The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on May 23, 2022 in the Hammond City Council Chambers and was available to be viewed at gohammond on Facebook, gohammond.tv live and per Zoom.

Council President Dave Woerpel presided.

City Clerk Robert J. Golec facilitated.

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

**ROLL CALL** 

PHYSICALLY PRESENT: Alexander, Spitale, Venecz, Torres, Emerson, Rakos, Woerpel

ELECTRONICALLY PRESENT PER ZOOM: Kalwinski, Tyler

ABSENT: None TOTAL: 9

### **MAYOR'S ADDRESS**

Mayor McDermott - Hi, Council. Good to see you again. I wanted to go ahead and do my report for the week. I wanted to also talk about the resolution regarding the suit to declare Lake County's Judicial Nominating Commission unconstitutional. I know you have a resolution before you today and I wanted to make sure that if you have any questions for me that I'm here to answer it. I think it's real important that you all pass this. We're trying to get other communities to jump on board. I know in South Bend, the Mayor of South Bend and the Council are very interested in jumping on board. St. Joseph County is one of the Counties that's affected, as well as Allen County in Fort Wayne, who I constantly am in touch with and of course, Marion County. I think this is a big deal. It's not right the way we elect judges. For years it was said that it was based on the size of the County and that worked for years until Hamilton County passed us up in the top four and they didn't make Hamilton County go to the Judicial Nominating Commission. So, I think it's important that you all debate this and I hope we pass this so that we can show solidarity with our other cities and towns that are jumping on board this project. I wanted to talk about what I did over the last couple weeks. One of the things that was real important that we did over the last couple weeks. I met with the Hammond Contractor's group regarding upcoming Economic Development projects. I was happy to see this was set up and the Huhtamaki and the Meats by Linz representatives were at that meeting. As we all know, we've already approved those deals. About \$135 million between the two new Economic Development projects. Huhtamaki is gonna result in about 100 new jobs expansion. I know they're in the process of hiring right now. Meat by Linz is an Illinois company, it's moving over to Hammond at the former Queen Anne building, Queen Anne Candy site, \$35 million investment. Two great developments for us, obviously we want them to use Hammond contractor's if at all possible and we're coordinating with them right now. I attended the Hammond Sports Hall of fame ceremony. First one since Covid. This is the first one in two years. It was a great event, as always. I want to thank the Park Department Staff. Everybody that worked so hard putting on that event. I know there was a number of Council people there as well and I appreciate you being there. One of our employees was honored this year, Michael Coles, who works in Code Enforcement. He was honored this year publicly, I believe last year was his year he was placed in

### MAYOR'S ADDRESS cont.

Mayor McDermott cont. - the Hammond Sports Hall of fame. But he had a great high school and post high school career. So, congratulations to Michael and everybody else that was inaugurated. Another thing, a help meeting with engineering company regarding the design of Fire Station #7, as a reminder, Fire Station #7 is the one in South Hammond, we are in the process of designing it, which is the easy part. The hard part is figuring out how to pay for it. So, that's gonna be the next challenge we have facing us. Right now this is basically gonna go across the street from Golden Manor at 175th and Columbia. How it lays out and it's gonna be a great addition to the city. So, we're in the very beginning stages of that but we had a meeting, I think it's real exciting it's just we need to start crunching numbers and figuring out how to make that happen. We also met with the developer we tasked with designing the Clark High School football field, the housing subdivision, this is something that I talked about when I was in Robertsdale. I looked at three different proposals that dealt only with housing development inside the subdivision, the next step before we make a decision is our promised community meeting, I know Councilman Kalwinski's interested in that. It was something I told the residents of Robertsdale that no decisions would be made until we went to the community and received feedback and that's what we plan to do. We're gonna present three different proposals to the Robertsdale Community and talk to them about what that development will look like. I have an inkling about how we're gonna go but we'll see how the community feels. I want to point out that we left the frontage on Calumet Avenue blank for this. This is literally the football field, the parking lot, the inside the subdivision part that we're talking about where the frontage on Calumet Avenue and the new Fire Station #2 is just an open zone right now. We have to talk about what that's gonna look like. So, that phase is gonna come later. Fire Station #2 is moving though, We're preparing bid specs right now. It could be bid out late winter and awarded spring, 12 to 13 month construction. Last but not least, I want to thank Anthem Church and pastor Sam for providing Hammond City Employees with free lunch last Friday. It was a beautiful day and we all got an opportunity to go out and talk to each other and Pastor Sam is such a great guy, and Anthem Church is such a great church. It was really nice, for those of you weren't aware, I apologize. But I encourage all Hammond business to buy lunch for us on Fridays, we appreciate it. I don't know if you have any other questions of me, but that's my report for the week. Council?

Councilman Kalwinski - Mayor, thank you for that update. I appreciate your planning for a community meeting in Robertsdale regarding the Clark Athletic Complex area. Any tentative date as yet?

Mayor McDermott - I'm not sure if they set it up yet, Councilman. Literally, the end of last week we started getting ... I saw the layouts and we decided to press forward with the community meeting. So if that date hasn't been set, it will be within the next day or two.

Councilman Kalwinski - I very much appreciate it. On another note, I don't know if you know this or anybody that is there but with the construction and Gostlin's reopening, has 141<sup>st</sup> street from Sheffield to Calumet is designated off truck route now or is it still being legally used as a an alternative route for trucks?

Mayor McDermott - We've got our Engineer here. He'll answer the question.

City Engineer Dean Button - I do need to notify the P.D. that that's ready to resume back to a residential street, thank you.

MAYOR'S ADDRESS cont.

Councilman Kalwinski - I appreciate it. They're ready to write tickets for the offenders so if you can do that tomorrow I'd much appreciate it.

Council President Woerpel - Just as a point of order, it was brought to my attention that the state statute requires those on Zoom to be seen and heard on any final action. So if you're on the Council and you have the capabilities of showing yourself on Zoom, you can participate in the vote. According to the state law, as I've been told, and correct me if I'm wrong, you can join in the discussion but any final action, if you're not seen and heard on Zoom, you cannot be part of any final action taken. So, there you go. Councilman Kalwinski and Councilman Tyler, is there a way we can see you two? I know it's a technicality but it's the law according to the state statute. Am I correct, Council Atty. Berger.

Council Atty. Berger - Yes.

Councilman Kalwinski - Along those lines, are we allowed to vote on the claims, because they are financial, if we're on Zoom? Or do we have to be present just like we do on a budget to vote?

Council Atty. Berger - The statute just says budget. So I think you can vote for other things.

Council President Woerpel - It's my understanding that, yes, you are allowed to vote on claims as well.

Councilman Kalwinski - Thank you.

Council President Woerpel - And again, I know it's a technicality but it's the new state law.

Councilman Spitale, supported by Councilman Emerson, moved to approve the minutes of May 09, 2022.

ROLL CALL VOTE (minutes)

AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Emerson, Rakos, Woerpel

NAYS: None ABSENT: Tyler,

Motion carried 8/0/1 MINUTES APPROVED

### APPROVAL OF CLAIMS

Councilman Rakos, supported by Councilwoman Venecz, moved to approve the claims from May 04, 2022 through May 18, 2022. Claim #2968 through claim #3295 in the amount of \$7,896,446.63

Councilman Rakos, supported by Councilwoman Venecz, moved to amend in claim:

#3296 Eco Services Corp

Engineering CityWide

\$53,350.00

Councilman Rakos, supported by Councilwoman Alexander, moved to amend name, Change to Post 232:

#3257 American Legion Post 232

Common Council

\$250.00

### APPROVAL OF CLAIMS cont.

ROLL CALL VOTE (amend in claim #3296)

AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Rakos, Woerpel

NAYS: None ABSENT: None

Motion carried 9/0/0 CLAIMS AMENDED

ROLL CALL VOTE (amend name change to claim #232)

AYES: Alexander, Spitale, Venecz, Torres, Emerson, Rakos, Woerpel

NAYS: None

ABSENT: Kalwinski, Tyler

Motion carried 7/0/2 CLAIMS AMENDED

ROLL CALL VOTE (as amended)

AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Rakos, Woerpel

NAYS: None ABSENT: None

Motion carried 9/0/0 CLAIMS APPROVED

(as amended)

### **PUBLIC HEARINGS**

22-17 An Ordinance to Appropriate Monies into the 2022 Gaming Fund

No one spoke.

### COMMUNICATIONS

Councilman Kalwinski- Hammond Mohawks have announced that they are holding their North Hammond Memorial Day Parade again after a two-year hiatus and that will be on Monday, May 30th, and they'll be meeting starting at 10am on Baltimore and Gostlin, which is next to the Cavalier Inn and across the street from the former Roller Dome and it'll step off on Gostlin at 11am. There will be a memorial service at St. Casmir Church, right after the parade, where it ends on the Huen and Cameron. And to be in the parade, call the Hammond Mohawks, at 933-9823. Ask for Larry to get further information about the parade or to be in the parade. We are looking for Veterans, floats, bands. Hammond has graciously announced that they will have the Pride of Hammond Band there and the Rock Band as well. Bishop Noll Institute will have their band there. We're looking for other bands and floats and veterans and anyone else that would like to be there for the Memorial Day Parade and the service afterwards. Also, Pulaski Park Neighborhood Association announced that it will hold its next meeting on Tuesday, May, 31st at 6:30pm at the Hammond Mohawks located at 144th and Calumet Avenue.

### COMMUNICATIONS cont.

Councilman Rakos- Yes, I can announce that HC3 is holding Live in the Ville on June 3rd and 4th. The new location is still on Kennedy, between 173rd and Orchard Drive. Friday will start at 4:30 with a Puppy Paw Parade, and it goes to eleven. Saturday will start at noon and go to 11 o'clock as well. There's all sorts of entertainment and things for the kids, and we hope everybody can come out that's live in the Ville, June 3rd and 4th. Thank you.

Councilwoman Alexander- In our package today we received the Juneteenth celebration on June 19th at Martin Luther King Park from 2 to 4 pm. Just want to put that out there ahead of time before we get to our next meeting.

Council President Woerpel- The only thing I'll add, and Mayor you might want to speak on this, we all received a communication that Hammond Police Department is hiring. Did you want to give a brief...

Mayor McDermott- We are hiring fire and police, across the board. If you have a CDL, and you want to get a job, you can come out right now, get hired. We're having people walk off the street. It does not happen very often that jobs aren't filled internally, but yeah, police, fire, across the board. So, if you know anybody that wants to be a police officer, it's a great time to get em into a great career. So, any questions, contact my office, contact Personnel, contact Hammond Police Department.

### COMMITTEE REPORTS

Council as a Whole Committee - Councilwoman Venecz - Brought out 22-17.

Council as a Whole Committee - Councilwoman Venecz- Animal Control Committee would like to schedule a committee meeting on June 13, 2022 at 5 pm.

Capital Improvement Board - Councilwoman Venecz - Met on Monday, May 16th . We approved \$9000.00 for Environmental Testing on Indianapolis Blvd. And Michigan's new right turn lane. We approved \$80,000 for General Engineer Services for Nies Engineering. Um, there was another item on the agenda about stripping Hohman Avenue, but that was \$468,006.20. That was removed from the agenda due to an incomplete application. The next meeting will be June 6th. The work study session begins at 4:30 and the meeting will follow at 5pm. Thank you.

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

Wed., June 8th; Community Watch at Mt. Zion Pleasant View Plaza; 2:00p.m.

Tues, June 7th; Harrison Park Crime Watch; VFW; 6:30p.m.

Thur., June 16th; Hessville Crime Watch; Jean Shepard; 6:00p.m.

Thur., June 9th; Whiting Robertsdale; Calumet College; 6:30 p.m.

### COMMITTEE REPORTS cont.

Councilwoman Venecz- I'd like to announce that coming up is the 2022 City of Hammond Security Light Program. Anyone who owns and resides in their Hammond home, must provide proof of ownership and provide a valid driver's license or state ID, to get a free dusk-to-dawn security light. Applications will be taken in person only. June 20<sup>th</sup> through the 24<sup>th</sup> at City Hall the third floor, room #312. Uh, quantities are limited. So, first, this is on a first come, first-served basis. And we have Mayor McDermott, Hammond Community Watch, Hammond Community Development, and the Hammond Urban Enterprise Association to thank for this very popular program. It's always nice to light up your area for the safety of you, your family, and your property. And as I always say, because community is not just about me, it's about us.

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

22-17 An Ordinance to Appropriate Monies into the 2022 Gaming Fund

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

Councilwoman Venecz- This ordinance will move unspent money from 2021 into 2022 accounts.

ROLL CALL VOTE (passage of 22-17)

AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Rakos, Woerpel

NAYS: None ABSENT: None

Motion carried 9/0/0 ORDINANCE NO. 9550 PASSED

# INTRODUCTION OF ORDINANCES None

### RESOLUTIONS

A Resolution Approving the Development Agreement among the City of Hammond, Indiana, the City of Hammond Redevelopment Commission, and NWI Hohman LLC regarding the Bank Calumet Building Project

Councilman Torres, supported by Councilman Emerson, moved for adoption.

Councilman Torres- This is a development by NWI Development Group based in Michigan City, Indiana. Uh, the three developers are Robert Harte Anastasia Fratto, and Alan Schacalhtman. it's a \$24 million investment. And the City of Hammond incentive support is \$5 million in Tif. \$150,000 in Facade Funds. And also the city is contributing city-owned land for off-site parking. It's a nine story office building, built in 1925. It's the tallest building in Hammond and it's identified by Urban Planner Jeff Speck as the most significant building in Downtown Hammond to preserve and redevelop. Thank you.

RESOLUTIONS cont.

ROLL CALL VOTE (adoption)

AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Rakos, Woerpel

NAYS: None ABSENT: None Motion carried

9/0/0

RESOLUTION NO. R09 ADOPTED

22R-10 An Resolution Supporting the City of Hammond's Suit to Declare the Lake County Judicial Nominating Commission Unconstitutional and to Elect Judges in Lake County

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

Councilwoman Venecz- Uh, as the mayor stated, and he may want to elaborate some more during his open remarks. Uh, this is a lawsuit initiated by the City of Hammond against the judicial nominating commission and the state of Indiana. Uh, there are four counties out of the ninety-two counties in the state of Indiana who are not allowed to elect their own judges. They are Lake County, Allen County, Marion County, and Saint Joseph County. All 88 other counties elect their judges. Um, the city initiated this action and I believe that other municipalities and counties are going to follow our lead on this and I ask for your consideration. Uh, Mayor, if you would like to elaborate, please.

Mayor McDermott- Sure, thanks, Councilwoman. Um, this is the type of lawsuit if it's not for the City of Hammond. It's really the type of lawsuit that won't be filed by any lawyer that practices in Lake County because it's complicated, it's costly, and quite frankly, if that lawyer loses, they still have to practice law in Lake County. I could tell you there's a number of people that aren't happy with this lawsuit. There are people that are part of the system, though. It's just not right that four counties in the state of Indiana have been identified as counties where you can't elect your own judges. And we're one of those four counties, and if you look at the common characteristics of all four of those counties, it's counties with high minority populations, particular high African-American populations, and we're making an argument that that's intentional and that violates the US Constitution, that violates Indiana Constitution, it's filed in federal court. It's a serious lawsuit. We have great lawyers. It's complicated. Um, I imagine it would cost a couple bucks. We're hoping at the end of this that all judges in Lake County will be elected and it which case, I imagine the bench in Lake County will look a lot like Lake County does instead of a bunch of appointed judges from the governor. So, that's the goal. It's a great lawsuit. Uh, it's complicated. Like I said, it's a federal lawsuit, and Lake County Council recently passed the same resolution that you're looking at right now. We want to take this on the road to other governments around Lake County. There's a number of people that are interested in this. We have people jumping in as plaintiffs. Um, we have a great lawyer. So, I don't know if you have any other questions.

Councilwoman Venecz-Yes, as Councilman Hamm stated during caucus, it's not that we have a problem with the judges. The judges are fine. It's the inequity for the four counties that are being singled out in the entire state of Indiana.

### RESOLUTIONS cont.

Mayor McDermott- And like I mentioned earlier, the rationale for decades that has been the reason we picked those four counties is because they're the four largest counties in Indiana. And now Hamilton County has become one of the largest counties in Indiana. They didn't change the way they picked their judges. They still get to elect them. Which results in a lot more Republican judges in Hamilton County. So, I imagine downstate, they don't mind that as much but up here in Lake County, where there's a high minority concentration, we have this system that's been in place for decades and it doesn't make it right. And you know, just because there's some people that like it, doesn't mean it's right either by the way, if I remember my history correctly in the United States, there were people that were loyal to the British when we were fighting against them and it didn't make them right just because there's some people that like this system doesn't make it right. What we're seeking is equality. We want to be treated like all the other counties in Indiana. Over here, in Lake County, we have to go through this arcane system that's set up by the governor and the super majority right across the border in Porter County, they get to elect their judges. It makes no sense and it's going to lose. It just needs a willing plaintiff and we became that willing plaintiff. And I want to thank you for your support over the last year while we've been litigating this. We want to take it to the finish line and win and then, you know, so...

Councilman Tyler- I would like to be added as a co-sponsor, if possible?

Council President Woerpel- So noted.

Mayor McDermott- These resolutions are important, they really are, because they'll be attached to the record. The judge will see that Lake County is involved. The judge will see that the Hammond City Council is involved. The judge knows that the City of Hammond is involved. So, don't think what you're doing doesn't make a difference, and we're going to take this on the road and try to get other governments to do the same thing. So, I just wanted to point that out.

Councilman Emerson- I first want to agree with the Councilwoman when she said we should be leaders. I like everything about this resolution. Eighty- eight counties elect their judges and four do not. And the Governor appoints members of the committee to select these people as judges. To me it violates, as Attorney Smith stated, the federal Voting Rights Act and the Indiana State Constitution. If we're going to do it, have it for 92 counties and don't single out four counties. Judges should be elected by the people in all counties. It's our responsibility as voters to learn about people running for judge or if they're incumbents, to learn about their record during their term. So, I'm asking that the council be a co-sponsor of this resolution. Thank you.

Council President Woerpel- So noted. Councilman Emerson wants to be added as a co-sponsor.

Mayor McDermott- Can I make one more point? I know you guys are probably going to, you know... I imagine a lot of you are open-minded. But think about it if you're a judge and you don't fear the voters, you can do whatever you want because you don't fear the voters. You pay attention to the governor. You pay attention to the super majority. So, maybe some judges are letting people out too early. Maybe judges are making decisions we don't like. We don't have any authority over them. We're not the bosses of the judges in Lake County. It's not right. I really strongly believe all of us got elected by the people to sit in the seats we sit in and we're responsive to the people. If you're appointed by a super majority in a rigged system like our judges are, you're just not going to be as responsive to the residents of Hammond. We don't matter as much.

### RESOLUTIONS cont.

Councilman Torres- It's my understanding that these counties have the highest minority percentage of Black, Hispanic, and Asian. Then the rest of the other 88 counties in the state. So they're concluding that minorities don't have to know how to elect their own representatives or judges in this case. So, that's a little bit discriminatory, I believe. Thank you

Councilman Rakos- Can we all be added to this resolution?

Mayor McDermott- One more point, Senator Lonnie Randolph's been added as a plaintiff, which I think is great. I appreciate him coming on board. Uh, Eddie Fontanez, an attorney that practices law in NWI, and myself, as the Mayor, are the three plaintiffs in this case.

ROLL CALL VOTE (adoption)

AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Rakos, Woerpel

NAYS: None ABSENT: None

Motion carried 9/0/0

RESOLUTION NO. R10 ADOPTED

Councilman Rakos, supported by Councilwoman Venecz, moved to have the entire council added as sponsors.

ROLL CALL VOTE (add co-sponsors)

AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Rakos, Woerpel

NAYS: None ABSENT: None

Motion carried 9/0/0 MOTION CARRIED

**NEW AND UNFINISHED BUSINESS** 

None

### PUBLIC EXPRESSION

George Stoya- Gotta tell you, I was not at all happy with the Mayor's explanation. It's too complex for us, really? What is it? A declaratory relief action? Or does it entail a great deal of discovery? What are we looking at here? Are we the only ones paying the bill here? He talked about, we got the best lawyers. You know what that means Cha Ching, Cha Ching. I thought we were going broke here in this city.

Councilwoman Alexander, supported by Councilwoman Venecz, moved to adjourn.

ROLL CALL VOTE (adjourn meeting)

AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Rakos, Woerpel

NAYS: None ABSENT: None

Motion carried 9/0/0 MEETING ADJOURNED

# 2022 HAMMOND COMMON COUNCIL ATTENDANCE RECORD OF ELECTRONIC AND PHYSICAL PRESENCE

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E=ELECTRONIC

P=PHYSICALLY

**PRESENT** 

A=ABSENT

If the member qualifies for an exemption from the "Consecutive - 50" requirements, draw a circle around the E for that meeting/ member.

Hammond Common Council

Dave Woerpel President

Robert J. Golec, City Clerk

Time: 6:45 cb/dw