

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on November 28, 2016 in the Hammond City Council Chambers.

Council President Janet Venecz presided.

Carmen I. Balboa facilitated.

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

ROLL CALL

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

ABSENT: Rakos

TOTAL: 8

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Kalwinski, moved to dispense with the formal reading of the previous minutes of November 14, 2016, since each Councilman already received a copy for study.

Minutes accepted and approved.

AYES: ALL

APPROVAL OF CLAIMS

Councilman Markovich, supported by Councilman Higgs, moved to approve the claims from November 9, 2016 through November 22, 2016. Claim #7031 through claim #7375, inclusive.

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

#7376	Malagon, Silverio	Engineer/ Citywide	\$ 6,750.00
#7377	Kovachevich & Co.	Mayor's Gaming	\$ 500.00
#7378	Great Lakes Peterbilt	MVH Dept.	\$49,900.00

ROLL CALL VOTE (amend in #7376, 77 & 78)

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

NAYS: None

ABSENT: Rakos

Motion carried

8/0/1

CLAIMS AMENDED

Councilman Markovich - I'd like to have claim #7331, Carras-Szany-Kuhn & Assoc., \$23,772.50. It says for renovations to the Calumet National Bank Building for City Hall. I'd like to see the itemized statement, all this is is a cover sheet with 51 hours for Tom Kuhn at \$150 an hour, \$7,650. Scott Goodwin, 77.25 hours at \$130 per hour, \$10,042.50. Mike Matlock, 64 hours at \$95 an hour, \$6,080. Total cost \$23,772.50. It's my understanding it was supposed to look at the feasibility of moving City Hall to this Bank Calumet Building, not doing actual renovations to it. I'd like to see work in progress. What has been done so far? And whether you

*Prepared by
Robert J. Golec
Hammond City Clerk*

APPROVAL OF CLAIMS cont.

Councilman Markovich cont. - know it or not, that bank building was sold at an auction and bought by an outside developer. Now, if we were really interested about buying this or moving City hall, we should have bid on that building and got it at the time for \$225 and not worry about now some guy's gonna jack the price up for us for \$3,4,5 hundred thousand. So, that's why I'm questioning this. I'd like to see the work in progress, itemized billings? What product is available right now? What has been done? As far as I know, since we got hit with that \$900 thousand a year for the South Shore train that our funds are gonna be tight and it's my understanding that the movement of City Hall was supposed to have been put on the back burner. Because our funds are tight and we were looking into this and the South Shore train seems like it's gonna become more of an item as where our funds are gonna go, \$27 million over the next thirty years. I know we're strapped for funds in that respect.

Mayor McDermott - I don't know why they would have put redesigning or whatever choice of wording they used but that was a feasibility study. That's what they were doing. I don't know why they used the wording that they did, Councilman. I want to make it clear, there's been no renovations done to that building. It's not even our building. So, there's been no renovations. If they worded it that way that was poor choice of wording on their part. I just want to assure the Council that we have not done any work to that building. It has not happened, ok. As far as the South Shore train, we have not voted on that either. So, I mean, obviously we have to vote on it down in the future if it becomes a reality but we did not commit funding to that project yet either, Councilman Markovich, but as far as the old Bank Calumet, they were to do a feasibility study on three things, the option to stay put, current City Hall, 5925 Calumet; the option to rebuild out the Bank Calumet Building; and the option to build anew across the street. That's what this bill is for. This bill is not for renovations on that building. That has not occurred. Why they worded it that way, I'm not sure.

Councilman Higgs - Because he's the Mayor, and out of respect, I could have called a point of order. According to Robert's Rules of Order there was a motion on the floor and there's no second, then we go into discussion.

Mayor McDermott - I think under local ordinance, the Mayor has the ability to interrupt a Council meeting, Councilman Higgs. I'm not sure about what Robert's Rules of Order says but I believe that in Hammond City Ordinance I have the ability to interrupt the Council meeting.

Council President Venecz - That is correct, Mayor, and there was no motion on the floor. Councilman Markovich, what is your motion?

Councilman Markovich, supported by Councilman Torres, moved to pull claim:

#7331 Carras-Szany-Kuhn & Assoc. Riverboat Gaming 23,772.50

Mayor McDermott - Why are we pulling this? We hired this firm to do a feasibility study. That's what I'm asking you, if we hired them to do this and now we're not going to pay them.

APPROVAL OF CLAIMS cont.

Councilman Markovich - The invoice, “renovations to the Calumet National Bank Building for the new City Hall”. Statement, “request for payment for architectural service rendered to date for the renovations to the Calumet National Bank building for the new City Hall and for a rough preliminary design for the new City Hall building. Our agreed upon fee was an hourly basis not to exceed a fee of \$35 thousand”. I don’t see anything, where’s the report? I mean. If he can produce it or whatever but this says specifically renovations to the Calumet Bank Building. It doesn’t say anything about a feasibility study. So, I mean, if it’s a play on words, I mean, then we need to get it straightened out and if when we pull this claim, which we should, then we could talk about it.

Mayor McDermott - Does Councilman remember when we hired this firm?

Councilman Markovich - Yes, I remember.

Mayor McDermott - So do you think that they are doing the work that we hired them to do?

Councilman Markovich - It says renovations. Like you said earlier...

Mayor McDermott - They did no renovations, Councilman Markovich. We would not do renovations on a building that we did not own. They’re talking about if we chose that building, we hired them to do an analysis on that building, Councilman Markovich. You remember voting on this. Just like I remember you voting on this. Now you want to pull it. You’re just playing games, Councilman.

Councilman Markovich - No, I’m not playing no games.

Mayor McDermott - Yes, you are.

Councilman Markovich - I’m not playing no games. No, Mayor. It’s right there in black & white. It says for renovations

Mayor McDermott - You remember voting on this.

Councilman Markovich - I voted in favor ... I may have voted against it too.

Mayor McDermott - No, you didn’t.

Councilman Higgs - It says renovations to the Calumet National Bank building and the new City Hall. So, renovation and feasibility study is like... when you think of renovation you think of rebuilding. When I think of a study, you go in and take a look at the building and determine what needs to be done. So, I’m kinda confused as to what they did.

Mayor McDermott - Then pull it.

APPROVAL OF CLAIMS cont.

Councilman Higgs - It's only to protect ourselves, Mayor.

Council President Venecz - It's my opinion that it was a poor choice of words and I will be voting against pulling this.

Councilman Woerpel - It states right here, "Calumet National Bank building for the new City hall and for a rough preliminary design for a new City Hall building.

Mayor McDermott - Which is what they were hired for. To give us an idea how much it would cost if we were to move in that building.

Councilman Woerpel - It states it right on there.

Mayor McDermott - We hired this firm. It was a decision by the Council and the Mayor at the time. If you guys want to try and renege on this deal, we know who voted for it. Okay, and that's fine. You want to play games, that's fine. That's what this is, Councilman Markovich, games. We hired them, you remember hiring them. They did the job. Now you want to pull their claim. That's games.

ROLL CALL VOTE (pulling #7331)

AYES: Markovich

NAYS: Spitale, Kalwinski, Torres, Higgs, Emerson, Woerpel, Venecz

ABSENT: Rakos

Motion failed

1/7/1

AMENDMENT FAILED

ROLL CALL VOTE (as amended)

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

NAYS: Markovich

ABSENT: Rakos

Motion carried

7/1/1

CLAIMS APPROVED
(as amended)

PUBLIC EXPRESSION

None

COMMUNICATIONS

Councilman Higgs read a letter from the Hammond Sanitary District announcing a binding agreement with Griffith regarding the Sanitary Sewer Service Fees. The Hammond Sanitary District and Town of Griffith have come to a mutual agreement over the past and current sewer fees.

COMMUNICATIONS cont.

Mayor McDermott - Thank you, Councilman Higgs, for bringing that up. I wanted to talk to you all about EPA and the storm water issues. As Councilman Higgs just indicated we just inked a deal with Griffith, between the Hammond Sanitary and Griffith which increases our flow, increases the amount of money they pay the district, should resolve any contractual issues between us and their customer community for, hopefully, two or three decades, so we won't have to worry about them again. At this point we still have negotiations with Highland taking place. We hope to have that wrapped up real soon. And then we have Whiting is the last customer community. As you all know, we have a consent decree on our desk from the EPA that they expect me to sign on behalf of the city of Hammond and on behalf of the Hammond Sanitary District. This consent decree, if we sign it, could obligate us to pay up to \$250 million in storm water improvements over the next seventeen years. Okay. We're gonna sign it. You know there was some talk about if President Trump won that maybe we would be naive to sign this. We decided to sign this because the consent decree is preventing Hammond from being sued by the EPA for clean water violations. So we're gonna sign the consent decree. However, the long term control plan won't be approved by the EPA probably until December of 2017. So, is there a possibility that the city of Hammond could save \$50 million or more under a Trump administration? It is a possibility. And that may happen. But the question, one is, are we gonna sign the consent decree with the EPA? The answer to that is yes. We are going to sign the consent decree between Hammond Sanitary District and the EPA. The second issue is when is the long term control plan gonna be approved? It'll be approved, probably, sometime in mid 2017. That long term control plan is gonna tell us how much work we have to do over seventeen years. Now, as you all expected, you guys and the Munster Town Council were supposed to have a rate increase coming to you for approval, and after speaking with representatives in Munster, I've decided to have the Hammond Sanitary District file it with the IURC instead of going through the town councils. The IURC will be the independent body that hears the capital improvements that are gonna be required and they will be the ones to decide if any rate increase is warranted and how much that rate increase will be. Which means we will not be planning on coming to the Hammond City Council, nor will we plan to go to the Munster Town Council for the rate increase. I don't know if that makes you happy or sad but I was concerned that Munster, they wanted an independent party to look at it anyway and if we're gonna hire another firm to do all the calculations that we've already done, we may as well file with an independent body. That's why we thought, in this case, it's probably best if we went to the IURC. The Indiana Utility Regulatory Commission. We will be filing a rate increase request, a rate study, with them very shortly. You guys will not see the rate increase coming to you for approval or rejection. I wanted to let you know that. That's the route we decided to take to sign the consent decree. Wait for the EPA to approve our long term control plan. In the meantime, file a rate case with IURC. This is something that's been talked about over the last month and we've acted on that and I obviously thought it was imperative to tell the Hammond City Council because you were expecting that ordinance to hit your desk and it's not gonna go in that direction. If you have any questions, I'm here to answer them about that.

Councilman Higgs - As it relates to the independent group of individuals, how many will it be? In terms of determining the rate increase, you said it's gonna be a private...

Mayor McDermott - Right now, Councilman, the EPA expects us to have about \$250 million, the current EPA, President Obama's EPA. Wants us to do about \$250 million worth of improvements to our system over seventeen years. We have to commit to it. They force us to. Now, what's that gonna look like under President

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COMMUNICATIONS cont.

Mayor McDermott cont. - Trump's EPA. It may be a lot less, Councilman Higgs. Who knows. So, once the long term control plan is approved, we're gonna know what that number is. It's gonna be a big number though. It's gonna be nine figures. It'll be anywhere from \$100 million to \$250 million. Right now we're at \$250 million. Alright, so if they come back and say Hammond, you don't have to do \$250 you only have to do \$150, we save a lot of money but we still have to go to the IURC for the rate increase. We don't have the money for bonding to finance \$150 million worth of improvements. This not optional. They're not asking. The options we have right now are Mayor, don't sign the consent decree. If I don't sign the consent decree we will be sued by the EPA. Fact. So, signing the consent decree or not, that's really not an option unless you guys want to get into litigation over clean water violations, that probably occurred. So, I'll sign the consent decree. EPA will give us our long term control plan, in the meantime we'll be down in Indianapolis filing a rate case for the Hammond Sanitary District and if they don't think the rate should be as high as proposed originally, then we'll save a little bit of money. If President Trump's EPA comes back and says you don't need as much as the last EPA administration, we'll save a little bit of money. But none the less, it shouldn't be coming to you guys. It's be going through the IURC process instead.

Councilman Emerson - So this has no effect on the storm water basins that we are planning.

Mayor McDermott - The one on Linden?

Councilman Emerson - Yes.

Mayor McDermott - That'll be going in the meantime, Councilman. There is no doubt we are going to have to build more storage. So, to win..... when I say \$250 million, we spent \$45 million on the storm water basin off Columbia Avenue already. We get credit for that. The work we do on Linden and the storm water basin, we're gonna get credit for that. So these things are gonna credit our overall bill. Alright. So we're not hurting ourselves by continuing forward with that project, Councilman. That's the first time I've said this publicly. It's been talked about privately, obviously. I've been asked a lot of questions by you all when the rate increase is coming to you. I just wanted to let you know we though this was the safest route for the taxpayers. We're not afraid to show the IURC our books in the Sanitary District because if they force us to do a nine figure increase, you got to have funding to do that. That's what this is all about. I want to impress upon you, the EPA is not asking. If I don't sign that consent decree on behalf of the city of Hammond, we will be sued. These are facts.

Councilman Torres - Last week we got a letter from the Mayor, we have a new judge in town. Judge Amy Jorgensen, and we got a letter from the Mayor. I'm not gonna get into the contents of it but a little bit critical. I just want to say give the lady a chance. She just came in from St. John, I understand, but I met with her and she's determined to do a good job for Hammond. Looking into moving in and let's not be so harsh on her. Let's welcome newcomers that come into the city. It was the Governor's prerogative to pick her out of so many candidates, even in our own city, but he did what he did for whatever reason he did it, he did it. Let's not take it out on the lady. So, I hope we welcome her to the city. Thank you.

COMMUNICATIONS cont.

Councilman Higgs - Since we're on this discussion about the new judge. I guess my question would be as to how do you feel someone is taking anything out on her. The reality of it is she's not a Hammond resident. We understand that the Governor has the power to appoint when there's a vacancy in the courts. So, in saying that, Governor Pence is certainly going to be Vice President Elect. He's filling the vacancies before he leaves office as the Governor of the State of Indiana. So, I guess my question would be, how do you feel she's being picked on or being mistreated or what is it you're trying to display in terms of addressing your concerns as it relates to her becoming the judge here in our city. If you could give me some clarity, Councilman.

Councilman Torres - You talking to me? I have no idea if she's gonna be a good judge, a bad judge, or mediocre or what. I'm just saying let's give her a chance. I don't know any of her history or past or anything like that. I'm just saying give her a chance. Let's welcome her to our city. She's got the position. She's not going to give it up from what I understand, so let's just welcome her to our city.

Councilwoman Venecz - I received an e-mail. This is the season of giving so please give from your heart. The East Side Community Council is sponsoring a toy giveaway for Hammond children aged 0 through 17. We will be collecting toys from November 21st through December 17th, 2016. Please donate new unwrapped toys at any of the drop off locations or make a donation online at www.escc219.com. For more information you can contact Leroy Howard at 219-803-6541 or 219-746-1559. The drop off locations are BMO Harris at 7250 Indpls. Blvd., the Boys and Girls Club at 5840 Calumet Avenue and the East Side Community Council at 5233 Hohman Avenue and that is for their holiday treat giveaway that will be Tuesday, December 20th at Hammond High. So, being that this is the season of giving and open hearts please consider a donation. Then, back about a month ago I had the distinct pleasure of giving three groups of 5th grade students from Jefferson Grade School a tour of our Council chambers and explained to them what we as the city council do and I received in the mail from Ms. Sanders and the three 5th grade classes, thank you cards. I just wanted to publicly acknowledge those 5th graders at Jefferson for taking the time to send a thank you note and also thank you to Ms. Sanders for teaching our children etiquette. So, thank you very much.

Councilman Higgs- I wanted to take the time to personally thank Camellia Robinson, the Mayor, Councilman Spitale, Alvin Cheeks, Debra Dawkins, and all those individuals who participated in our 16th Annual Thanksgiving Dinner for our seniors at Mt. Zion Pleasantview. They were very, very, pleased and happy to receive a dinner compliments of Councilman Higgs and it's an annual event that I do so I want to personally thank you all for participating and being so generous in helping us sustain this and keep this going.

COMMITTEE REPORTS

Finance Committee - Councilman Spitale - Brought out 16-32 & 16-34.

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

Wed., Dec. 7; Edison Community Watch; 6:30 p.m.; Edison School

Fri., Dec. 2; Irving Community Watch; Irving School; 9:15 a.m.

Pulaski Park Neighborhood Assoc.; Tues., Nov. 29; 6:30 p.m.; American Legion

Whiting/Robertsdale Crime Watch; Thur., Dec. 8; Calumet College; 6:30 p.m.

ORDINANCE 3RD READING - FINAL PASSAGE

16-32 2017 Elected Officials Salary Ordinance

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

Councilman Woerpel, supported by Councilman Spitale, moved to amend out the Judge's 2% raise for the year 2017.

Councilman Woerpel - As a life long Hammond residents, someone that has not only lived in Hammond all my life but worked in Hammond for 37 years, I take offense to the fact, it's nothing personal, that we have an out of townner who has been given this position and basically what we're asked to do is say, "Hey, welcome aboard. Here's 2% more than what the previous judge was making. I know, like I said in caucus, I've delivered every house in Hammond 100 times. I know there's lawyers in Hammond. I know of one personally I coached little league with that was very interested in the position and they weren't even considered. So, I would like to make a motion that we amend out the 2% raise for the Judge's Office.

Mayor McDermott - Councilman Woerpel, I totally agree. I don't understand how this is legal under the Indiana Code. Indiana Code 33-35-1-4, Sec. 4, "To be eligible to hold the office of city court judge as provided by Article 6, Section 6, of the Constitution of the State of Indiana, the judge must be a resident of the city during the term of office." She is not a resident of the City of Hammond. She has an address I heard that she's using but we've looked, the records are her house is like a \$700 thousand house in the Town of St. John and her husband is a councilman. They have kids, and they live in St. John. I don't understand, quite frankly, Councilman Woerpel, while we're talking, we're looking at our legal options in regards to this situation. I agree with Councilman Woerpel, I know twenty attorneys off the top of my head who live in the City of Hammond and would have loved the opportunity to become a judge. I know, probably, fifteen of those twenty attorneys are republicans that would have loved to run as a republican. One of them used to be a city court judge and she was interested. How all these qualified attorneys were passed up to place somebody from the Town of St. John that lives in a \$700 thousand , whose husband is an elected official in St. John is beyond me and I find it hard to believe how a councilman could defend that. I really do. It says right here, the judge must be a resident of the city during the term of office. That means you live here. I totally agree, Councilman Woerpel. I appreciate it.

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Torres - She, as I understand, she and her family actually grew up and lived in the City of Hammond. Like a lot of people she did move south. I also understand, I haven't seen that I.C. code, but I believe you're given six months to move into the city once you're appointed or elected or something. We haven't asked her what her intentions are so we're here presuming that she's a bad lady just because she an outsider. We had, in 2010, there were 80,823 people here in Hammond. In 2015 we have 77,614 according to the census report. So people are moving out. We would like them to move in, back into our city. Good quality people, and I believe this lady represents that. You might be disappointed that your friends....I know a lot of lawyers, republicans, not as many as you of course, but are qualified and could of made good judges. Diana Cross Gonzalez including. She was a fine judge when she was here. But taking aside the political business, whatever it is that caused her to get her appointed is not her fault. She just applied like everybody else and got selected. Whether she's a friend of the Governor or whatever it is that's immaterial. Let's not punish the lady by taking away. Judge's work just as hard as anybody else. Let's not punish her by taking away a 2% salary that, I don't know what dollar amounts it is but it's probably not that much.

Councilman Woerpel - I'm not trying to punish her at all. You know, 37 years I spent on the street, you know how many times I heard someone tell me, "Oh, I'm moving back to Hammond" or "Oh, I live there, keep delivering the mail there". All I'm saying is, if she wants the 2% raise, prove it to us. Move back here. I mean, we have police and firemen and city workers that have to be residents of the City of Hammond. The Mayor just read a state law. Is there anything we as a council can do? I mean, can we do anything to stop it? I don't know, but I'm not gonna give her say, "Oh, welcome to Hammond, here's a \$1,720 raise." For somebody that claims she's gonna move back to Hammond.

Mayor McDermott - Three responses. Councilman Torres brought up the census numbers. My father was mayor during 1990, they said the census of Hammond, the estimates that you're quoting, they said it was going to be in the 70's it turned out to be 81 thousand. In 2000, when Mayor Dedelow was mayor, they said it was gonna be in the low 70's, the estimates, it turned out to be 81 thousand. In 2010, the same numbers you're citing right now were supposed to be in the 70's, guess what, they're at 81 thousand. I want to point out the numbers you're quoting, there wasn't one census person on the streets of Hammond. It's a mathematical equation they've been plugging in for years, Councilman, point A. Point B, there's nothing in the state law about six months. To be eligible to hold the office of city court judge, as provided by Article 6, Section 6, of the constitution of the State of Indiana, the judge must be a resident of the city during the term of office. Nothing about six months in there. I want to tell you a story, I get around the state and I meet people. There was a gentleman that was Secretary of State of the State of Indiana, he was a district councilman in Fishers and he was a district councilman that got divorced from his wife. He still held his district councilman position but didn't actually live in the district, he lived in another district. Guess what they did to him, he was republican by the way, they indicted him and they convicted him of a felony. His name is Charlie White. It happened while I was mayor. Like literally eight years ago. He was indicted and convicted. Didn't go to prison, because he's not from Lake County. If he was from Lake County he would have been in prison. But let me tell you something, it's funny how there's double standards. I've seen people go to jail for this. I've seen people get felonies for this. But if the Governor appoints somebody from out of town, no big deal, right? I totally agree, Councilman Woerpel. I hope you are successful on this.

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Higgs - Mayor, you read the state statute in regards to what the law says and the government still appointed her? Are you serious?

Mayor McDermott - Councilman Higgs, I think it's preposterous. I wasn't expecting ... I was expecting Diana Cross Gonzalez, I'll be honest with you. A good republican. Was city court judge for a long time. Lives in the city. Was interested. Didn't get the time of day. I was expecting maybe Joe O'Connor. A big republican, was interested. These aren't necessarily friends of the administration but you know what, if the Governor appoints one of them I'm not saying a peep. That's his right. When the Governor passes up qualified attorneys in our city and appoints somebody that lives in St. John for purely political reasons, that's when we're got to take a stand. This is not right. This is our city. You represent this city. I think we should file a lawsuit and try to stop this. I really do. I think it's a travesty. I think there's many people that could have been picked. I think this is one thing, I think there's people in here that hate me, there's people in here that love me, I think this is one thing we should all get behind. It's not right what they're doing to our city. It's not right.

Councilman Higgs - Not to mention, Peter Katic also applied for the position.

Councilwoman Venecz - If I could make a comment, we are representatives of the City of Hammond. It is our job, our responsibility, to promote Hammond. Everything that we do, everything that we say, should be for the promotion of the City of Hammond. This appointment, in my opinion, is nothing other than a slap in the face to us here in Hammond.

Councilman Markovich - I don't have a copy of the Mayor's state statute or whatever and all of that, but I hate to be accused of playing politics through parties but I know an attorney here, Bob Berger, he was appointed by the Supreme Court to be a lawyer in East Chicago in their court. Didn't live there and was still our attorney here for the council. He did that in the past. It's my understanding that the Governor can make these appointments. That they don't have to live in that city. I don't know for sure but I know there was other attorneys that were appointed judge's in other cities and towns that didn't live there and still held employment in other cities in towns and that was okay. I would just hate to be classified as us playing politics or just saying hey it's democrat, republican, type thing. That is a judicial office. They are covered by other rules and regulations. It's my understanding that if that appointment...well, she did get appointed, that if she wanted to run again for judge here in Hammond that she would have to live here. But seeing how that this is an appointment, the way I understand it, that's why it's covered. Just to go ahead and mess with somebody by not giving them their raise when they're entitled to it because of the appointment. I guess you can say it's basically politics and that was done by the Governor but I don't believe that we should be, as a council, deciding whether you're going to give them money or not. If you can remember, there used to be a law that when somebody ran for an office and let's say the mayor lost and his salary was \$100 thousand a year, or city councilman, or clerk, or whatever, I'm not just using the mayor, that the council would cut that salary to \$80 thousand if not even more because it was sour grapes that they lost. So they came up with a state statute that says that once a salary for an elected official is set you can not cut that. That's what it's gonna stay. You can deny a raise but you can't cut that salary. That's basically what we're doing here is not giving the raise. But, you know, if all elected officials are gonna get a 2% raise, I mean, that person is an elected official and would be entitled to it in that respect. But, whether, if she

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Markovich cont. - wants to move, I mean we have an ordinance now that to become a city employee that if you take employment here that you have six months to move in. I don't think that's going to apply to her. I may be wrong. Because it's an appointment by the Governor and that's just the way it is. The judicial and the state supreme court for those judges and all that has different rules and regulations in that respect.

Mayor McDermott - I agree with Councilman Markovich in regards to Bob. I'm not sure what his history is. But if, let's say, first off, you know who else Indiana Supreme Court appointed? Judge Kray. You know how Judge Kray found out he was removed from the bench? By me. I found out through Facebook. I found out through Facebook, called Judge Kray and said, "Did you hear about this?" He said, "No." He was over there being the judge and he didn't even get a courtesy call. That has nothing to do with you guys. I just wanted to point that out. So Judge Kray was appointed by the Supreme Court also. If Atty. Berger was appointed to represent East Chicago, god bless him, if nobody challenges it, it's gonna go on. I'm not sure if he was challenged or not. In Hammond what we're saying is, I think we should consider a challenge. Let's put it to a test. Does the fact that the Governor appoint supercede state statute that says she must be a resident of the town. Elected officials don't have six months, Councilman. I agree that our ordinance gives that ability to employees but elected officials don't have that same luxury. We have to live here. But, I agree with you. I know attorneys that were appointed in other cities and towns where there were no attorneys. That doesn't make sense. To say town A doesn't have a single attorney living in it and they have a judge. Obviously, you need to be an out of townner to be a judge in that case. We have qualified attorneys. We even have qualified republican attorneys here in Hammond and they weren't considered. I think that was an insult. I appreciate you guys being nice. That's nice. I get paid to, you know, not be mean but to represent the city and to do what I think is best for our city and I think we've been slighted. And I think that a Hammond resident can do that job a lot better than a resident of St. John.

Councilman Woerpel - I keep hearing that we're taking something away. We're not taking nothing away. I'm asking to just not give her the raise. You know, to me a judge should be the ultimate extreme fairness and honesty in it and I'm not calling her dishonest, but trust me, in the thirty seven years I've delivered mail I've heard that story a thousand times about I'm moving back or I do live here. All I'm saying is, I do see how somebody that doesn't live in our city, that gets appointed, you guys say you don't want to talk about politics, but she gets a political appointment, just deserves to walk in here and we as a council say' " And oh, by the way, here's 2% more." When a month ago I had to sit here and listen in how we have no say so in the budget. Well, we do now.

ROLL CALL VOTE (amend out 2% for judge)

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

NAYS: Torres

ABSENT: Rakos

Motion carried

7/1/1

AMENDMENT ADOPTED

ORDINANCE 3RD READING - FINAL PASSAGE cont.

ROLL CALL VOTE (as amended)

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

NAYS: Markovich, Torres

ABSENT: Rakos

Motion carried

6/2/1

ORDINANCE NO. 9358 PASSED

16-34 An Ordinance Amending Ord. 7685, 8200, 8564, 8630, 8645, 8718, 8754, 8755, 8854, 8930, 9017, 9061, 9194 and 9252 also Known as Section 36.005 (B) (4) of the Hammond Municipal Code, as it Pertains to Approved Uses of the Thirty Percent to be used for Neighborhoods

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

Councilman Emerson - As we discussed in caucus and 1st and 2nd reading, this is a Homestead to Homestead ordinance that gives anyone in Hammond, not anyone, but anyone that wants to relocate in Hammond that are in the project areas of, for example, Chicago Avenue or Linden Avenue, a \$5 thousand stipend or reward. However, it does not apply to anyone, any landlord, any business, it does not apply to anyone that may move to Illinois, may move to Dyer, Highland, or anywhere else but Hammond. So it's Homestead to Homestead. I want to thank Heather, the Controller, for sharing estimates from, I believe, the Planning Commission, 18 homes, in the neighborhood of \$90 thousand. The upper end of that. So, you know these people are being, by law, forced to move and I think it's a very good thing that Hammond's doing and that's why I don't mind sponsoring it.

Councilman Higgs - From my understanding, this money is going to come from the Mayor's Gaming?

Councilman Emerson - That's what I have heard, but the Mayor's here fortunately.

Council President Venecz - That's what the ordinance says.

Mayor McDermott - That's the way it worked out. That's the way it's best. That way it doesn't affect infrastructure projects in your district, Councilman. So it will come out of the Mayor's 30%. Councilman Emerson was correct, in regards to the Chicago Avenue widening project and also the Linden Street project in his district. This will also include, if we decide to go forward with the Gateway Station, the home acquisitions in the 2nd District which will be a lot more money than what the Councilman was talking about with the other two projects. If we do go forward with the Gateway concept in the 2nd District and it's all approved, it'll be significantly more than the \$90 thousand the Councilman is correctly quoting from the other two projects and it will come out of the Mayor's Gaming.

Councilman Woerpel - So, it's another incentive to be a Hammond resident and stay a Hammond resident, correct?

Mayor McDermott - Exactly, Councilman. Councilman Emerson is correct, if you live on Chicago or on the west side of Linden, your home is being taken for government purposes. You know, there's a significant number

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Mayor McDermott cont. - of homeowners in those properties and we want to keep the homeowners Hammond residents so we offered this program. It's the Hammond is my Home Program. We want to keep you in the city and encourage you to buy another house in our city in a different part. So, this is, I feel better about myself as a person because nobody likes to use the heavy hand of eminent domain and it just makes me feel better as a person. Not only are they going to get fair market value for their property under the eminent domain process, if they decide to keep their home in Hammond they'll also get \$5 thousand from Mayor's Gaming money to stay in the city. I'd feel better as a human being by doing that so I hope you support this ordinance.

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: Rakos

Motion carried 8/0/1 ORDINANCE NO. 9359 PASSED

INTRODUCTION OF ORDINANCES

16-35 Authorizing the City Controller to Transfer Various Funds from one line item to another within Various City 2016 Budgets (\$455,150)

Councilman Woerpel, supported by Councilman Emerson, moved the proposed ordinance to 1st and 2nd reading by title and referred it to the Finance Committee.

Councilman Markovich, supported by Councilman Torres, moved to place it into the Council as a Whole Committee also.

ROLL CALL VOTE (Council as a Whole Committee)

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

NAYS: None

ABSENT: Rakos

Motion carried 8/0/1 MOTION CARRIED

Council President Venecz- All those in favor? Opposed? AYES: ALL

RESOLUTIONS

16R-31 Transfer/Appropriation - City Clerk - \$50,000. - From: Clerk's Perpetuation
To: Clerk's Perpetuation (part-time)

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

RESOLUTIONS cont.

Councilman Spitale - This resolution authorizes the Hammond City Clerk to use such money within the fund for various purposes including for improvement of record keeping system and equipment

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: Rakos

Motion carried

8/0/1

RESOLUTION NO. R31 ADOPTED

16R-32 Reappoint Miriam Soto Pressley to the Hammond Redevelopment Commission

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

Mayor McDermott - Not only is Miriam Soto Pressley a great appointee, in my opinion, from the council, I also think Mr. Myricks is a great appointee as well. They both work well. I know the board, when I took over as Mayor, that was the scene of melees and three hour long meetings when I took over as mayor. Quite frankly, they all work very well together. Quite frankly, they reach consensus on most issues. Miriam is obviously a resident of the 1st District. A great lady. I know Councilman Higgs' appointee, Commissioner Myricks has also done an excellent job on the board as well. So, for what it's worth I just wanted to say thank you for having great representatives represent the Hammond City Council.

Councilman Kalwinski - Ditto.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: Rakos

Motion carried

8/0/1

RESOLUTION NO. R32 ADOPTED

NEW AND UNFINISHED BUSINESS

16-23 NOTICE OF INTENT - An Ordinance Amending Ordinance No. 8514, Being: Ordinance Establishing a Zoning Plan for the City of Hammond in order to Provide for Orderly Growth and Development within the City, all in accordance with the Comprehensive/Land Use Plan; for Purposes of Amending Title XXI Signs to Incorporate Revised Provisions for the Prohibited and Temporary Signs

Councilman Spitale, supported by Councilman Woerpel, moved to deny.

NEW AND UNFINISHED BUSINESS cont.

Councilman Woerpel - As those of us that come to committee meetings know we had a lengthy discussion on this ordinance and there were several questions put toward the Atty. Westland and Brian Poland and it's my understanding that if we just let this go it would actually pass because of coming from the Zoning Board so its our intent to vote this down so they could have time to rewrite a new ordinance that addresses the questions we all had.

ROLL CALL VOTE (deny)

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

NAYS: None

ABSENT: Rakos

Motion carried

8/0/1

PROPOSED ORDINANCE DENIED

Councilman Higgs, supported by Councilman Woerpel, moved to send a letter to the Engineering Department in regards to some sink holes or holes that are currently happening on Drackert Street in the 10-1100 block.

AYES: ALL

LETTER SENT: NOVEMBER 29, 2016

Councilman Higgs announced the Hammond Holiday Parade on Saturday, December 3rd beginning at 10 a.m. The parade starts at Gavit High School, 1670 175th Street, heads east on Indpls. Blvd., turns on north on Indpls. Blvd. and ends on 169th and Wicker Avenue. The parades grand marshal this year is Annie and the dog Sandy from the Theater in the Center production of Annie Warbucks.

PUBLIC EXPRESSION

Mary Ellen Slaczyk - Nobody can replace Judge Jeff Harkin. As for this new lady, I don't know who she is. According to Indiana Code she must be a resident during the term of office isn't she not sworn in yet. From what I heard she is leasing a place and possibly looking to buy a place. It's be good to have another Hammond homeowner.

Alvin Cheeks - My niece and about a thousand people are in support of the Indians. They're having a National Protest in Hammond and across the nation. Also, I went to the Crime Watch to talk about shootings occurring on Tapper Street. Police said it didn't happen. Same night there was another shoot out. I would hope Councilman Higgs could help us out with some Henry Unit dollars. Thanked the anonymous donor for the truck load of turkeys for the neighborhood.

George Stoya - I commend the Mayor on Good Government in the sense that he submitted the Sanitation issues and the rates and all that stuff to the IURC on the other hand I just feel a little weird about something going down before those guys because I personally view them, right or wrong, I view them as rubber stamp. But I could be wrong. As to the judge, I am also with Councilman Woerpel and the Mayor and everybody else, it was an affront.

*Prepared by
Robert J. Golec
Hammond City Clerk*

PUBLIC EXPRESSION cont.

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

AYES: ALL

Janet Venecz, President
Hammond Common Council

ATTEST:

Robert J. Golec, City Clerk

Time: 7:15 pm
cb

Minutes approved at the Common Council Meeting of December 12, 2016.