

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on January 28, 2013 in the Hammond City Council Chambers.

Council President Michael Opinker presided.

City Clerk Robert J. Golec facilitated.

PLEDGE OF ALLEGIANCE was recited by all.

Invocation was given by Anthony Higgs.

ROLL CALL

PRESENT: Markovich, Spitale, Venecz, Salinas, Higgs, Emerson, Hinojosa, Opinker

ABSENT: Kalwinski

TOTAL: 8

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Hinojosa, moved to accept the minutes of January 14, 2013 and place on file. AYES: ALL

APPROVAL OF CLAIMS

Councilman Markovich, supported by Councilman Spitale, moved to accept the claims from January 9, 2013 through January 23, 2013. Claim #354 through claim #646, inclusive.

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

#647	St. John the Baptist School	Common Council	\$250.00
648	HAST	Common Council	400.00

ROLL CALL VOTE (amendment)

AYES: Markovich, Spitale, Venecz, Salinas, Higgs, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: Kalwinski

Motion carried 8/0/1 CLAIMS AMENDED

ROLL CALL VOTE (passage)

AYES: Markovich, Spitale, Venecz, Salinas, Higgs, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: Kalwinski

Motion carried 8/0/1 CLAIMS APPROVED  
(as amended)

APPROVAL OF CLAIMS cont.

Councilwoman Venecz, supported by Councilman Hinojosa, moved to suspend the rules to introduce a group of young adults who attended the inauguration in Washington, D.C. AYES: ALL

The group introduced themselves individually and then Calvin Sanders spoke to the events of the trip.

Councilwoman Venecz, supported by Councilman Hinojosa, moved to return to the regular order of business. AYES: ALL

PUBLIC HEARINGS

None

COMMUNICATIONS

Councilman Higgs announced the Mayor's Night Out tomorrow at Eggers Middle School at 6:30 p.m.

COMMITTEE REPORTS

None

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

None

INTRODUCTION OF ORDINANCES

13-02            An Ordinance to Appropriate Monies into the 2013 Gaming Fund

Councilwoman Venecz, supported by Councilman Spitale, moved that the proposed ordinance go to 1<sup>st</sup> and 2<sup>nd</sup> reading by title, referred it to the Council as a Whole Committee, with a Public Hearing set for February 25, 2013. AYES: ALL

13-03            Appropriation - \$878,519.00 - Redevelopment Dept.

Councilwoman Venecz, supported by Councilman Spitale, moved that the proposed ordinance go to 1<sup>st</sup> and 2<sup>nd</sup> reading by title, referred it to the Redevelopment Committee, with a Public Hearing set for February 25, 2013. AYES: ALL

Councilwoman Venecz - This is money that was left from a TIF that was closed that is moving to the Capital Outlays Fund.

INTRODUCTION OF ORDINANCES cont.

13-04 Appropriation - \$22,700.00 - Hotel/Motel Innkeepers Tax for Park Dept.

Councilwoman Venecz, supported by Councilman Emerson, moved that the proposed ordinance go to 1<sup>st</sup> and 2<sup>nd</sup> reading by title, referred it to the Council as a Whole Committee, with a Public Hearing set for February 25, 2013. AYES: ALL

13-05 Amending Section 36.005 of the Hammond Municipal Code, as it pertains to Approved Uses of the 60% to be used for Infrastructure and Public Safety

Councilwoman Venecz, supported by Councilman Spitale, moved that the proposed ordinance go 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

Councilwoman Venecz - This ordinance would remove the usage of dumpsters from the gaming funds.

RESOLUTIONS

13R-02 Adopting the Amended Notice of Provisions of the Americans with Disabilities Act

Councilwoman Venecz, supported by Councilman Hinojosa, moved for final adoption.

Councilwoman Venecz - This resolution basically updates some language in the previous resolution because we no longer have an Executive Director of Human Relations. We changed the language to read the ADA Coordinator. Also on the very first page, notice under the Americans with Disability Act, ADA, the second line, "2005 Guidelines for accessible public rights of way" was omitted from the previous resolution and it has been inserted now.

Councilman Higgs - As it reads it says, "Requirements for Title II an Americans with Disabilities Act 1990 ADA the City of Hammond, Indiana would not discriminate against qualified individuals with disabilities on the basis of disability in its service, programs and activities."

ROLL CALL VOTE (adoption)

AYES: Markovich, Spitale, Venecz, Salinas, Higgs, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: Kalwinski

Motion carried

8/0/1

RESOLUTION ADOPTED

RESOLUTION R02

A RESOLUTION ADOPTING THE AMENDED NOTICE OF PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT IN THE CITY OF HAMMOND

NEW AND UNFINISHED BUSINESS

12-63 INTENT TO CONSIDER - CP-12-10 - Petition of Marvin Ostin to Reclassify said Property from S-2 Institutional District to C-4 General Commercial District to Construct, Operate and Maintain an Oil Analysis Laboratory at 7205 Columbia Avenue

Councilman Emerson, supported by Councilman Spitale, move for final passage.

Councilman Markovich - Why doesn't the sponsor tell everybody what's going on so nobody figures that they're putting an oil refinery there or something to that effect? Let everybody know what's going on. It's the old library building. Let the sponsor give a synopsis of what's going on.

Council President Opinker - Actually, the sponsor's not here but Brian Poland can fill us in on that.

Brian Miller, City Planner - The petitioner is a company from Canada that is looking to locate within the city of Hammond. They process oils that come from machinery. The product comes in a test tube size. Being shipped through the normal common carriers of FedEx, the U.S. Postal Service and those related companies which by that definition, the fact that they can be shipped by common carrier means it's not a hazardous material. They process it similar to .... in a machine that's probably similar to how blood is processed and all the protocols that are associated with oil and making sure that they are handled properly and not cause a problem from any environmental situations and the proper disposal. All that is gonna be dealt with through the Environmental Management Department.

ROLL CALL VOTE (passage)

AYES: Markovich, Spitale, Venecz, Salinas, Higgs, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: Kalwinski

Motion carried

8/0/1

ORDINANCE PASSED

ORDINANCE NO. 9187

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 7205 COLUMBIA AVENUE

NEW AND UNFINISHED BUSINESS cont.

12-64 INTENT TO CONSIDER - CP-12-07 - Amending the Hammond Zoning Ordinance for purposes of Adopting a Planned Unit Development District Ordinance for Columbia Center establishing the Provisions as a Supplement to the Zoning ordinance

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

ROLL CALL VOTE (passage)

AYES: Markovich, Spitale, Venecz, Salinas, Higgs, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: Kalwinski

Motion carried

8/0/1

ORDINANCE PASSED

ORDINANCE NO. 9188

AN ORDINANCE AMENDING ORDINANCE NO. 8514, ALSO KNOWN AS THE HAMMOND ZONING ORDINANCE, FOR PURPOSES OF ADOPTING A PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE FOR THE COLUMBIA CENTER PLANNED UNIT DEVELOPMENT ESTABLISHING THE PROVISIONS FOR THE COLUMBIA CENTER PLANNED UNIT DEVELOPMENT AS A SUPPLEMENT TO THE ZONING ORDINANCE

12-65 INTENT TO CONSIDER - CP-12-09 - Petition of Hammond Plan Commission for Amendments to the Hammond Zoning Ordinance for purposes of Amending Title XVI PUD-Planned Unit Development District and Title XXX Planned Unit Development District Identification

Councilman Emerson, supported by Councilman Spitale, moved to adopt Ordinance 12-65.

Councilman Emerson, supported by Councilman Spitale, moved to amend in 12-65A in its entirety and refer it back to the Planning Commission.

ROLL CALL VOTE (amending in 12-65A)

AYES: Markovich, Spitale, Venecz, Salinas, Higgs, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: Kalwinski

Motion carried

8/0/1

AMENDMENT ADOPTED

ROLL CALL VOTE (12-65 as amended)

AYES: Markovich, Spitale, Venecz, Salinas, Higgs, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: Kalwinski

Motion carried

8/0/1

ORDINANCE PASSED  
(as amended)

*Prepared by  
Robert J. Golec  
Hammond City Clerk*

NEW AND UNFINISHED BUSINESS cont.

ORDINANCE NO. 9189  
AN ORDINANCE AMENDING ORDINANCE NO. 8514, ALSO KNOWN AS THE  
HAMMOND ZONING ORDINANCE FOR PURPOSES OF AMENDING TITLE XVI  
PUD-PLANNED UNIT DEVELOPMENT DISTRICT AND TITLE XXX PLANNED  
UNIT DEVELOPMENT DISTRICT IDENTIFICATION  
(as amended)

13-01 INTENT TO CONSIDER - CP-12-11 - Petition of United Steelworkers Local 1010 to Reclassify said Property from S-2 Institutional District to C-1 Local Commercial District to Construct, Operate and Maintain a Union Hall at 7047 Grand Avenue

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

Councilman Hinojosa - Local 1010 has originally been on the corner of Euclid and Broadway in East Chicago since the 1930's and the structure is falling apart. They needed to find another place. They found the old library on Grand Avenue next to Morton High School. The President of the Local 1010 is here, he has talked to the principal at Morton High School. Knowing, myself, from being myself from Local 1010, I know how many people go to the hall and the meeting. The union meetings are after 5 o'clock, after school. So the facility and the parking is more than adequate for Local 1010 and I'm looking for final passage.

Councilman Spitale - Could we have President Hargrove step up to the podium? How many meetings do you usually have? I've had some people already ask how much time is that gonna be utilized.

Mr. Hargrove, President of the Local 1010 - We have one a month on the 3<sup>rd</sup> Thursday of the month.

Councilman Spitale - And how many members are left with us?

Mr. Hargrove - Well, we have, our membership is about 3500 but generally, unless there is something exceptionally going on, at a union meeting will be less than 100.

Councilman Spitale - Well, it's a great union and you've been a great president. I'm glad to be part of that Local 1010 also. Welcome to Hammond.

Mr. Hargrove - Thank you, I'm very proud to move to Hammond.

Council President Opinker - Thank you, Mr. Hargrove.

ROLL CALL VOTE (passage)

AYES: Markovich, Spitale, Venecz, Salinas, Higgs, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: Kalwinski

Motion carried

8/0/1

ORDINANCE PASSED

*Prepared by  
Robert J. Golec  
Hammond City Clerk*

NEW AND UNFINISHED BUSINESS cont.

ORDINANCE NO. 9190

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 7047 GRAND AVENUE

PUBLIC EXPRESSION

John Czulno - Re:12-65 and demo at 173<sup>rd</sup> and Lyman. Will there be any discussion as to what is going on at the site?

George Stoya - Concurs with previous speaker. Council doesn't talk about anything. Have a little discussion, we don't know what is going on.

Councilman Markovich, supported by Councilman Hinojosa, moved to return to New and Unfinished Business.

AYES: ALL

NEW AND UNFINISHED BUSINESS cont.

Councilman Markovich - Maybe Councilman Emerson would like to give an explanation to Mr. Czulno what's going on over there with that property over there and so forth. They had a meeting earlier to get the language and so forth and maybe Councilman Emerson can give you some highlights of what's going on and that's why I went back to New and Unfinished Business.

Councilman Emerson - Sure. I couldn't respond during Public Expression because that's the rules. Actually, speaking about the 12-65A, that was ... I had some concern about it myself and you know, one of the things, this is basically to be in line with the State Statute. This has been the same since 1981 and we're required to do this, you know, because the state has said when you have previous PUD's that you have to have an ordinance as opposed to what's been in effect from Council decision since 1981. The ordinance does not establish or change any of the existing PUD's that's the main thing, well, one of the main things we wanted. And I would like to further clarify Section D, "The development will consist of a grouping of buildings", and this is out of context with a lot of other things, "deemed by the Planning Commission to be architecturally harmonious", etc., etc., "where practical", and that is a way of saying that anything that goes on over there has to be approved by the Planning Commission as well as the City Council. By the way, as it stands now, there's nothing planned except I have some ideas for some beautification projects. Further, the other change that we wanted was that the area defined as a PUD by Zoning Map since 1981 Zoning Ordinance, and there are no governing documents of record therefore no development can occur until a PUD District Ordinance has been approved by the Planning Commission and the City Council. So, basically, it's one of those things where you just have to adopt to what

NEW AND UNFINISHED BUSINESS cont.

Councilman Emerson cont. - the state is requiring in terms of zoning. But as for that loading dock being knocked down, that had to be done before we could do some of the projects I'm trying to do, and none of those involve anything but beautification. I don't have any verification of those that's why I'm not talking about them but it would make the neighborhood better, what I have in mind and you can't do that on concrete.

Mr. Poland - I was just gonna add a couple of things. The demolition of the concrete really was with the removal of a long standing, basically, environmental hazard. That was handled through the Redevelopment Commission and I don't really know too many of the details about that but it was bid out through the appropriate processes of the Redevelopment Commission. As far as what plans are occurring on the property, there are no plans. We have not received anything. A lot of people have talked about it over the years but there's nothing current. The important thing, I think, for the neighborhood to know is that through the Plan Commission process it is a public notification and public hearing process when a proposal is presented to the Plan Commission. All the property owners within 300 ft. of that subject property are notified by certified letters, they're invited to come to the meeting, ask questions and express their concerns for or against and that is taken into consideration as the Plan Commission would make its recommendation to the City Council. So there is an opportunity for the public to know about it when something is presented.

Councilman Markovich - Brian, it was mentioned that the demolition of the concrete slab went for \$135 thousand more, how come it didn't go to the lowest bidder and what happened with all of that?

Mr. Poland - I can not address that. That is a question for the Redevelopment Commission.

Councilman Markovich - I mean that's a lot of money. You know, and like the gentleman said, what's the big hurry to get rid of that slab. I mean \$135 thousand is a lot of money that Redevelopment could have used for something else. There was no hurry I mean it's not like they're beating down the doors that somebody wants to build something there. I think that's something that ought to be looked into. Especially since that's federal money.

Mr. Poland - I get it. Again, that is something that should be directed to the Redevelopment Commission because I can't speak for them.

Councilwoman Venecz - I do seem to recall having a discussion with Councilman Emerson about that property over there and the removal of the concrete and with Phil Taillon, head of Planning, it seems to me that initially Redevelopment was going to pay for the removal of that concrete but then there was some federal funding that they had available that worked better with the removal of the concrete from an environmental standpoint. That concrete they could only lift the concrete. They could not move any of the dirt underneath because of the environmental considerations. That was something with the railroad many, many years ago and that ground is contaminated and can't be used for much more than anything than what it's being used for right now. There can be beautification that can be done. There was some talk of a dog park over there. But I remember years ago they wanted to build condo's over there. Can't do it. Can't do it because of the environmental considerations. I neglected to announce some Crime Watch meetings for those who want to do good in your community and want

NEW AND UNFINISHED BUSINESS cont.

Councilwoman Venecz cont. - to know what's going on in your neighborhood there are some upcoming Crime Watch meetings. Wednesday, Jan. 30<sup>th</sup>, the Jefferson Crime Watch will meet at 6:30 p.m. at Jefferson School. On Wednesday, Feb. 6<sup>th</sup>, Harrison Park will meet at 5 p.m. at the VFW on Hohman Avenue. Also on Wed., Feb. 6<sup>th</sup>, 6:30 p.m., Edison Community Watch will meet at Edison School. Also, Edison Community Watch is going on the road. They are going to have a meeting Thurs, Feb. 7<sup>th</sup>, at 2 o'clock in the afternoon at the Golden Manor Senior Apartments. We're going to address some of the concerns of the senior and Sgt. Muta is going to be there so anyone is welcome to that meeting. And that is how change happens, one gesture, one person, one moment at a time.

Councilman Emerson - I just want to revisit that because I neglected to point out some fairly ancient history, when they wanted to build the new high school they had a number of sites in Hammond picked out. One of them was the property that you're talking about. One of the reasons, from what I understand, they did not build, consider building it there was the cost of the environmental clean up of that area. So, suffice it to say there probably are some things you could do there, but you know, I'm not an environmental scientist but I don't think building anything other than, you know, some beautification things maybe that wouldn't house people. I'm gonna stick my neck out there. So that's not in the offing. It was quite expensive six years ago to clean that area. So I just wanted to add that. As some of you may or may not know, my Mother in law passed away a week ago Sunday and I mention this because the funeral was in Hammond and it went from a funeral home in Hammond to a church in Hammond and then out of state. I wanted to compliment the EMA Officers that directed the traffic during the procession, it was really unbelievable, by comparison when we left the state not so much. They had every intersection blocked and it means a lot when you're on the other end of things at a time like that. The family even commented what a great job they did. Another thing, just as a side, people on 165<sup>th</sup> Street, total strangers, were pulling over out of respect for the procession which I admit myself I haven't done when I see other funerals and I will, if I can, pull over as you would for a fire truck or an ambulance. So hats off to Mr. Kolina, Mr. Schopshire, and two other gentlemen that I don't know their names but they did a great job and I think they're kind of unsung heroes in the city. Because they are out there for events, good events and not so happy events, they do a great job. Thank you.

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

AYES: ALL

ATTEST:

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Michael Opinker, President  
Hammond Common Council

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Robert J. Golec, City Clerk

Minutes accepted and approved at the Common Council meeting of February 11, 2013.

Time: 6:40 pm  
cb

*Prepared by  
Robert J. Golec  
Hammond City Clerk*