

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on February 11, 2019 in the Hammond City Council Chambers.

Council President Robert Markovich presided.

City Clerk Robert J. Golec facilitated.

PLEDGE OF ALLEGIANCE was recited by all.

Invocation by Councilman Higgs

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 January 28, 2019 and place on file.

AYES: ALL

APPROVAL OF CLAIMS

Councilman Woerpel, supported by Council Higgs, moved to approve the claims from February 4 , 2019 through February 6, 2019. Claim # 635 through # 792, inclusive.

ROLL CALL VOTE (claims)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

CLAIMS APPROVED

PUBLIC HEARING

None

COMMUNICATIONS

Councilman Higgs, on Thursday, there will be a Black History program at the Sports Complex, honoring African American Registered Nurses, a Field of Excellence, starts at 10:00 am hoping to see you there. It also says Thomas M. McDermott, Jr., Mayor of the City of Hammond, Owana Miller, Community Development Director and the Black History Coalition Committee:

Councilman Kalwinski- I have a letter here to submit to the Council for approval, to pass on to the Mayor and HDEM and also the Sanitary District pertaining to the events around Whiting Metals, and also that neighborhood, so I would like to read it and get it entered into the minutes today:

COMMUNICATIONS cont.

Councilman Kalwinski cont.

In light of recent events, and news articles in local and Chicago papers reporting elevated lead and cadmium levels near Whiting Metals, I wanted to provide some history, as well as up-dated information, about this important environmental issue.

In Spring 2017, Whiting Metals asked the State to renew a 10-year air permit. During the public comment period, I drafted and read to the Hammond Common Council a letter to IDEM requesting a public hearing prior to granting the permit. The letter was approved by the Council and sent to IDEM. In December 2017, IDEM denied the request for a public hearing and granted the renewal. Hammond's Administration, Council, HDEM and residents were shocked and angered by IDEM's denial.

On May 22, 2018, I and other councilpersons attended the EPA's Public Meeting at the Whiting YMCA, focusing on high lead levels found on residential properties downwind of the former Federated Metals operation. Concerns were raised about Whiting Metals discharging lead into the air and its impact on human health. Concerns were also raised about the fact that EPA was going to clean certain residential properties and those properties could be re-contaminated by ongoing lead air emissions from Whiting Metals.

Hammond's Department of Environmental Management (HDEM) immediately contacted the Indiana Department of Environmental Management (IDEM) and requested air monitors be installed close to and downwind of the Whiting Metals plant. IDEM agreed, but needed a suitable and safe location. The Hammond Sanitary District offered the use of its pump station located at the Lakeview alley and Indianapolis Blvd. The first lead 24-hour air quality sample was reported on August 3, 2018, and sampling continues to this day. So it took about 9 weeks from the May 22nd meeting for the air sampling to start. I want to recognize the initiative taken by HDEM, the cooperation of IDEM, and support provided by the Hammond Sanitary District.

When HDEM learned that USEPA had a trailer that contained an hourly air quality sample monitor, it suggested that this monitor be shipped here and placed at the same location as the IDEM monitor, with the approval of the Hammond Sanitary District. Because of the elevated lead air readings found in the IDEM samples, the USEPA hourly monitor was brought to Hammond and began providing results on October 15, 2018, 10 weeks after IDEM began air sampling.

It is important to note that the air sampling taking place for lead, and now cadmium, occurred because Hammond's Environmental Department (HDEM) listened to concerns and pursued the requests for action and answers. Also, the Hammond Sanitary District stepped up and offered a secure location to house the monitors. The City did not stick its head in the sand. It clearly demonstrates that Hammond responds to its citizens to protect their health and property.

The fact that there are elevated lead and cadmium readings in the air near the Whiting Metals plant is troubling and needs further intense investigation. Fortunately, the Mayor has allocated resources - staff and equipment - to help define and address these health and environmental concerns. I will continue to monitor and report on this important issue.

COMMUNICATIONS cont.

Councilman Higgs- Just for the record, I attended the Park Board Meeting to address some of the concerns at Harrison Park, and luckily and thankfully I saw some gentleman cleaning up the trees in the park where there is a huge problem with dead trees. I want to thank the Park Board for acting on my request and certainly we have funding available if they need additional funding in regards to addressing the concerns at Harrison Park. Its one of the parks I've been trying to get some work done on. But to my understanding, until the other parks are completed we cannot move forward on that, so certainly we want to address the concerns at Harrison Park as well.

COMMITTEE REPORTS

Council as a Whole Committee - Councilman Kalwinski - Brought out 18-35.

Community & Crime Watch Committee - Councilwoman Venecz - Announced upcoming meetings:

- Wed., Feb 13, at 2:00 p.m. Community Watch at Mt. Zion Pleasant View Plaza
- Tues., Feb 19, East Hammond Pullman Crime Watch at Ophelia Steen at 6:30 p.m.
- Thur., Feb 21, Hessville Crime Watch will meet at the Jean Shepard at 7:00 p.m.
- Wed., Feb 20, Lafayette Neighborhood will meet at Lafayette School at 6:30 p.m.
- Thur., Feb 21, South Hammond Crime Watch will meet at Hammond Housing Authority at 7p.m.
- Thur., Feb 14, Whiting Robertsdale will meet at Calumet College at 6:30 p.m.

ORDINANCE 3RD READING - FINAL PASSAGE

18-35 Amending Ordinance of the Hammond Common Council Authorizing the City Of Hammond, Indiana, to issue its "Taxable Economic Development Revenue Bonds (DX Hammond Data Center, LLC Project)," and Approving and Authorizing other actions in Respect Thereto

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

Councilman Kalwinski- Since this Ordinance was created a couple of changes have occurred, one is the name change of the business and the other is some technicality pertaining to the bond. So I would like to amend in 18-35A in its entirety to replace 18-35.

ROLL CALL VOTE (amend in 18-35A)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 AMENDMENT ADOPTED

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 ORDINANCE NO. 9432 PASSED

INTRODUCTION OF ORDINANCES

None

RESOLUTIONS

19R-04 A Resolution of the Hammond City Council Approving the Application of EZ Deductions to Real or Personal Property of Participating Businesses Located within the Hammond Enterprise Zone that are also located within Designated Allocation areas as it applies to the January 1, 2018 Assessment date for Taxes Payable in 2019

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

Councilman Spitale - Approving the Enterprise Zone deductions and allocation areas.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R04 ADOPTED

19R-05 A Resolution Recognizing and Honoring the Hammond Fire Department and its Service to the Community

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

Councilman Rakos read 19R-05 in its entirety.

Mayor McDermott- I want to say thanks to the men and women of the Hammond Fire and Police Departments, the many firefighters that were fighting the dangerously cold conditions, the police officers that were out there, Street, Water and Sanitary District, all the workers that were out there for 12 hours. A lot of us talk about firemen how dangerous it is then sometimes we get into cost over, how much it cost to have the fire department but I tell you what, on that day, when we saw Ed Wagner out there, relatively new Hammond Fire fighter, they took a picture of him that went viral. I saw that picture on ABC World News Tonight. It was shared thousands and thousands of times and viewed millions of times, we had hoped that Chief Smith, and Deputy Fire Chief Margraf, hoped to have all the firefighters here that participated but the Fire Chief made a decision not to because he didn't want to put the City in a precarious position having all the fire fighters that worked so hard on this. So we promise that if you guys pass this Resolution we will make copies and send it to all the men and women who worked so hard on that dangerous fire. And I would also like to take note that Mrs. Wagner was expecting to see her husband who is on duty tonight, so I wanted to take a second to recognize Heidi Wagner. Ed was the fireman that was taken in the famous picture. She also brung her 3 kids along with her. If you don't mind can we focus our applause on her and she can transfer it off to her husband.

Chief Smith- Councilman Rakos, thank you for this Resolution, we appreciate it. You've been in those situations a few times in the past, I am sure, but that was the coldest day in 27 years that I know of. Clerk Golec and Scott you guys were probably at Meyer's Warehouse in 1991 that was a pretty cold day for you guys I am

RESOLUTIONS cont.

Chief Smith cont. - sure. Unfortunately, we lost a life, the conditions were terrible. Like the Mayor said, the Water Department was out, we had frozen hydrants, they tried to thaw the hydrant out, they did for us, but we found another frozen hydrant, one of the rigs froze up, couldn't get the area set up. Anything that could go wrong went wrong that day. On the way to work that morning, I had to pick up one of the inspectors, his car wouldn't start, he said " I hope we don't get nothing" and a hour later we got a call. I just want to thank you guys for recognizing us. Mrs Wagner for showing up. The reason I didn't send the rigs, I was going to have them come about a hour ago when it started to sleet and rain, we are going to be on enough accidents today if it gets that bad and I didn't want to be part of one. Thank you Councilman Rakos and Councilman Woerpel for bringing out the coffee, I know it wasn't your district.

Mayor McDermott- The good thing about having gohammond. tv, it's for times like this. I know Hammond Firemen that are watching right now, would rather be here to get your kudos, but I do know we have a large audience watching. They made our City look great. Thank you Councilman Rakos for this kind gesture.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 RESOLUTION NO. R05 ADOPTED

19R-06 A Resolution Re-Appointing Bonnie Henry to Serve as a member of the Hammond Community Corporation, Inc.

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

Councilman Higgs- What are their responsibilities with the Hammond Community Corporation?

Councilwoman Venecz- They give out grants for organizations who have applied. The maximum amount of the grant is \$1,000.00. They meet once a year.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 RESOLUTION NO. R06 ADOPTED

19R-07 A Resolution to Appoint Diane Kaminsky to the Hammond Port Authority

Councilman Kalwinski, supported by Councilman Spitale, moved for adoption.

Councilman Kalwinski- Diane, has served on the Port Authority for a number of years and I have attended many of the construction meetings as well as the Port meetings and I can tell you that she is a watchdog for the Port Authority and the Marina, dollars, and will ask penetrating questions and sometimes keep the Board Members there a little longer than they would like. Thank you, Diane.

RESOLUTIONS cont.

Councilman Kalwinski, supported by Councilman Higgs, moved to amend in 19R-07A in its entirety.

ROLL CALL VOTE (amend in 19R-07A)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 AMENDMENT ADOPTED

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 RESOLUTION NO. R07 ADOPTED

NEW AND UNFINISHED BUSINESS

Councilman Higgs- Since the mayor is here, I wanted to emphasize the fact that residents of State Line and 6300 block of Forest are complaining about the snow being pushed on their garages. I sent a correspondence to Gary, as well as the Mayor’s Office.

Councilman Woerpel- Mayor, if you don’t mind, can you give us an update on what I’ve been reading in the paper about the Gaming Boat? Is it a threat to Hammond? From what I’ve been reading about this land-based casino, coming to the expressway.

Mayor McDermott- I was in Indianapolis last week to testify one day for the Data Center, which is going very well by the way, the States partnership with the City of Hammond, Data Center Management, that project is moving quickly. And on the other hand I was in the Senate testifying, trying to protect the status quo, with regards to Casino Gaming. Gary, has a proposal in the Senate that is moving pretty quickly that would allow them to build a land-based facility somewhere in Lake County, along 80-94. Right now that proposal has gotten momentum and it’s hard to stop and the Senate is 41-09, Republicans to Democrats. So its hard to stop these types of bills. The second Gary casino license would go to Terre Haute, under that proposal that really doesn’t threat Hammond or East Chicago’s gaming money. But moving locations like Gary wants to do is against the current Indiana Code, so they would have to change the Indiana Code. And what that does is changes traffic patterns. It changes the way people gamble. Which is a threat to the City of Hammond. It’s more of a dire threat to the City of East Chicago and to Ameristar, owned by Penn Gaming. So, it’s a very real situation. I testified, Mayor Copeland testified on behalf of East Chicago, Hammond FOP and Hammond Fire was there, which is great that they’re involved. It’s a real situation. We need to all pay attention to what’s going on. I personally think its unfair what’s going on but we have a good lobbying team and people are sort of listening to us about the unfairness of the whole thing. They agreed to put language in the Senate version, it’s called a “hold harmless clause ” which says that Hammond, if we lose money because of the casino expansion in Gary, let’s say our casino went from \$32 a year down to \$30 a year, once Gary opens that riverboat, under that scenario, Gary would owe us \$2 million. They would continue forward forever, basically all the revenue lost that the City of Hammond experiences because of that boat opening we would be made whole. But that doesn’t protect is Horseshoe Casino itself, that will probably see a reduction in gaming, 10 to 15%, if that’s the case are they going to lay off 10 to

NEW AND UNFINISHED BUSINESS cont.

Mayor McDermott cont. - 15% of their staff. Estimates for Ameristar in East Chicago, is they could lose up to 50 % of their gaming revenue and if they lose 50% of their gaming revenue, they're probably gonna have no recourse other than to lay off close to 50% of their staff. So even though the City of Hammond is being held harmless and even though the City of East Chicago is being held harmless, if Gary is allowed to move, the businesses themselves will not be held harmless. And the only recourse they have is to lay off. So, I'm happy that the current Senate version is protecting us, I'm not thrilled with the whole thing. But, it's moving. Once it gets out of the Senate, if it gets out of the Senate, we're gonna have to double down and fight in the House and try to stop it there and at the very worst make sure that that language is in there that protects the City of Hammond.

Councilman Woerpel- I hear a lot that we supposedly get \$35 million in gaming and it's just not true after you (unclear) for the RDA and all that other stuff, it's all contingent on gaming numbers, correct?

Mayor McDermott - Yes, it's depending on the gaming, in 2018 we had a really great gaming year, but, yes, it's all contingent on those numbers.

Councilman Higgs- Mayor, how much less revenue are we receiving this year versus last year?

Mayor McDermott- We started off on a bad note in January. I track these numbers pretty closely. January was a down month. So the reason that's important is if we peg to 2019, which is what on they are talking about, we're having a bad year already, and there's a lot of people that say this is gonna be a bad year. I was just reading the Wall Street Journal today that said 2019 is gonna be one of the worst casino gaming years in recent memory and that's unfortunate for us because that's the number we're gonna peg to, which is a bad casino year. If we could peg to 2018 we'd be better off. But, they're not really listening. In my opinion this bill is moving. I've been fighting this fight for 15 years and we usually some away unscathed, it seems to me this is the real deal. I have a feeling I will be spending a lot of time in Indianapolis this year.

Councilman Higgs- I guess I am trying to get an estimated amount of revenue that we will possibly lose?

Mayor McDermott- We got a lot of big hits coming. We're gonna get \$4 to 5 million dollar hit next year in gaming because of tax caps. This Gary facility, if it's approved in 2019, probably won't be operating until 2022 or 2023, they have to find a location, they have to acquire the land, they have to get all their plans approved by the State, and they got to build it. When we built ours, it took a year to build it. This isn't anything that's gonna hit us next year. It's gonna be towards the end of this next term. I am hearing numbers of 10 to 20% for Hammond, Councilman, so do the math. It could be another \$5 million dollar hit.

Councilman Higgs- I wanted to thank Mark Heintz for meeting with me and addressing the Pavilion at Harrison Park where Jake lives. We are trying to get that Pavilion done. Certainly, I've been trying to get that done for a number of years so hopefully we can get that completed shortly. You can put that in your article.

Councilman Woerpel- I don't usually do this but I want to thank the Code Enforcement Department, Friday I saw a post on Facebook, about the Walmart- Cabelas property, and the garbage on the property. About the time I saw the post my Code Enforcement guy Jason Hawkins said, "don't worry, Councilman, we are on it". I didn't have to send a letter, or hit 311, he saw it. I went to Walmart the next day and that property had 15 guys out there cleaning it. So I just want to give a shout out to Kelly Kearney and the entire Inspections Department, along with Jason, for getting right on top on that issue without letters or anything having to be sent. He saw it, he did it, it's done, it's clean. Thank you.

NEW AND UNFINISHED BUSINESS cont.

Councilman Higgs- I want to thank the Graffiti Removal Department for removing the graffiti off the property at 908 Conkey. I don't work just at election time, I work 365 days a year. I am so excited about this election.

Council President Markovich- A couple of notices, February 21, 2019 at 5:30 p.m. at 6505 Columbia Ave. The Water Department will be having a meeting about the IURC and another meeting at the Sportsplex at 6630 Indianapolis Blvd at 10:00 a.m. March 6, 2019.

Councilman Emerson- I would like to Thank the Graffiti Department, a few weeks ago there was graffiti on Ridge Street, which runs behind White Castle, on a sign on a barricade to prevent people from running into a fire hydrant, and on a building that faces that little street, and I used the 311 app and it was done by the end of the day. So, thank you.

Councilman Higgs- I was contacted by a couple of residents within my District about the KKK or something over on Garfield, to my knowledge no ones contacted me, the homeowner's not contacted me, so I don't get actively involved into situations until I am clear on what actually took place. Feel free to contact Councilman Higgs if you need my input.

PUBLIC EXPRESSION

George Stoya- With respect to the Water Department, and its transfer out of jurisdiction from the IURC, I am requesting this Council, to make access for its citizens to look at the breakdown for cost of service. I would like the citizens to have access to look at the books.

Barry Tyler- I was shocked that the Council would ask departments across the City to make budgets cuts for a difficult budget year, just seem irresponsible, in my opinion, allocating monies for travel expenses.

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

AYES: ALL

Robert A. Markovich, President
Hammond Common Council

ATTEST:

Robert J. Golec, City Clerk

Time: 6:50 p.m.

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Minutes were approved at the Common Council meeting of February 25, 2019.