL CALL VOTE (amend in claims)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 CLAIMS AMENDED

ROLL CALL VOTE (claims as amended)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 CLAIMS APPROVED  
(as amended)

PUBLIC HEARINGS

None

COMMUNICATIONS

Councilman Higgs - As I stated previously, as a councilman of the 3<sup>rd</sup> District of the City of Hammond I feel this is a obligation as an elected official to ask any questions as I so choose. It's nothing personal against anyone. As a councilman I feel that's my obligation to find out if there's a question or something I need to have answered. Simple.

Councilman Higgs sent his condolences to the Lewis family in the loss of their mother.

COMMITTEE REPORTS

Finance Committee - Councilman Woerpel - Brought out 18-29 and 18-30.

Council as a Whole Committee - Councilman Rakos - Brought out 18-32 and 18-34.

Community and Crime Watch Committee - Councilwoman Venecz - I don't have my list of the upcoming Community and Crime Watch meetings for the rest of the year but I would like to encourage everyone to attend one of the meetings in your neighborhood to find out what is going on in your neighborhood and some safety precautions that one can take to protect their property and their family.

ORDINANCE 3<sup>RD</sup> READING - FINAL PASSAGE

18-29 An Ordinance Fixing the Salaries for Elected Officials for the city of Hammond, Indiana commencing January 1, 2019

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

Councilman Spitale - 2% raise for the elected officials commencing on January 1<sup>st</sup>, 2019.

Councilman Higgs - As it reflects a 2% raise for all elected officials, as a councilman I would like to say that in previous years I was able to attend conferences and money was allotted for conferences for each councilman but somehow or another that all disappeared. I felt it was personally a attack on me as a councilman of the 3<sup>rd</sup> District of the city of Hammond. That’s my thoughts.

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 ORDINANCE NO. 9426 PASSED

18-30 An Ordinance Authorizing the City Controller to Transfer Funds from One Line Item to Another within Various City 2018 Budgets

Councilman Spitale, supported by Councilman Emerson, moved for passage.

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 ORDINANCE NO. 9427 PASSED

18-32 An Ordinance Reclassifying Certain Lands in the City of Hammond for Zoning Purposes and Amending Ordinance No. 8514 for Property Commonly Known as 3702, 3704,3710, 3716, 3724, and 3772 Orchard Drive

Councilman Rakos, supported by Councilman Higgs, moved for passage.

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 ORDINANCE NO. 9428 PASSED

ORDINANCE 3<sup>RD</sup> READING - FINAL PASSAGE cont.

18-34 An Ordinance Amending Ordinance Numbers 6049, 7472, 8620,8638, 8669, 9181, and 9242 also known as Section 37.020 of the Hammond Municipal Code, Pertaining to Required Updates to the Hammond Personnel Policy Manual

Councilman Rakos, supported by Councilman Spitale, moved for passage.

Councilman Rakos, supported by Councilman Higgs, moved to amend on page 48, the end of the first paragraph, where it says, “90 days”, needs to be changed to “60 days” to mirror the language on the previous page, on page 47. Also, on page 61, the paragraph that refers to sick days, the words “an original” needs to be added prior to the words “Dr.’s statement”, to mirror language in the policy.

Councilman Markovich - Probably should explain to the listening audience, these are changes in adoption to the personnel policy where they’ve had to make some changes per federal guidelines and these are just some typo errors that had to be put back in place of that.

Councilman Higgs - Are you requesting, Councilman Markovich, that one of the department heads step to the podium and explain that?

Mayor McDermott - It’s unfortunate that we had our department head through the whole caucus and there were no questions and she asked whether or not she could go home and I told her to go home. So, I mean, she was sitting in caucus and there were no questions until we come out on the floor. Suddenly there’s a bunch of questions. So, I don’t know if you guys... I mean this has been pending before you for ...

Councilwoman Venecz - I believe the two amendments are very clear. So is there any other discussion on the amendment?

Councilman Higgs - I am so pleased to actually recognize that Sharon Daniels was in caucus and she did hand out additional information as it relates to this. So, I did receive that, Mayor, just for your point of clarity.

ROLL CALL VOTE (amendment)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 AMENDMENT ADOPTED

ROLL CALL VOTE (as amended)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 ORDINANCE NO. 9429 PASSED (as amended)

INTRODUCTION OF ORDINANCES

18-35 Authorizing The City of Hammond, Indiana, to Issue its “ Taxable Economic Development Tax Increment Revenue Bonds ( DX Hammond OPCO, LLC Project),” and Approving and Authorizing other Actions in Respect Thereto

Councilman Kalwinski, supported by Councilman Higgs, moved the proposed ordinance to 1<sup>st</sup> and 2<sup>nd</sup> reading by title and referred it to the Council as a Whole Committee. AYES: ALL

RESOLUTIONS

18R-48 Designating The City of Hammond as a Complete Streets Community and Adopting a Complete Streets Policy

Councilman Rakos, supported by Councilman Woerpel, moved for adoption.

Councilman Higgs - If I could have Councilman Rakos explain this particular resolution and how it affects our residents of this great city.

Councilman Rakos - As was explained in caucus, it’s a way to... Complete Streets is designed to operate and enable safe access for all users, including pedestrians, bicyclists, motorists, transit riders of all ages and abilities. Help create livable communities for various types of users, while improving equity, safety and public health. It includes sidewalks, bike lanes, bus lanes, frequent and safe crossing units, median islands, accessible pedestrian signals and such. It’s something that most communities have adopted and it helps us with a plan for the city for NIRPC and things like that.

Mayor McDermott - I might add a little bit, I’m on the Executive Committee of NIRPC. NIRPC is the go between, between us and the government when it comes to federal funds and projects that are supported by federal funds. It’s a highly competitive process where we have to score on each project better than the other communities to get the funding and this is one more check mark in our favor that helps us obtain a higher score at NIRPC. Which gives us a better chance of getting federal funds for these projects that are very expensive. I mean, big projects like Kennedy Avenue and stuff like that. So, we’re not talking about the typical projects we tackle. These are the ones that, 165<sup>th</sup>, 169<sup>th</sup>. The big ones. So, this is, it’s a planning process that causes us to think differently in the future road projects. Thinking about accessibility, thinking about, you know, bike paths and stuff like that. So, it’s basically a commitment from the city that we’re going to think differently in the future when we plan our projects.

Councilman Higgs - Thank you Mayor for explaining that. I really appreciate it.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R48 ADOPTED

*Prepared by  
Robert J. Golec  
Hammond City Clerk*

NEW AND UNFINISHED BUSINESS

Council President Venecz - Next on the agenda is New and Unfinished Business with an Intent to Consider on 18-32. By virtue of us passing that ordinance earlier in the evening we do not need to address that.

Councilman Higgs - In the 600 block of Tapper, NIPSCO light 090 has been out for two months. Ms. Marie, who's a senior citizen and also Ms. King, have contacted me on several occasions. I submitted a letter and I'm also requesting that a letter be sent to NIPSCO again in regards to this particular NIPSCO light so that the residents can see out their windows and out their doors. I so move.

Council President Venecz - Councilman, did we not receive a letter from NIPSCO requesting that we do not contact them by mail for that. That ... I'll have to look at me records. But meanwhile we'll send another letter with your name on it.

Councilman Higgs - First and foremost, I never received a letter from NIPSCO relating to any NIPSCO lights and this is probably the third letter. I've called them personally. I've sent a letter and now I'm requesting another letter be sent to them again.

Mayor McDermott - 6000 block of Tapper? Pole 090? Alright, I just submitted it.

Councilman Higgs - Thank you, Mayor. Also, Mayor, since you're up here, I see they're doing some work across the street at the old garage and their NIPSCO light is out as well. I have the number. Is it because ...

Mayor McDermott - The NIPSCO light is out because of the work we're doing, Councilman.

Council President Venecz - Is there a second to send the letter?

Councilman Torres second.

Councilman Markovich - Probably have a cc sent to the Engineering Dept. seeing as how if you send information to the Engineering Dept. and they send it to NIPSCO it's probably gonna happen a lot quicker.

Councilman Woerpel - Point of Order. Why are we voting on letters being sent? If he wants a letter sent, let him send it.

Mayor McDermott - I just did this on Hammond 311. 6000 block of Tapper Avenue, NIPSCO light 090. 600 block of Tapper Avenue has been out for the six months can you provide pole #, 090, metal or wood, metal, it's assigned to Street Lighting with copy to IT. It's all digital. It took like a minute and a half. I mean, instead of wasting all this time at government meetings and getting letters and putting stamps on letters and sending it to NIPSCO. Waiting for three weeks for them to open it. You could do it like this. Councilman Higgs, we go through this a lot, and it takes care of it instantly. You could do it yourself. It saves so much time. We don't have to waste time at the city Council meeting talking about this. We have this great app that does it all for you. It's done.

NEW AND UNFINISHED BUSINESS cont.

Councilman Higgs - My purpose for doing it, Mayor, is because for a number of times I've requested things to be done and they hadn't got done. So I wanted it on the record that my constituents know, that are watching, that don't attend the meetings, so they are aware that I am doing the best I can to serve them in the capacity that I was elected to do so.

Council President Venecz - Clerk Golec, let's do a roll call vote on this letter, please.

ROLL CALL VOTE (letter to NIPSCO)

AYES: Markovich, Kalwinski, Torres, Higgs, Emerson, Woerpel

NAYS: Rakos, Venecz

ABSENT: Spitale

Motion carried

6/2/1

MOTION CARRIED

LETTER SENT: DECEMBER 18, 2018

Councilman Higgs - It seems to amaze me that all of a sudden that first and foremost as a President of the Council anytime you address my colleagues you're posed to actually relinquish the seat and allow the vice president to sit there. Secondly, as it relates to any issues that relate to my district, I've been sending letters and I will continue to send letters because I want to make sure that it gets done and it doesn't get lost in the shuffle. So that was the point of me doing it. If you have a problem with me doing my doing my job as a elected official, I'm sorry. But that's the only way I know how to get it done. The proper way. I've submitted letters, I've called , and I do everything I can to make sure my constituents are taken care of. I understand we're going into election year , well all this unnecessary attacks in not necessary. I'm not attacking anyone. I've been doing this for years. Actually, it's my fifteenth year. So, there you have it.

Councilman Woerpel - My only point on the whole issue was, if we want to get technical about it, shouldn't we let him state what letters he wants sent and just pass that they're put on file in communications. I mean, seriously, should we be voting on letters that are being sent. What happens if we vote no for everybody? Does that mean he can't send a letter? I don't understand why we're voting on letters under New and Unfinished Business.

Mayor McDermott - It's because some people campaign from the council chair. I mean it's stuff that can be taken care of, on the record, very easily. It's just saved up for political purposes, in my opinion. It's a waste of time. It's a waste of everyone's time. It's so much easier and more effective and the councilman could help people in his community do it directly themselves without waiting on the council person. Instead we're doing it like it's 1968. We've evolved, that's all I'm saying. It is a waste of time, councilman. I agree.

Councilman Torres - Last meeting we hired our Administrative Secretary. This meeting I'd like to make a motion that we adopt her salary. That her salary be as adopted by our city budget of the Hammond City Council.

NEW AND UNFINISHED BUSINESS cont.

Mayor McDermott - During the last meeting we walked out of that meeting unsure exactly what you guys did. But we knew that you hired Susan to take over the position that was posted at \$42 thousand. We knew that. So, when we were asked, "What's Susan's salary?" We said it was what it was posted at. We applied it to her. That's what she's making right now, Councilman, so.

Councilman Woerpel second the motion.

Mayor McDermott - Because you guys had five votes and that was the posted salary. I know there was talk about a lower salary but we just said give her the higher salary, and that's what her salary is plugged in through the Controller's Office.

Councilman Higgs - Point of Order. First and foremost I think there was a motion made and there was no second before we went into discussion. The Mayor approached the podium and he's addressing the Council, which he has that duty as ...

Council President Venecz - Didn't Councilman Woerpel second it?

Councilman Higgs - No, he didn't. I am not done. I don't know why you keep cutting me off. I'm not here to argue. Do whatever you feel, Councilwoman Venecz. Have a good evening.

Mayor McDermott - I'm not trying to be rude. I just wanted Councilman Torres to know that after the last Council meeting we reviewed the transcript and we said what we know for sure is five Council people voted to give that open spot, which was the higher salary spot, the \$42 thousand, to Susan. There was some talk at the time about not giving her the full salary but that talk didn't really go anywhere at the end of the Council meeting. What did go was the five of you said she's the person. So we plugged her in at the \$42 thousand, Councilman. So, I mean, obviously, you could follow that up and do whatever you want. I just want you to know that's how we approached the last meeting.

Council President Venecz - So there's a motion on the floor by Councilman Torres to give Susan the posted salary. Was there a second by Councilman Woerpel?

Councilman Woerpel - I second it.

Councilman Higgs - As we discussed at the last meeting, I think we all suggested that she get what was originally requested in our budget, \$42 thousand and as a secretary I applaud her responsibilities and her duties as a secretary for nine individuals with different attitudes and different perceptions of different parts of the city and all kinds of issues that come up on a day to day basis. If you're gonna be effective and get the job done it takes a lot of dedication and hard work. So the reality of it is I think she not only deserves \$42 thousand but I also would like to see her get an additional raise because it's a lot of work to deal with nine individuals. So, I applaud the motion and the second.

Councilman Torres - The actual number that is posted is \$42,866. I just want to clarify that.

NEW AND UNFINISHED BUSINESS cont.

Councilman Woerpel - And I believe, as posted, it included the 2% raise, correct?

Mayor McDermott -Yes, it would have been at the posted salary and then that posted salary gets 2% raise. It would have been at that posted salary she took it so next year she'll get 2% raise.

Councilman Higgs - Certainly, again, as I stated previously, I extremely pleased at the fact that we will have a full time secretary. Unfortunately, Debbie was our secretary and I think it's appropriate that anyone that's over the office should get the same salary as the previous one. It's only fair and the right thing to do.

Councilman Torres called for the vote.

ROLL CALL VOTE (adopt salary)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

MOTION CARRIED

Councilman Higgs - As I stated previously, in past experiences that we were allowed to actually take trips to learn how to be effective as councilmen, and I would hope that my colleagues would consider definitely attending conferences and getting additional training as it relates to the position in which they hold because I feel training is important, not just as a councilman but in all areas as it relates to the city of Hammond.

Councilman Emerson - I know it's been said many times and many ways but from our family to the whole city, Merry Christmas and happy Holidays, because there's other celebrations going on.

Council President Venecz - I'd also like to wish Jake Jacobs, our cameraman, and our City Clerk Golec, happy birthday tomorrow.

Councilman Higgs - As well as Councilman Emerson, I would also like to wish everyone a Merry, Merry Christmas and a Happy New Year. May God continue to bless you and give you strength and understanding that we are all one and we are all entitled to speak what's right and what's of God. Thank you Lord for strength and mercy.

PUBLIC EXPRESSION

George Stoya - Concerned with the Mayor's concern of having his staff come up and answer questions. As a citizen doesn't come here to get entertained, he comes here to learn how the government works and decisions are made. Puzzled as to why the Mayor would object to having his staff come up and address questions. I learn from that. Although he may have good reasons for that. Hopes the Mayor reconsiders his stance on it.

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

AYES: ALL

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Janet Venecz, President  
Hammond Common Council

ATTEST:

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Robert J. Golec, City Clerk

Time: 6:50 p.m.  
cb

Minutes approved at the Hammond Common Council meeting of January 14, 2019.