MINUTES OF THE COMMON COUNCIL NOVEMBER 4, 2019

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on November 4, 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.
Moment of Silence was observed.

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 October 21, 2019 and place on file. AYES: ALL

APPROVAL OF CLAIMS

Councilman Woerpel, supported by Councilwoman Venecz, moved to approve the claims from October 25, 2019 through October 30, 2019. Claim #5875 through #6040 and claim #6042 through claim # 6170, inclusive.

ROLL CALL VOTE
AYES: Spitale, Venecz, Kalwinski, Torres, Emerson, Woerpel, Rakos, Markovich
NAYS: None
ABSENT: Higgs
Motion carried 8/0/1 CLAIMS APPROVED

PUBLIC HEARING
None

COMMUNICATIONS
None

Prepared by
Robert J. Golec
Hammond City Clerk

COMMITTEE REPORTS

Community & Crime Watch Committee - Councilwoman Venecz - Upcoming meetings:
Fri., Nov.15; C.W. at Silver Birch; 2 p.m.
E. Ham'd Pullman C.W.; Tues., Nov. 19; Ophelia Steen Center; 6:30 p.m.
Wed., Nov. 6; Edison C.W.; Edison School; 6:30 p.m.
Edison Community Watch on the Road; Fri., Nov. 8; 1 p.m.; Golden Manor Senior Apartments
Tues., Nov. 12; Harrison Park C.W.; VFW; 6:30 p.m.
Fri., Nov. 8; Irving C.W.; Irving School; 9:15 a.m.
Whiting/Robertsdale C.W.; Thur., Nov. 14; 6:30 p.m.; Calumet College

ORDINANCE 3RD READING FINAL PASSAGE
None

INTRODUCTION OF ORDINANCES

19-26 An Ordinance Creating a New Fund (Fund #243) and to Appropriate Funds Within the Hammond Police Department Grant Fund for 2020

Councilman Spitale, supported by Councilman Higgs, moved the proposed ordinance to 1st and 2nd reading and referred it to the Council as a Whole Committee. With a public hearing set for 12/16/19 at 5p.m.

AYES: ALL

Councilman Woerpel- I will be... I know on the agenda it says a public hearing on 12/09/19. But under New and Unfinished Business. I will be making a motion because of the way the holidays fall the meeting on 12/09/19 be canceled. We will have one meeting and that will be on 12/16/19. That's why the public hearing differs from the time on the agenda.

Councilwoman Venecz- And also cancel the 12/23/19 meeting?

Councilman Woerpel- Yes.

19-27 An Ordinance Creating a New Fund (Fund #244) and to Appropriate Funds Within the Hammond Police Department Grant Fund for 2020

Councilman Spitale, supported by Councilman Higgs, moved the proposed ordinance to 1st and 2nd reading and referred it to the Council as a Whole Committee, with a public hearing set for 12/16/19 at 5p.m.

AYES: ALL

19-28 An Ordinance to Amend Ordinances 4633, 4994, 6035,7657, 7661, 8435, 8612, 8718, 9081, 9249, 9258 also known as Section 94.090, 94.091, and 160.03 of the Hammond Municipal Code as it Pertains to the Enforcement of High Grass and Weeds Declaration of same as Nuisances and Allowing the Inspections Department to Abate with Ten Days Notice

INTRODUCTION OF ORDINANCES cont.

Councilman Woerpel, supported by Councilman Spitale, moved the proposed ordinance to 1st and 2nd reading and referred it to the Council as a Whole Committee with a committee meeting set for 11/18/19 at 5:15p.m.
AYES: ALL

Councilman Woerpel- What this Ordinance basically does is exactly what it says in the title. I know when we get complaints of high grass, weeds or whatever, it usually takes about 45 days from when they're cited to actually getting the cut and clean order, and this Ordinance actually is what other Communities and State Law allows and it cuts that time down to 10 days.

Councilman Higgs- I know Councilman Woerpel stated that other Cities have similar Ordinances in place, can you identify some of those?

Jaime Prieto- A lot of cities that we looked up such as South Bend, West Lafayette, Muncie, cities that have same population we do are using this 10 day Ordinance to abate and cut grass, so we're trying to get on track with other cities in the State. So that way we can keep our neighborhoods beautiful.

Councilman Higgs- Just to mention since my tenure on the Council, constantly I reported different properties in terms of high grass. I think it will be difficult for some people that don't have the sufficient funds available to actually get it done in 10 days, that might be a problem, maybe 15 days, but 10 days that's quick.

Jaime Prieto- Well at that point once we get it cut they actually have a chance to come in and appeal it. Then pay for our services as far as the vendors charge.

Councilman Higgs- And what do the vendors charge, do you know?

Jamie Prieto- It varies depending on the lot size. This year we had three different prices per lot, for three different size lots. I think we will be upping that price next year. It's not going to be much, but I can't give you an exact number right now as to what we're going to be charging next year.

Councilman Spitale- How many lots do you cut?

Jaime Prieto- It varies every year.

Councilman Spitale- How many lots have you ever had?

Jaime Prieto- Including Vacant lots, I want to say anywhere between 400 to 500.

Council President Markovich- That's every week?

Jaime Prieto- No, our vendors go out every 3to 4 weeks for a cut.

Councilman Spitale- Are those vacant lots?

INTRODUCTION OF ORDINANCES cont.

Jaime Prieto - Most of them are some are houses that are abandoned, left in foreclosure and what not.

Council Woerpel- I just know in the short time I've been on the Council this is one of the biggest complaints I get as far as tall grass and high weeds. When the people complain, I say I'll get Code Enforcement out there and they will take care of it. The number one complaint I hear is I don't need the grass cut in July, I need it cut now and this shortens that 45 day window down to 10 days.

Mayor McDermott- I just talked to Jaime about the percentage of his cuts that are actually occupied... addressing Councilman Higgs' concern, he said it's 10%. I mean for the most part these are houses that people have moved out and never made plans for cutting the grass when they're gone and it could be there and a lot of them are repeat customers. With this Ordinance, it's something we followed... obviously we're very careful about going on private property. We've seen one of our colleagues get in trouble for cutting trees on private property, and we don't want to repeat the same mistakes that we've learned from in the past. So, we've been very careful not going on private property in situation like this, and it's frustrating for the complainer who calls in and says Councilman Rakos, my neighbor's not cutting his grass. Rakos would tell us. Jaime goes out there, puts the green sticker on the house, and nothing happens for 6 weeks, and in the mean time the grass is growing higher and the person who made the complaint thinks Councilman Rakos blew them off, and thinks we blew them off and we're just waiting for the red tape to clear, this cuts the red tape. This is a 10 day period we go in and cut it. We would charge a heck of a lot for cutting. It's way cheaper to do it yourself .

Councilman Spitale- If the property is being rented and the tenant isn't cutting the grass, who does the fine go to?

Jaime Prieto- Yes, correct, depending on what the lease states. Sometimes the renters are responsible for the grass, and if it's not on the lease then the owners are responsible for the grass. We always go for the owner of the property. Every citation we send out is to the owner of the properties.

Councilman Torres- I strongly support this Ordinance, as Councilman Woerpel stated, based on the 45 day window to the 10 day window, that is one of the biggest complaints I get during the summer, and especially with landlords that for some reason renters don't feel they have to cut the grass. So it's up to the landlord and they just let it go. I expect my colleagues to support this Ordinance.

INTRODUCTION OF ORDINANCES cont

19-29 An Ordinance to Amend Ordinance 7183 also known as Section 10.98 of the Hammond Municipal Code as it Pertains to the Creation of an Ordinance Violation Bureau

Councilman Woerpel, supported by Councilman Higgs, moved the proposed ordinance to 1st and 2nd reading and referred it to the Council as a Whole Committee with a committee meeting set for 11/18/19 at 5:15p.m.

AYES: ALL

Councilman Woerpel- What this Ordinance does it creates a way for the City Clerk... for people that have certain violations and they want to plead guilty and not have to go to court or not plead guilty, but just pay the fines they can just come in and pay the Clerk's Office rather than having to go to court, and it also allows for the current process of showing that they're in compliance when they're cited for something, rather than going through the whole court process.

Mayor McDermott- We were approached by City Clerk Bob Golec about this idea. I think it's a great idea. When we first eliminated the Hammond City Court there was talk about setting up an Ordinance Court. Basically would have been a 2nd court, we still would've had files, it would be like the Board of Public Works, but we wouldn't have a judge, we would have 3 judges that would determine ordinances violations and it sounded like we're getting rid of the court and setting up another court just to deal with ordinances and we started questioning that. When Clerk Golec approached us and came up with an idea where the City Clerk could act as like sort of a clearing house for settlements, so to speak. If you were cited for maybe you don't have dog tags and you get the citation and it says if you get dog tags no case would be filed, so you go to the City Clerk and prove you got your dog tags after you got cited and the City Clerk would say ordinance is dismissed, and if we do it this way then we will never have to file a case in court, never have to pay court costs, not have to go the whole process of chasing a person down for their tags. So I thought it was a great idea and that's why we're supporting this Ordinance where we would allow the City Clerk and his staff try and clear this Ordinance case before they're filed at 200 Russell Street. I think it's a great move. For instance my wife just got a ticket in Downtown Chicago, I'm sure she appreciates me talking about this, it was a parking violation, she parked in the wrong spot on the wrong day and the City of Chicago sent her a ticket in the mail. I complained for about 15 minutes, but ultimately we decided we're not going to contest this parking violation we're just going to pay the fine, and they would vacate the whole thing. I think that's what the Clerk is trying to do.

Councilman Woerpel- And to be clear that fine stays within the City right?

Mayor McDermott- Yes, if it's a compliance issue. If there is an Ordinance that they're facing maybe you're in your back yard burning a fire pit and smokes gets in your neighbors yard and they file a case against you and they say it's a $150 fine, instead of going to court and fighting this just show up to Clerk Golec's Office and pay the fine. And we would get 100% of the fine instead of paying court cost and having them go downtown and show up for court it can all be handled here locally, and if they want to fight it then they have that option, they would go to 200 Russell Street, right in Downtown Hammond, then it's out of our hands at that point and we would lose court cost and things of that nature, but I think it's a great way to take advantage of our existing employees in a good way.

INTRODUCTION OF ORDINANCES cont.

Councilman Torres- If they comply there might not be a fee?

Mayor McDermott- Absolutely.

19-30 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 Properties Commonly Known as 1141 150th Street and 1147 150th Street Hammond.

Councilman Torres- This Ordinance isn't required a sponsor, but I'll probably put my name on it. This is just La Hacienda Azteca expanding. A couple of Council Meetings ago he was here. He expanded to the North, now he's expanding West. He bought an additional abandoned property that was located just West of him and he's going to expand his restaurant, add additional footage, and then the remainder of the lot he's gonna extend 10 spaces of parking, so it's an improvement to the city. It's a quality restaurant that is vastly growing, been there for 9 years.

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

Mayor McDermott- I would like to point out to the Council that this zoning change has gone through, the changes have been proposed, it's gone through Planning and Zoning and has been approved by both. Although I haven't been to this restaurant since it's management change, I've heard nothing but great things about it and I think that having another restaurant, we should do everything we can to have another successful restaurant. For what it's worth the administration totally supports this.

Councilman Torres, supported by Councilman Higgs, moved that Ordinance 19-30 be passed on 1st and 2nd reading.

Councilman Higgs- Will that be put in Council as Whole?

Council President Markovich- He didn't list no Committee.

Councilman Higgs- That's fine with me, whatever you choose.

ROLL CALL VOTE (1st and 2nd reading)
AYES: Spitale, Venecz, Kalwinski, Torres, Higgs, Emerson, Woerpel, Rakos, Markovich
NAYS: None
ABSENT: None
Motion carried 9/0/0 MOTION PASSED

Prepared by
Robert J. Golec
Hammond City Clerk

INTRODUCTION OF ORDINANCES cont.

Councilman Woerpel, supported by Councilman Higgs, moved to suspend the rules to consider 19-30 for passage.

ROLL CALL VOTE (rules suspended)
AYES: Spitale, Venecz, Kalwinski, Torres, Higgs, Emerson, Woerpel, Rakos, Markovich
NAYS: None
ABSENT: None
Motion carried 9/0/0 RULES SUSPENDED

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

ROLL CALL VOTE (passage)
AYES: Spitale, Venecz, Kalwinski, Torres, Higgs, Emerson, Woerpel, Rakos, Markovich
NAYS: None
ABSENT: None
Motion carried 9/0/0 ORDINANCE NO. 9452 PASSED

RESOLUTIONS
None

NEW AND UNFINISHED BUSINESS

Councilman Woerpel, supported by Councilwoman Venecz, moved to cancel the December 9th and December 23rd meetings and in it's place we meet December 16, 2019. AYES: ALL

Councilmen Woerpel, supported by Councilman Higgs, moved to have an Executive Session on November 18, 2019 at 4:30 p.m. AYES: ALL

Councilman Higgs- Seeing that we're coming to the end of my tenure on the Council, I just want to thank my constituents. I don't know if I'll be at the next meeting or not, but I want to personally thank them for all their years of support, those that supported and those that didn't. It was a learning experience and I had an opportunity to learn a lot and get a lot accomplished in my tenure being on the Council. I will continue to work and do what's necessary for the 3rd District, and now I guess I won't have to deal with some of the things I had to deal with, but however God is so good he will not put on you more than you can bear. So, I just thank God for that. Thank you.

Councilman Torres- Irving Park finally got started this weekend. It's a 1.5 million dollar commitment, will be improvements to the basketball courts, and the dog park, and baseball field will be improved, walking paths also will be improved. I want to thank the Mayor, he committed a Million dollars and the District committed half a million, but I am not happy... it will be completed in Spring, they just started the digging, but I'm disappointed with the progress it was supposed to be started back in August. We had a little delay by the Engineer

NEW AND UNFINISHED BUSINESS cont.

Councilman Torres cont. - Department shouldn't have been but it was, they had 2 years notice on this by my account. Not happy with them about the lighting program just got approved, the street lighting program. At the last Board of Works Meeting the side walk program got approved. I apologize to the residents that were promised this during the summer. The Mayor and I talked about it and there will be improvements in the future, but anyway I just want to apologize to the 2nd District, that we didn't get what was planned and promised on a timely basis.

Mayor McDermott- I just want to point to the Council we got close to a 150 people viewing on Facebook Live. I think that's really cool. I want to remind everyone that's watching and everyone that's listening, we have a Veterans Parade coming this Saturday. We have hundreds of people that are going to be there as part of the Parade, it's really embarrassing in Hammond when there is more people in the Parade then watching the Parade so please mark your calendars, kicks off at 10 a.m. Saturday morning. It's usually done within 45 minutes to an hour and then they have a really nice ceremony at the park on 173rd and Kennedy. So, please mark your calendars for Saturday.

Councilman Woerpel- I want to announce a meeting being held at the Jean Shepard Center on November 19, 2019.I know a lot of the residents had some concerns over the traffic flow with the new Hockey Rink coming in. We've come up with a pretty good plan between Engineering, the Mayor, and myself and we will have a meeting on November 19, 2019 at 6 p.m.

Councilman Emerson- The Mayor himself is a veteran, Councilman Spitale, Councilman Torres, and myself are veterans. I would like to add also the Grand Marshall for this Parade on Saturday is our own Chief John Doughty, he's an army veteran, so I naturally like him. So, if you know a veteran or just want to come out on this Saturday.

Councilman Higgs- Just to echo the sentiments of the Mayor, I had an opportunity in my tenure on being on the Council to name a Street after one of our Veterans, Mr. Lakos, he served our Country for a number of years. That's what it takes to be in tune with the Community, so, he's well missed and loved.

Councilman Rakos- I want to thank the Street Department, and the City, and HC3, 2/3 of the flags are now flying on the light post on Kennedy Avenue, you will be able to see them at the Park on Saturday.

Mayor McDermott- I would like to remind everyone that tomorrow is election day please go vote.

PUBLIC EXPRESSION
None one spoke.

Prepared by
Robert J. Golec
Hammond City Clerk

Councilman Higgs, supported by Councilman Spitale, moved to adjourn. AYES: ALL

Robert A. Markovich, President
Hammond Common Council

ATTEST:

Robert J. Golec, City Clerk

Time: 6:55 p.m.
dw

Prepared by
Robert J. Golec
Hammond City Clerk