

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on September 23, 2019 in the Hammond City Council Chambers.

Council President Robert A Markovich presided.

City Clerk Robert J. Golec facilitated.

PLEDGE OF ALLEGIANCE was recited by all.
Invocation by Councilman Higgs.

ROLL CALL

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

ABSENT: None

TOTAL: 9

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Emerson, moved to accept the minutes of September 9, 2019 and place on file. AYES: ALL

APPROVAL OF CLAIMS

Councilman Woerpel, supported by Councilman Rakos, moved to approve the claims from September 10, 2019 through September 18, 2019. Claim #5072 through claim #5397, inclusive.

Councilman Woerpel, supported by Councilman Rakos, moved to amend in claims:

#5398	Central Fire Station Open House	Common Council	\$100.
#5399	Central Fire Station	Common Council	\$200.
#5400	The Battle of 119 th St. BBQ	Common Council	\$100.

ROLL CALL VOTE (amendment)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 CLAIMS AMENDED

ROLL CALL VOTE (as amended)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 CLAIMS APPROVED
(as amended)

*Prepared by
Robert J. Golec
Hammond City Clerk*

PUBLIC HEARINGS

None

COMMUNICATIONS

Councilman Higgs thanked Kwan's BBQ and also the Minister for assisting and feeding the homeless. We had an opportunity last week to feed the homeless in Chicago and it was a great success and I really appreciate their efforts and we will continue to do what's needed in the community.

COMMITTEE REPORTS

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

Wed., Oct. 2; Edison Community Watch; Edison School; 6:30 p.m.

Fri., Oct. 4; Irving Community Watch; Irving School; 9:15 a.m.

Pulaski Park N.A.; Tues., Sept. 24; American Legion; 6:30 p.m.

Council as a Whole Committee - Councilman Woerpel - Brought out 19-18.

ORDINANCE 3RD READING - FINAL PASSAGE

19-18 An Ordinance Amending Ord. 3456, 3851, 3947, 4304, 4307, 4588, 4942, 7658, 8383, 8552, 8552, 8602, 8814, 8889, 8893, 9197, 9204, 9208 and 9209 also known as Sections 150.005, 150.024, 150.025, 150.027, 150.045, 156.11, and 156.20 of the Hammond Municipal Code as it Pertains to Certain Fees and Procedures of the Inspections Department relating to Building Contractors and Permits

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

Councilwoman Venecz, supported by Councilman Woerpel, moved to amend in 19-18A in its entirety.

Councilwoman Venecz - This ordinance pertains to the fees for the Inspection Department. It brings our fees in line with other municipalities. There are several items that is addresses. There is additional language to differentiate between residential and commercial stop orders. It now will be required within 12 hours to report an incident involving serious injury or damage reasonably believed to be \$5,000 or more or that had to be reported to another agency, to the building commissioner, or face an immediate stop work order. Clarify how building permit amounts are calculated. Make wrecking permits, sprinkling system permits, and plumbing permits the same as building permits. Plumbing permits are more in line with what other communities charge. There is a change in procedure for criminal background checks due to the change in technology. Changes the mandatory denial of a license language to discretionary by the Building Contractors's Board and it also adds a temporary license fee of \$250. All of these changes have the potential to generate between \$200 and \$400 thousand of additional revenue.

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Mayor McDermott - Before I get started I'd like to welcome a bunch of students from Munster High School who came over to watch the Hammond Council meeting. I wanted to point that out before we started. I also wanted to point out a few things that Councilwoman Venecz spoke about regarding this change to go into the Building Code. If you guys remember, Hammond High School had a wall collapse that we didn't find about as a Building Department or as a City Administration, for over two weeks after it happened. This would require immediate notification of anything over \$5,000. It also repeals an ordinance that was passed a long time ago in Hammond about somebody that was convicted of any type of, basically it could have been a misdemeanor battery, would be forever barred from pulling a Building Permit in the city of Hammond again. We had a case where a gentleman that works for the Federal Government and was building Starbucks had like a battery when he was a teenager. He was old enough to get a battery, but he had a battery, and under our ordinance we couldn't issue him a building permit. Which is ridiculous because obviously this happened decades ago and this person was barred permanently. So, it changes that language as well. As the Councilwoman points out, it also brings Hammond's Building Department in line with other communities. When I say other communities, I'm talking about the Munsters and the Highlands of the world, we're not higher than them, we're right in the same ballpark as them as far as what they charge and how frequently they charge. I just wanted to point that out.

Councilman Higgs - Mayor, what are the differential amounts of the fees from the different cities, if you know?

Mayor McDermott - I don't have those on me right now, but we intentionally set the rates to like the same that ... excuse me, I think we're exactly the same as what Munster charges, we're a little bit lower than Highland, and Gary, actually, was higher, way higher, than all of them. So, we intentionally kept ourselves in the same ballpark as our peers. I don't have them on me right now, do you Councilwoman?

Councilwoman Venecz - Yes. For the Town of Highland, permit fees on a \$3,000 job cost \$100 to a \$1,000 valuation. Let me see, Hammond's existing permit fee is \$72, the new permit fee will be \$80, the new inspection fee will be \$50 for a total of \$130. Compared to Munster, theirs was \$127, Hammond's existing permit fee is \$72, the new permit fee is \$80, new inspection fee of \$50, for a total of \$130. Gary's is \$230, Hammond's existing permit fee is \$72, new permit fee \$80, and new inspection fee, for a total of \$130.

Mayor McDermott - It's not gauging at all, it's just updating. We having updated these, Councilman Mark, since we've been here?

Councilman Kalwinski - Do we have any idea what our annual revenue is now from these fees?

Mayor McDermott - I'm sure we did when Heather was here, but I know that this raises an extra \$200 to \$400.

Councilman Kalwinski - And will that go back into the General Fund?

Mayor McDermott - I think that the way it was split up is that for our purposes it's all the same. But I think \$200 thousand was supposed to go directly to the Inspection Department and the other \$200 thousand was going into the General Fund. But for our purposes it's all the same. We used to have it in the Inspection Department where

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Mayor McDermott cont. - it supported itself and that was before the Indiana General Assembly that got involved and told us that we could no longer charge \$80 for rental. Since that time they've been living off of the General Fund. So, I believe it's split equally, Councilman. I apologize for not knowing the number off of the top of my head.

Councilman Higgs - Atty. Kevin Smith, you probably can clarify that, in terms of the differential between the amounts and the fees between the cities and he said how much will go to the General Fund.

Mayor McDermott - I just answered that, Councilman.

Councilman Higgs - I thought it wasn't clear as to what he requested. So, I thought maybe Kevin had more answers to that seeing he's the attorney.

Atty. Kevin Smith, Corporation Counsel - Councilman, I believe the Mayor did answer it correctly and I would echo what the Mayor said. I really don't have anything more to add except that as the Mayor answered, these fees, as generated, mostly go to the General Fund. Just for the Council's further information, the supermajority of the increase is due to a Inspection Fee of \$50 that is not currently in City Ordinance but is in every other city or town across Lake County and that will help generate a substantial amount of funds. I echo what the Mayor said, it's mostly gonna go to the General Fund.

ROLL CALL VOTE (amend in 19-18A)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

AMENDMENT ADOPTED

ROLL CALL VOTE (passage as amended)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

ORDINANCE NO. 9446 PASSED
(as amended)

INTRODUCTION OF ORDINANCES

19-19 An Ordinance Establishing Inspections and Planning Departments Conflict of Interest Rules and Reporting Procedure

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

RESOLUTIONS

19R-24 A Resolution Confirming the Appointment of Christopher P. Jones as a Commissioner of the Hammond Historic Preservation Commission of the City of Hammond, Indiana

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

Councilman Emerson - Chris Jones will be starting H.A.S.T., his third term. He's super involved in Hammond and has been former restaurateur as we talked about. He's been on the Historic Preservation Commission for two terms.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R24 ADOPTED

19R-25 A Resolution Confirming the Reappointment of Patrick Swibes as a Commissioner of the Hammond Historic Preservation Commission of the City of Hammond, Indiana

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

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R25 ADOPTED

19R-26 A Resolution Confirming the Reappointment of Anne T. Anderson as a Commissioner of the Hammond Historic Preservation Commission of the City of Hammond, Indiana

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

Councilman Emerson - I would like to say Anne is starting her second term and she has a great interest in the city. She called me and left a message, she had a previous commitment tonight and could not be here. She is very vested in the history of Hammond and been active and been on many of the tours that they do for civil war veteran's and also just a tour of the Historic Oak Hill Cemetery and all the other things that the Historic Preservation Committee does.

RESOLUTIONS cont.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 RESOLUTION NO. R26 ADOPTED

19R-27 A Resolution Adopting the Lake County Multi-Hazard Mitigation Plan

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

Councilman Rakos - This resolution to join with the rest of Lake County in a Multi-Hazard Litigation Plan and also including federal disaster. Basically what it will do is ... it's through Homeland Security, it's required by them. We will be able to be reimbursed if we wind up helping another jurisdiction as well as they'll be able to reimburse and come into our jurisdiction to help us.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 RESOLUTION NO. R27 ADOPTED

19R-28 A Resolution Confirming the Reappointment of Debbie McGough as a Commissioner of the Hammond Historic Preservation Commission of the City of Hammond, Indiana

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

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 RESOLUTION NO. R28 ADOPTED

NEW AND UNFINISHED BUSINESS

Councilman Higgs - I just want to announce that within the next week or so me and a couple of people from within the city will be actually feeding the homeless in the city of Hammond and trying to help them in any way we can to provide anything that's needed. So, I look forward to doing that and if anyone's interested in voluntary police, feel free to give me a call because it's not about me it's about us.

NEW AND UNFINISHED BUSINESS cont.

Councilman Emerson - Tomorrow, September 24, Tuesday, we will be unveiling the Honorary Dairy Belle Street Sign. It will be called Dairy Belle Lane. At 171st Street and Calumet at 3 p.m. If you're interested please stop by and wish them well. They've been here, next year, for 70 years in Hammond.

Councilwoman Venecz - I would like to invite everyone to Coffee with a Cop on Wed., Sept. 25, from 5 to 7 p.m. at Johnel's Restaurant. This is a great opportunity for you to meet some of the police officers that patrol our streets and protect our neighborhoods. You can buy them a cup of coffee or just sit there and shoot the breeze. It's a very informal setting but it's also very fun to get to know some of the police officers who serve and protect us.

Councilman Emerson - From the Lake County Solid Waste Management Board, we have coming up in Hammond and I'll try to announce this again before October 26, the Hazardous Waste Collections, it will be Saturday, October 26th at the Hammond Public Works, 601 Conkey Street from 9 a.m. to 2 p.m. So, that would be paint and other things that you're not supposed to dump in the alley any more. Also this same time and this same date, Oct. 26th from 9 a.m. to 2 p.m., a shred event. So if you have old bills and things that you don't want to recycle normally you can have them shred. The same place, Hammond Public Works, 601 Conkey Street.

Councilwoman Venecz - I would just like to comment on Councilman Emerson's announcement about the hazardous waste disposal, Mayor is going to have some stickers put on our recycling bins to let all of our residents know what can go in those recycling bins. The items that the Lake County Solid Waste will be collecting on October 26th are certainly not items that go in our recycling bins. My husband and I recently cleaned out our garage and had all of this stuff, cleaners, spray paint and things like that and I said let's go over to Highland so we can get this stuff out of the way. They have a line down Kennedy Avenue of people who were disposing of paint and oil and things of that nature. So, please go on the Lake County Solid Waste website and look up some of the items that you can dispose of at these events. I was very impressed with the recycling dedication of the people in Northwest Indiana. I would just encourage those who live in Hammond to do the same.

Councilman Emerson - You can also call Angela Goodson at 219-853-2420 to find out what you can recycle or what you cannot do away with.

Mayor McDermott - I appreciate you pointing that out, although I was looking over the next two weeks if we have any announcements coming up, we don't really have. But, that is October 24th we are doing a recycling summit, obviously we'd love to have the Council and the Clerk present. It's at the Sportsplex. We're going to televise it because one of the things we're not doing right in Hammond is we're recycling poorly. Our percentage of recycling is higher as compared to other communities which tells us we don't know how to recycle properly. So we bought 25 thousand stickers that we're gonna put on every recycling bin throughout the city of Hammond. I put it on Facebook, what it looks like, there in the (unclear) right now. They're crystal clear. I love it. I had one copy of it, I put it on my recycling bin at home. But it answers a lot of the questions like do you need to pull the sticker off of the Aquafina bottle and stuff like that. Do you need to have the cap on or

NEW AND UNFINISHED BUSINESS cont.

Mayor McDermott cont. - should the cap be off? Just simple questions. Then the recycling summit, we're gonna talk about facts and figures in Hammond and about when we mess up how much extra it costs us. You can also see when we went to Republic Recycling, when we went to Signal Stream, how much our landfill cost dropped, and at the same time our recycling rate went up. The problem is once it gets there they are having trouble, once they recycle it and bundle it, they're having trouble getting rid of it at that point. But we do need to do a better job in Hammond of recycling. When we proposed the possibility of cutting recycling there was a huge backlash from the residents and I got the message that we want to keep it, we just got to learn how to do it better. So this is why we're doing the Recycling Summit, this is why we're doing the stickers, I hope you all can support us on that and I hope that the residents that are watching will be there so that we could have a good forum. We could ask the questions that need to be asked and televise it so that we could watch it a year from now or maybe we could play it in the schools so the kids will learn to recycle better because if the kids know how to recycle then the parents recycle better also.

Councilman Woerpel - I went to that tour of the recycling place and I learned a bunch. A Half a cup of coffee thrown in the recycling bin can ruin a whole bin of recycling. I was actually shocked at how much stuff, even after it goes into the recycling bin can actually contaminate and make the stuff we're supposed to be recycling have to go to landfills anyway. So I encourage everybody to come out to this summit at the Sportsplex on the 24th or at least watch it because I'm 58 years old and, believe me, I think I know everything and I found out I didn't know nothing the other day when we went there, so. It was very educational and I encourage everybody to come to it. In conjunction with the hockey rink and the Mayor, we're gonna be setting up a meeting some time in October with the residents over there about the traffic flow.

Mayor McDermott - Thank you for pointing that out, Councilman Woerpel. I want everybody to know we are not opening the ice rink until we have a solid answer on how to protect the neighborhood over there from the traffic that's gonna be generated by the ice rink. It seems like it's a relatively easy fix. I know the councilmen have been in the discussions but it will require a traffic change and we have to do this if we want to protect those neighbors. Because if we don't put up some type of traffic device then, theoretically, everybody that leaves the ice rink or everybody that goes to the ice rink will shoot down Arizona to get there even quicker than taking the other route. So, we do need to do that. It needs to happen before the ice rink is open, Councilman. I'm gonna reiterate that with Dean and with my Chief of Staff so we can make sure everything is ready at the same time. But they are putting the walls up at the ice rink as we speak.

Councilman Woerpel - I've been asked by a couple of residents when we were gonna meet on this and we haven't forgot about it. We have been discussing it. They've fallen a little bit behind because of the weather and I will personally walk around fliers in that neighborhood for whatever day we finally get it all straightened out for the meeting.

Mayor McDermott - And traffic changes are somewhat controversial, as Councilman Mark and I just realized in the 1st District but I think this traffic change is definitely needed. If we don't have some type of traffic control device over by the ice rink it will change the quality of life for everyone in that neighborhood. So I agree totally with Councilman Woerpel on that point.

NEW AND UNFINISHED BUSINESS cont.

Councilman Higgs - Since I start walking again throughout my district, a lot of the residents are wondering when is the park going to be completed, MLK Park, because it's a wonderful project and the last project that I had the pleasure of getting done within my district and I'm really excited about it. So, the residents want to know and so when I knock on their doors in the near future and they will have an idea when the ribbon cutting is.

Mayor McDermott - Thanks, Councilman. I agree with you, it's frustrating. We knew it was going to be done in phases and obviously we all wanted it done by November. I'm still pushing real hard for it to be done in November, but it will be done before you leave as a councilman. But it is moving slower than I would like, that I'm comfortable with as well. I'm sure you see it, just like I do, every day when I drive by it. I know they got the memorial part to Dr. King. It looks really good right now and they are working on the new playground equipment and they're working on the new splash pad as we speak. But it should be done before the end of the year. Obviously we won't be using it until March or April. But, Councilman, it should be done before the end of the year. Thank you for asking. And it's going to be beautiful, that's the great thing.

Councilwoman Venecz - I just wanted to point out that for the month of October our Council meetings have changed. The first meeting will be October 7th and the second meeting will be October 21st.

Council President Markovich - In light of that, I would refer to my letter sent out to everybody, members of the Council, department heads, Times, Tribune and CR Publications. August 14th. 2020 Budget Hearings. It was suggested at the time we have budget hearing with the department heads on Saturday, October 5th at 9 a.m. in the Council Chambers. With discussion with the Mayor and administration and several councilmen, I would entertain a motion that that meeting would be cancelled and work with the Controller's Office.

Councilman Higgs, supported by Councilman Woerpel, moved to cancel the meeting scheduled for October 5th with the department heads of the City of Hammond.

Councilwoman Venecz - I request that proper notice go out to all those concerned. All the department heads, the newspapers and radio that were originally notified on the memo of August 14th.

Councilman Higgs - Certainly Councilwoman Venecz you can announce it on your Crime Watch at WJOB and certainly the Hammond Times, you can notify them as well. I've seen that I haven't seen them in quite some time. I see the young lady here from the Post but the Hammond Times I haven't seen in a long time.

Council President Markovich - Proper notice will be sent out. I'll make sure that's taken care of.

Councilwoman Venecz - Councilman Higgs, the Edison Community Watch Show on WJOB is strictly prohibited from speaking about anything political. It is just Crime Watch, nothing more, nothing less.

Councilman Higgs - I beg to differ with you, during election season you had a number of people on your show.

NEW AND UNFINISHED BUSINESS cont.

Councilman Woerpel - Call for the motion.

Council President Markovich - All those in favor signify by saying aye, opposed?

AYES: 8

NAYS: 1

Council President Markovich - In regards to one of my letters, September 5th to all councilmen and council persons for the budget, a letter was sent out with the attached Ordinance No. 9417, which was the 2019 City Council Budget. I suggested that the budget would stay the same with additions and corrections as by PERF and so forth. Everybody received the letter on the same day, September 5th from Heather Garay, the City Controller, she's not here right now but we had discussion in the Council Office. We all received a Budget Form 1 from her, we all received that. I asked for anybody if they would make any additions, corrections or substitutions for that. I am gonna submit that to her for the 2020 budget and I'm gonna meet with her to make sure that we make sure that we get these positions that we were asking for and so forth and that. That the Council has a budget that they can work with and take care of and do what they have to do in order to work with the Mayor's administration and with the City Council budget to serve the taxpayers here in Hammond.

Councilman Higgs - I'm trying to really understand what are you trying to convey to us because we are all aware of the budget but what is it something you're interested in including in the budget or is something missing in the budget?

Council President Markovich - There's been some discussion and some discrepancies for the City Council Budget whether we had the information and positions for the Council Office to function in a orderly manner. And just in case of sickness and absentees and so forth to make sure that the Council Office is covered so serve the citizens.

Council President Markovich - Chair would entertain a motion that I meet with the City Controller and address that with her with the budget and make sure we have our budget in there.

Mayor McDermott - I prefer elected officials deal with elected officials. In light of comments to the City Controller at the last meeting I really don't feel comfortable with you all dealing directly with my employee like that. So if you have any ... it's your budget, you put in what you want, we'll submit it. I'd rather you and I deal with each other than you dealing with Heather. Being honest with you.

Council President Markovich - I just want to make sure... I'm just making sure that there's no...

Mayor McDermott - It's my understanding, obviously this is a big topic of conversation, my understanding is if you hire a second employee in the Council Office we'll cover it for this year and in next years budget if you submit it, it will be there.

Council President Markovich - Well it's in there for this budget.

Mayor McDermott - Good.

*Prepared by
Robert J. Golec
Hammond City Clerk*

NEW AND UNFINISHED BUSINESS cont.

Council President Markovich - We had that discussion. You met with everyone. I'm just making for a point of clarification on the Council floor.

Mayor McDermott - No problem. We're like totally cooperating with what the Council submits. You submit what you submit, God bless America.

Councilwoman Venecz - I don't think the Council floor is the place to have a discussion of this nature at this time. If you want to have a discussion amongst the Council members regarding the Hammond City Council budget, I believe you should have a Finance Committee meeting.

Councilman Higgs - I'm just all choked up, but in regards to that I think we discussed it, in regards to the secretary's position and again, as I stated previously, and I state it openly, and I want all minds and hearts to be clear, to serve all nine Council people, you have three at Large's that are supposed to serve the entire city and then you have district councilmen for each district and there are six districts in the City of Hammond. One secretary could not possibly do the job that's needed to provide the services for all the residents of this great city. Being a councilman is a very, very, difficult job. Good luck to you all.

Mayor McDermott - Thank goodness for gohammond.tv, the City Controller is watching. She's downstairs working on the budget as we speak. She texted me that she's already plugged in the numbers that you gave to her during the last meeting. I just wanted to let you know she replied, okay. While we are talking about the budget, obviously you guys are going to do what you do. The budget that the city is turning in should be entered into gateway by Friday and it has \$6 million in cuts and/or revenue increases with very few lay offs. \$6 million it is going to be less. We anticipate more cuts and revenue increases than the loss of the tax caps. Which is good news to the Council, good news to the city. It's in there. Obviously you guys will see what we are talking about. I've met with each council person individually. You know the game plan. Heather's inputting as we speak. And there will be job losses in the city. Mostly in the Clerk's Office and in the Judge's Office, but that is something that we've known for three years now. All the other spots are gonna be eliminated through attrition. Obviously you have the right, as a council, to add an employee, that's up to you, I just want to point out that if you are going to add an employee I would hope you suggest or consider one of the employees that's losing her jobs. Because they are. I'm sure Clerk Golec could give you great employees that would be more than adequate to fill any spots you create. I'm sure Judge Amy would be able to give you employees that are going to lose their jobs. But if you're gonna create another position and fill it, I would just hope you would just do it with somebody that is about to lose their job. That's my 2¢.

Council President Markovich - Mayor, point of clarification. It's not a new position. We've had it in our 2019 budget. I just want to reiterate it. We had people lined up. The job is being posted. They know the rules and regulations that we requested.

Mayor McDermott - It's a big city and, for instance, in public works there's fifteen spots that we haven't filled on purpose because we know that cuts are coming. Can we fill those fifteen spots? Yes, we can fill those fifteen spots. We won't do it because it is bad business. So what we are doing is not hiring and trying to cut back

NEW AND UNFINISHED BUSINESS cont.

Mayor McDermott cont. - because we have \$6 million in losses facing us. So, obviously if it's in the budget you could fill it, nobody disputes that. If your spot is in the budget then you could fill it, I get that. However, if you are gonna fill it, all I'm asking is you consider the people that are losing their jobs. Like if you hire somebody off the streets, that's a fail. If you hire a part timer, that's a fail. I would hire somebody that is losing their job so that we can minimize the number of job losses that we are going to experience on December 31st, 2019. That's all I got to say.

Councilman Higgs - Mayor, from our meeting, my understanding was that in Gary Gleason's department there were initially fifteen positions that were not filled and only five of them so you would have enough manpower to serve the citizens of the City of Hammond are going to be filled.

Mayor McDermott - Thanks for the question. That's true. He had fifteen open. I asked him to give us only ten of them. Because we still got a job to do. And if we have to go deeper, we'll go deeper. But it's getting harder and harder to clean the streets and do all the stuff we have to do if we keep cutting manpower. But yes, Gary did cut back, Councilman, you correctly pointed out, Gary did have fifteen saved up. I said fill five of them we're gonna take ten in this years budget and I thought that was great, by the way, Gary showed leadership and I appreciate it because it makes my job easier when I'm submitting a budget to you all. So going back to the question of whether or not you guys need to meet on October 5th, we are meeting with the department heads. We're not just doing this in a vacuum. We're meeting, we're discussing, we're chopping, we know the tax caps are coming just like you guys. We're not turning in the same budget I turned in last year because that wouldn't be acceptable to you or to us. We're losing over \$5 million to the tax caps and the budget you see is going to reflect that. I promise. And we're trying to minimize the job losses. So, coming back to my original point, if you are going to hire somebody in the Council Office, please hire somebody that's losing their job because that's a pretty crappy Christmas present to give somebody.

Council President Markovich - Just for point of clarification, there are several other jobs being posted to be filled and you know, they have that option to go ahead and apply for any and all jobs that are posted by the city.

Mayor McDermott - I've been really working hard to get people hired from the Clerk's Office and from the Judge's Office. I've been very successful, quite frankly, but not totally successful. Because there are still people we are trying to get hired. And obviously we can only hire Hammond residents and there's some people that are grand fathered going way back but we are doing our best to hire the best employees to keep them.

Councilman Higgs - Just for all minds and hearts, had I known that position was gonna pay as much as it does at the Sports Complex , I wouldn't of ran for councilman. I mean, seriously. I mean, good luck to those that think the job is just is just coming to the meetings, because if you really care about the people, it's a 365 day job, 24/7, that's if you care.

Excerpted: Emerson said Monday he and others decided he was too much of a political distraction and that Garcia injecting his personal views at CVA board meetings was "inappropriate."

"As a veteran, I don't approve of that. As a Vietnam vet, I can't. I know Ray's a nice guy and everything, but I didn't know that about him, about him not reciting the Pledge and folding his arms," Emerson said.

Hammond council votes to appoint local business owner to tourism board

- [Lauren Cross lauren.cross@nwi.com, 219-933-3206](mailto:lauren.cross@nwi.com)
- Sep 16, 2019 Updated 7 min ago

HAMMOND — The City Council has voted to appoint a local businessman as its representative to the South Shore Convention Visitors Authority board.

Bernie Grisolia, co-owner of Emerald Green Restaurant at the Lost Marsh Golf Course, was named as the council's

pick at the Sept. 9 council meeting. He is also battalion chief with the Hammond Fire Department and owns a concrete and landscaping business.

"I was honored, I really was. I was truly honored to have the support and the votes, and to be given the chance to represent the city of Hammond," Grisolia said.

District 4 Councilman Bill Emerson Sr. said Grisolia is "very involved in the community and he cares about Hammond."

Grisolia's appointment does not come without controversy.

Hammond City Council members originally voted to appoint local taco restaurant operator Raymundo Garcia, but later rescinded their vote last month, without public explanation, after learning he didn't recite the Pledge of Allegiance at board meetings.

Emerson said Monday he and others decided he was too much of a political distraction and that Garcia injecting his personal views at CVA board meetings was "inappropriate."

"As a veteran, I don't approve of that. As a Vietnam vet, I can't. I know Ray's a nice guy and everything, but I didn't know that about him, about him not reciting the Pledge and folding his arms," Emerson said.

Garcia has alleged his quiet protests against the Pledge is why he wasn't reappointed to the CVA board after the Hammond City Council missed its appointment deadline earlier this summer.

He previously said it was because of his dissenting vote against CVA president and CEO Speros Batistatos' pay packages.

Garcia's appointment is at the center of a lawsuit filed last month by the City Council against the CVA board, alleging Batistatos tossed the council's board appointee to the side and appointed his own pick over a deadline technicality.

Despite Batistatos issuing a letter of apology, the lawsuit continues, challenging the constitutionality of the special legislation governing Lake County CVA board appointees.

The letter states the tourism authority will honor the council's new appointment if made before Sunday.

Garcia previously told The Times he believes he's being "vilified" for his personal choice not to recite the Pledge because of its poetic origins in white nationalism, anti-immigration policies and bigotry.

"This is what this poem was written for. And I don't believe in those things," he said.

Grisolia could not be reached for comment Monday.

Amendment 1: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

When the Supreme Court ruled to allow American flag burning

June 21, 2019 by NCC Staff (National Constitutional Center)

<https://constitutioncenter.org/blog/when-the-supreme-court-ruled-to-allow-american-flag-burning>

On June 21, 1989, a deeply divided United States Supreme Court upheld the rights of protesters to burn the American flag in a landmark First Amendment decision.

In the controversial *Texas v. Johnson* case, the Court voted 5-4 in favor of Gregory Lee Johnson, the protester who had burned the flag. **Johnson's actions, the majority argued, were symbolic speech, political in nature, and could be expressed even at the expense of our national symbol and to the affront of those who disagreed with him.**

Justice William Brennan wrote the majority decision, with Justices Anthony Kennedy, Thurgood Marshall, Harry Blackmun and Antonin Scalia joining the majority. "Johnson was convicted for engaging in expressive conduct. The State's interest in preventing breaches of the peace does not support his conviction because Johnson's conduct did not threaten to disturb the peace," said Brennan. "Nor does the State's interest in preserving the flag as a symbol of nationhood and national unity justify his criminal conviction for engaging in political expression."

Justice Anthony Kennedy, writing a concurrence, spelled out his reasoning succinctly.

"The hard fact is that sometimes we must make decisions we do not like. We make them because they are right, right in the sense that the law and the Constitution, as we see them, compel the result," Kennedy said. "And so great is our commitment to the process that, except in the rare case, we do not pause to express distaste for the result, perhaps for fear of undermining a valued principle that dictates the decision. This is one of those rare cases.

Chief Justice William Rehnquist dissented, along with John Paul Stevens, Sandra Day O'Connor, and Byron White. In his dissent, Rehnquist said that, "the flag is not simply another 'idea' or 'point of view' competing for recognition in the marketplace of ideas."

"I cannot agree that the First Amendment invalidates the Act of Congress, and the laws of 48 of the 50 States, which make criminal the public burning of the flag," he said.

The battle in the courts about American flag desecration goes back to 1907 when the Court in *Halter v. Nebraska* upheld a state law that prohibited two businessmen from selling beer that had flag labels on the bottles. In 1968, Congress approved the Federal Flag Desecration Law after a Vietnam War protest. The law made it illegal to “knowingly” cast “contempt” upon “any flag of the United States by publicly mutilating, defacing, defiling, burning or trampling upon it.”

The Court moved closer to the *Johnson* decision in 1974, when it held in *Spence v. Washington* that a person couldn’t be convicted for using tape to put a peace sign on an American flag. The decision made it clear that a majority of the Court saw the act as protected expression under the First Amendment.

In 1984, Gregory Lee Johnson burned a flag at the Republican National Convention in Dallas. Officials in Texas arrested Johnson and convicted him of breaking a Texas law that prohibited desecration of the flag; he was sentenced to one year in prison and ordered to pay a \$2,000 fine. The Court of Appeals for the Fifth District of Texas at Dallas affirmed Johnson's conviction, but the Texas Court of Criminal Appeals reversed, and the Supreme Court affirmed.

In reaction to the *Johnson* decision, which only applied to the Texas flag-desecration law, Congress passed a national anti-flag burning law called the Flag Protection Act of 1989. But in 1990, in *United States v. Eichman*, the Court struck down that law as unconstitutional as well, in another 5-4 decision.

“If there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable,” wrote Justice William Brennan, citing the *Johnson* case.

The case remains controversial to the present day, and Congress has, as recently as 2006, attempted to amend the Constitution to prohibit flag desecration, with the effort failing by one vote in the Senate.

In one of his last public events, Justice Scalia explained why he cast the deciding vote in the *Johnson* case, on the principal of a textual reading of the First Amendment. “If it were up to me, I would put in jail every sandal-wearing, scruffy-bearded weirdo who burns the American flag,” Scalia said at a November 2015 event in Philadelphia. “But I am not king.”

Pledge Laws: Controlling Protest and Patriotism in Schools **It's time to revisit students' rights and what freedom really looks like.**

By Coshandra Dillard

May 28, 2019

I pledge allegiance to the flag of the United States of America and to the Republic, for which it stands, one nation, under God, indivisible with liberty and justice for all.

Most of us grew up reciting this pledge at school at the beginning of the day, with little thought of what the words mean. In recent years, the enthusiasm for this tradition has somewhat faded. But now, Alabama lawmakers want to change that.

Alabama House members recently voted to require that all K–12 public schools recite the Pledge of Allegiance at the beginning of each school day. Existing law allows schools a bit more discretion. Currently, Alabama schools are required to “afford all public K–12 students an opportunity each school day to voluntarily recite the pledge of allegiance to the United States flag.” But the sponsor of the bill said that, because many students don’t know the pledge, reciting it daily would help them learn it.

After the Alabama Senate amended the bill to assert that “a student who refuses to recite the pledge of allegiance may not be punished or penalized for that refusal,” it passed.

Since the Supreme Court has already ruled that students aren’t required to recite or stand for the Pledge of Allegiance, we question why Alabama lawmakers would even bother.

Perhaps it’s because the way we revere the nation’s symbols—from the flag to the pledge to the national anthem—has always been rife with debate both inside

and outside of schools. The need to legislate patriotism is a recurring theme throughout history. And while laws protect people who rebel against this type of reverence, there have always been negative consequences for people who do so—from famous athletes to school children.

In 2017, a Texas student was initially expelled after refusing to stand for the pledge. When she sued the school, the state stepped in, asserting that parental permission is required to opt out of participating in the pledge.

In a statement, Texas Attorney General Ken Paxton responded to the lawsuit:

“The U.S. Supreme Court has repeatedly held that parents have a fundamental interest in guiding the education and upbringing of their children, which is a critical aspect of liberty guaranteed by the Constitution. The Texas Legislature protected that interest by giving the choice of whether an individual student will recite the Pledge of Allegiance to the student’s parent or guardian. School children cannot unilaterally refuse to participate in the pledge.”

In August 2018, a Colorado teacher roughly grabbed a middle school student to force him to stand for the pledge. Initially charged with assault and child abuse, the teacher agreed to a plea deal and retired.

In February 2019, an 11-year-old Florida student was arrested after refusing to stand for the pledge.

And just last week, in Alabama, a board member in Dothan City Schools complained that students at his daughter’s high school were sitting through the pledge and national anthem. The superintendent agreed to his calls for an investigation into the matter.

As Alabama lawmakers hope that all students pledge allegiance to the flag before they begin class, and as we witness students across the country being disciplined for refusing to participate, it’s a good time to revisit issues surrounding patriotism, nationalism and students’ rights.

And it’s especially important that educators who are committed to social justice stand up for their students’ rights to protest in this way.

Ties to Nativism and Nationalism

As we discuss this issue, it's important to remember that the Pledge of Allegiance was crafted during a time when nationalist and nativist sentiments were on the rise. As immigration shifted demographics, powerful white men aimed to return the country to "true Americanism."

In 1892, the pledge was published in *Youth's Companion Magazine* to commemorate the 400th anniversary of Christopher Columbus' arrival in the Americas. Its author, Francis Bellamy, was a former minister turned advertising executive who lamented "every alien immigrant of inferior race" who found a home in the United States.

Bellamy's original pledge included a raised-arm salute and slightly different wording:

"I pledge allegiance to my Flag and the Republic for which it stands, one nation, indivisible, with liberty and justice for all."

The phrase "the Flag of the United States of America," explicitly reminding people what they were saluting, was added in 1923, just one year before the Immigration Act of 1924 severely curtailed immigration to the U.S.

Bellamy himself felt immigrants were inferior, and that they eroded traditional values. He believed the pledge would guarantee "that the distinctive principles of true Americanism will not perish as long as free, public education endures."

The pledge continued to serve as a way to separate "Americans" from "others" well into the 20th century. The phrase "one nation under God," for example, was added at the height of the Cold War in 1954, as the country tried to distinguish itself from "godless" communism.

Paradoxical Messages

Rules about the Pledge of Allegiance aren't complicated. Although the federal law is clear—you can't force someone to pledge allegiance to the flag—there is still confusion about students' rights, depending on the state.

Thirty-two states allow students to opt out on their own, while 15 states' statutes are unclear as to whether parents or the local school must make that choice. Only three states—Iowa, Vermont and Wyoming—do not have laws related to the pledge.

The Supreme Court decided this decades ago. In the 1943 case *West Virginia State Board of Education v. Barnette*, the Court ruled, in a 6-3 decision, that the West Virginia Board of Education violated students' First Amendment right to free speech when it mandated that they salute the flag as a part of school activities. Justice Robert Jackson said in his opinion, "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein."

The Court understood that forcing people to honor a symbol of the United States is at odds with what is actually written in the 23-word statement that people are told to recite.

If students are coerced into pledging their allegiance, does this act truly convey the spirit of the pledge—that there is liberty and justice for all? A blind expression of loyalty to a state—that continues to enact violence against its citizens—does not resemble freedom of thought. It's not freedom at all.

In an essay for *The Washington Post* on the way athletes protest, former NBA star Kareem Abdul-Jabbar pointed out: "One of the ironies of the way some people express their patriotism is to brag about our freedoms, especially freedom of speech, but then brand as unpatriotic those who exercise this freedom to express dissatisfaction with the government's record in upholding the Constitution."

These robust pushes to salute the flag, stand for the anthem and other acts of devotion toward country seem to surface when marginalized groups and their allies push for justice.

Teachers need to recognize that it might be difficult for some students, particularly students of color, to feel enthusiastic about the pledge, as it contradicts what they might see around them every day. We must listen and not chastise or punish them for expressing their feelings about the pledge. Respecting their right to refrain from *appearing* patriotic is what freedom looks like. It's quintessentially American.

<https://www.minnpost.com/community-voices/2019/07/on-the-pledge-the-protests-patriotism-and-the-past/>

On the Pledge, the protests, patriotism, and the past

By Marshall H. Tanick

7/10/2019

Pledge history, excerpt:

The tale starts with dueling Pledges, the first created by a Union general during the Civil War, and the other by Francis Bellamy, a late 19th-century self-proclaimed Baptist “Christian Socialist” minister, who labeled the general’s Pledge “too juvenile” and undignified, and drafted one that closely resembles the modern version.

The latter was endorsed in 1923 at a gathering of flag enthusiasts and officially adopted by Congress in 1942, during the height of patriotic sentiment in the midst of World War II.

Reacting to another type of wartime fervor, the surge of anti-Communism during the Cold War, Congress added the “under God” phrase in the text of the Pledge, a reference to a deity that was, surprisingly, not part of the format authored by the Baptist cleric — although it was in the predecessor version he deemed infantile.

Ventura’s view

The Minnesota governor at the turn of the millennium waded into the controversy, although unlike other contretemps during his four-year term from 1999-2003, this was not of his own making. It occurred in May 2002 as the legislative session drew to a close, the final one during Ventura’s tenure.

The lawmakers passed a bill requiring all school districts to require the recitation of the Pledge in public schools at least once weekly. The measure did not significantly break new ground, as numerous districts or individual schools in Minnesota already mandated or urged schools to recite the Pledge on a regular basis and, around the nation, about half of the state's had similar mandates while a large number of other school districts recommended it be done.

But Ventura had a differing view. Although no fan of compelled religious observance, the governor did not object on that ground. In one of his final actions, he vetoed the measure on different grounds, explaining that he disdained forced patriotism. In vetoing the measure, the ex-Navy seal (and professional wrestler and broadcaster) explained that expressions of patriotism should come "from the heart ... by choice," rather than governmental compulsion.

Ventura's veto was never challenged, and the proposition has remained dormant since the governor returned to the private sector and his retreat in Mexico. But school districts, individual schools, and educators remain free to invoke the Pledge in their classrooms, provided that students are not compelled to participate or punished for not doing so, notwithstanding any social approbation or ostracism they might experience for their reticence.

PUBLIC EXPRESSION

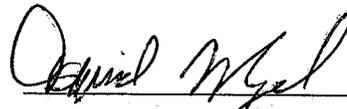
Doreen Brown - Asked for help with "Maddy's Broken Heart", a Dinner Benefit for Madison Welch, a student at Morton who has been diagnosed with congenital heart disease. The doctors will try to repair her tricuspid valve on December 16, 2019. The Benefit Dinner will be on October 12, Saturday, at the Optimist Club on Kennedy Avenue. \$10 a ticket. We invite everyone to come out. Please share this information.

Ephranetta Knight - Asked for an appointment with her Councilman of the 1st District in regards to things concerning the neighborhood.

George Stoya - Believes that not appointing Raymundo Garcia onto the CVA Board sounded retaliatory for exercising his First Amendment right. It's not okay for Mr. Garcia to express his personal view but it's okay for a councilman to do so?

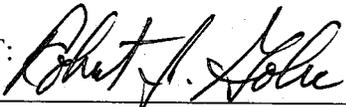
Councilman Higgs, supported by Councilman Spitale, moved to adjourn.

AYES: ALL



Dave Woerpel, Vice President
Hammond Common Council

ATTEST:



Robert J. Golec, City Clerk

Time: 7:10 p.m

cb

Minutes approved at the Common Council meeting of October 7, 2019.