

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on February 11, 2013 in the Hammond City Council Chambers.

Council President Michael Opinker presided.

City Clerk Robert J. Golec facilitated.

PLEDGE OF ALLEGIANCE was recited by all.

Invocation was given by Anthony Higgs.

ROLL CALL

PRESENT: Markovich, Spitale, Venecz, Kalwinski, Salinas, Higgs, Emerson, Hinojosa, Opinker

ABSENT: None

TOTAL: 9

PRESENTATION by

South Shore Convention & Visitor's Authority

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Kalwinski, moved to accept the minutes of January 28, 2013 and place on file. AYES: ALL

APPROVAL OF CLAIMS

Councilman Markovich, supported by Councilman Higgs, moved to approve claims from January 23, 2013 through February 6, 2013. Claim #649 through claim #903, inclusive and the re-submission of claim #5642.

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

#904	Ham'd Optimist Youth Sports	City Clerk	\$875.00
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ROLL CALL VOTE (amendment)

AYES: Markovich, Spitale, Venecz, Kalwinski, Salinas, Higgs, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: None

Motion carried	9/0/0	CLAIMS AMENDED
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Councilman Markovich moved to pull re-submitted claim #5642.

Motion died for lack of second.

APPROVAL OF CLAIMS cont.

ROLL CALL VOTE (as amended)

AYES: Markovich, Spitale, Venecz, Kalwinski, Salinas, Higgs, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: None

Motion carried

9/0/0

CLAIMS APPROVED
(as amended)

PUBLIC HEARINGS

None

COMMUNICATIONS

Councilman Higgs read correspondence to the Hammond City Council from the Hammond Public Library inviting the council to their African American History Month Program on February 21st at 6 p.m. at the library.

Councilman Higgs thanked Hammond High School for acknowledging him for African American Week where he spoke to students.

COMMITTEE REPORTS

Council as a Whole - Councilwoman Venecz - Brought out 13-05.

ORDINANCE 3RD READING - FINAL PASSAGE

13-05 An Ordinance Amending Ord. 7685, 8200, 8564, 8630, 8645, 8718, 8754, 8755, 8854, 8930, 9017, and 9061 also known as Section 36.005 (B) (1) of the Hammond Municipal Code, as it Pertains to Approved Uses of the Sixty Percent to be used for Infrastructure and Public Safety in the City of Hammond

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

City Clerk Golec reads proposed ordinance 13-05 in its entirety.

Councilwoman Venecz - As Clerk Golec read, this ordinance would remove the use of dumpsters from the gaming money under infrastructure. I had a conversation with Gary Gleason our street commissioner and it seams that when we have our neighborhood clean-ups, or whenever the districts have the dumpsters in their neighborhoods, the street department gets calls from people who say, "Oh, when's your neighborhood clean-up? Put me on the list." And they give the number. When the Street Department calls the number back it's a contractor. As everyone knows, we here in the City of Hammond are battling illegal rehab's in our city. The dumpsters is a way that the contractor's who are not getting permits, who are not having their work inspected,

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilwoman Venecz cont. - it's a way for them the dump their materials and nobody keep up with them. If we eliminate the dumpsters and somebody is doing rehab at a home and they put the material in the alley, when the Street Dept. goes down the alley to pick up as they do weekly, the Street Dept. will then call Code Enforcement and say there's a bunch of drywall, there's a bunch of 2x4's, there's a bathroom sink, a shower, whatever it may be, in the alley. So, this just a way to curb some of the illegal rehab that are going on in the city.

Councilman Higgs - Normally when I bring an issue or discussion for a ordinance for passage we have a committee meeting. We didn't have one on this particular ordinance and so I'm wondering where do we go from here because normally we have a committee meeting addressing ordinances. And, I just want to add on, I totally disagree with anyone that's abusing or have abused the system, I'm totally against, certainly. The efforts of putting those particular dumpsters in the community was to help my constituents in regards to cleaning up the community and not abusing the system.

Councilman Hinojosa - Since we didn't have a committee meeting, I know there's a number of things that we could have done. We could have limited the number of dumpsters to a certain amount. We could have limited when the dumpsters are to be put out there, in certain months. Make sure it's not done right before an election. We could have also done, you know, for something like this, you abuse it you lose it. I probably had at least forty to fifty, maybe even more, of my constituents that liked the dumpsters and of course what's gonna happen now, the Street Department's gonna have to pick up all the stuff. Also, now we're gonna have illegal dumpings in the empty lots and who's gonna clean it up? The City of Hammond's gonna clean it up. So I think if we just watch what we're doing and limit the amount of dumpsters that we have and maybe put them in certain places where they're seen a lot better and not hidden anywhere, I think there's nothing wrong with it.

Councilman Higgs - I certainly agree, in terms of placing the amount. I mean that's one way to look at addressing the issue. Certainly, I feel for Councilwoman Venecz, in terms of abusing the system and whoever abused it, you know, it only hurts the community in their efforts of making our neighborhoods and our city a better and safer place. But, you know, what do you do in this situation and I don't feel it's necessary to totally delete them from the whole process, in terms of that.

Mayor McDermott - Thanks for letting me interject on this. I remember when we passed ordinance originally I thought, wow, this is weird. We're really changing an ordinance, something that's permanent in the City of Hammond and adding the line garbage cans to it. But I signed it. I take responsibility. I thought it was silly at the time that we did that, I really did, and we passed it and obviously things happened that we didn't like as a city and I support Councilwoman Venecz's attempt to clean up our ordinance. I think it needs to be cleaned up. I promise, as your mayor, to work very closely with the district council people and the at large council people, if there is an issue in your district, if this is to pass. I promise you, whoever it is, it doesn't matter, I'm the mayor of the whole city, we will work closely with you, okay. I think this is gonna clean it up and quite frankly end the abuse of gaming money, which is what we are trying to do, so. I appreciate Councilwoman Venecz floating this. I understand the district council people's reluctance and I want you to know regardless of who you are I will work with you, we'll work with you, okay. My Street Commissioner is very good about taking all phone calls, we'll work with you to help you clean up your districts. And I think we can do it without putting twenty garbage

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Mayor McDermott cont. - cans in a district. Some of them with political signs on them and stuff like that. I think we just need to clean that whole thing up, so.

Councilman Higgs - Well let me be first to say that there were no political signs on no dumpsters in my particular district and certainly the purpose of it was to simply make the community a better place and clean it up.

Mayor McDermott - I know. Councilman Higgs, I agree, and I just think it's gonna make it cleaner. When you look at Councilman Higgs, when you spend money, typically, if you're gonna do a street you're gonna spend a million dollars, a million five, something big like that, right? And we work with you and we work together and we get the projects done that you need to get done. It seems weird that when you're talking about the level of money that you're talking about the level of money you're talking about, usually lighting project or park project, you're spending six figures on a project like that and then when you're talking about dumpsters it's like plus I want to spend \$1,500 on a dumpster. It's like, Councilman Higgs, I think, you know, I think you focus as, in my opinion, I think the district council people should focus on the big projects and if you have things like this we have staff there that can help you and we will. I think that this is way cleaner, personally, and I hope it passes, I really do. But, I want you to know if it does pass, I don't care who it is, I pride myself on trying to work as best as I can with the council and I realize sometimes politics gets in the way but I want you to know, I mean, we're all in this together. I live in the same city you live in. It doesn't matter if it's the third or the sixth or the fourth, I live in the same city you do, so, and we all want to have a clean city.

Councilman Higgs - There's one other thing, and you know there's never been a political purpose. I don't need to put dumpsters and put my name on them to run for office. I simply know what to do. Knock on their door and get the constituents to polls on election day. So that's never been my motivation for having the dumpsters placed there. The purpose was simply to make the community and my district cleaner.

Mayor McDermott - It's an ordinance. This is something that fifty years from now, you know, hopefully we still have gaming money fifty years from now and there's still a pot of revenue to split up fifty years from now and if there is I hope we have a nice clean ordinance because that's how it should be. Instead of talking about \$1,500 for a dumpster here and there. That just sort of seems a little too detailed.

Councilwoman Venecz rescinded her motion.

Councilman Kalwinski rescinded his second.

INTRODUCTION OF ORDINANCES

*Prepared by
Robert J. Golec
Hammond City Clerk*

Councilman Higgs, supported by Councilman Kalwinski, moved to send a letter downstate opposing House Bill 1313 as it relates to rental registration. AYES: ALL

LETTER SENT: 2-12-13

Councilman Hinojosa, supported by Councilman Higgs, moved to send a letter to the Inspection Dept. to see if they can take care of a illegal dumping of huge amounts of tires over at a abandoned building at approximately 6513 Kennedy Avenue, former "Tires R Us" building that has a wagon full of tires and it seems like everybody's just dumping their tires there and it's been there for over a year already. AYES: ALL

LETTER SENT: 2-12-13

Councilman Higgs, supported by Councilman Spitale, moved to send a letter to Board of Works, in terms of a light being out in the #67/750 in 1100 block of Cleveland just across the street from 940 Cleveland. 1100 block of Cleveland, I'm sorry. It's the light #67/750 and its on the 1100 block of Cleveland. AYES: ALL

LETTER SENT: 2-12-13

Councilman Markovich - Going back to that 6513 Kennedy, I'm aware of that and like Chico said that stuffs been sitting there. But, I think probably Code Enforcement should go over there, find out who owns the property and cite them and clean up the place. Somebody owns the property. Somebody is maybe paying taxes or whatever. So, why should the city pick up the tab on that? But cite them and find out who owns the property and have them clean that up and dispose of them. What are we paying probably \$3 to \$5 apiece now for the disposal of a tire? Why should we pick up the tab? And they've been sitting there for probably a year. I mean you can see it when you drive down Kennedy so I agree with him. But I think we ought to look at it in that respect to see if we can recoup some of our money for the clean-up. I'd say put a dumpster there but that's a sore subject right now. Just add some language to that letter.

Councilman Hinojosa - I believe that's the procedure that they already have. They get you to go clean it up, you got to go to court a certain day, if it's not cleaned up they'll clean it up for you and then they'll put the lien on your property. Mr. Tom Dabertin, I sent you a picture of this pile of tires.

Chief of Staff Dabertin - I mean that is the procedure and obviously now that we have the information we encourage any council member though, you know, just like the comment about the lights, Councilman Higgs, if you want to expedite it, instead of sending a letter to the Board of Works just call the Engineering Department. They actually have a great relationship with NIPSCO and you can get those lights fixed a whole lot faster than by the time that letter shows up, you's already have those lights fixed. So, if you just contact the Engineering Dept. they'll get that taken care of. But, Councilman Hinojosa, you're absolutely correct, and we'll cite it, we'll get it cleaned up and if necessary we'll put it on (unclear).

Councilman Higgs - I do contact them. But I always like to have everything in record.

NEW AND UNFINISHED BUSINESS cont.

*Prepared by
Robert J. Golec
Hammond City Clerk*

Chief of Staff Dabertin - Have you contacted them so far?

Councilman Higgs - Yes, I have.

Councilwoman Venecz, supported by Councilman Spitale, moved to send a letter downstate regarding Senate Bill 528 and I would like that from the entire council. AYES: ALL

Councilman Markovich - What is 528? Nobody out there knows what 528 is.

Council President Opinker - You want to explain that, Councilwoman Venecz?

Councilwoman Venecz - Can I ask Mr. Dabertin to come to the microphone for a more thorough explanation than I could?

Chief of Staff Dabertin- Really don't know a whole lot more than what the mayor had mentioned. Obviously, it would have a significant impact on the city. Bobby could explain it better.

Council President Opinker - Controller Lendi to the podium please.

City Controller Lendi - Currently, Senate Bill 528 is a bill that would eliminate the admissions tax that wagering facilities in the state of Indiana currently pay to municipalities. The admissions tax would be replaced with what's called a supplemental wagering tax and so for most communities what would happen there would be a one for one offset of admissions tax going away and supplemental wagering tax coming in. The issue at hand is whether the supplemental wagering tax is going to be classified in the same manner that the current wagering tax is. The reason that that's a concern is because our current wagering taxes are capped at \$13 million and some change. Meaning that part of the gaming monies that we receive can never be greater than \$13 million. Now we reach that cap usually within about seven months of the year. Since we've gotten the new boat, it generates sufficient wagering revenues such that we hit our cap in about seven months. So we've hit this \$13 million cap. The state is considering these new offsetting revenues called supplemental wagering taxes and the question at hand that isn't answered in Indianapolis yet is whether these new supplemental wagering taxes will fall within the cap or will be considered revenues outside of the cap. If they're considered revenues outside the cap the city will be made whole because it will continue to be a one for one offset of admissions to wagering taxes. If they are considered to fall underneath that cap and they're considered in the same vain as our regular wagering tax, because we already hit the cap, we will not see any of these renamed revenues. Which amount to roughly \$4.5 million a year. So this would be an approximate 12% to 15% loss in gaming revenue for the city of Hammond simply by renaming one of these taxes and thus having it adhere to a cap.

Councilman Higgs - It is gonna hurt us.

NEW AND UNFINISHED BUSINESS cont.

*Prepared by
Robert J. Golec
Hammond City Clerk*

City Controller Lendi - It will hurt us. You guys that have been on the council for more than two handfuls of years have seen our gaming revenues and you've seen them peak in 2008 and you've seen them decline since then. In the declining economic times that we have right now in regards to our gaming revenues this certainly would not be a preferable time to take another 15% bite out of the monies that we use for our infrastructure improvements for 125 year old city. So that being said, we're working very diligently through lobbyists in Indianapolis to ensure that if and when this legislation passes the nuances that are related to naming this revenue or renaming this revenue, because that's basically what it's doing, it's just renaming admissions tax. When it's renamed, rename it something that isn't going to create this capping issue by calling it the wagering tax. It doesn't matter what you call it, call it the Mike Pence revenue, it doesn't matter, just don't call it something that's going to relate to another statute that's going to cap it. So, you know, I would urge the council to you, in your letter, if that's what you're looking to do is write a letter to our delegation, to please let them know that at this point taking another 15% of our gaming revenue, you know, that we're counting on to make critical infrastructure improvements in our aging city is gonna be detrimental to the health and safety of our residents.

Councilman Higgs, supported by Councilman Spitale, moved to include the words in the language that was presented to us from our City Controller.

AYES: ALL

LETTER SENT: 2-12-13

Councilwoman Venecz - I would like to take this opportunity to announce a couple of Crime Watch meetings coming up. On Thursday, which happens to be Valentine's Day, so it's a great way to take your honey out for a meeting and then go for a sandwich, The Whiting Robertsedale Crime Watch is meeting at 6:30 p.m. at Calumet College. At their meeting they are collecting items for our soldiers, such as playing cards, tube socks, tooth paste, toothbrushes, your donations would be welcome. On Tuesday, February 19th, the East Hammond Pullman Crime Watch will meet at 6:30 p.m. at the Ophelia Steen Center. On Thursday, February 21st, 7 p.m., the South Hammond Crime Watch will meet at the Hammond Housing Authority building at 7 p.m. Also at 7 p.m. the Hessville Crime Watch will meet at the Jean Shepherd Center.

Councilman Emerson - Well it's not even spring yet and the foreclosed homes signs are sprouting on the parkways in the 4th district and I also saw some in some of the other districts. I won't spend a lot of time on it. There's already an ordinance about what goes on the parkways and foreclosed home signs are not one of those things. I would encourage, without putting more work on the department, the Street Department, for people to call, take these signs out of the parkway if it's in front of your house or around the corner. That's city property. Foreclosed homes are a national problem. They're a problem in Hammond, we know that. But we don't need to be reminded of them on every street corner when the house is not there. If it's in the front yard of the house I don't have a problem with that. Like normal realty signs but they're putting them anywhere, on parkways, on corners, on city property. So I would encourage you to pull them up. I called the number this morning and it's something like Are You Crazy Realty or something. But in the message they said you're crazy if you don't take

NEW AND UNFINISHED BUSINESS cont.

*Prepared by
Robert J. Golec
Hammond City Clerk*

Councilman Emerson cont. - advantage of these homes. Well, you know, be that as it may that's fine but I also told the lady who I was and that we really need to keep those off of the parkways. That's city property, have them in front of the house.

Councilwoman Venecz - Just to Piggy back on that Councilman Emerson, we do have an ordinance here in the city of Hammond that prohibits posting of signs on any city property. That means telephone poles, light poles, parkways. I regularly get calls from people particularly during the summer about the garage sale signs. I take them down. I call the person or write them a letter. During the winter there are a lot of health insurance sign, all sorts of signs posted all over and what happens is these companies hire outside contractors who put the signs up wherever and I do call them and tell them we have an ordinance against it. Just so everyone knows, it is illegal in the city of Hammond to post signs on city property and parkways and especially when the garage sales begin in the spring we will begin to go after these signs and I'll drive around and pull them down.

Chief of Staff Dabertin - I actually just sent a message to our Public Works Dept. heads and asked them, starting tomorrow to go around and pull anything that we see on the parkways. So we'll get all those signs. They've done it in the past but like you said, usually this problem occurs in the spring but because of the mild winter they're doing it now so we're not plowing a lot of snow, they can go around and start pulling them tomorrow morning.

Councilman Spitale - Those foreclosure signs are also very detrimental to our NSP Program that we buy ourselves, the city, through HUD, foreclosed vacant properties. So it would be nice to get those all taken down and everybody work together because it will hurt the city. It already has.

Councilman Markovich - Over the weekend, and I'm talking as a parent, they have what they call the Little City by the Lake, called Whiting, and I guess you could say Hammond's the Bigger City by the Lake. But over the weekend Whiting Girls won the girls sectional out at River Forest High School. As a parent, my daughter plays on there and during the past season they played Bishop Noll for the 3rd time. They lost the first time in overtime, the 2nd time they lost by 4 points, but the third time, like the newspaper said, the 3rd time's the charm and that's the one that counts. The girls from Whiting beat the girls from Bishop Noll, I believe 65 to 47, by 17, 18 points and they're gonna be playing at the Rochester Regional next Saturday and I'm just tooting the horn for Whiting and my daughter and letting it known that I'm sure I've got a follow up coming up now.

Chief of Staff Dabertin - I will mention, the fact is that Councilman Markovich's daughter played a great game. Probably the best game I've ever seen her play and she's a good player. But the fact is although the school is in Whiting there are a number of Hammond students on that team. Serena Huss is from the 4th District, Briana Blackwell, Abby Bondi, Lauren Markovich, Beth Maskowski, about half that team is from Hammond. They do deserve a lot of support, they're going to the regionals Saturday. I haven't seen Bob that animated and that proud that I can remember but he certainly deserved to be proud.

PUBLIC EXPRESSION

*Prepared by
Robert J. Golec
Hammond City Clerk*

George Stoya - Asked for information clarifying legislation regarding the landlord fees.

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

AYES: ALL

ATTEST:

Michael Opinker, President
Hammond Common Council

Robert J. Golec, City Clerk

Minutes accepted and approved at the meeting of February 25, 2013.

Time: 7:05 pm
cb