The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on August 14, 2023 in the Hammond City Council Chambers and was available to be viewed at gohammond on Facebook, gohammond.tv live and per Zoom.

Council President Scott Rakos presided.

Council Coordinator Carmen I. Balboa facilitated.

PLEDGE OF ALLEGIANCE was recited by all.
A moment of Silence was observed.

ROLL CALL
PHYSICALLY PRESENT: Alexander, Spitale, Venecz, Kalwinski, Tyler, Emerson, Woerpel, Rakos
ELECTRONICALLY PRESENT PER ZOOM: None
ABSENT: Torres
TOTAL: 8

MAYOR'S ADDRESS

Mayor McDermott - Hi, Council. It's good to see you all. To the audience behind, it's great to see everybody. I know we have a large audience watching at home. This is my Council report for June 26th, 2023. I'll just do a little summery of stuff I've done over the past few weeks on behalf of the City. I do want to remind everybody that we've had a Summer Concert Series going all summer at the Pavilion on Friday nights. We've already had the band Together, Visions of Santana, Trippin Billies and the Northwest Indiana Symphony Orchestra playing out there on Friday nights. These shows are free. Parking's free. Everything's free. You can bring your own booze and all that. We still have three shows coming up. On August 25th, we have Hollywood Swinging. On September 1st, we have the band Talisk. On September 15th, we have the H.A.P.A. Rock Bank. So, that talkes place on Friday nights, it's free, in Hammond's 1st District.

Councilman Torres is now present.

Mayor McDermott cont. - Speaking of Hammond's 1st District, I met with, I know I talked to some Council members that were concerned about what was going on with Horseshoe Casino and I'm happy to report that I had a real positive meeting with the Horseshoe Casino leadership. I took another tour of the boat. I haven't, quite frankly, I don't gamble so I haven't been on the casino boat in a long. They showed me a lot of the new things they're working on and I think they're really heading in the right direction. I was glad we had that meeting. We just had a fire, actually, in the Horshoe Casino garage. I want to congratulate and thank the Hammond Fire Department for working so quickly to put it out. It was a scary situation. We met on behalf of the City of Hammond with Tom Keon, the Chancellor of PNW in regards to a development in Downtown Hammond that Purdue Northwest is interested in. It's a real interesting proposal. There's still a lot of work to do on this issue but I thought it was a great meeting. Also in Hammond's 1st District, there's a lot going on up north, we had National Night Out. I want to thank all the Council members who participated with National Night Out this year. I want to thank the Crime Watch Organization that participates with Crime Watch,

MAYOR'S ADDRESS cont.

Mayor McDermott cont. - particularly Councilwoman Janet Venecz and all her help with the group and the Hammond Crime Watch and everybody that came out. We had great attendance this year. I want to thank Jill Gajewski, the Special Events Coordinator for the Hammond Port Authority as well as Hammond Special Events Team. I want to thank all of our police partners, obviously the Hammond Police Department, our favorite police partner, but we also had Indiana State Police out there, the Lake County Sheriff. It was a great event. We had a great turnout. It was real positive and we didn't get a word mentioned in any of the local media, which is a real shame. They cover everybody else's National Night Out and they don't cover ours. But that's for another day. I met with the executives of BP Whiting on behalf of a project that they're looking to down the road in the City of Hammond. It's a green energy investment, if it works out it could be worth a lot of money for the citizens of Hammond, for the City of Hammond. It's a real interesting proposal. It's a long way off but we were just talking about long term picture stuff. It was a real positive meeting. We had a great meeting last week in the Mayor's Office with HC3. That's the Hessville neighborhood group. HC3 and the mayor's Office have been working together on what's going on with Kennedy Avenue. I met with the same group to come up with what we're doing in regards to Kennedy Avenue redesign with the extra wide parking and extra wide sidewalks. This same group and I met this last meeting and went through, in detail, the 6800-7100 block of Kennedy Avenue. We were looking, in particular detail, at property acquisitions we want to make in behalf of the City to help spur development along Kennedy Avenue. I think that was a great meeting. I'm looking forward to the next one. Today I appeared on a radio show at the Little Calumet River Basin Authority, thanking them for their donation towards our project along the Hammond Munster border. Thanking them for all the flood control efforts that they've done to help make our citizens safer to save our citizens money on flood insurance premiums and also thanking them for creating miles of new bike trails in Hammond on top of the levies. Former Councilman that used to represent Hammond's 5th District is running the Little Calumet River Basin Authority, Dan Repay. Dan Repay's done such a good job he was recently awarded the Key to the City to the City of Hammond as well. So, thanks to Dan and everything the Little Calumet River Basin Authority is doing for us. We recently held the Clark Field Auction for the 34 residential lots that we bid out. This was property that we recently acquired from the School City of Hammond. We subdivided it. We have a plan to invest in infrastructure up here. It's divided into 34 different lots. Minimum bids ranged from $14 to $18 thousand. During our auction on August 3rd, every single parcel sold. Some of them for triple their value. One went for $64 thousand, minimum bid was $14 thousand. It's not my place to say but we had really good participation. It was great to see so many people show up. It's exciting to see a new neighborhood springing up out of something that was field but didn't generate any tax revenue and now it will be. Infrastructure is being built this fall with new homes starting soon after into the next year. We will have covenants to keep this new subdivision looking consistent in regards to fencing, driveways, building materials, etc. Last, but not least, I know that we're gonna talk about the gas station ordinance later, so I'm not even gonna make that part of my report. Last, but not least, I wanted to congratulate everybody that has anything to do with running Beatles Fest this weekend. The Downtown Hammond Revitalization Project underway. Beatles Fest returned to Historic Downtown Hammond over the weekend. For the first time, this year's fest was a two day event and included performances by Beatle bands for the Chicagoland area, such as American English, bands from Ohio, Nashville, Tennessee and even as far as Argentina. It was the biggest lineup ever. We had a great crowd and I just want to say thank you to everybody that participated in Beatles Fest this weekend. Everybody that helped put that event on. It's not run by the City of Hammond. It's a private event that's run in our City. But it's something that a lot of people travel far and wide to attend. So, congratulations. Like I said, I have comments on the gas station. I'l

Prepared by
Robert J. Golec
Hammond City Clerk

MAYOR'S ADDRESS cont.

Mayor McDermott cont. - I just wait until we do that ordinance. I don't know if the Council has any other questions, if not, that's my report.

Councilman Torres - You mentioned Kennedy Avenue, but Hohman, any progress on that. As of last week it was closed both ways.

Mayor McDermott - It's been closed. We closed it on purpose to try to be able to finish the project this winter and it's not gonna happen. So, we're gonna have to reopen it up for the winter and unfortunately it's not gonna be completed before we have to button up. So, we're not gonna be able to make it because of unforseen circumstances that occurred. I'm glad you asked the question. I should have included that in my report. Yeah, that's obviously not great news. We shut it down hoping that we could get this entire project buttoned up before the close of business and I was just informed last week, because of unforseen circumstances, it's not gonna happen. So, we'll button it up early next year, unfortunately. Sorry about that. It's a bad way to find out. I should have called you earlier.

Councilman Tyler - Mayor, I just want to .... I'm pretty sure you've been made aware of the situation, but right as we finished the barricades over on Stateline somebody drove through one of them.

Mayor McDermott - I did not know that, Councilman.

Councilman Tyler - And so I just wanted to thank the Engineering Department and the Police Department for being on top of it. One of the residents caught it on their Ring camera.

Mayor McDermott - When did that happen?

Councilman Tyler - Last Sunday.

Mayor McDermott - I did not hear that. I'll follow it up with my department head.

Councilman Tyler - Well, they're on top of it.

Mayor McDermott - I know, but I'm supposed to know these things so I don't look stupid when I come in public, like right now for instance.

Councilman Tyler - it was like right after we finished it.

Mayor McDermott - I know, but you understand what I'm saying. I'm supposed to be able to intelligently answer your question, Councilman, and I can't because I wasn't briefed by my staff. I'll follow this up later though, I promise.

Councilman Tyler - I just wanted to commend you and your staff for being on top of that situation and taking care of it so quickly. I believe the arborvitaes were already repaired and the barriers already back up. So,

MAYOR'S ADDRESS cont.

Councilman Tyler cont. - everything looks great over there, so thanks to Engineering for ...

Mayor McDermott - That's nice. I appreciate it.

Councilman Emerson - I would like to thank Dan Repay as well. That was a historic event for the 4th District and the bike bridge looks beautiful. He should get the Key to the City.

Mayor McDermott - Thank you, Councilman. I appreciate that. While we're talking about that bridge, it's sort of weird right now because it leaves you sort of stranded because of what's going on with the South Shore. Usually you would kick out, if you're headed west towards Hohman, you would be able to take the trail all the way out to Hohman and then cross the Little Cal into Munster that way. Now it sort of dumps you on Harrison. You sort of have to get off and then make your way to Harrison. It's really weird right now but eventually that will all be linked up and it will be an integral part of our bike trail system. Right now it's gorgeous, I love taking it, but it does sort of leave you stranded in Munster right now. But, thank you, Councilman.

APPROVAL OF MINUTES

Councilman Spitale, supported by Councilman Woerpel, moved to approve the minutes of July 24, 2023 and place on file. AYES: ALL

APPROVAL OF CLAIMS

Councilwoman Venecz, supported by Councilman Spitale, move dot approve the claims from July 19, 2023 through August 9, 2023. Claim #5031 through claim #5529, inclusive. In the amount of $7,851,043.75.

ROLL CALL VOTE (claims)
AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Woerpel, Rakos
NAYS: None
ABSENT: None
Motion carried 9/0/0 CLAIMS APPROVED

PUBLIC HEARINGS

23-17 An Ordinance Vacating a 3021-Foot Portion of 125th Street Lying East of Calumet Avenue in the 800-1300 blocks of 125th Street in the City of Hammond, Lake County, Indiana

No one spoke.

COMMUNICATIONS

Councilman Woerpel, supported by Councilwoman Venecz, moved that all communications received be accepted and placed on file. AYES: ALL

Prepared by
Robert J. Golec
Hammond City Clerk

COMMITTEE REPORTS

Council as a Whole Committee - Councilman Kalwinski - Brought out 23-17.

Capital Improvement Board - Councilman Woerpel - The CIB Board met on Monday, August 7th. The CIB approved a funding allocation - NITCD Accommodate Downtown Hammond Station- Russell Street Pedestrian Tunnel in the amount of $221,575.55. A funding allocation for the Marquette Greenway - Kennedy to Cline - ROW Engineering/First Group Engineering in the amount of $57,500. We also approved an expenditure to the Little Calumet River Trail Pedestrian Bridge in the amount of $179,612.48.

Council as a Whole Committee - Councilwoman Venecz - Brought out 23-16.

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

Community Watch at Mt. Zion Pleasantview; Wed., Sept. 13; 1:00 p.m.
East Hammond Pullman Crime Watch- Tues., Aug. 15; 6:00 p.m.; Ophelia Steen Center
Edison Community Watch; Wed., Sept. 6; 6:30 p.m.; Edison School
Harrison Park Crime Watch; Tues., Oct. 3; VFW on Hohman; 6:00 p.m.
Hessville Crime Watch; Thurs., Aug. 15; 6:00 p.m.; Jean Shepherd Center
Irving Community Watch; Fri., Sept. 8; 9:15 a.m.; Irving School
South Hohman Avenue Neighborhood Watch has no October date
Whiting-Robertsdale Crime Watch; Thur., Sept. 14; 6:30 p.m.; Calumet College

Thank you, Hammond Police Department Community Policing. Thank you for attending our meetings and keeping us up to date on what's going on in our neighborhoods. Some of the Crime Watch members are here. They are the ones that disseminate the information throughout the neighborhood so we could keep our neighborhood safe.

ORDINANCE 3RD READING - FINAL PASSAGE

23-16 An Ordinance Regulating the Hours of Operation of Automobile Fueling Stations within the City of Hammond

Councilwoman Venecz, supported by Councilman Woerpel, moved for passage.

Councilwoman Venecz, supported by Councilman Spitale, moved to replace 23-16 with 23-16A in its entirety.

Councilwoman Alexander - I recommend that we also have another public hearing so that the gas station owners, the public, and also the workers, can talk about those amendments as read.

Councilwoman Venecz - I have no objection to the Councilwoman's suggestion. I would however like to read through the amendments in the ordinance before we get started with discussion from the audience. I so move.

Councilman Kalwinski - Point of Order. A motion was made and we didn't give it a chance to get a second.

Prepared by
Robert J. Golec
Hammond City Clerk

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Council President Rakos - You had a motion for a public hearing?

Councilwoman Alexander - Yes.

Council President Rakos - And did you establish a public hearing time or ?

Councilwoman Alexander - If we could do it for the next meeting that would be great or set another date outside of today for that public hearing so that they have the opportunity to speak on it because I don't feel like they're here in order to speak on it because these are brand new amendments. So we could set it for the next Council meeting if that would be great before the meeting actually happens. So 4 o'clock for ....

Councilman Kalwinski - Second.

Mayor McDermott - Why don't we do it today. We've got everybody here. We've got all the gas station owners here. We've got Hammond Police Department here. You got a lot of other interested residents. And we're gonna make them all come back in two weeks. It's dumb. Let's do it right now.

Councilman Tyler - Just for clarification, I think for public hearings we have to advertise it for a certain amount of time before we can host it.

Mayor McDermott - This is a delaying tactic. Like we've been delaying. We delayed from the last meeting. Trying to delay another two weeks. How many more people have to get shot before we do something about this?

Councilman Rakos - The motion on the floor, after we introduced 23-16A, we already have a motion to have a public hearing? We haven't even voted on 23-16A.

Councilwoman Alexander - So question, are we voting on 16A as in 1st and 2nd reading and then we hold a public meeting or is it voting on 1st , 2nd and 3rd and it passes with this amendment. That's the un-clarity.

Councilwoman Venecz - I think we need some clarification. Are we looking for a public hearing as in the next meeting or are we looking to right now suspend the rules to allow whomever would like to speak on the ordinance to speak on the ordinance this evening? So is it a public hearing or is it a suspension of the rules?

Councilwoman Alexander - It is for a public hearing on the next meeting at 4 p.m. That is my motion.

Councilwoman Venecz - Call for the vote.

Councilman Kalwinski - And I did a second on it.

Mayor McDermott - Two more weeks, last time it was two more weeks, this time it's two more weeks. Seriously, this is ridiculous. Let's vote on this tonight.

Prepared by
Robert J. Golec
Hammond City Clerk

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Council President Rakos - I agree, but we will vote on a public hearing for the next meeting at 4 o'clock the 28th.

Councilman Woerpel - The motion's been made to bring it out and the motion's been made for 1st and 2nd reading. I'm sorry, for 3rd and final reading and passage. So, are we making a motion to table it?

Councilman Kalwinski - Under discussion, a motion was made for another public hearing. It is within her right to do that, and now we have to vote for a public hearing in two weeks at 4 p.m. It has to come to a vote. It was a motion and it was seconded regardless of the outcome.

Councilman Woerpel - Call for the vote.

ROLL CALL VOTE (public hearing)
AYES: Alexander, Kalwinski, Torres, Tyler
NAYS: Spitale, Venecz, Emerson, Woerpel, Rakos
ABSENT: None
Motion fails 4/5/0 MOTION FAILS

Councilman Woerpel - Even though we've had three meetings now where the public's been invited and we've heard the concerns of members of the public, I make a motion to suspend the rules and let the public speak for 1 or 2 minutes if they have anything to say before we vote on this measure. I make a motion to suspend the rules.

Councilwoman Venecz - Point of order. There's a motion on the floor to amend ordinance in it's entirety. I have offered to read the amendments before we allow the public to speak.

Councilman Woerpel - I withdraw my motion.

Councilman Kalwinski - I'll second that.

Council President Rakos - Let's hear 23-16A in its entirety.

Councilwoman Venecz reads the proposed amendment 23-16A in its entirety.

Councilwoman Venecz, supported by Councilman Kalwinski, moved to suspend the rules to allow members of the audience to speak to the ordinance.

ROLL CALL VOTE (suspension of rules)
AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Woerpel, Rakos
NAYS: None
ABSENT: None
Motion carried 9/0/0 RULES SUSPENDED

Prepared by
Robert J. Golec
Hammond City Clerk

ORDINANCE 3RD READING - FINAL PASSAGE cont.

SUSPENSION OF RULES

George Stoya - As you well know, I've probably said enough on this already. But, I'm not gonna address the merits. That should be something that should have been done already. What I'm concerned about is, this is hardly the same. You guys keep ranting about two public meetings. Yeah, the first two were on ... didn't get as far, didn't get beyond the whereas clauses. Now we've got some actual nuts and bolts and bones and flesh on this thing and nobody knows what the conditions are. Do you really think one oral reading is going to register and suffice that people can take critical note, who's ever interest is involved here, of what's going on. I don't see that many gas station guys out there and that's something that whoever is ... that they should have been here or should be here, should get up here and talk. But, in terms of the sheer form of any remonstrance here is a sham. You get one reading of the fully contemplated ordinance, and that's gonna be enough. Five minutes after Janet has read it, oh, we get to comment on it. Hell, we don't even know where to begin to start. I mean look at ... I mean there's like nineteen more provisions we're adding to it, with penalties. You know, all the parts are severable. You know, it doesn't just disturb the (unclear), that's how they contemplate it. Whether a court enforces it, well that's two different things. But the point is, we haven't had adequate notice. That's what all I'm trying to say here. You know, it's being rammed down here. I don't know what the Mayor's rush is. It doesn't take place until November. That gives us a couple months, what's the rush? Why can't we discuss the merits. Again, it just ... there's been no discussion of the terms and conditions of this legislation.

Jim Witham - I have to kind of agree with the last gentleman. All these amendments and all these things were brought, and I just got this as of last Thursday. It's very hard to go through that. I went through the statistics. In that ordinance it says the statistics don't matter. But in some respects they do. I'm gonna try and keep this as short ... I wasn't planning on taking this part of it but three stations, police calls, twenty two per year each. Next three stations have approximately eleven per year. The next eight stations, I've kind of grouped these together, have four calls per year. The last group is three calls per year. Totaling a whole hundred and forty nine. I mean, we don't want any but I didn't have time to go through and say, "Well, this one doesn't apply. It was an alarm call." I can see you had to send an officer, I understand that. We payed fines for that. I'm gonna switch gears a little bit. I have a photograph here of the last murder. We've had four murders in what, three months? The last murder was on Park Avenue. It's right across from Harrison Park, kids playground, are we gonna close that down? I have to defer to the police. They're here in force. They do more than I know. But I think that we should be entitled to know what they know. I wish that I would be able to talk to them. Every time I come here I learn something new. It's amazing, it truly is. One thing that was stated in the new ordinance was that the .. It was talking about when a police car drives in, everybody drives out. I believe, and I don't remember exactly how I phrased this but it's on my phone. If I would have had more time, I'm trying to keep it as short as possible. But, most people don't want to deal with the police. They're afraid of the police. I wasn't brought up that way. But there's a lot of people who are terrified of it and they don't want to be involved and they don't want to become involved. That's just a matter of what I hear on the news and so forth. I don't know, I'm trying to keep it short and trying to get as much out here. I'm gonna propose one thing that hasn't been proposed before. I've talked to a number of the independent gasoline station dealers. We would be willing, and from what I have so far, we would be willing to close for one full year under those guidelines. From midnight until four in the morning or five, whichever it is. We would be willing to close but you have to scrap this mess of all these regulations. Just

ORDINANCE 3RD READING - FINAL PASSAGE cont.

SUSPENSION OF RULES cont.

Jim Witham cont. - close it for a year, show us that the crime statistics have come down. That there are not more gangs involved. That there's not more drugs involved. I mean the statistics here that I have don't prove your case, I'm sorry. There's a hundred and forty nine for the whole year, and some of those were hang ups. Whether an officer was dispatched, I don't know. I mean, when you don't get these statistics until the last minute, and then you try to push this ordinance which you add all these additional things. I didn't know about it. I was very fortunate to find out Thursday of this last week. So you're asking us to take this as is. We were willing to close for one full year, you decide whether we should open back up, but we want it city wide. We don't want any exceptions to the rule. Every exit has got a gas station on the other side of it, on the south side within a quarter of a mile and they're all open 24 hours. So there's no reason for an exception. But we interested in making this place safe, this city. We're willing to give up, but again ... I've got one more little thing. Just remember, when I said a long time ago, you're gonna lose thirty jobs, at least, by doing that.

Hammond Police Chief Andy Short - I don't think everybody's afraid of the police department. If I was, I never would have been afraid of the police. I think Paul Walker's here now and he's one of the guys that could tell you that the reason I became a police officer was because of some of the things that this young man has done. Well, a little older man, has done for us. But I come to stand in support of this gas station closure ordinance. Our community safety is paramount. This is what you guys have asked of me and this is what I'm trying to do, prevention. And recent incidents demand our attention. Late nights, early mornings, have witnessed a rise in crimes at gas stations, car jackings, robberies, shootings. This ordinance isn't just about regulation. It's about creating a safer Hammond. I told you guys, inside there, a story. The reason why I'm really into this thing. I go to a call at .... I get a call, probably about one or two in the morning at the Mobile gas station at Gostlin and Hohman. A car is shot up. It's riddled. I'm going there for a double homicide, a double homicide. I go there, I look, I say, "What the crap?" So then I go down to the gas station where this vehicle ends up at. No one told me that inside this vehicle was a one year old baby. This baby is inside a vehicle that go shot up and both of the parents are dead. That should be enough for me to talk to the people here and say, "Hey, you know, something's going on here. Let's look into some of the stuff." I am glad Mayor McDermott's endorsement and dedication highlights our shared commitment. Passing this ordinance sends a clear message. We prioritize safety and staying united against crime. As you move forward I encourage each of you to consider the gravity of this issue. Our actions today will determine the future we build for Hammond. By supporting this ordinance we send a powerful message that we stand united against violence and crime. That we prioritize the safety of our citizens, families, and neighbors. I urge your support in building a safer future for our city. Let's work together for a secure Hammond. I've been a policeman for going on thirty six years and I have never been afraid of the police before I became a cop. I still am not. If you look behind me you'll see all of the brothers and sisters in blue that's here to help this City become an even better city than it already is by preventing the crime before it gets here. Thank you for your time.

Former Hammond Police Chief Fred Behrens - Twenty three years retired. Twenty two years on the department. I could tell you this conversation is embedded in my head. The Mayor's father was what I considered one hell of a leader of this city at the time. He brought us together into a room and he said, "We have a problem, let's fix it.

ORDINANCE 3RD READING - FINAL PASSAGE cont.

SUSPENSION OF RULES cont.

Former Hammond Police Chief Fred Behrens cont. - Let's sit down." We called it Community Policing at the time. Things have changed drastically in the United States of America. But the men and women behind me haven't, and they took an oath to protect all your districts and to come out into that squad car and give their life for you if they have to. But when you have a problem, and I'm gonna paint a picture I painted for a few of you before, it was called Kennedy Park Apartments. In my era, we had twenty squads there a night, twenty. Four to five on site and a Community Policing Office there. Seven to eight squads had to run there every fifteen minutes from all your communities. Took all your constituents cars away, which is happening today. Those cars are leaving your constituents and going to a place that could be helping. I'm not here to slam any businesses or give them any hard time. But Community Policing is let's sit down and solve the problem. Let's figure out why is this station having all these problems? What's causing everybody to go there? We have a lot of flow through this community from different areas, and you all know what I'm speaking of. We have to figure out why that is. But you're not gonna solve it by just saying let's keep the gas stations open and keep running Chief Short's people. Take a good look at them. They took an oath to serve all of you, your constituents, your neighborhoods. They want to protect you. But when ten of them are sitting at a gas station, you've got ten cars off your streets. And, Chief Short, did you say eleven to twelve, sometimes we had to get fifteen to twenty on the street at times. Mayor Daley put a big crush in Chicago, we got all the flow. Kennedy Park Apartments sticks in my mind. Twenty squads on some nights. Why would you want to live that over at the gas stations now. Get them to work with you. Pass the ordinance. Community Policing sit down, solve the issue, let these men and women do their jobs. I've never seen a higher rate of solved things under Captain Hinojosa. You don't know what you have here in Hammond compared to other communities. And, yeah, I'm prejudiced, I have to say that. But it's here for you folks. Get them back on the streets. Let them patrol your neighborhoods and solve the gas station problem. But if you don't pass an ordinance you have no start, you have nothing.

Councilman Woerpel - Mr. Behrens, just for the record, could you state what years you were the Police Chief?

Former Hammond Police Chief Behrens - It was in 1995 to 2001 and then Chief Corey took over for me and I'll tell you I've had some great chiefs that came up under me, Chief Short, Chief Miller. You guys just ... policing is a different animal. They don't want to hurt anybody. They want to cause any problems. They want to protect you all. They want to protect your neighborhoods. But when you have a continual problem in the neighborhood and you don't fix it, you're not getting anywhere and the definition of insanity, keep doing the same thing over and over again. Start somewhere, that's all I'm saying. Start somewhere. You guys are all very intelligent people, you're elected officials, they elected you because they believe in you. Fix the problem. Start somewhere.

Sunny Tiwana - One question I have is, you know, we keep talking about the police calls that happen at night, but what about that happen during the day. Last meeting, you guys said you needed another meeting to discuss the stats. So what are the stats, do you guys know them? Apparently they don't matter, but they should matter because, you know, at night is really not that much crime that occurs. During the day there's much more crime that occurs. So, like, 169th at Speedway, about two weeks ago there was a homicide at 6 p.m. So what about that? How are you guys gonna solve that? One of my gas stations on Gostlin and Hohman, which we do close at

ORDINANCE 3RD READING - FINAL PASSAGE cont.

SUSPENSION OF RULES cont.

Sunny Tiwana cont. - night over there because it's a brand new building, it was in the ordinance. We had a car jacking at 2 p.m. This happened several times, so how are we gonna stop that? And them also, you guys want to pick and choose what gas stations can stay open and what can not. So, what if I can stay open... let me ask you guys, if you were a gas station owner and you can't stay open but the guy across the street can, is that really fair? You know, it's not. So if you guys want to do it, do it city wide. I still think you guys should discuss the facts that I don't think, you know, most of you guys don't know them. How many crimes occurred at night in the past five years? You know, I wish you guys take that into consideration before you guys made a rule.

Mayor McDermott - Thanks to everybody that came out on both sides of the issue. It's good to see lively discussion. I know the Chief was talking about a homicide that took place at a gas station on Gostlin and Hohman. He mentioned that there was a infant child in the back seat. Obviously, it's a horrible tragedy that happened two years ago. It's not recent. We have recent crimes that took place, even since we've been debating this issue some crimes have taken place in the period of time that we're talking of shutting them down. But the one on Gostlin and Hohman is one that sticks out in my head. I remember it was a double homicide. It was a shootout going down the street. Basically, picture Gostlin and Hohman, the gas station there on the northeast corner. There was an argument at the pumps. A man and a lady, I believe, jumped in to a Buick Rendevous and they started hightailing it at midnight, 12:30, towards Illinois, which is only not even a mile away. So they're going down Gostlin at a high rate of speed. Right on the border of the 1st and 2nd District, Then the three occupants that were arguing with them, jump into their car and they start driving at a high rate of speed. By the way everybody in this incident was from Chicago and they were coming into Hammond at midnight on a Sunday night, a freaking Sunday night, that's why it sticks out in my mind. I remember this, it's like, most people are getting ready for the big work week the next day. We had this gas station open, we had a bunch of people drive in, get into an argument, and then driving at a high rate of speed down Gostlin they were shooting each other. Hitting cars and houses on the way out, killing the two people in the car. That's a horrible tragedy. But let's talk about what we had to do as Hammond Police Department to respond to that. How many officers got pulled from all of our districts to go to respond to this horrible high speed shoot out that occurred on the border of the 1st and 2nd District. This is our job Council. This is the stuff we got to do. Make tough decisions for the safety of our residents. All the officers that were supposed to be protecting our neighborhoods on that night got pulled out of our neighborhoods to respond to a shooting that occurred in a small part of our city. That's your job. To fix that kind of injustice. That's not the only case, and I don't know what stats are being cited. We have the stats because we are the Police Department. My staff went through every single stat that occurred from 2019 to the present. And at the gas stations that are open 24 hours, we've had 1803 calls for service. At the 24 hour gas stations. 1800 calls for service. Let's say, it's something simple. Like somebody slugged me. How any officers are you gonna send to that in the middle of the night? One? No, two, three, four, most likely. Multiple cars. Those are people that should be in your neighborhood, Councilmen. Protecting your house. Protecting your house from burglary or bad guys that want to do bad things. That's where I'm coming from on this. It's a tragedy. And you're right, stuff does happen during the work day. This stuff is happening in the middle of the night when we should be protecting our neighborhoods. And closing businesses works. At nighttime, why aren't liquor stores allowed to stay open all night? Because the State recognizes when you close things down it helps

ORDINANCE 3RD READING - FINAL PASSAGE cont.

SUSPENSION OF RULES cont.

Mayor McDermott cont. - control crime. That's why bars are shut down at a certain time. That's what we're trying to do, guys. There is a system in place that will allow gas stations that make sense to be open for 24 hours to stay open for 24 hours. Things that we can get them to do is like, connect to the FUSUS System in the Hammond Police Department. The FUSUS System, my building in Hammond was the first one to connect up to the FUSUS System. And the Hammond Police Department can tap into my computers, right, all of my cameras on my building right now. If there's a crime occurring, in real time, they could capture that crime right in their car. But hardly any of the gas stations are signed on to our system. Why? Because we got no pull. They don't care. They're selling beef jerky twenty minutes after somebody gets shot. We need to fix this problem. This is our job. It's easy to come in here and be popular guys. But when you have a problem and people are getting killed, like they are. Just since we've been debating this issue. Just since we've been debating this issue. On July 11, 2023, in Hammond's 2nd District, we had a thirty five year old, father of four, shot, passenger in a car, shot. Simple argument at the gas pump, shot in the stomach and killed. Father of four. Just since we've been discussing this. Hammond's 4th District, June 27, 2023, it wasn't at midnight, it was at 9:15 p.m., twenty two year old male shot. August 13, 2023, Robertsdale, multiple clerks and customers were the victim, 1440 Indpls. Blvd., 10:15 p.m. robbery by male armed with a gun. I've heard a lot of people that are really concerned about, we're gonna get sued Mayor. We may get sued. I'm gonna acknowledge it. But we're gonna win if we do get sued. That's the most important part. Anybody could sue. But to win is the key issue. And I don't think ... I'm gonna go through a couple times we've been sued and the Council wasn't concerned. All of a sudden we have this concern. How about when the Franciscan's decided to shut the hospital in Downtown Hammond. We sued, we lost, we knew it was a tough case but we did it anyway. I had total support of the Council when I did that. When we put the curb up on the Indiana State Line ion the 4th District. We got sued, we won, didn't stop us from doing it. How about when we raised the price of water so that we wouldn't lose water every gallon that we sold? We got sued by Illinois communities, we won, we make about $10 million extra in water sales in Illinois because of that law suit. What about when we got sued by the customer communities because Hammond was subsidizing all of the sanitary district rates for every city in town around our city? We got sued, didn't stop us, we won. If we get sued, we will win. And if we don't win, let me tell you something, you want to hang that on my head, that Mayor McDermott, tried to shut down the gas stations to save his City of Hammond's crime rates and he lost. What a jerk, huh, he lost that case. Hang it on me. I don't care. This makes sense. You talk to an ordinary Hammond resident and you ask him about this, they're like, "This is so dumb. Why are you guys fighting so much over this?" This is a no brainer. That's why I'm frustrated. I think we vote this through. We do it nine to zero to show solidarity. And if we get sued, we fight them in court. We hire the best law firm we can and we win. I want to point out one last thing before I shut up. City of Oak Park passes a gas station ordinance in September of 2022. The final straw for them was an eighteen year old who had just graduated from high school got killed at one of their gas pumps. The final straw was one murder. One. How many have we had? Gas station owners file a temporary restraining order against Oak Park, and they win. Within a couple months, the judge ultimately overruled the gas station owners, set aside their temporary restraining order, and the City of Oak Park went on and was allowed to set the limits. Their limits are exactly the same as ours. We didn't look at this until recently. They shut down at midnight, they open up at 5 a.m. They cite the same exact things we are talking about right now. This is not far from where we are. They are going to the same Court of Appeals that we may end up in, and they won. Just like we will.

Prepared by
Robert J. Golec
Hammond City Clerk

ORDINANCE 3RD READING - FINAL PASSAGE cont.

SUSPENSION OF RULES cont.

Councilwoman Venecz - For those in the audience who do not know what the FUSUS Program is, please explain that in detail.

Mayor McDermott - This is a great program and if everybody in the City of Hammond was par of this FUSUS Program, it would expand their reach of the Hammond Police Department to Ring doorbell cameras, security cameras outside the hall. So, like, City hall is part of the FUSUS Program. So if Chief Short sees something going on, he can tap into our cameras and look at it right from his car. So wouldn't we want this at some of these gas stations where all this violent crime occurs. We had one happen recently where it took us like a day to get the security cameras because it was an old fashioned system. They're like, gotta call the boss. Boss is on vacation, it's gonna be a couple days. And in the meantime we're waiting to get critical evidence and the bad guys are getting away. Instead they could just sign up. It'd be part of the system. I signed up my building. What's the big deal? We don't commit crime there. God bless the police department. I'm not afraid of them.

Councilwoman Venecz - So, if I understand correctly, a business, a home, whomever, can, if they have a security camera, they can give the Hammond Police Department the capability to view their camera at any time.

Mayor McDermott - Yes, ma'am. Okay, so let's say for instance, I'm gonna pick the new Casey's, it's not even built yet, I don't think they're represented. So, I'm gonna bring it up just because they're not here. Okay, the new Casey's says' "Mayor, we're interested in being open 24 hours." I say, "Sir, you're gonna have to approach the Board of Public Works and give them your case." I imagine the Board of Public Works has a couple people here right now that will say, "Hey, Casey's, you know what? Why don't you join the FUSUS System? That will help your application a lot." Then Casey's will go, "You know what? That's a great idea. We're gonna sign up for the FUSUS System." That in itself will help the City of Hammond. That act in itself. Leverage that we don't have right now. Right no they can do whatever they want. "Hey, can you join the FUSUS System?" "Go screw yourself." "Alright, have a nice day." We can't do anything. This gives us a little leverage, Councilwoman. Absolutely.

Councilwoman Venecz - And, Mayor, and do all the gas stations have business licenses?

Mayor McDermott - No, Ma'am. But that's my problem. It would be unfair to bring it up now because if they're not active in their business license, it's our fault. But there is a number of gas stations whose business license has expired. Which is a problem and we'll follow that up. But I don't want to expose them right now because, quite frankly. It's my fault as Mayor. That's something we should have caught. But, that's a great point. I think good businesses in the City of Hammond make sure that their business license is renewed. There are literally dozens of gas stations that could care less about when they renew their business license. So, we'll follow that up.

Councilman Kalwinski - Mayor, is it accurate to say other businesses haven't had business licenses. It's just because of this computer and the way we track them.

Prepared by
Robert J. Golec
Hammond City Clerk

ORDINANCE 3RD READING - FINAL PASSAGE cont.

SUSPENSION OF RULES cont.

Mayor McDermott - That's accurate. It's a problem. We're constantly seeking out people to renew their licenses. And it's not very much. It's not like they're trying to save thousands of dollars. So, in their defense, that's a great point.

Councilwoman Alexander - Am I clear to make a comment now?

Councilwoman Venecz - We have to go back to regular order of business.

Councilwoman Alexander - Wait, I don't want to go back to regular business yet. I just want to make a comment. Can I do that?

Council President Rakos - Go ahead.

Councilwoman Alexander - So let me be clear and on the record while we're in this public time. 1) Not that I don't agree with our police. I don't want you to think that at all. Because I know you're here. But my whole reasoning behind asking for the public hearing was just so they can understand what was going on. I don't not agree with the "Whereas's" that we have read. Because I talked to Kevin about them and he explained some things to me. He made it clear. Everything that we've been talking about in the public hearing and talking about what FUSUS and things like that, getting security guards, have been put in here. So, me asking for a public hearing was just to make them more aware and them to have better understanding. I'm sorry if you took offense to me asking that. But I wanted to make sure that everyone was clear and not having to hear it read because sometimes we just don't digest all this information the same. I understand that this is a hard situation for us all and we have to bite the bullet and go ahead and go with this. So, just making sure they understand FUSUS is in there, asking for security guards is in there, all these different details and understanding there is clarification on when they do go to the Board of Public Works, how their case will be heard was important to me. And those things were answered in this ordinance now. So, I'm not taking offense no kind of way but I do feel that having them understand where we are now from where we were weeks ago. It wasn't a stall tactic. It was just making sure everybody was on the same page so if they did have questions, they were here and we could answer and making sure they're being a part of all the things we've been suggesting from day one, which was security, FUSUS, and everything else, and proper lighting. Because, yes, I do go to a gas station at night. Especially if I have to leave out of town and if I forget to get gas before I go to bed, I might need to stop and I know I feel safer when there's lights on, going to that gas station. Thank you.

Councilwoman Venecz, supported by Councilwoman Alexander, moved to return to the regular order of business.

ROLL CALL VOTE (regular order)
AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Woerpel, Rakos
NAYS: None
ABSENT: None
Motion carried 9/0/0 RETURN TO REGULAR ORDER

Prepared by
Robert J. Golec
Hammond City Clerk

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Woerpel - When this whole process started the first question I asked was, I want to hear from everybody. I want to hear from the Police Department. I want to hear from the owners. I want to hear form the public. I think over the three meetings that we've discussed this, this being the fourth, because we did have a lengthy discussion when we introduced it on 1st and 2nd reading. I think, you know, as an elected official, like I said at one of the meetings, we're the fiscal body, but we're also responsible for public safety. Well, you know, we kinda in a unique position, yeah, we're all elected to represent our communities and I think we all try to represent our communities as best as possible. And I'm not on the street 24/7. I don't have to walk up to all kinds of situations and have to deal with it. Then when you're dealing with it, there are people that will tell you that the police are the problem. Well, I'm here to tell you when the Police Department tells me this is something we need, like the Police Department has. We had two chiefs, one spoke tonight, one spoke in caucus, and a third chief that couldn't make it tonight told me this is what they need so they can represent our districts and police our districts, I'm a yes on this ordinance. Thank you.

Councilwoman Venecz - I first would like to address Mr. Witham. That people don't want to deal with the police. It's the knuckleheads that are doing something wrong who don't want to deal with the police. Anytime you need help from a police officer they are there to serve and protect you, and I stand our Police Department up to any other police department. They go above and beyond and kudos to all of you. Thank you for allowing us to sleep at night knowing that you are there to protect us. Thank you from the bottom of my heart, and my family's heart, and my neighbor's hear, and everybody on our block. We know that you are there to protect us, and I thank you for that. With regard to some of the calls, I've been through the list of calls, there is everything from a disturbance, a suspicious vehicle, domestic battery, which that's a scum bag to start of with, death, intoxication, alarm disturbance, suspicious vehicle. Somebody made these calls. Was it the person in the gas station? Was it the a customer that was afraid. Somebody had to make that call. So that tells me that some shenanigans are going on there if there are that many calls. Regardless of who makes them, if it's the employee, if it's the customer or whatever. As far as job losses, my heart goes out to those who would lose their job. Working the midnight shift. As I've mentioned in a previous meeting, we have a job fair coming up, September 21st. I don't mean to sound flip but sometimes, you know, door closes and a window opens. You may make more money at the next opportunity that's presented to you. I happened to speak with a gentleman who lives on the street just north of a Speedway on Calumet Avenue and he said for years, years, he has seen drug deals going on at that particular gas station. Now what does that tell you? That is a meeting place. It's obviously a meeting place for these people who choose to live their life that way. But the people on that block don't choose to lie their life that way. They expect us, the elected officials, and the police department to protect us when they're in their homes at night. And I believe this is a good step in achieving that safety for the residents in our neighborhoods and our city. And, once again, I just want to say thank you to the Crime Watch people who showed up tonight. You are there once a month giving the information to the people who are interested in what's going on in their neighborhood. Thank you to the Community Policing officers. You show up to our meetings and you give us that information. I appreciate. And the people who show up to the meetings appreciate your efforts and I an a yes on this. I am a firm yes on this. I will do everything in my power to protect the residents of our city. Thank you.

Prepared by
Robert J. Golec
Hammond City Clerk

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Emerson - One of my criticisms a couple meeting ago was the lack of data. Well, we have the data now and one thing I learned was military time. Say it happens at fifteen after midnight, it's 24:15 and police time is 00:15. I learned that a couple meeting ago. But I wanted ... this business of eight calls and seven calls, I want to just correct this gentleman, there were eighty six calls at 169th and Calumet and forty seven calls ... I'm sorry, at 175th and Calumet, and forty seven calls at ... and these stations are open 24 hours, at 175th or 169th and Calumet. But since we last met there was a homicide in Lansing, our neighbors to the southwest and there was a shooting at Calumet and 169th, although it was not within the hours we're talking about, but any shooting, and I stopped in there and talked to the manager of the store and they said that he was in surgery the next day. That's in my district, that's in the 4th District. This was within the last month, give or take, you know, so, uh, the FUSUS is better pictures and that's what we're talking about. You know, I'm from the old school where you'd have the video camera and you'd be bouncing around taking the picture of the kids and everything and these are crystal clear pictures and that's what we need to do. But anyway, the real stats, the real stats are disarming to me, and it's mostly stations that are open 24 hours. There's a number of stations in the 4th District, one, two, three, four, five, but some are open 5 to 10 p.m., some are open 5 to 11 p.m., 5 a.m. to 11 p.m., but there's only two that are open 24 hours, and they seem to be a problem. So, thank you.

Councilman Spitale - Earlier we did hear from three chiefs, in the caucus room. One of them was up here a little earlier. For twenty three years he said the problems have been there and it's long over due, take care of this. We have the best damn police department and the fire department. When you call these stations, it's taking time from the residents of our city who may need help from someone else. Job that we have as Council members, our job, I always thought was, as our side is, our job is to help keep the city safe. We've had those stats that came in last meeting and the stats are okay, but when I have a gentleman to come out there, every night they're doing the mid-shift, I guess you go from noon, midnight to 8. They come back and tell us exactly what's going on. The stats, I know they were talking about here, that that's not all. It is a lot but knowing, listening what these gentlemen do out there, you do a damn good job and I'm telling you we've got the best. Thank you.

Councilman Tyler - I have a few things to say so just bear with me. I feel like, in a lot of ways people are trying to oversimplify this issue and I understand that for some people it may be very simple, and I think for us, like, many of my colleagues have shared, we have a lot to consider, we're making a big decision like this and I think even the Mayor called that out. There's a lot that goes into play, in terms of this ordinance and what could come of it and so that's part of the reason why I want to continue this conversation. I'm not trying to shoot this ordinance down. I believe that based off the data that we've seen, based off the conversations that we've had, based off the testimonies from our Police Department, there seems to be an issue. I would like to better understand exactly what that issue is and where those issues are before we move forward with passing an ordinance that, in a sense, night or might not actually impact the issues that we're seeing. I think that there is a chance that this could help. There's also a chance that the issues that we're seeing at these gas stations, whether they be car jackings, burglaries or whatever, could move to other businesses that are open during that time and so I just want to make sure that if we're gonna pass something that it is as effective as possible. Instead of us, I think, moving too quickly before we make a decision. So, for example, there have been other communities, I know we talked about Oak Park earlier, DeKalb County in Atlanta has a resolution that wasn't about changes the hours of the gas stations, in terms of operating hours, what it did was it called for them to improve their

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Tyler cont. - security system, so for their cameras, alarm systems. Some of them even called for businesses outside of gas stations, those that they consider could be high risk for a serious crime to be a part of this as well. And so I know we've talked a lot about regulating the hours but I think a part of what we're saying is that we just want a way to hold these gas stations accountable and I think that there's ways to do that without impacting the hours, and I would like to have that conversation before we decide that we want to impact the hours. Because I do see that, that's kinda like ... not like a last step, but it does seem very final when there's other things that we could perhaps try to do before we implement this to change the hours. I also feel like, to the Mayor's point, Oak Park, I think was a little bit different, Mayor, just in a sense of they not only passed this for gas stations, they also passed this for convenience stores too and other businesses that they thought were seeing the same types of crimes that they were seeing or could see. So I think we have two other examples out there we could kind of use to improve our ordinance and make it a bit stronger before we pass it. And the last thing I'll say is that I talked about .... sorry, before I get to my last point, it could also be a way for us to require that all gas stations or businesses that are open between 12 am and 5 am implement access to the FUSUS Program, so that is something that we can just put in an ordinance to make these businesses do that instead of go through this hoop of shutting them down them having them reapply to stay open and then a requirement of that have them add the FUSUS System. We could just do that for all of these businesses right off the bat. And as I opened up by saying I don't think this is a simple issue. I think it's complicated. And so for us to say that anybody up here that doesn't vote yes doesn't support our police, I think is a ridiculous statement to make and I'll just say that I support our police, I partner with our police, I believe in our police department. I do feel like they are the best police department in the country. But I also feel like I was elected to ask questions. I was elected to seek the truth. To figure what is best for all of the parties involved and represent, not just my district, but the city and I try to do that with respect. I try to do that with care. I try to do that with consideration. And by taking another meeting to figure out if this is the best that we want to move forward. I think that is what the people would want us to do and make sure we get it right. So, that's kind of where I stand. Thank you.

Councilman Kalwinski - I want to say that I really appreciate the Mayor's passion and concern for this ordinance. And I do appreciate the public's view and comments, George , thank you. All the police that have come forward in the last few meetings, your input is vital and we appreciate that. Having said all that, there's something to be said about how we got here. Two weeks ago we didn't vote on this because we got stats from the Police Department just minutes before the meeting. So, it was impossible to digest that and I think everybody knew that so that's why we had this meeting today. Then the addendums that came in were a couple days old now. But much of the public probably hasn't seen that. So I can appreciate gas station owners, managers, bewilderment about what this is. It's hard to digest in a reading and I can appreciate that. A lot has happened, and this is a very controversial ordinance but maybe it doesn't have to be. I think we all agree that there are issues at gas stations that need to be reduced and resolved. On the other hand there are ... life has changed in Hammond over the years. On July 29th there was a homicide in broad daylight just yards away from Harrison. The next day another homicide but across the street from where the first one took place in broad daylight. Friday in daylight, three blocks from me, there was a shooting and a fellow was shot twice. It was an incredible response by the police and the fire department and the EMT's. I really appreciate all that you do. Things are different in our city. We require different tactics, and that's understood. This ordinance, when it came about, my understanding is that when it surfaced, that gas station owners weren't aware of it until came

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Kalwinski cont. - before us. Most of the Council, I think, heard about it when it came out as well. And the ordinance is hard, it's aggressive, some people say it's hostile and antagonistic to a certain group. And perhaps that's the take by some people, and I get that. So, I'm in favor of doing something too. But I think that what we do, maybe has a place where we enroll the cooperation of the gas station owners. Now that we have meat on the bone with this addendum and the number of conditions that you must meet to get your opening, after we close you. Maybe instead maybe we should present all the conditions that gas stations need to operate by to the group. Let them come on board. Those that come on board stay open. Those that don't, don't stay open. I think that we have to embrace the relationship with the business community and afford them an opportunity to self correct before we mandate closing (recorder malfunction) and then they have to appear with a new set of ways to be ... so I would like to see cooperation between the administration, the City, the gas station owners to work together to make this happen. And for those who aren't willing to cooperate, maybe there's a different road for them. I just wanted to get that out. And I appreciate everybody being here today. It's not an easy issue. My mother, who, god bless her soul, was a prisoner in a forced labor camp in Nazi Germany for four years. She used to tell us stories when she was raising the kids about government doing things to one group and not another for the good of all, and that resounds with me still today and without giving an opportunity to a group to self correct, I think we're missing an opportunity to build relationships and build a better community.

Councilwoman Alexander - I believe that Councilman Tyler and Councilman Kalwinski are correct. In a sense that these are things that we've talked about in the last meetings. About the things we wanted to see happen with our owners. And he is correct about building a better community. How can we build a better community if we're not all talking amongst each other. So, yes this has always been a hard thing from day one. In terms of yes, I'm looking out for our owners. I'm looking out for our employees. I'm looking out for our residents. Do we have a crime issue? Yes, in certain areas. In certain areas of the City, absolutely. None of us disagree with that. But making sure that we're fair across the board. Making sure that the information that we're putting out, the things that we ask for in the ordinance. Those things are there now. We know that we talked about the incident happening over there at the Speedway and the cameras are not good. Putting those things into retrospect if they're a part of FUSUS they have to have a better camera system in order for the program to even work for them. If I'm correct, if what you as an audience. So, when we're saying we want to put these things in place, it's for the betterment, to make sure that all of us can do what we need to do. Yes, being elected is about doing tough decisions and a tough decision, like Barry said, is making sure that we're looking at all aspects even when it's going against the grain, even when it's uncommon, even when people were talking about you and the decisions that you're making. It can be hard. But at the same time, making sure that everything that we have stated in the meeting and in our caucus, and in front of the public, is heard, is important to me. And I know that's why people elected me to make sure I'm doing the right thing for everyone, not just one group. Because I'm not here for just one group, I'm here for the whole city. And like I said before, police this was not a shot at you, it was about making sure everybody has a clear path so we can continue to move forward and make our city better. Thank you.

Mayor McDermott - In response to ... you guys, in my opinion, after twenty years of being Mayor, the number one job I have is supporting the Hammond Police Department in controlling the crime rate. If you're telling yourself anything different you're fooling yourself. That's all I wanted to say. You're fooling yourself if you

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Mayor McDermott cont. - think that's not your job. When you have the last five police chiefs approach you, Council, and say this is what we need to do and you say we need more information. You're not doing your job. Plain and simple. Five police chiefs. You know more than them? No. You don't. Neither do I. I've been Mayor 20 years, I don't know more than Andy. Not even close. You guys don't know more than the police chiefs. No matter what you get, you won't be satisfied. Let's take this vote. Let's see where you stand right now. Let's go.

Councilwoman Venecz - Call for the vote.

ROLL CALL VOTE (amendment 23-16A)
AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Woerpel, Rakos
NAYS: None
ABSENT: None
Motion carried 9/0/0 AMENDMENT ADOPTED

ROLL CALL VOTE (passage of 23-16 as amended)
AYES: Alexander, Spitale, Venecz, Torres, Emerson, Woerpel, Rakos
NAYS: Kalwinski, Tyler
ABSENT: None
Motion carried 7/2/0 ORDINANCE NO. 9605 PASSED (as amended)

23-17 An Ordinance Vacating a 3021-Foot Portion of 125th Street Lying East of Calumet Avenue in the 800-1300 Blocks of 125th Street in the City of Hammond, Lake County, Indiana

Councilman Kalwinski, supported by Councilwoman Alexander, moved for passage.

Councilman Kalwinski - This is a vacating of a little over 3000 feet on what used to called the Amoco test road between the north and south George Lake Basins. Now in the last number of years it's not a road for vehicles but a trail. And this is a housekeeping ordinance where the vacating of these properties are way overdue to put them in line with correct procedure and operating procedure for the City of Hammond.

ROLL CALL VOTE (passage)
AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Woerpel, Rakos
NAYS: None
ABSENT: None
Motion carried 9/0/0 ORDINANCE NO. 9606 PASSED

RESOLUTIONS
None

Prepared by
Robert J. Golec
Hammond City Clerk

INTRODUCTION OF ORDINANCES

23-18 An Ordinance Recognizing Mrs. Willie Mae Durr for her Outstanding Contributions to the City of Hammond and Designating the 1000 Block of Moss Street as "Honorary Willie Mae Durr Street"

Councilman Tyler, supported by Councilwoman Alexander, moved the proposed ordinance to 1st and 2nd reading by title.

Councilwoman Alexander asked to be added as a sponsor.

Councilman Tyler - I know that we've had a long meeting already but I would appreciate ... sorry, I'm just asking for our Clerk's Office to read the ordinance in its entirety.

Council Coordinator read proposed ordinance 23-18 in its entirety.

Council President Rakos - On the motion for 1st and 2nd reading, all in favor? All opposed? AYES: ALL

Councilwoman Venecz asked to be added as a sponsor.

Councilwoman Alexander, supported by Councilman Kalwinski, moved to suspend the rules for passage of 23-18.

ROLL CALL VOTE (suspend rules for passage)
AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Woerpel, Rakos
NAYS: None
ABSENT: None
Motion carried 9/0/0 RULES SUSPENDED

Councilwoman Alexander, supported by Councilman Tyler, moved for passage.

ROLL CALL VOTE (passage)
AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Woerpel, Rakos
NAYS: None
ABSENT: None
Motion carried 9/0/0 ORDINANCE NO. 9607 PASSED

Councilman Tyler - Before we return back to the regular order of business, Mrs. Willie Durr's son is here, Mr. Derrick Durr, and I ask that we give him a chance to speak. If you would like to.

Derrick Durr - Ladies and gentlemen, City Council, I'd like to thank you all for passing this ordinance. My mother did a lot for the City. This would have made her very proud, and make me very happy. Thank you very much.

Prepared by
Robert J. Golec
Hammond City Clerk

INTRODUCTION OF ORDINANCES cont.

SUSPENSION OF RULES

Councilman Tyler - Do you want to announce the ceremony for Saturday?

Derrick Durr - We're gonna have a ceremony from 12 to 2 p.m. on Moss street, right across the street from my mother's house and from 2 to 4 p.m. at New Hope Too. We'll be having refreshments, music and we'll have some plaques and some information and pictures of old Hammond as it used to be as we brought it up to today. So we'll be happy to see everybody there. That would be August 19 on her birthday.

Councilman Tyler - We'll also be doing the street sign unveiling during that time as well. So, the entire community is welcome to come out and join us from 12 to 2 p.m. on Saturday, August 19th.

Councilman Emerson - I knew Willie Mae when, I believe, she was on the LCEOC Board back in the day, as they say. Just a great person and I really had a lot of respect for her and all that she did on the LCEOC Board. Thank you.

Councilwoman Alexander, supported by Councilman Tyler, moved to return to the regular order of business.

ROLL CALL VOTE (regular order)
AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Woerpel, Rakos
NAYS: None
ABSENT: None
Motion carried 9/0/0 REGULAR ORDER OF BUSINESS

RESOLUTIONS
None

NEW AND UNFINISHED BUSINESS

Councilman Kalwinski, supported by Councilman Spitale, moved to place the opinion paper by Common Council Atty. Berger on file. AYES: ALL

Councilwoman Alexander - As we know, today was the start of the first day of school. So I just want to welcome those that are back in school this session and hope they have a great, prosperous and safe school year this year this year.

PUBLIC EXPRESSION

Gary Dreischerf - Thanked Councilman Dave Woerpel. The only Councilman that's every taken pride and concern of Alexander and Nickelplate Street. It's amazing the work he's done. It's been needed for so many years.

Prepared by
Robert J. Golec
Hammond City Clerk

PUBLIC EXPRESSION cont.

Latoya Daniels - Resident of Robertsdale. Is having a horrible situation with her next door neighbor. He is threatening her and calling her racial slurs to leave her home. He has her damaged property and broken a window. His wife has threatened to burn her house down with her children inside and many other things. Has been in contact with the police, Chief and Mayor. He was removed from the home and we thought we were safe. She then found an unknown substance and rag stuffed deep into the tailpipe of her van. Was driving around for hours not knowing this. Called police and waited for an hour with no response. Went to the Police Department to make the report because she felt she was being repeatedly dismissed by them. The supervisor we spoke to seemed amused by her circumstance and laughed at her. Still made a report with the officer at the desk. There are some police officers and people have been taking this seriously and have done what's in their means to help. But it is not enough. What can you do to help her?

Alvin Cheeks - Thanked Councilman Tyler for his position on the gas stations. Worked for Clayton Potter. You can not police gas stations. He is now a high risk private contractor for firework stands and gas stations in Hammond and throughout Lake County. The violence that happens at gas stations happens everywhere in America. Clay Potter made him swear on his deathbed that he would continue to work to see good things happen in Hammond and his sons after him. He owns property in Robertsdale and all over because of him. Violence will always happen at gas stations. Police can't sit there and babysit. Changing the hours won't stop it.

Councilwoman Alexander, supported by Councilman Spitale, moved to adjourn AYES: ALL

Prepared by
Robert J. Golec
Hammond City Clerk

2023 HAMMOND COMMON COUNCIL ATTENDANCE RECORD OF ELECTRONIC AND PHYSICAL PRESENCE

	Jan		Feb		Mar		Apr		May		Jun		Jul		Aug		Sep		Oct		Nov		Dec	
	9	23	13	27	13	27	10	24	8	22	12	26	10	24	14	28	11	25		23	13	27	4	
Katrina Alexander	E	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								
Dan Spitale	E	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								
Janet Venecz	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								
Mark Kalwinski	P	P	P	P	P	P	P	E	P	P	P	P	E	P	P	P								
Pete Torres	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A								
Barry Tyler	E	P	P	E	P	P	E	E	P	P	E	E	P	P	P	P								
Bill Emerson	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								
Dave Woerpel	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P								
Scott Rakos	P	P	P	P	P	P	P	P	P	E	P	P	P	P	P	P								
Initials	RJG	RJG	RJG	RJG	RJG	RJG	RJG	RJG	RJG	RJG	RJG	RJG	RJG	RJG										

E=ELECTRONIC

P=PHYSICALLY PRESENT

A=ABSENT

If the member qualifies for an exemption from the "Consecutive - 50" requirements, draw a circle around the E for that meeting/ member.

Scott Rakos, President
Hammond Common Council

ATTEST:

Robert J. Golec, City Clerk

Time: 8:00
cb

Prepared by
Robert J. Golec
Hammond City Clerk

OFFICE OF THE
COMMON COUNCIL

ROBERT G. BERGER
Council Attorney

5925 CALUMET AVE.
HAMMOND, IN 46320

(219) 853-6404
FAX (219) 853-6420

CITY OF HAMMOND

August 12, 2023

To: Members of the Common Council

Cc: Kevin Smith, Corporation Counsel

RE: Propose Ordinance Opinion Letter

I am writing this letter of opinion as to the validity of the proposed ordinance reference #23-16, titled "An ordinance regulating the hours of operation of automobile fueling stations within the City of Hammond".

Ordinance

The proposed ordinance provides that it would be illegal for automobile fueling stations (hereinafter, gas stations) to operate between the hours of 12am and 5am. Nevertheless, it provides that the board of public works and safety can authorize gas stations to operate during those hours. In order to operate during the 12am-5am hours, the gas station must petition the board requesting an exception to the hours of operation. The board then shall hold a hearing at which time the gas station may present evidence to the board in the form of testimony and exhibits. The board shall notify the gas station in writing of its ruling by regular, electronic, and certified mail. Violation of the ordinance can be punished by the maximum penalty, which would treat each day of operation as a separate offense. The decision of the board is final.

Facts

The ordinance recites that regulation is necessary because of ongoing violent acts and criminal offenses occurring during the hours of 12am and 5am.

The council considered speeches by both police officers who favored the ordinance and the operators of the gas stations who opposed it. The most objective and detailed information is contained in copies of the 911 logs for various gas stations. These logs show the nature of the call, the incident address, and the time and date going back several years. The logs illustrate what the person calling 911 thought was going on. There is no information as to the final dispensation of the call and the "nature" does not describe particular forms of violence. Some calls listed on the log are not all violent in nature. For example, "suspicious person", "theft", "disturbance", "trespassing", "citizen dispute", and "agency assist" do not appear to be violent offenses. It is

generally known that there was a homicide at one of the stations, but the "ongoing violent acts and criminal offenses" referred to in the 3rd whereas of the ordinance are not documented.

The most objective evidence of crime during the 5 hours when the gas stations would be forced to close are many pages of 911 calls. This log is not evidence of particular crimes happening on the dates shown since what they reflect is what the person calling in told the dispatcher. If the police went to the scene, they may have concluded that something rather different happened. Even if an individual was charged with a crime it would be up to the jury to decide whether there was a crime or not.

Opinion

There are many gas stations in the City of Hammond, many of which are open 24 hours a day. However, these stations are very different from each other. Even the 911 log reveals very few calls for some stations and many more for others. It certainly does not seem fair for the city to regulate the hours of one station because of foul play at a competitive station. The council, no doubt, has the police power to enact ordinances that decrease crime. Obviously more evidence could be developed to show a decrease. However, the evidence even in the 911 log only shows calls made to 911 during the 5 hours. You cannot say there is more crime during the 5 hours unless you have information as to what the crime is during the other hours.

Since there are extreme differences between different gas stations in the city, the ordinance should be limited to those that have problems. Perhaps this was the intent of the provisions of the ordinance granting the Board of Public Works the authority to make exceptions. The gas stations with little crime should not be burdened by forcing them to petition and prepare for and go through a hearing.

Due process

The constitutional right to due process of law applies to administrative hearings.

In the case of Dennis Fornelli v. Knox, IN, 902 N.E.2d 889 (Ind. App 2009) the court explained the due process rights of the defendant. The police officer was discharged after a hearing before the Board of Public Works and Safety. Since that hearing involves the same board as the proposed ordinance, the rights of the parties should be similar. A police officer must be informed of his rights by a notice. "The notice of the hearing must state: (1) the time and place of the hearing; (2) the charges against the member; (3) the specific conduct that comprises the charges; (4) that the member is entitled to be represented by counsel; (5) that the member is entitled to call and cross-examine witnesses; (6) that the member is entitled to require the production of evidence; and (7) that the member is entitled to have subpoenas issues, served, and executed in the county where the unit is located." The same rights should be respected for the owners of the gas stations. They should be entitled to cross examine witnesses and be entitled to require the production of evidence.

In normal litigation, the case is only final when all appeals to higher courts have been exhausted. The ordinance does not seem to provide for such a review, the owners undoubtedly are entitled to file a case before a judicial court either for an injunction or declaratory judgment.

The ordinance only provides for a single hearing. If the ordinance is in effect for several years, it would seem to me that there should be a provision in the ordinance for at least a bi-annual review. By doing this, I believe the board would be better equipped to judge the need for the closing of gas stations between the hours of 12am and 5am.

Conclusion

Gas stations are not the only places where there have been murders in the city of Hammond. As I recall, there was a murder on the 3rd floor of City Hall. Believe it or not, this did not result in changing the hours of operation of City Hall. The city made the decision to increase security measures including security officers and metal detectors. I believe when I had my office on Indianapolis Blvd, the branch bank a few blocks away had a bank robbery with a murder of an innocent lady. This did not cause any changes to banking hours and to be honest, I felt more secure after the incident took places because I believe the bank was taking much more security measures to keep staff and members safe.

It would be more effective not to have a hostile relationship with the owners of the gas stations. In no way can I imagine that they benefit from having a lot of violent crime. The gas station owners would actually be victims of these violent crimes and should not be punished further by the ordinance. The board or other city authority should try to meet with owners of the gas stations and see if they can agree on enhanced security or other measures that could be taken to reduce any crime.

The ordinance is arbitrary and capricious because it is not based on substantial evidence. It also should be struck down because it does not protect the constitutional rights of the owners.

Some of the problems which I have discussed above can certainly be cured by amending the proposed ordinance. This would be a big advantage if the ordinance if challenged by litigation in court. My advice to you would be to try to avoid litigation if at all possible. If a negotiated settlement can be reached, I think it helps both sides. I would think that the city should encourage all other efforts to reduce crime before mandating closure of the gas stations between 12am and 5am. Such things as encouraging the stations to hire private security during those hours, having extensive surveillance cameras, and establishing friendly relationships with the police department so they can benefit from any other recommendations.

August 13, 2023

To: Members of the Common Council

Cc: Kevin Smith, Corporation Counsel

RE: Addendum to proposed Ordinance Opinion Letter

After I finished writing the foregoing letter, Liz Reyes informed me that there were proposed amendments to the original ordinance. In particular, the amendments describe the proceedings before the Board of Public Works in much greater detail.

My concern regarding the problems of the hearings before the Board of Public Works still exist. There are very serious issues which may come up if any of the gas station owners choose to challenge the validity of the ordinance in court. The 5th Amendment to the Constitution, among other things, prohibits the taking of private property without just compensation or without due process. Shortening the hours that a business can operate might be regarded as a partial taking.

In other proceedings, due process is protected by giving the defendant notice of the charges against him. In this case, it would seem that such notice could also provide the station with the proposed evidence of criminal activity regarding the particular station. *Does the station have a right to subpoena witnesses or compel the production of evidence?* Obviously, the city has more records of criminal activity than a gas station owner would, *should owners have access to all relevant information?*

Essentially, it is going to be up to the Board of Public Works whether any particular gas station can operate all night. In passing the ordinance, the issue is whether serious violent crime could be prevented by closing all the gas stations for several hours during the night. In deciding whether a particular gas station should be able to stay open the question is, *would operating during such hours significantly contribute to violent criminal activity?* Since it pertains to particular gas stations, I would think the board, in deciding the case would be limited to evidence concerning that particular station. In other words, if violent crimes were being committed at other gas stations several miles away, the evidence would not be particularly relevant to whether a particular station should be able to operate all night.

The burden of proof that the operation could cause the commission of violent crime should be with the city. The gas stations should not have to prove a negative. *How can you prove that a crime will be committed in the future?*

Another problem that occurs to me is that this ordinance is more and more becoming a zoning ordinance. Indiana statutes provide for special procedures for property to be zoned for

particular uses. Some gas stations have been restricted on their hours of operation by variances under the zoning laws. The new ordinance in effect adds a variance to all the gas stations restricting their use.

Finally, the newly revised ordinance has an immediate effective date. It would seem proper for the ordinance to have a future effective date so that any station that wants to apply to the Board of Public Works has time to do so.