MINUTES OF THE COMMON COUNCIL SEPTEMBER 23, 2013

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on September 23, 2013 in the Hammond City Council Chambers.

Council President Michael Opinker presided.

Council Coordinator Carmen I. Balboa facilitated.

PLEDGE OF ALLEGIANCE was recited by all.

ROLL CALL
PRESENT: Markovich, Spitale, Venecz, Kalwinski, Uylaki, Higgs, Emerson, Hinojosa, Opinker
ABSENT: None
TOTAL: 9

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Emerson, moved to accept the minutes of September 9, 2013 and place on file. AYES: ALL

APPROVAL OF CLAIMS

Councilman Markovich, supported by Councilman Higgs, moved to accept the claims from September 4, 2013 through September 18, 2013. Claim #4414 through claim #4688, inclusive.

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

#4689	Ham'd Innovation Center	Common Council	$300.00
#4690	Advanced Turf Solutions	Mayor's Gaming	$896.69

ROLL CALL VOTE (amendment)
AYES: Markovich, Spitale, Venecz, Kalwinski, Uylaki, Higgs, Emerson, Hinojosa, Opinker
NAYS: None
ABSENT: None
Motion carried 9/0/0 CLAIMS AMENDED

ROLL CALL VOTE (as amended)
AYES: Markovich, Spitale, Venecz, Kalwinski, Uylaki, Higgs, Emerson, Hinojosa, Opinker
NAYS: None
ABSENT: None
Motion carried 9/0/0 CLAIMS APPROVED (as amended)

Prepared by
Robert J. Golec
Hammond City Clerk

PUBLIC HEARINGS

13-33 2014 Civil City Budget Proposal

13-34 Amending the Salary Ordinance for the Hammond City Court as it relates to Court Employees

13-35 Appropriating Money from the Clerk's Perpetuation Fund

13-39 2014 Redevelopment Budget

13-40 2014 Sanitary District Budget

Alvin Cheeks - Having the budget hearings on Saturday was a great idea. The consolidation of departments is also a great idea. We should consolidate more. We should have more Hammond residents working on Hammond projects.

COMMUNICATIONS

Councilman Higgs read correspondence from Dept. of Planning & Development regarding Food for Less' construction of a fuel station at their location.

Councilman Hinojosa read correspondence from Local 1010's regarding their relocation to Hammond. There will be a ribbon cutting at 10 a.m. on September 27th at their new location which is the old library on Grand Avenue.

Councilman Hinojosa read correspondence from the Hammond Fire Department regarding their Fire Prevention Open House at the Central Station on Saturday, August 5th, from 10 to 2.

Councilman Hinojosa read correspondence from the Hammond Hispanic Community Council regarding their celebration of 20 years. They will be having a function on Saturday, October 5th at the Jean Shepherd Center from 10 to 2.

Councilman Higgs thanked the Firefighters Local 556 for inviting him to their annual picnic.

Councilwoman Venecz announced the East Side Community Council in partnership with Edison Community Watch and Home Depot will be sponsoring a Trunk or Treat on Saturday, October 26th at Home Depot on 165th from 6 to 8 p.m.

Councilman Higgs acknowledged the appointments of the Common Council to Boards and Commissions.

Board of Zoning and Appeals	Hargrove	4 year-beginning 1-3-12
Economic Development	Ybarra	Expires 12-31-12

Prepared by
Robert J. Golec
Hammond City Clerk

COMMUNICATIONS cont.

Councilman Higgs cont.

Ham's Redevelopment Commission	Myricks		
	Pressley	1-12-13 to 12-31-13	
Lake County Solid Waste Mgt. District	Opinker	No fixed term	
Port Authority	Kaminsky	4 years- expires	2-20-15
	Puplava		2-20-17
Public Library	Janiga	Expires 9-11-17	
Urban Acadamy	Venecz	12-21-14	
Urban Enterprise Assoc.	McLaughlan		
	Higgs		
	Hackett	Expires 12-31-12	
Visitors Bureau	Garcia	Expires 6-30-16	

Councilwoman Venecz - Correction

Economic Development	Ybarra	Renewed to the end of this year

COMMITTEE REPORTS

Council as a Whole Committee - Councilwoman Venecz - Brought out 13-34
Finance Committee - Councilman Spitale - Brought out 13-41 & 13-42
Council as a Whole Committee - Councilman Kalwinski - Brought out 13-29
Council as a Whole Committee - Councilman Higgs - Brought out 13-35
Council as a Whole Committee - Councilman Hinojosa - Brought out 13-39 & 13-40

Council President Opinker - 13-29 will come out during New and Unfinished Business.

ORDINANCE 3RD READING - FINAL PASSAGE

13-34 An Ordinance to Amend Ord. 9182, also known as the Salary Ordinance for the Hammond City Court as it relates to Court Employees

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

Councilwoman Venecz - This is for the retired Graffiti Removal Coordinator who was replaced. His original salary was $36,727 and it was reduced to $32,772. Also a Bailiff was increased from $28,532 to $32,772. The Bailiff is married to someone who is in the Court so we're actually saving money by combining the benefits two employees for only one benefit.

Prepared by
Robert J. Golec
Hammond City Clerk

ORDINANCE 3RD READING - FINAL PASSAGE cont.

ROLL CALL VOTE (passage)
AYES: Markovich, Spitale, Venecz, Kalwinski, Uylaki, Higgs, Emerson, Hinojosa, Opinker
NAYS: None
ABSENT: None
Motion carried 9/0/0 ORDINANCE NO. 9221 PASSED

13-35 An Ordinance Appropriating Money from the Clerk's Perpetuation Fund

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

ROLL CALL VOTE (passage)
AYES: Markovich, Spitale, Venecz, Kalwinski, Uylaki, Higgs, Emerson, Hinojosa, Opinker
NAYS: None
ABSENT: None
Motion carried 9/0/0 ORDINANCE NO. 9222 PASSED

13-39 2014 Redevelopment Budget

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

Councilman Higgs - I'd like a brief description of the department heads for that department outlined in that. If the Clerk could read off their positions.

Councilman Markovich - I guess what he's referring to is on page 1, it says Business Development Planner, Commissioner, Director of Planning, I think that's what Councilman Higgs is asking for as far as we have titles here but no names. I think that's what he's asking. Who is in charge of Redevelopment Budget? Who is that person? Is that Phil Taillon?

Councilwoman Venecz - I believe it is.

Council President Opinker - Yes.

Councilman Higgs - I believe City Ordinance says that when the budget is being passed for 3rd and Final Passage that the department head is supposed to be here to answer any and all questions when that budget is being passed. Be that as it may is the fact that the Redevelopment Planner is not here. I believe that this budget can not be passed tonight until the Redevelopment Manager is here present to answer any and all questions.

Councilman Markovich, supported by Councilman Higgs, moved to table 13-39.

Councilman Higgs - All due respect ...

Council Atty. Berger - There's no discussion on a motion to table.

ORDINANCE 3RD READING - FINAL PASSAGE cont.

ROLL CALL VOTE (table 13-39)
AYES: Markovich, Higgs
NAYS: Spitale, Venecz, Kalwinski, Uylaki, Emerson, Hinojosa, Opinker
ABSENT: None
Motion fails 2/7/0 MOTION TO TABLE FAILS

Councilman Markovich - We have an ordinance that says that an ordinance can not be passed on 3rd and Final Passage unless the department is there. Why this council has just voted now to violate one of our own ordinances is beyond me. So I don't know how we can take any further action on it. It's an ordinance, it says it cannot be passed but yet they all violated the city ordinance.

Councilman Higgs - Attorney Berger, as it relates to this particular ordinance, can you pull a copy out for my colleagues. No disrespect but, I mean, we have governing laws and we have to abide by and the reality of it is if we're not gonna follow the guidelines why should we expect anybody else to do so. And make sure, Chelsea from The Times, make sure you put that in the newspaper because that's very important as it relates to particular things that go on withing the city. If we're not gonna abide by our own rules how could we expect the department heads.

Councilwoman Venecz - Atty. Kantar is here, can you answer that question for us I asked Atty. Berger ...

City Atty. Kantar - I've never seen an ordinance that says every time a budget passes every single department head must be here to witness its passing. So if Mr. Markovich does have a copy of one I'd love to see it. I'm not saying one doesn't exist but I have never seen it and I know we've passed budgets many times without ever single city department head standing here watching it occur.

Council President Opinker - That is correct.

Councilman Higgs - Atty. Berger is actually our attorney. I know Atty. Kantar works for the city but Atty. Berger is our attorney so we should be directing our questions to our own attorney versus the city's attorney.

Council President Opinker - Okay, Council Atty. Berger, do you have a copy of that ordinance?

Council Atty. Berger - I'm not familiar with that ordinance.

Council President Opinker - Thank you, Council Atty. Berger, that's all I need to know.

Councilman Markovich - I would request that we refer this budget to New and Unfinished Business to have Mr. Berger have time to go ahead and research that ordinance.

Councilwoman Venecz - We did have budget hearings on Saturday and we discussed this. We discussed that Planning is merging into this department. I'm wondering what other information you need to know. If you want

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilwoman Venecz - to know the people who are, you know, the Director of Planning and Development, that's Phil Taillon. Brian Poland was here earlier. He's the Director of Planning. I don't know, we know all of these people.

Councilman Higgs - I don't know who Councilwoman Venecz is referring to in this. I the one who posed the question because I wanted to know. So that was the purpose of that. There are some people I can identify on here and some I can't. So I wanted to be more clear. Out of all due respect I feel as though any department head that has their budget approved should be before us. Now we had budget hearings true enough, but what is it gone hurt to spend five minutes in the council chambers the night your budget is being approved. In reality it's gonna be a new year and if we have additional questions we can pose those questions to those individuals and get some clarity as it relates to anything that may be related to their budget process. It's only fair and it's only right. Now, however you guys want to do it, it's fine with me. I'm only one of nine. I can only speak the truth and how I feel about it. If you guys want to do whatever you want to do, that's totally up to you. But I'm just saying out of respect of all of us they should be here. So if that's how you want to handle business it's fine with me.

ROLL CALL VOTE (passage)
AYES: Spitale, Venecz, Kalwinski, Uylaki, Emerson, Hinojosa, Opinker
NAYS: Markovich, Higgs
ABSENT: None
Motion carried 7/2/0 ORDINANCE NO. 9223 PASSED

13-40 2014 Sanitary District Budget

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

Councilman Markovich - Is there somebody here from the Sanitary District to answer any and all questions in regards to their budget?

Council President Opinker - No there isn't anybody here. Actually, them questions were answered Saturday at the budget hearings.

ROLL CALL VOTE (passage)
AYES: Spitale, Venecz, Kalwinski, Uylaki, Higgs, Emerson, Hinojosa, Opinker
NAYS: Markovich
ABSENT: None
Motion carried 8/1/0 ORDINANCE NO. 9224 PASSED

Prepared by
Robert J. Golec
Hammond City Clerk

ORDINANCE 3RD READING - FINAL PASSAGE cont.

13-41 An Ordinance Creating a New Non Reverting Fund (Fund #206) entitled the County Economic Development Income Tax (CEDIT) Fund

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

Councilman Markovich - Could the sponsor of the ordinance please tell us and the listening audience exactly what is that ordinance?

Councilman Spitale - It's a new line item that's being created because of the County Tax for Economic Development and it's a state wide law and all the cities are doing it throughout.

ROLL CALL VOTE (passage)
AYES: Markovich, Spitale, Venecz, Kalwinski, Uylaki, Higgs, Emerson, Hinojosa, Opinker
NAYS: None
ABSENT: None
Motion carried 9/0/0 ORDINANCE NO. 9225 PASSED

13-42 An Ordinance Creating a New Non Reverting Fund (Fund #210) entitled the Public Safety Local Option Income Tax (LOIT) Fund

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

Councilman Spitale - This also too is a new line item for the County Income Tax. Again, it's a state law and all the other cities are doing the same thing.

ROLL CALL VOTE (passage)
AYES: Markovich, Spitale, Venecz, Kalwinski, Uylaki, Higgs, Emerson, Hinojosa, Opinker
NAYS: None
ABSENT: None
Motion carried 9/0/0 ORDINANCE NO. 9226 PASSED

INTRODUCTION OF ORDINANCES

13-43 2014 Civil City Salary Ordinance

Councilman Spitale, supported by Councilman Emerson, moved that the proposed ordinance go to 1st and 2nd reading by title, referred it to the Council as a Whole Committee, with a Public Hearing on 10-28-13.

AYES: ALL

Prepared by
Robert J. Golec
Hammond City Clerk

INTRODUCTION OF ORDINANCES cont.

13-44 2014 Police and Fire Salary Ordinance

Councilman Spitale, supported by Councilman Higgs, moved that the proposed ordinance go to 1st and 2nd reading by title, referred it to the Council as a Whole Committee, with a Public Hearing on 10-28-13.
AYES: ALL

13-45 2014 Elected Officials Salary Ordinance

Councilman Spitale, supported by Councilman Higgs, moved that the proposed ordinance go to 1st and 2nd reading by title and referred it to the Council as a Whole Committee. AYES: ALL

13-46 Transfer - $235,000.00 - Police Department

Councilman Hinojosa, supported by Councilman Spitale, moved that the proposed ordinance go to 1st and 2nd reading by title and referred it to the Council as a Whole Committee. AYES: ALL

13-47 Transfer - $500,000.00 - Various City Dept.'s

Councilman Spitale, supported by Councilman Hinojosa, moved that the proposed ordinance go to 1st and 2nd reading by title and referred it to the Council as a Whole Committee. AYES: ALL

13-48 Amending Ord. 8081 as it relates to Project Labor Agreements in the City of Hammond and Hammond Residents on Public Projects

Councilwoman Venecz, supported by Councilman Hinojosa, moved that the proposed ordinance go to 1st and 2nd reading by title. AYES: ALL

Councilwoman Venecz, supported by Councilman Spitale, moved to suspend the rules for 3rd and final passage of 13-48. AYES: ALL

Councilwoman Venecz - This ordinance is a Project Labor Agreement. What this ordinance is doing, it is requiring that projects done in the city of Hammond will require 25% of their workforce to be Hammond residents. If the job does not have 25% of their workforce Hammond residents the city of Hammond will be within their rights to put a stop order on that job. Refusal of any trade to agree to this provision will void the Project Labor Agreement on that particular project. The Board of Public Works retains the authority to reject all bids on any project, public project, and they will have the authority to enforce compliance. When non-compliance is evident the project will be awarded to the next lowest bidder. Monitoring of compliance with the local hiring ordinance will be done by a compliance officer with the city of Hammond who is authorized under the ordinance to enter any public work site in the city of Hammond and request a copy of certified payroll, employee pay records, and employee identification.

Prepared by
Robert J. Golec
Hammond City Clerk

INTRODUCTION OF ORDINANCES cont.

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

Councilman Markovich asked to be added as a sponsor.

Councilman Markovich - In caucus it was brought up that East Chicago has a 33%.

Councilman Markovich, supported by Councilman Higgs, moved to make it 33%.

Councilwoman Venecz - Not having seen the ordinance that East Chicago has, I think it's irresponsible on our part to increase that percentage. If at some point in time after having reviewed East Chicago's ordinance I wouldn't have a problem with entertaining that, but not at this time.

Councilman Kalwinski - The East Chicago ordinance was a point system. How you accrued 33% was a point scoring whereby each individual based on criteria can have up to three points and Hammond's system is based on per individual. So it's sort of measuring apples and oranges and I do think we should stay with what we started with and see how this works because we are not comparing oranges to oranges.

Councilman Higgs - That's fine and dandy but the reality of it is we need to see more minorities across the board placed in position throughout the city.

Councilwoman Venecz - The reality of it is we need to see more Hammond residents to work. It doesn't make any difference what color they are. We've passed resolutions regarding minority equity in the city and I would like to see more Hammond residents at work.

Councilman Emerson - You know just as a little addendum here, whenever 25% is mentioned it is preceded by at least 25%. So that 30% window that was brought up could conceivably be met there.

Councilman Markovich - I concur with Councilwoman Venecz that we should have more people from Hammond working on these jobs. I do agree that it should be 33%. We're not talking about point system here or anything. We're talking about Hammond residents. If you can recall when this came up two or three years ago, you know, we wanted 50% and the unions were threatening to sue us at the time. It was discussed in caucus that the unions are in favor of this and, you know, why not 33%. If East Chicago can do it, we're a bigger city that East Chicago. We have more projects going on. We have more riverboat money going on. We should be able to put more Hammond residents to work that what East Chicago has going in that respect.

Councilman Hinojosa - I'd have to say that the building trades already know that it's 25%. We don't want to surprise somebody with a 33%. I would be in favor of passing it the way that it is with 25% and we could always change it later.

INTRODUCTION OF ORDINANCES cont.

ROLL CALL VOTE (amend to 33%)
AYES: Markovich, Higgs
NAYS: Spitale, Venecz, Kalwinski, Uylaki, Emerson, Hinojosa, Opinker
ABSENT: None
Motion fails 2/7/0 AMENDMENT FAILS

ROLL CALL VOTE (passage)
AYES: Markovich, Spitale, Venecz, Kalwinski, Uylaki, Higgs, Emerson, Hinojosa, Opinker
NAYS: None
ABSENT: None
Motion carried 9/0/0 ORDINANCE NO. 9227 PASSED

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

13-49 Reclassifying Real Estate - From R-1 Single Family Residential to C-4 General Commercial - 2843 169th Street

Councilman Hinojosa, supported by Councilman Higgs, moved that the proposed ordinance go to 1st and 2nd reading by title and referred it to the Council as a Whole Committee, with an Intent to Consider for 10-28-13.
AYES: ALL

NEW AND UNFINISHED BUSINESS

13-29 INTENT TO CONSIDER - Reclassifying Real Estate - From R-1U Urban Single Family Residential to C-1 Local Commercial - 4504 Towle Avenue
Petitioned by Lake County Trust Company

Councilman Kalwinski, supported by Councilman Spitale, moved for final reading.

Councilman Kalwinski - Based on the no recommendation by the Plan Commission and no apparent specific site plan for the proposed re-zone site and the earlier approach by the council representing the land trust to withdraw.

Councilman Kalwinski moves to deny the motion.

Councilman Higgs - Councilman Kalwinski, are you saying that you're withdrawing the resolution? What are you withdrawing?

Councilman Kalwinski - No. I'm just saying that I am voting against the resolution.

Prepared by
Robert J. Golec
Hammond City Clerk

NEW AND UNFINISHED BUSINESS cont.

Councilman Higgs - It hasn't came to a vote so I'm kind of confused as to ...

Councilman Kalwinski - You're asking me what my intent was. My intent will be to vote against approving the intent to consider.

Councilman Markovich - The address and description of this property and where is it located?

Councilman Higgs - 4504 Towle.

Councilman Markovich - Just for the record so we make sure we got the right address and everything and all of that. Let's not be guessing what it is.

Council Coordinator Balboa - The address is 4504 Towle Avenue, Hammond, IN.

Councilman Markovich - What is the background and what wants to be done there?

Councilman Hinojosa - I believe if it changes from R1U to C1 there's nothing stating of what's gonna be there for a business and that's the reason for denying it. That we don't know what kind of business they want to open. They just want to sell it and change it to a C1 when we don't even know what's gonna go there. So, I also recommend to deny it.

Councilman Markovich - Is there anybody here that owns the property or any lawyers here representing that property?

Council President Opinker - Yes, there is an attorney here.

Councilman Markovich, supported by Councilman Higgs, moved for a suspension of the rules so they can come forth and give us some information so we know exactly what's going on.

Council President Opinker - All those in favor? Those opposed. AYES: ALL

Atty. Scott Yahne - Appearing on behalf of the petitioner - It is true that the Plan Commission did not ... took no position on the petition. It's an effort to re-zone property at the corner of Gostlin and Towle. I would differ from Mr. Kalwinski, there's a very exact site plan that was worked on at some length with Mr. Poland until it met certain specifications. Mr. Poland, who left for the evening, I told him that if I was called to appear that I would represent to the council that he supports the action of the commission which was no action. But there was an extensive process before the Plan Commission that was also a joint ... initiated in some form by the Zoning Administrator. We came up with a plan for that property. The first step was to re-zone the property before we would even be allowed to introduce a specific use. So, no, there was not a specific use. There was a request on our part to designate a specific use. We were told expressly it would not be considered at this stage for re-zoning and that we ought not submit that specific use. That it would eventually up for consideration as to what use

NEW AND UNFINISHED BUSINESS cont.

Atty. Yahne cont. - would go there down the road, if the re-zoning was approved. We thought there was good basis to go forward with it. It became evident, however, at the Plan Commission that the Commission would not support it. I know that Mr. Kalwinski has rather strong feelings and he spoke at the Plan Commission hearing. I don't want to speak for him or speak unfairly about his words so I'll leave that to him.

Councilman Markovich - Well, Mr. Poland's here now so if he wants to give his report.

Councilman Higgs - I have one question for Atty. Yahne in regards to this particular property. The parcel that they are saying that is not zoned properly and they're trying to re-zone it. Then there's also supposed to be another vacant lot with some property on there. What is that currently standing there?

Atty. Yahne - To understand, this property has a history, at one point was zoned commercially. That's why there's a commercial building on that corner. At some point is was re-zoned from commercial to residential, R1U, at which point the previous, I believe it was a dry cleaner for a number of years, that use or any commercial use would no longer be allowed on that corner. Across the street there are commercial uses. Directly to the west there are commercial uses. The thought was, at least as I understood it in some consensus that it made sense to combine this entire lot, originally I think three or four separate parcels, in meeting certain requests along the way we combined that into a single parcel and with the idea that that would be the best use of the land in that area. Ultimately, the Plan Commission did not support that petition to re-zone however. I think it would have been a good and viable use for that area to clean up the property, whoever ended up utilizing the property. But unfortunately the Plan Commission disagreed and we have reason to think that it won't be successful here this evening going forward but I understand at least it has been called for for final vote so here I am speaking in favor of it recognizing that it likely will not be successful this evening.

Councilman Markovich - Why wouldn't the Plan Commission go along with this. I mean, they didn't give a recommendation but did they give any reasons why or why not that they shouldn't do it. I mean, I guess it's a boarded up building right now, correct?

Atty. Yahne - Right now it's not boarded up. In the past it had been. The boarding has been removed.

Councilman Markovich - But there's nothing going on in there, correct?

Atty. Yahne - No, from my perspective is a good and viable building in good condition. I know there is, however, a petition to demolish the building. That is the subject of litigation. We'll see what happens with that I suppose. At least I would think that it's a building that could be utilized but I can't speak for the Commission and I shouldn't.

Councilman Higgs - So, Atty. Yahne, you represent the property owner. Am I correct?

Atty. Yahne - Yes, that's correct.

NEW AND UNFINISHED BUSINESS cont.

Councilman Higgs - And their potential use of the property is to do what in essence?

Atty. Yahne - I guess after the Plan Commission hearing they recognized that there was not an opportunity to go forward it appeared. At the time what they were looking to do even though we were cautioned not to give specifics in the petition. They were looking at a training facility where they would work with Workforce Development in training eligible candidates to obtain skills particularly in the restaurant industry and to work with people and develop ...

Councilman Higgs - Certainly, Atty. Yahne, I am willing to work with you in certainly finding a location within my district to get that accomplished because for some reason or another I feel as though my district has been neglected. So certainly if you want to meet, I'm open. And there are a number of locations within my district that we could look at.

Councilwoman Venecz - Was that the intention to do training or is there a contract with someone to do the training?

Atty. Yahne - Before we could move forward there were substantial discussions about what the use would be. Once, however, we understand it's a multi step process, first was Planning Commission. Once it became clear as a result of that meeting that evening that this could not go forward the interest from the person that was interested dropped away. At least the property owner could no longer support the effort. Now whether they'll be interested in doing this in another area, I would hope that they would. I was engaged by the property owner not the company that was interested in bringing...

Councilwoman Venecz - ....just curious if he had a contract with anyone.

Atty. Yahne - Do I have a contract? No. I'm an attorney, I represent a client.

Councilwoman Venecz - If he had a contract with anyone to start up this school training facility, whatever.

Atty. Yahne - No. It would be a legal folly to do so in this environment.

Councilwoman Venecz - Alrighty, thank you.

Councilman Markovich - You know, the only thing is, I mean, we have already passed it for somebody in Hessville to get a variance to expand their business because they wanted to add an additional 800 sq. ft. We went along with that. Here we got a piece of property that's sitting vacant and all they're trying to do is just change the re-zoning. I just hope it's not something personal against the owner that the council as a whole or individual councilmen have something against the owner that they're stopping this. Because if it's sitting there and nothing's going on and if it was boarded up at one time and it's not boarded up and they're trying to make a go of it, I mean, why would we not work with any individual whether the Workforce One wants to come in there. But here we got a property owner that wants to go ahead and develop it. He's asking for conditions to

NEW AND UNFINISHED BUSINESS cont.

Councilman Markovich cont. - expand it so he can open it up for additional business. We have too many buildings sitting here vacant and boarded up as it is. So I don't really understand this. You know, why somebody would be wanting to stop this and I hope it's not personal. You know that this council is going that way, or the district councilman is going that way. Because I'm aware, I mean I know where that piece of property is and it's sitting there and why we wouldn't allow to go from whatever it is C1 to whatever and all of that so additional businesses can apply to go ahead and put a business there. I don't know why this council would stop something like that. I do know in the past that when things were happening in the past about a liquor store in Hessville and so forth and all of that because it was an issue between the owner and the district council we ended up getting sued and we ended up paying a million dollars to settle that thing. I just don't want to see that again. Why the Plan Commission would not come forth with a recommendation one way or another. I mean, that's what that board is there for, to make a decision, to get all the information, and Mr. Yahne brought probably all that information to give them all of that and then why would they sit there and not come up with a recommendation. I mean if they feel that they should not have a recommendation then they should just say no. And if they say there should be a recommendation then they should say yes. But just don't say we don't have a recommendation. That's the duties of the Plan Commission, to encourage economic development here in the city of Hammond. When you're not gonna do that and come back with it. I mean, I'm not familiar with the whole deal other than what Mr. Yahne was saying here, but other than the district councilman says he just doesn't want it, period. But we're still gonna have a building sitting there empty. But if there's people that want to come in there and keep wanting to put another business in there, why should we stop them?

Councilman Higgs - I understand your thoughts, Councilman Markovich, and I respect every district councilman in regards to their district although people approach me on a regular basis for different issues that affect not just my district but throughout the city. And I do agree with you, there are vacant properties, there are questions I still have about some of the vacant properties that can actually be rehabbed and utilized that are being demo'd. You know we put tons of money in demo's when we should be trying to attract people to our city. Not tear down the homes, because there's no revenue if you keep tearing down homes. For whatever reason, you know, the Plan Commission, you know, I've been to one or two of their meetings and, you know, I don't agree with everything they do. One of the members has harassed me forever but that's neither here or there, the reality of it is if there's a question that needs to be answered in regards to this particular project, the district councilman obviously feels as he's not comfortable with it. The Plan Commission has not gaven an opinion of yea or nay so where do we go as a council. We want to see economic development. I do. Please put this in the paper, for some reason the things are not getting out to the public but I need it to be heard. I want economic development. Woodmar needs to be developed. On Columbia Avenue there's a vacant lot that needs to be cleaned up and something put there and I want to see economic development within my city, within my district. Whatever we can do to attract people to come, I'm open. And if that means, Atty. Yahne, and I'm willing to do this, we need to find a grant to get some property, a land a property, for you to get this established in my district, I'm 100% in. Whatever it takes and I'm willing to do whatever's necessary. So there's my commitment.

Councilwoman Venecz - Sitting here and listening to all of this, we've had this documentation since August. To imply that there's a personal vendetta against the owner of the property absolutely is an insult to me, it's an insult to the city, it's an insult to the Planning Commission. If anybody had bothered to do any homework they

NEW AND UNFINISHED BUSINESS cont.

Councilwoman Venecz cont. - would have found out that this property has been without water since 2002. There has been numerous work done on this property without city permits. It is currently on the demolition list. I don't know how much evidence one needs that the owner of this property, whoever he is, I don't know who he is, is circumventing the law here with some of the repairs that have been done. I found this out back in August. Each and every one of us could have found out details about this back in August. Instead here we are sitting there making accusations that there's a personal vendetta against the owner. Shame on you.

Councilman Markovich - I'd like to have Mr. Poland come to the podium. Give us a synopsis what happened at the Plan Commission meeting. I mean, we got a councilwoman here saying now that there's no water or anything. Was that considered during the Plan Commission meeting? Did that have anything to do with whether we re-zone this or anything?

City Planner Brian Poland - There was a lot of statements that were made at the Plan Commission meeting. I think what it really came down to with all of the competing interests, you know, the pros and the cons that this case had is that the Plan Commission was really focused on the fact that the subject parcel for the re-zone included a commercial building and a residential building. And that once it's re-zoned the residential building would also be re-zoned and so that would potentially open up commercial uses in a residential structure. It would potentially affect the parking layout that was prepared in that site plan. I can't tell you what was in everybody's mind, but that's what I recall as one of the more important factors as to what led them. I think the fact that the Plan Commission chose the middle option without a recommendation, you know, has some bearing on where their minds were at. Again, I can't speak entirely for them but clearly there was a lot of pro and con when it came to this case.

Councilman Higgs - Bobby, you could probably answer this question, in regards to the property not having water, have they violated, because you sit on the Board of Works and come to the meetings and maybe some of my colleagues need to attend as well. I know I see Councilwoman Venecz there quite a bit but as it relates to some of the issues that address this property, can you give me an idea of some of the things that were not in compliance?

City Controller Lendi - Neither I in my capacity as the Controller or as the President of Public Works and Safety had any influence or any involvement in this property, in the petition to re-zone or in the decisions of the Planning Commission. I apologize.

Councilman Higgs - Okay, so you're saying that nothing's been brought up at the Board of Works as it relates to this particular property. Because I'm hearing two different things. I know you sit there and you hear complaints time and time again, so if there are complaints, I need to know or if there have been complaints filed in the previous, I need to know.

City Controller Lendi - Again, Councilman Higgs, (shrugs shoulders).

Councilman Kalwinski - To clarify the motion, the motion is to deny the petitioners request.

Prepared by
Robert J. Golec
Hammond City Clerk

NEW AND UNFINISHED BUSINESS cont.

Councilman Kalwinski, supported by Councilman Spitale, moved to return to the regular order of business. AYES: ALL

Councilman Kalwinski - To be clear, my motion is to deny the petitioners request.

ROLL CALL VOTE
AYES: Markovich
NAYS: Spitale, Venecz, Kalwinski, Uylaki, Higgs, Emerson, Hinojosa, Opinker
ABSENT: None
Motion fails 1/8/0 MOTION FAILS

Council President Opinker - 13-29, eight no's, one yes.

Councilwoman Venecz - The Crime Watch people have been called a bunch of do gooders. Well, um, we will not meet again until October 28th because of the holiday on October 14th and this is just, as I always do at all of the meetings, I read a list of the crime watch meetings that are coming up. This is an indication of how people want their neighborhoods to improve. How people want to be involved in their neighborhoods. So please bear with me, the list is lengthy:

Sept. 24	6:30	Pulaski Park Neighborhood Group	American Legion
	6:00	Save Our Neighborhood	Ham'd Public Library
Oct. 2	5: 00	Harrison Park C.W.	VFW
	6:30	Edison Community C.W.	Edison School
Oct. 3	6:00	Edison Community on the Road	Golden Manor
Oct. 7	5:00	Irving Community Watch	Irving School
Oct. 9	6:00	Woodmar C.W.	Nat'l Guard Armory
Oct. 10	6:30	Whiting/Robertsdale C.W.	Calumet College
Oct. 15	6:30	E. Hammond Pullman C.W.	Ophelia Steen
Oct. 16	6:30	Lafayette Neighbborhood	Lafayette School
Oct. 17	7:00	S. Ham'd C.W.	Ham'd Housing Authority
	7:00	Hessville C.W.	Jean Shepherd Center

Anyone interested in making your neighborhood safe. Being involved in your community, please join us at one of those meetings.

Councilman Higgs, supported by Councilman Hinojosa, moved to send a letter to Pat Moore in regards to 5800 block of Howard there's a dead tree that needs to be cut down and also to Engineering for 5933 Columbia where there is a sidewalk that's torn up. AYES: ALL

LETTERS SENT: September 24, 2013

Councilman Higgs - You know, just recently as we voted on something that makes me know that there are some things going on within my council and it amazes me how things are taken out of context and sometimes how

NEW AND UNFINISHED BUSINESS cont.

Councilman Higgs - things are not looked at quite well. Being a councilman for my 3rd term and just analyzing and just looking at things it just amaze me how the things were brought about as that last vote for this zoning. If my colleagues are not familiar as to which way they voted and I'm pretty sure they're not.

Council President Opinker - That will be addressed, Councilman Higgs.

Councilman Higgs - Well, I'm not finished with my discussion. This gives me the opportunity to express how I feel about this. They voted yes. That's what happened. So, I don't know if it's politics or what's being played in this particular issue but it amazes me that now again I'm just waiting for this to be reopened and watch as it unfolds because to me if you're sincere about doing something you're gonna know what you're doing and take care of it. So, it's just amazing.

Councilman Kalwinski, supported by Councilman Spitale, moved to reopen 13-29.

ROLL CALL VOTE (reopen 13-29)
AYES: Markovich, Spitale, Venecz, Kalwinski, Uylaki, Higgs, Emerson, Hinojosa, Opinker
NAYS: None
ABSENT: None
Motion carried 9/0/0 MOTION TO REOPEN PASSES

Councilman Kalwinski - Due to some confusion on how we were voting because the motion I made versus the intent on the agenda rely on different votes. So when I brought out to deny the petitioners request that's what I meant but in looking at the Intent to Consider you could get a little confused.

Councilman Kalwinski, supported by Councilman Spitale, moved for a re-vote.

Council President Opinker - It's a motion by Councilman Kalwinski, second by Councilman Spitale, on a re-count vote. Carmen, Roll Call vote on the re-count.

Councilman Markovich - How about some debate here? Discussion, you got to ask for discussion three times, right? You just can't go ....

Council President Opinker - It was to re-open.

Councilman Markovich - I'm sorry.

Council President Opinker - Thank you, Councilman Markovich.

Councilman Markovich - We already did that.

Council President Opinker - No, it hasn't been re-opened yet.

NEW AND UNFINISHED BUSINESS cont.

Councilman Markovich - The motion to reconsider has been already, we voted on that.

Council President Opinker - Yes.

Councilman Markovich - So now what are we doing?

Councilman Kalwinski, supported by Councilman Spitale, moved to read 13-29 for final passage.

Councilman Higgs - I understand as a point of order, but there's no need to scream and holler. I'm not screaming at you and I would appreciate if you would not scream at me, please. Thank you.

Council President Opinker - Let's just act professional.

Councilman Higgs - At all times.

Councilman Markovich - What are we doing here now that once we voted on this thing already? What's going on? Can I get an explanation, please?

Councilman Kalwinski - Yes. I would like a re-vote and I would like to change my vote because I got confused on the way I was voting and I think perhaps others did too and I want everyone to have that opportunity. Thank you.

Councilman Markovich - We had probably 15 to 20 minute discussion on why we should allow this to go through. So we don't have any more empty buildings, we don't have any more boarded up buildings, so we can allow businesses to come into the city of Hammond and try and this council voted to allow that to happen and now all of a sudden they're saying they don't want it or they didn't know what they were voting on. I mean, I was the only one voting in favor of what the Plan Commission or what was originally wanted. I was doing the right thing and now everybody wants to change their votes and I'm perplexed and don't know what's going on here or anything. I'm just wondering for some of them saying now, " I voted the wrong way" or "I didn't know what I was doing", I mean, I'm totally dumbfounded here. I mean, I tried to bring out all the information that we could. We brought Brian Poland out. The Plan Commission didn't give us an answer one way or another. They left it up to us. That's why I'm saying the Plan Commission should have gave us a recommendation either yes or no and they didn't do it. And we tried to get all the information here, bring it all out why we should do it so we don't have another empty building sitting there or it's gonna end up being boarded up. But to bring up just because it didn't have water, that has nothing to do with it. Because that's not a requirement. I mean if there's no business going on or it's uninhabitable or it's not being inhabited you don't need the water in there now or anything. But to come back now and say that we want to change our vote, I mean, that smacks... it sounds like they are against this individual whoever owns it. I mean because we voted on it. I tried to tell my colleagues and bring out all the information to get the attorney, Mr. Yahne, to get the Plan Commission, Brian Poland, to give us all the information but yet they still didn't know how they were voting or what they were doing because I voted the right way, everybody else voted the opposite way because they figured, "Well, we just better go

NEW AND UNFINISHED BUSINESS cont.

Councilman Markovich cont. - against Markovich because he was in favor of it." Well, I wasn't in favor of it. I was doing the right thing what the recommendation was but yet everybody felt that because I voted yes, "Hey, we better vote no because otherwise we're going along with Markovich and that's not a good thing because Markovich doesn't know what he's talking about." Well, I guess I did know what I was talking about. Ya can't keep operating like that. You got to start doing the right thing what's best for the citizens of Hammond and not just be voting against Markovich all the time when he brings up something. Because, you know, I do know some things. I do know what's going on and I don't want to get sued again. Like we've been in the past for re-zoning of property and everything. If I'm wrong, I mean, if they want to go from R1 to commercial or whatever, I mean, I don't know the exact thing in that respect. What's wrong with that, that's a commercial district anyway down Gostlin or whatever and all of that. I just don't want to see that it becomes personal against a property owner and we end up getting sued because that cost us over a million in the 6th District once before, over a liquor store because they didn't do the right procedures and it cost us money over it. You know what that was about? That was politics. That was against the owner, and we lost that one and I just don't want to see that again. It happened the way it happened. Nobody followed what they were doing but the bottom line is because I voted yes. Everybody voted no and you screwed up. Now you're trying to go ahead and correct it because now we figured what we did was not what we wanted to do because we wanted to stick it to that property owner or whatever. So, I'm just going on record that's what it's all about. Don't say that they were misinformed. You had all the information you needed to make an intelligent decision. So that's what it was about.

Councilman Higgs - You know, in observing and watching some of the things that go on, I am totally amazed. Totally amazed at some of the things that go on. The concern should be the citizens of this great city. That's who I was elected to serve and I try to do that to the best of my ability. But some of the things that go on amazes me. Now Councilman Markovich seems to feel as though it's directed towards him. It may be. I don't know. I can't speak for no one but myself. But the reality of it is, every elected official should be working towards the betterment of this great city. That should be happening. Bottom line. Moving forward. Making sure Hammond moves forward. So one particular district should have more than the other one. It shouldn't be more interest focused in one particular area than other. The interest should be the entire city. What we were elected to do, represent the people and for the people.

Councilman Kalwinski - This isn't the first time council has gotten confused on yea or nay. It's happened. It happens every year on one or two occasions and it happened again. So let me go through the arguments since people seem to think that there's more to this then just the arguments. Let me remind everyone that Indiana State Law sets the criteria that need to be considered when approving or denying a zoning petition, it's the law. So the proposal to reclassify 4504 Towle Avenue from R1U Urban Single Family Residential District to C1 Local Commercial District Plan Commission Case CP-04-4504 Towle.

Councilman Kalwinski reads a response after the 1st and 2nd District councilmen conferred about what to do with this property and the re-zoning issue which recommended to deny the petition to re-zone.

Councilman Kalwinski - So for clarity, again, I make a motion to deny the petition to re-zone.

NEW AND UNFINISHED BUSINESS cont.

Councilman Hinojosa - I just want to clarify what we voted. The vote was Bob Markovich yes, and eight no's. Now, are we asking for another vote because you voted the motion for final passage and it was supposed to be an Intent to Consider, because it says here, "Intent to Consider"? So, this vote is for the Intent to Consider.

Councilman Kalwinski - That's correct.

Councilman Hinojosa - So, was there another vote because somebody said final passage instead of an Intent to Consider?

Councilman Kalwinski - No. I just kind of gummed it up. Because of what it says on Intent to Consider and what I said as my motion. I'm clarifying my motion again because clearly it wasn't clear the way I said it versus what was on the agenda. There are the arguments based on the five criteria by State Law.

Councilman Higgs - Actually we voted to pass it instead, that's why we're voting now again, because initially it was passed that they can move forward with this. But Councilman Kalwinski was under the impression that he was voting against it. Instead of voting yea, he voted nay.

Councilwoman Venecz - So was I.

Council President Opinker - We understand that. That's been spoken already.

Councilman Markovich - During our discussion, this report that he has, how come it's not attached to this ordinance? How come it wasn't brought up during the Plan Commission meeting? How come it wasn't brought up during that Plan Commission meeting? It wasn't attached to the ordinance. It wasn't brought up during our subject of discussion and debate and know it's being brought up that we don't even have all this information. Now what I'm wondering about is it went before the Plan Commission, they came back with not a recommendation and then now he's sitting on all this other information. You didn't pass that all out to all of us did you?

Councilman Kalwinski - I attended the Plan Commission meeting as did 2nd District Councilman Uylaki to make comments about the proposed re-zoning. It was after they passed no recommendation that I went to work on what else is there to do regarding how to look at this and how to create an argument. So I spent time with Mr. Uylaki, Councilman Uylaki, to gather information and go after the five criteria that the State Law allows you to do in looking at a re-zone. So, this is the work that I did and Mr. Uylaki, and I brought it in today, and no you don't have a copy but I just read it.

Councilman Markovich - Why wasn't this information brought to the Plan Commission then for them to consider? If they would have had this information they probably would have come back with a recommendation either in favor of or against but not just to not do their job or gather all their information and I'm looking at their recommendation, we're supplying this to the Hammond City Council, this is dated July 16th, without a recommendation. I mean, why would anybody hide or not give all the information all at once to the Plan

NEW AND UNFINISHED BUSINESS cont.

Councilman Markovich cont. - Commission? They did not receive all the information to make an intelligent decision. I mean this would have made it a lot easier here. We wouldn't be spending an hour here because had they have had all of that they would have come back and said based on the state statute they're not entitled to it it and we wasted all this time now. Then all of a sudden we're coming up with information that wasn't presented to the Plan Commission, it wasn't presented to the City Council, all of us didn't receive this information. None of this is even mentioned in the ordinance. Why would something be presented like this with all the information not even be made available? I mean, what are we hiding here? I mean if you don't want the .... But, you know, put all the information here so we can make all make an intelligent, you know, decision on it.

Council President Opinker - We got your point.

Councilman Kalwinski - This formulation of work came after there was no recommendation. And given that there was no recommendation it made it clear to me that there was work to do if we wanted to see an outcome in a certain direction because there was no direction given by the Plan Commission. I didn't know whether to anticipate that or not. I don't know what to prepare for the Plan Commission either. So, after the Plan Commissions ruling we did some study on it and we looked at these criteria and now I'm presenting it and now I'm asking for a motion to deny the petitioner's request.

Councilwoman Venecz - Thank you, Councilman Kalwinski, for doing that homework. Thank you for reading it, I didn't have to see it. I know that you do your homework on an issue. I'm a little bit confused, did we not vote to deny? Is that what our vote was? And Councilman Markovich, you voted yes to deny, I'm wondering what you're arguing here. Who's side are you on? I mean not even a side .... what side of the issue are you on here? If you voted yes to deny and now you're arguing that, you know, somebody....

Councilman Markovich - I did what the councilman wanted me to do. That's what I did. You guys ...

Councilwoman Venecz - Oh, but I thought you had a mind of your own and we .....

Council President Opinker - Discussion is now closed. Roll call vote on the motion to deny the petitioner's request. Do I have a second?

Councilwoman Venecz seconds the motion.

Council President Opinker - Oh, the motion's for passage.

Councilman Kalwinski - Let's be clear, what are we voting on?

Councilman Hinojosa - Intent to Consider.

NEW AND UNFINISHED BUSINESS cont.

Council Coordinator Balboa - Councilman Kalwinski, supported by Councilman Spitale, moved for passage of 13-29.

Councilman Kalwinski - Earlier? And we voted how?

Council Coordinator Balboa - That was the motion you made when you brought it back out. After you reopened.

Councilman Kalwinski - The first vote we had was to deny the petitioners request.

Council Coordinator Balboa - Then there was a vote to re-open, and then there was a motion for passage.

Councilman Kalwinski - Okay, can I clarify, so right now the motion is to deny the petitioner's request. That is what's on the table. The motion is to deny the petitioner's request. So a yes vote is to deny the petitioner's request. A no vote is to go along with the petitioner's request. Is that correct?

Councilwoman Venecz - Say that one more time.

Councilman Kalwinski - I want to (unclear) the Clerk's Office to make sure they have that what we're doing is correct.

Council Coordinator Balboa - Well, what I had was a motion for passage. You're saying you're changing that?

Councilman Kalwinski - I'm taking that back if that's what happened.

Council Coordinator Balboa - So now the motion is to deny the petitioner's request.

Councilwoman Venecz second the motion.

Councilman Kalwinski - I think we get a flavor how this can be confusing and why the vote got twisted. Thank you.

Councilman Markovich - In view of the fact that some of the councilmen said that they didn't know what they were voting on and we received new information I would make a motion that we would refer this back to the Plan Commission with all of this new information, send it back to them, let the Plan Commission do their job, investigate everything and come back with a recommendation either in favor of or against it. I so move.

Councilman Hinojosa seconds the motion.

Council President Opinker - Second by Councilman Hinojosa to send this back to the Planning Commission and have them review it and come back with a recommendation.

NEW AND UNFINISHED BUSINESS cont.

ROLL CALL VOTE (send back to Planning Commission)
AYES: Markovich
NAYS: Spitale, Venecz, Kalwinski, Uylaki,
ABSENT:
Motion carried 0/0/0

Councilman Higgs - I need some clarity as to what we are voting on because I stepped out of the room to use the washroom.

Councilman Hinojosa - Point of Order. Can we get Brian Poland to clarify if we're doing this right or not. Can it go back to the Plan Commission?

Mr. Poland - I just want to ask for clarification. Was the motion to send it back to the Plan Commission? That's what Councilman Markovich's motion was?

Councilman Markovich - Right, with a recommendation.

Mr. Poland - You are not allowed to do that under the State Statute. Once the Plan Commission has sent it to you with a recommendation you have 90 days to respond. It is now in your hands to make a decision in that 90 day period. You are the end of that 90 day period. You're not allowed to send it back to the Plan Commission.

Councilman Higgs - So, in regards to that they need to rescind their motion and second.

Council Atty. Berger - Well, if it's a contrary to State Law the motion is out of order, so.

Council President Opinker - That's right. Alright Carmen, we're gonna vote on the motion to deny the petition.

ROLL CALL VOTE (Deny petition)
AYES: Spitale, Venecz, Kalwinski, Uylaki, Emerson, Opinker
NAYS: Higgs, Hinojosa
ABSENT: Markovich
Motion carried 6/2/1 PETITION DENIED

Councilman Hinojosa, supported by Councilwoman Venecz, moved to cancel the Council Meeting for October 14, 2013 which is Columbus Day and City hall is closed and have the next meeting on October 28, 2013 as planned. AYES: ALL

Councilman Higgs, supported by Councilman Spitale, moved to send a letter to the mayor in regards to having the sidewalk replaced with the 10% share of casino funds at the Hammond Civic Center. AYES: ALL

LETTER SENT: 9-24-13

Prepared by
Robert J. Golec
Hammond City Clerk

PUBLIC EXPRESSION

Jerry Wilson - Thanks Council members that took the time to listen to him. Being harassed by Hammond Police Officer. Has spoken to the F.B.I. Is now being evicted because of false police charges. Police are denying it.

George Stoya - Perplexed if the city is exposed somehow in regards to the Ordinance regarding the Project Labor Agreements. What if someone opposes this and sues?

Councilman Hinojosa, supported by Councilwoman Venecz, moved to adjourn. AYES: ALL

_____
Michael Opinker, President
Hammond Common Council

ATTEST:

_____
Robert J. Golec, City Clerk

Time: 8:10 pm
cb

Minutes approved at the Common Council Meeting of October 28, 2013.

Prepared by
Robert J. Golec
Hammond City Clerk