

*Prepared by
Robert J. Golec
Hammond City Clerk*

MINUTES OF THE COMMON COUNCIL

APRIL 25, 2016

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on April 25, 2016 in the Hammond City Council Chambers.

Council President Michael Opinker presided.

Council Coordinator Carmen I. Balboa facilitated.

PLEDGE OF ALLEGIANCE was recited by all.

Invocation by Councilman Higgs.

ROLL CALL

PRESENT: Markovich, Spitale, Venecz, Kalwinski, Torres, Higgs, Emerson, Rakos, Opinker

ABSENT: None

TOTAL: 9

PRESENTATION OF SCHOLARSHIP AWARDS

Drawing of Names for Council Scholarships

Presentation by Mrs. Mayerik

Clark H.S.

Pedro Alvarado 1st Winner

Esmeralda Ceballos 2nd Winner

1st Alternate

Jaslyn Perez 3rd Winner

Elizabeth Palacios 1st Alternate

Abel Murillo 2nd Alternate

Victor Lopez 1st Winner

Gavit H.S.

Benjamin Turpin 1st Winner

Jada Stephens 2nd Winner

Carlos Ocasio 1st Alternate

Lorexy Salas 2nd Alternate

1st Winner

Haley Delgado 2nd Winner

Hammond H.S.

Destiny Flores 1st Winner

Brian Bawaza 2nd Winner

5th Winner

Dashae Brown 3rd Winner

Taciana Bucks 1st Alternate

Diana Gil 2nd Alternate

Bishop Noll H.S.

Amber Williams 1st Winner

Victoria Keilman

Kodi Greenwell 2nd Alternate

H.A.S.T.

Necole Lett 1st Alternate

Brenda Ward 2nd Alternate

Morton H.S.

Justin Meyers

Thomar Mentado 1st Alternate

Alicia Cervantes 2nd Alternate

Jessica Figueroa 3rd Alternate

MINUTES OF THE COMMON COUNCIL cont.

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READING OF THE MINUTES

Councilman Spitale, supported by Councilman Emerson, moved to accept the minutes of April 11, 2016 and place on file.

AYES: ALL

APPROVAL OF CLAIMS

Councilman Markovich, supported by Councilman Higgs, moved to accept the claims from April 6, 2016 through April 20, 2016. Claim #2290 through claim #2597, inclusive.

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

#2598	K&S Testing & Engineering	CDBG	\$ 3,000.00
#2599	Vukelic, Thomas	Engineering/	\$51,349.86
Citywide			
#2600	People's Bank	Engineering/	\$10,466.38
Citywide			
#2601	Lake County Treasurer	Engineering/	\$ 183.76
Citywide			
#2602	Lake County Treasurer	Engineering/	\$ 14.36
Citywide			
#2603	Escamilla, Eric	Engineering/	\$ 29.19
Citywide			
#2604	Lake County Treasurer	Engineering/	\$ 428.04
Citywide			
#2605	Emerson, Mel	Engineering/	
	\$ 1,352.61		
Citywide			
#2606	Lake County Treasurer	Engineering/	\$ 552.36
Citywide			

Councilman Higgs - I just seen on the claim list there are two claims being paid to the same person from Human Relations, that's #2357 to Ann Herbert and #2594. I just had a question on that. Heather can you explain that?

Controller Garay - I see them both. That's the payment for their meetings, so it could have been two separate meetings that she was in attendance for.

Councilman Higgs - Do they meet once a month or twice a month?

City Controller Garay - I believe it's typically once a month unless there's an issue.

Councilman Higgs - Actually it's three claims, she's getting paid three times. #2357; #2466, CDBG; and then #2594, Human Relations.

City Controller Garay - The CDBG is not part of the Human Relations budget, that would be ...

APPROVAL OF CLAIMS cont.

Councilman Higgs - Right, but I'm saying #2357 and #2594 are the two claims from the Human Relations.

City Controller Garay - Correct, and that's the amount of money that they would get paid for

Councilman Higgs - I know they get paid \$200 a meeting but I'm wondering why two claims are on the same list in the same month.

City Controller Garay - It looks like everybody is getting the double payment so it must have been two separate meetings. If you turn the page you'll see Mr. Mullins at #2362 and then if you go towards the back again Mr. Mullins as well. So, it looks like maybe there was an issue with submission of claims from the meetings so there might have been two separate dates. I'll take a look at it real quick for you.

Councilman Higgs - Mr. Cheeks is also a board member, I don't see him on the list so I don't know. I'm kinda confused.

City Controller Garay - I think it looks like this was labeled incorrectly. This was the College Bound Exceptions Committee. So it comes out of the same budget under the Human Relations Budget. This is for the HHRC meeting attendance for 4/6/16, so they are for two separate meetings; 4/18 and 4/6.

ROLL CALL VOTE (amendment)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

AMENDMENT ADOPTED

ROLL CALL VOTE (as amended)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

CLAIMS APPROVED

(as amended)

PUBLIC HEARINGS

None

COMMUNICATIONS

Councilman Higgs announced Mayor's Night Out in the 3rd District on April 27th at Maywood Elementary School from 6:30 to 8:30 p.m.

COMMUNICATIONS cont.

Councilman Higgs announced the American Red Cross of NW IN along with the support of the Hammond Fire Department is sponsoring a presentation in safety. There will be installation of up to three free smoke alarms. If interested, please contact the American Red Cross.

Councilman Higgs announced the wake for Judge Jeffrey Harkin on Wednesday at Solan's Funeral Home in Schererville from 2 to 8.

COMMITTEE REPORTS

Council as a Whole Committee - Councilman Spitale - Brought out 16-14.

Community & Crime Watch - Councilwoman Venecz - Upcoming meetings:

Wed., May 4; Edison Community Watch; Edison School; 6:30 p.m.

Thur., May 5; Edison Community Watch on the Road; Golden Manor; 1 p.m.

Fri., May 6; Irving Community Watch; Irving School; 9:15 a.m.

Wed., April 27; Jefferson Crime Watch; Jefferson School; 6:30 p.m.

Tues., Apr 26; Pulaski Park Neighborhood Assoc.; American Legion; 6:30 p.m.

Council as a Whole Committee - Councilman Rakos - 16-15 to be brought out under New and Unfinished Business.

ORDINANCE 3RD READING - FINAL PASSAGE

16-14 An Ordinance Creating a New Fund (Fund #217) for the City of Hammond Police Department for Video Recording Funds
Sponsored by Dan Spitale

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

Councilman Spitale - This is a new fund that will be put in place for purchasing cameras and other equipment for the police department.

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

ORDINANCE NO. 9341 PASSED

INTRODUCTION OF ORDINANCES

None

RESOLUTIONS

16R-10 A Resolution Authorizing the Hammond Police Department to Apply for a Crash Reduction Grant for 2016

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

Councilman Higgs asked to be added as a sponsor.

Councilman Spitale - The city of Hammond must apply for this grant to be awarded, asking for \$40 thousand that is available. Not saying that they'll get the full amount. The project will focus on impaired driving during the prescribed dates with focus on DUI checkpoints. This is a continuation also of the grant that was granted a year ago for traffic ticketing on 80/94.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO R10 ADOPTED

16R-11 A Resolution Authorizing the Entry by the Hammond Redevelopment Commission into an Installment Contract and Taking certain other actions related thereto

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

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R11 ADOPTED

16R-12 A Resolution Appointing Richard Spitale to the Building Contractor's Board

16R-13 A Resolution Appointing Ron Lubas to the Electrical Contractor's Board

16R-14 A Resolution Appointing Jorge Bautista to the Electrical Contractor's Board

16R-15 A Resolution Appointing Robert Garcia Jr. To the HVAC Contractor's Board

16R-16 A Resolution Appointing Ron Kotso to the HVAC Contractor's Board

RESOLUTIONS cont.

Councilman Kalwinski, supported by Councilman Higgs, moved for adoption of 16R-12, 16R-13, 16R-14, 16R-15 and 16R-16.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO.'S R12, R13, R14, R15

AND R16 ADOPTED

NEW AND UNFINISHED BUSINESS

Councilman Higgs - I want to personally applaud Mr. Button and his way of running the Engineer Department. I have never seen someone so efficient in my life. I really, really, appreciate your efforts in trying to get things done in the city of Hammond and with your phone calls and returning phone calls and just being on top of things and trying to get the projects done, I really, really, really, appreciate you. Thank you so much.

Mayor McDermott - I've got two things I want to cover. First off, I wanted to let the council know I've already talked to you individually and I know there's people watching on gohammond.tv but Hilary Clinton is coming to Hammond, Indiana tomorrow around noon. She's coming to Munster Steel, as we all know that's the business that we relocated, we worked with, we gave incentives to, and they relocated from Munster into Hammond. She will be here tomorrow afternoon. It is confirmed. The Secret Service is in charge. There's gonna be a lot more requests to see her than there's gonna be spots available. It's not like a big rally like she did eight years ago. It's not the Civic Center. This is a real small, sort of like the media's gonna be there and a small crew. So if the council is interested, I need to hear from you ASAP and there's still no guarantees that I can get people in but I'll try my best though. But she will be here tomorrow afternoon, 100% confirmed. That's the first order of business. I don't know if anybody has any questions about that. Okay great. Second order of business is in light of Judge Harkin's untimely passing, I wanted to let the council know we've already made contact with the Governor's Office who ultimately will appoint a judge that serves for the remainder of this term. Because that's how it works when judge's pass away, they are filled by the Governor, not by the caucus. So the Democratic party in Hammond will not be filling that seat. I wanted to make that clear. Secondly, Atty. Kantar has made contact with the Indiana Supreme Court and Justice Rucker, who is a Lake County native, is aware of the situation. He knows how busy the Hammond City Court is and what I think what we'll see is a temporary judge appointed relatively quickly. A temporary judge will be there until Governor Pence ultimately makes his decision about who will be the Hammond City Court Judge. I want to thank Atty. Kantar for making quick contact with the Supreme Court. I am in discussion with the Governor's Office as we speak. The Governor is probably not going to be in a real big hurry to fill that spot. I imagine it could take five or six months. It may go quick but I doubt it. To me, it seems like they're in the process of taking in applications for future city judge's. I asked them to make sure it's a Hammond resident. Because there's no requirement that they'll appoint, Governor Pence, will appoint a Hammond resident and obviously that would be a bad precedent considering our stances on residency. So I asked the Governor to keep that in mind that we're really big on that in Hammond and we have a lot of attorneys that live in Hammond and he's got plenty to choose from. So, I don't know if anybody has any questions about that.

Councilman Spitale - If he loses?

NEW AND UNFINISHED BUSINESS cont.

Mayor McDermott - Governor Pence? Well, he could appoint before he loses and he could appoint up until he's not Governor anymore. Is there a lame duck clause with regards to governor? So, he could appoint until December 31st regardless and we have to live with that appointment, his decision, Governor Pence's decision.

Councilman Higgs - Mayor, I only have one question in regards to that. I've read the state law. I'm just wondering does that person have to be a Hammond resident?

Mayor McDermott - That's what I was talking about, Councilman. No. In fact, other city courts have appointed judge's.... our own Atty. Kantar was appointed to fill a term in Lake Station, and as we all know Atty. Kantar lives in Hammond. So, no. He could appoint a Republican from another city to be our City Court Judge. Absolutely true. I am asking, like I said, that is why I am reaching out to the Governor asking him to please, you know, Hammond's a city that believes very much in residency. We have a number of attorneys that live in our city instead of being a party person I hope you think about residency and quite frankly it's probably gonna be a Republican because that's Governor Pence's political party and I imagine he's probably gonna appoint a Republican to fill the rest of the term. Because when judge's pass away the Governor can do what they want. Any other questions? I know that there's a lot on our mind and I haven't heard anything about Judge Harkin's funeral arrangements or visitation or anything. I know Councilman Higgs just mentioned something but I just wanted everybody to know there's a lot of stuff going on and that's a super busy City Court as we all know and it's imperative that we get leadership at the helm. Judge Harkin, before he passed away appointed a temporary Judge and that temporary judge is currently the "temporary judge" but upon Judge Harkin's death that temporary judge is not really the appointed temporary judge. It has to be done by the Indiana Supreme Court. So when Judge Harkin passed away his order of a temporary judge also went with him So right now we're sort of the City Court is sort of a ship without a helm right now. Once Indiana Supreme Court takes action and appoints a temporary judge, that'll be in effect until Governor Pence makes his decision. That could be six months, it could be a year, it could be a lot of different scenarios. I will keep you in the loop, obviously, this is the first time I have ever dealt with a City Court Judge's untimely death. We've dealt with issues in regards to council members and we know the democratic party takes precedence in those cases but when a judge passes away it's the Governor's decision. Any other questions?

Councilman Higgs - I got an issue on Becker Street, 928 Becker Street, with the cats and I've sent several letters and Animal Control rode by the house and the neighbors on both sides, and one happens to be Councilman Torres' sister that lives next door to the cats and they are literally driving them nuts. If I could get some assistance, Mayor, since you're here tonight. If you could assist me with addressing the cat issue it would be greatly appreciated because they are like 30 or 40 of them and the neighbors are literally going crazy, please. So, I'm requesting another letter be sent to the Animal Control and hopefully they can put some cages there and get the cats.

LETTER SENT: APRIL 26, 2016

NEW AND UNFINISHED BUSINESS cont.

16-15 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 3107 Cleveland Street

Councilman Rakos, supported by Councilman Higgs, moved for passage of 16-15.

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

ORDINANCE NO. 9342 PASSED

Councilman Emerson - I'd like to announce that Title 1 and Headstart free pre-school, Hammond residents only who have a child that will be four years old by August 1st, 2016 this Thursday April 28 is when you register from 12 to 6 p.m. This is for next school year 2016-17. The School City of Hammond Administration Building, 41 Williams. You must bring the child's birth certificate, social security card, shot records and two forms of residency. You can call 933-2514 with any other questions.

Councilman Markovich - Sometimes in everybody's life you have certain dates that you always remember and you never forget and back in December, December 13, we had a Council Meeting that night and that was the same day that my mother passed away in 1983. Ironic thing is April 25th, 2016 and it was 41 years ago that my father died on this date. So, I mean, you never forget about dates, especially when your parents pass away. I just wanted to make notice of that.

PUBLIC EXPRESSION

Teal W. Cross Sr. - Thank you for allowing me to express my opinion tonight. My grandson and I were driving around Hammond and my 12 year old grandson asked me why our baseball fields in South Hammond don't look like the ones in North Hammond. So that's my question to you.

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

AYES: ALL

Councilman Higgs - Mr. Cross, I believe you're talking about Memorial Park. For a number of years the park was not in the ownership of the City of Hammond. Therefore, I wasn't going to invest any of the casino funding for the park. Now, currently the park is back in the ownership of the city. I am working with the Mayor to try to get some things done over there. So I look forward to any ideas that you may have. Certainly I know it needs a lot of renovation. A lot of things can be done over there and I plan to meet with the Park Superintendent in the near future to work on some things over there.

NEW AND UNFINISHED BUSINESS cont.

Councilman Spitale, supported by Councilwoman Venecz, moved to adjourn.

AYES: ALL

Michael Opinker, President
Hammond Common Council
ATTEST:

Robert J. Golec, City Clerk

Time: 6:50 pm

cb

Minutes accepted at the Common Council Meeting of May 9, 2016.