

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on October 11, 2016 in the Hammond City Council Chambers.

Council President Janet Venecz presided.

City Clerk Robert J. Golec facilitated.

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

ROLL CALL

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

ABSENT: None

TOTAL: 9

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Emerson, moved to approve the minutes from September 26, 2016 and place on file. AYES: ALL

APPROVAL OF CLAIMS

Councilman Markovich, supported by Councilman Higgs, moved to approve the claims from September 21, 2016 through October 5, 2016. Claim #5971 through claim #6329, inclusive.

ROLL CALL VOTE

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 CLAIMS APPROVED

PUBLIC HEARINGS

16-24 Additional Appropriation from the Rainy Day Fund of the Hammond Public Library
Sponsored by Pete Torres, Janet Venecz & Anthony Higgs

No one spoke.

COMMUNICATIONS

Councilman Markovich - Employment opportunities, part time package handlers, \$10.15 per hour with the UPS. Sunrise shifts, 4:30 to 9:30; day shift, 10 to 3; twilight shift 4:30 to 9:30; night shift 10 to 3. Transportation will be provided to Hodgkins, IL. You can go online to upsjobs.com, schedule yourself an interview at the Civic

*Prepared by
Robert J. Golec
Hammond City Clerk*

COMMUNICATIONS cont.

Center for tomorrow, October 12 from 10 am to 3 pm. So you can go to the Civic Center if you want a part time job. You can go to Civic Center tomorrow between 10 am and 3 pm.

Councilman Higgs read correspondence from Dean Button, City Engineer regarding 6405 Euclid where there is an issue with the sidewalks resulting from a possible sewer problem.

COMMITTEE REPORTS

Council as a Whole - Councilman Torres - Brought out 16-24.

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

Tues., Oct. 18; East Ham'd Pullman C.W. ; 6:30 pm; Ophelia Steen Center

Thur.; Oct. 20; Hessville Crime Watch; Jean Shepherd Center; 7 pm

Wed., Oct. 19; Lafayette Neighborhood Watch; Lafayette School; 6:30 pm

Thur.; Oct. 20; S. Ham'd Crime Watch; Ham'd Housing Authority; 7 pm

Whiting/Robertsdale C.W.; Thur.; Oct. 13; Calumet College; 6:30 pm

Edison Community Watch is once again partnering with the East Side Community Council and Home Depot to host Trunk or Treat on Saturday, Oct. 29th, that is from 6 to 7:30 pm at Home Depot. Bring your children, nieces, nephews, grandchildren. It's always a fun time. The Police will be there. We'll have a fire truck. It's always a very successful evening.

ORDINANCE 3RD READING - FINAL PASSAGE

16-24 Additional Appropriation from the Rainy Day Fund of the Hammond Public Library
Sponsored by Pete Torres, Janet Venecz & Anthony Higgs

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

ROLL CALL VOTE

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

ORDINANCE NO. 9351 PASSED

INTRODUCTION OF ORDINANCES

16-25 2017 Civil City Budget Proposal

Councilman Spitale, supported by Councilman Kalwinski, moved the proposed ordinance to 1st and 2nd reading by title, referred it to the Finance Committee with a public hearing on October 13, 2016 at 4 p.m. in the Common Council Chambers. AYES: ALL

Councilman Markovich, supported by Councilman Higgs, moved to refer 16-25 to the Council as a Whole Committee also.

ROLL CALL VOTE (refer to Council as a Whole Committee)

AYES: Markovich, Kalwinski, Higgs

NAYS: Spitale, Torres, Emerson, Woerpel, Rakos, Venecz

ABSENT: None

Motion failed

3/6/0

MOTION FAILED

Councilman Markovich - I thought they just voted against the whole budget.

Councilman Higgs - Basically.

Council President Venecz - No.

Councilman Woerpel - The budget was already passed.

Council President Venecz - No. It was referred to Finance. Councilman Markovich requested that it be referred to Council as a Whole also.

Councilman Woerpel - That was his motion, to move it to Council as a Whole also, correct?

Councilman Higgs - Right.

Councilman Markovich - We weren't voting on that.

Councilman Woerpel - Yes, we were.

Council President Venecz - We voted on moving it to Council as a Whole, that motion failed.

Councilman Markovich - That's not true. To add Council as a Whole along with Finance.

Councilman Woerpel - We already put it in Finance and then we already took a vote on it, did we not?

Councilman Markovich - No.

INTRODUCTION OF ORDINANCES cont.

Council President Venecz - Clerk Golec, did we vote on referring 16-25 to Finance?

Councilman Higgs - We voted on that.

Clerk Golec - That is correct. Then there was a roll call vote on moving it also to Council as a Whole and that motion was not sustained, it failed.

Councilman Markovich - Question, so they're saying they don't want the whole council to be present for the committee hearing for the 2017 budget. That's what I'm understanding.

Councilman Woerpel - It's not what I'm saying. It's a public hearing, the council's allowed to come to come to it.

Councilman Higgs - Never in my history of sitting on this council have I ever heard of something so ridiculous. The reality of the situation is that we are all the fiscal body of this city. The city that I love so much. The reality of it is that transparency and the public should be allowed to hear and know what's going on. Don't ever put yourself in a position of saying no to the general public. That's basically what you all just did. The reality of it is we're going to have a meeting but all he did was make a motion to put it in Council as a Whole. We all have to be at the meeting anyway.

Council President Venecz - Councilman Higgs, by putting it in the standing committee, which by law we have standing committees. There were assignments made to the standing committees. That does not mean that other council people can not attend that meeting. It will be advertised. It does not mean that the public can not attend that meeting. We are now utilizing the committees that we have available to us and because this is something new it is being met with resistance.

Councilman Higgs - There's no resistance from me because I believe in transparency and I believe in working for the people. The reality of it is and what I'm saying to you is that just because you may introduce something a particular way there's no resistance from me. The reality of it is that the general public is going to be here. It's a public hearing. The whole council should be here. If the whole council is not here then to me it seems as though it's just a Finance Committee meeting.

Council President Venecz - Councilman, you're insinuation that there is lack of transparency is way off base. It is a public meeting. It is a standing committee. There are three council people who are on that committee. Any other council person is more than welcome to join and the public is also invited to join. There is no lack of transparency there and we voted on it so we are moving on now to the next ordinance.

Councilman Higgs - Point of Order.

Council President Venecz - Councilman Torres can request the floor, have a discussion, and then make a motion, correct?

Atty. Berger - Technically, he should make the motion before the discussion.

Council President Venecz - Okay, Councilman, if you would make the motion before the discussion.

Councilman Higgs - Basically, what happens when you make a motion and you amend the ordinance, then you get a second and then the discussion starts.

Council President Venecz - That was the discussion precisely that I was having with Atty. Berger.

Councilman Torres - This is the salary ordinance for the city workers and the city of Hammond's salaries so I had a couple of discussions with city workers and some feel they're not represented at all. I mean they got a this thing, from my understanding is passing a 2% and other people, department heads to be frank and elected officials in the past, have gotten greater salaries and they don't think that 2% is adequate. They're afraid to speak up because of retaliation from the city, losing their jobs or getting laterally moved or whatever can happen to them. I feel there's some truth in that. We just don't have anything to support our workers. They work hard just like everybody else. They clean our streets. They pick up our garbage and that. Every year they are kinda left out. So I'm gonna make a motion for 5% across the board for all salaried workers except elected officials and department heads.

Council Atty. Berger - I think there is a problem with the motion because the council can only decrease salaries submitted by the Mayor, except for police and fire you can not raise the salaries.

Councilman Torres - I stand corrected. I withdraw my motion.

Councilman Markovich - If Councilman Torres wants to go ahead and say that nobody will get more than a 2% raise for the whole year then you could probably put it in that perspective.

Councilman Torres - I have to rethink that.

Councilman Higgs - Since we're in discussion, state law says that we can not increase the budget and if we were to increase the budget we have to find other areas within the budget to you saying it's not true but we have the City Controller here and I just spoke with her. The reality of it is we can not increase the budget and if we increase the budget we have to find other ways within the budget to take care of those areas. Am I correct?

Council Atty. Berger - I thought that the law was that we can not increase salaries. They can amend on the floor but it's got to be a legal amendment.

INTRODUCTION OF ORDINANCES cont.

Controller Garay - My understanding that the council can, they do have the authority to reduce the budget. They can not increase the salary, besides the police and fire. If they were to adjust a certain line item within that particular budget it can not change the overall total for that line item. So in the event of a shift here we would need a decrease here. But it seems to me that we can't increase the salaries of any other employees other than police and fire in general which I don't believe was the intent of the motion.

Councilman Higgs - So, I guess my question to you would be at this point, seeing that he was interested in increasing the budget, at that point we can't increase it. The only place we could increase at is the police and fire.

Controller Garay - You can't increase the budget at all. The total number needs to remain the same per budgeted department, per budgeted fund. If they wanted to be a shift made the council has that authority to make those shifts within that specific budget line item. But the salaries, other than police and fire, are off limits.

Councilman Higgs - In that line item, you're saying in that particular department?

City Controller Garay - Correct.

Council President Venecz - Clerk Golec, where are we on this?

Clerk Golec - A motion was made by Councilman Higgs, seconded by Councilman Torres, to adopt 16-28 for 1st and 2nd reading.

Councilman Higgs - I call for the vote.

ROLL CALL VOTE

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 MOTION CARRIED

16-29 2017 Police & Fire Salary Ordinance

Councilman Higgs, supported by Councilman Rakos, moved the proposed ordinance to 1st and 2nd reading by title and referred it to the Council as a Whole Committee.

Councilman Higgs asked to be added as a sponsor.

INTRODUCTION OF ORDINANCES cont.

Councilman Torres - I had the same discussion with some policemen and firemen that again the department heads, the Chief, got a big salary increase last year and this year and they were kind of left out. They are the ones that patrol our streets, and answer calls, and so forth. The same thing goes for firemen. So, I'm gonna make a motion for 5% increase. From 2% to 5% increase for this ordinance.

Councilman Markovich seconds.

Councilman Woerpel - Isn't this contract in negotiations right now?

City Controller Garay - Yes, that is correct. The firemen and the police officers have collective bargaining agreements which details the raises that will be given. So this is where we are in negotiation stage. I'm not certain that it can be amended in just the salary ordinance in this way.

Councilman Higgs - Atty. Berger?

Council Atty. Berger - Yes, police & fire are different from other employees. The council does have the authority to raise the salary.

Councilman Higgs - I guess at this point it would be for my lovely Controller to step to the podium and tell me where we're gonna find this funding at.

City Controller Garay - You can't. It's very simple, you can't. You're talking about another \$3 million.

Councilman Woerpel - We would be, basically, getting in the middle of a negotiation too, wouldn't we?

City Controller Garay - Yes. Right now it's in negotiation with the union, with our representation, we have attorneys working on this. I've been in communications working with the unions for several months. I've not been approached once about a raise that high. If we were to amend that we would without a doubt overspend our budgets which would mean we would get written up by State Board of Accounts for over-expending the general fund. Something that you all know we worked very, very hard to get under control to get a positive cash balance, to get out of the red. I would advise strongly against making this raise.

Councilman Higgs - I guess seeing that you oversee the funds for our city, I don't want to put you on the spot so I'm trying to be as respectful as possible. I guess my question would be, is there any room for raises for police and fire?

City Controller Garay - There is a 2% raise built in for police & fire. Now I understand some concerns about the chief's salaries, but the chief and the deputy chief in both the fire and police department are unable to collect any type of overtime. All other employees in those departments collect a significant amount of overtime. In fact, part of the reason why their increase came about last year was because the police chief was out earned by other members of the department because of the amount of overtime that they were able to work. There's simply not

INTRODUCTION OF ORDINANCES cont.

City Controller Garay cont. - another \$3 million in the budget unless you guys would like to make additional \$3 million transfer of gaming funds to the general funds to support that.

Councilman Torres - Okay, again, the lower class patrolmen fear speaking out because of retaliation. It seems like you're always able to find money for other things during the year. Since we didn't have, at least I didn't have any input in the salary, our biggest responsibility as a council is to sit down and work the numbers, the finances of this city. I wasn't given that privilege. I understand you had a conversation with our president and that's fine but she doesn't speak for me. If I had sat down in your meeting maybe you would have been able to tell me that and point it out. As of right now I just don't know. Every time there's a need for something else somehow the money appears, okay, so I'm gonna keep my motion on the floor and let the council vote on it and go from there.

City Controller Garay - Councilman, with all due respect I think that if you talk to the department heads you will find that is not the case. Because I tell them no about nine times for every one time they get a yes. As I've told the council repeatedly, my door is open. If you drive by this building at 9 o'clock, 10 o'clock, I am almost always here. I need a meeting but I'm always happy to discuss with you guys.

Councilman Higgs - In all due respect, this is just 1st & 2nd reading. You still have an opportunity to bring this up before it's passed but right now it's being introduced and I don't know, I don't foresee it happening tonight. I'm just gonna be honest.

Councilman Torres - Okay I have no doubt that you work hard to put this together, these numbers. But our police and fire personnel also work hard patrolling the streets. They have families to support. Also 2% is not substantial. I don't like it. So, there might be a way if all of us answer our responsibility as a council and look at the numbers and then maybe we can see if there's additional money for salaries not only for policemen and firemen but for others. The council can not increase the salaries for the other departments but the mayor can. I'm just acting on the request of some policemen, again, in coming in front of our council. It's happened, as a prior policeman, you could be put in some area that you do not desire to work in and so forth so there's ways of retaliation against the policemen. So, That's what I'm doing, bringing up their requests and there's only a couple but they speak for the majority of the lesser class policemen.

Councilman Woerpel - I understand what the councilman's saying but you know, I was a union member for 37 years and if something was in the middle of a negotiation I don't want to touch this with a ten foot pole while it's being negotiated. I mean, I was never afraid of my boss or whatever but if I had an issue like this I'd take it to my union during the negotiations. So, I can't support that motion.

Councilman Higgs - It would help if I had a general idea of where the additional funding would come from. The problem is it's gonna put us in a deficit, especially a 5% raise, there's no way in the world, her books would never balance. Maybe 3%, but 5%, it's no way. We would go bankrupt.

City Controller Garay - You're talking about a \$1 to \$2 million increase for every percent for those departments. It's a significant number.

INTRODUCTION OF ORDINANCES cont.

Councilman Markovich - What was the increase in the police & fire chief and assistant chiefs because of so much overtime? What was their increase? Was it done during the year? You don't have to quote it right now. If you could get that information of how much it was increased from 2015 to 2016 and what you're asking now. Then I'd also like a list....

City Controller Garay - If you took a look at the salary ordinance it would have last years salary as opposed to ... all the salaries within the budget this years included 2% raise from their salary amount.

Councilman Markovich - Right, but because of the new forms from Gateway or whatever you're using now it doesn't show that on our forms like we had before but if they we given a raise during the year because of overtime, so you're saying, how much was the police chief, fire chief, assistant chief and police, how much were they given extra and how did that happen?

City Controller Garay - No, no, they weren't receiving overtime.

Councilman Markovich - I understand that. Police chief, assistant chief, and fire chief and assistant chief can not receive overtime pay. They are salaried exempt, right?

City Controller Garay - They are now.

Councilman Markovich - So, you said that they were given raises from 2015 to 2016, how much was that? What percent is that? And now are they're getting a 2% on top of that. Is that what you're saying?

City Controller Garay - Those would be the executive orders that I indicated. Those are filed in the Mayor's Office so that request would be...

Councilman Markovich - Did you get copies of that for us that we talked about at the work session on Saturday?

City Controller Garay - Those you will need a request from the Mayor's Office. I do have the blue bar for you that prints off everybody's, by position, but the executive orders, those are filed in the Mayor's Office.

Councilman Markovich - So you're saying executive orders aren't public record?

City Controller Garay - I'm not saying that but I don't have them. When you file the public record request it has to go to the department who has the files on hand to give you the public record.

Councilman Markovich - So you're telling me then that when you gave these raises for the police chief and fire chief you did that on your own without an executive order?

City Controller Garay - I get the indication of what's coming through, I do not keep the signed ones in my office.

INTRODUCTION OF ORDINANCES cont.

Councilman Markovich - But you have to have a copy of those to substantiate those raises.

City Controller Garay - Those are put into the system, Councilman, and honestly we're going through a two year audit right now and state board has pulled so much so I would not be confident to say that I have all of those in one place for you at this time. I'm telling you that the Mayor's Office keeps a record of all of his executive orders and that would be the appropriate place to go to request them.

Councilman Markovich - But they would have to give you a copy of those executive orders for you to go ahead and increase the salaries.

City Controller Garay - And as I just stated those were used just to put into the system. Those aren't where the official records of those are kept. (Unclear) the Law Department or the Mayor's Office.

Councilman Markovich - So, you are telling me it's possible, not you, that somebody can go ahead and increase somebodies salary without anybody knowing about it because there's no paper trail to follow up on.

City Controller Garay - No, that's not what I'm saying at all. I'm saying that the Mayor's Office keeps the paper trail, not my office. My office is told what is going to be put through, as an executive order, it is entered into the system and he keeps the copy that has the signature and everything done. It is drawn up by the City Attorney, it is signed by the Mayor, and it is put into the salary system by our office. But he has the official files for those. So if you'd like to request those you can request them from the Mayor's Office.

Councilman Higgs - The reality of this is, I mean, we could sit here and go back and forth, we all know that she works for the mayor. She may be our City Controller, the reality of it is, I, and I can say this openly and I don't have a problem, I'll tell the mayor, if there is a executive order, we are the fiscal body and we should get a copy. So don't put her on the spot. The reality of it is that the mayor should have gave us a copy just like she got one.

City Controller Garay - The mayor has the authority to do executive order raises. He does not have the requirement to notify anybody. If you would request that he would submit a copy of it to you, that's not my decision to make.

Council President Venecz - We have a motion on the floor to increase police and fire salary ordinance by 5%. That was a motion by Councilman Torres, second by Councilman Markovich. Clerk Golec, roll call vote please.

ROLL CALL VOTE (amendment for a 5% raise)

AYES: Torres, Rakos

NAYS: Markovich, Spitale, Spitale, Higgs, Emerson, Woerpel, Venecz

ABSENT: None

Motion failed

2/7/0

AMENDMENT FAILED

INTRODUCTION OF ORDINANCES cont.

ROLL CALL VOTE (1st & 2nd reading and referred to Council as a Whole)

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

NAYS: Torres

ABSENT: None

Motion carried

8/1/0

MOTION CARRIED

16-30 Amending Ord. No.'s 7598, 8348, 8753 and 9161 also known as Sec. 93.005 of the Hammond Municipal Code, pertaining to Ambulance User Fees to Include Oxygen Charges

Councilman Rakos, supported by Councilman Higgs, moved the proposed ordinance to 1st and 2nd reading by title and referred it to the Police & Fire Committee.

ROLL CALL VOTE

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

MOTION CARRIED

RESOLUTIONS

None

NEW AND UNFINISHED BUSINESS

Councilman Higgs, supported by Councilman Rakos, moved to send a letter to the Engineering Department. I have several poles that are out, NIPSCO poles and ornamental lighting:

- 5700 Rhode; pole 87/607
- 800 Lyons; pole 71/931
- pole 77/930
- 5100 Tapper; pole 104823
- 5800 Tapper; pole 52715
- 900 May; pole 042912
- 5900 Tapper; pole 77/928
- 5600 Maywood; pole 844

LETTER SENT: OCTOBER 12, 2016

Councilman Torres - I guess I'm a little bit old fashioned but I'm not used to let me say I'm used to the old way that the budget was passed. In the past I know when I served, I had the privilege to serve from '88 to '92, the meetings started in August for the budget, mid August. Then it went on through the end of December. I didn't get a copy until last Thursday. Then they expect me to vote on it and be fair about it. The biggest responsibility we have as councilmen is to not only pass the budget but also oversee it throughout the year and

*Prepared by
Robert J. Golec
Hammond City Clerk*

NEW AND UNFINISHED BUSINESS cont.

Councilman Torres - make sure that finances are right. I didn't have no input in this budget and that's what upsets me. I know the Controller is a diligent worker and worked hard and she works at the pleasure of the mayor but it's not her job to put this together, it's our job. To give advise and to guide us, it's our job to put this budget together. I'm extremely disappointed at (unclear). People in the city, I understand, are not happy with this. But again they fear retaliation. They want to protect their jobs and that's how come they don't say a peep. But I hope next year we work on a system where the council is involved in the budget.

Councilman Higgs - I wanted to personally thank you for planting flowers over there in the lot. I seen you the other morning and I appreciate anything, anytime something is being done in my district, especially down the street from my house. I wanted to personally thank you, I did see you out there planting flowers.

Councilwoman Venecz - You're very welcome.

Councilman Higgs - The city of Hammond is seeking community input for a potential community sports complex. Hammond hosts the Community Athletes as a feasibility study now on their way looking for new opportunities for Hammond residents. The meeting is going to be October 13th at 5 p.m. at Hammond High School auditorium, 5926 Calumet Avenue. Then October 20th at Edison Elementary School Cafeteria, 7025 Madison Avenue. For more information contact Owana Miller, Director of Department of Planning & Development at 219-853-6358.

Councilwoman Venecz - Councilman Higgs, I would like to say that project was started earlier in the summer and by the East Side Community Council and some of the young people that belong to that organization, the weather got hot, they got back in school, and so I finished it. That's how that happened. So, actually, kudos to the East Side Community Council.

PUBLIC EXPRESSION

Laurie Czulno - The dates the council announced in connection with the 2017 Civil City Budget were changed. The citizens were not notified. The council barely announced the change in the department hearings meeting. The public hearing date was again changed. The public hearing date was submitted incorrectly to Gateway and again it was changed. Why don't we start the budget process earlier? The Council and city should be ashamed of themselves for not getting the citizens as much information as possible in a timely fashion. Only ordinance titles are read before passing them. The agenda was not online until later today and there was no agenda posted by the door.

Alvin Cheeks - Takes exception to the preferential treatment that New Hope Church has been given. I know politics when I see it. I think we should give the firemen as much money as we can. When I almost died the firemen really helped me. You can photograph a building. The sidewalk by the Federal Building is Federal property. That would be handled by the Secret Service.

PUBLIC EXPRESSION cont.

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

AYES: ALL

ATTEST:

Janet Venecz, President
Hammond Common Council

Robert J. Golec, City Clerk

Time: 7:10 pm
cb

Minutes approved at the Common Council Meeting of October 24, 2016.