

MINUTES OF THE COMMON COUNCIL

DECEMBER
15, 2014

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on December 15, 2014 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 by Councilman Higgs.

ROLL CALL

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

ABSENT: None

TOTAL: 9

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Kalwinski, moved to accept the minutes of November 17, 2014 and place on file. AYES: ALL

APPROVAL OF CLAIMS

Councilman Markovich, supported by Councilman Higgs, moved to approve the claims from November 12, 2014 through December 10, 2014.

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

#6009	Design Studio 303	Mayor's Gaming	\$126.67
#6010	CR Publication	Mayor's Gaming	\$330.00
#6011	US Bank Equipment Finance	Mayor's Gaming	\$205.00
#6012	Ham'd Nat'l Co.	Board of Works	\$34,375.00

ROLL CALL VOTE (amendment)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

AMENDMENT ADOPTED

ROLL CALL VOTE (as amended)

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

NAYS: None

ABSENT: None

9/0/0

**CLAIMS APPROVED
(as amended)**

*Prepared by
Robert J. Golec
Hammond City Clerk*

PUBLIC HEARINGS

None

COMMUNICATIONS

Councilman Higgs read correspondence regarding the conditions of the playground at Harrison Park.

COMMITTEE REPORTS

Council as a Whole Committee - Councilwoman Venecz - Brought out 14-41 and 14-42.

ORDINANCE 3RD READING - FINAL PASSAGE

14-41 An Ordinance Authorizing the City Controller to Transfer Funds from One Line Item to another within the Hammond City Court 2014 Budget

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

Councilwoman Venecz - Back in March a Local Infraction Deferral Program was established and a non-reverting fund associated with that program was also established. As the result of that program this year there are \$10 thousand in that non-reverting fund that is going to be transferred to part time salaries.

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

ORDINANCE NO. 9278 PASSED

14-42 An Ordinance Amending Title VII of the Hammond Municipal Code Traffic Schedule III and Setting a School Speed Zone Limit at 165th and Hohman Avenue for 25 MPH

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

Councilman Higgs - How far on Hohman Avenue is the speed limit signs gonna be placed? Because I do recall the Judge contacting me about speed limit signs but I'm just trying to get it analyzed how long will these signs be placed on Hohman Avenue from what location to what location.

Councilman Emerson - What I'm familiar with about 165th and Hohman, the posted speed they're requesting is 25 mph. From what I've observed, although it's not in the ordinance, it goes to Harrison Park on the north and approximately Humphreys on the south on Hohman. The whole ideal is Kenwood School being on the corner, so on 165th I know that it's posted approximately a little past Lymon and then to State Line as you enter the city you should see that.

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Higgs - For clarity I think it should be to the best discretion of Councilman Emerson to identify where the signs will be placed. Therefore you will have a general idea of where they're being located from what location to what. Because you can say 25 mph speed limit from here all the way to Wolf Lake. Hohman Avenue goes all the way down. So where do you want them to stop? Or do you want it on all of Hohman Avenue from 165th? It just needs some clarity and I think that would help the Judge out as well. I mean, you could amend the ordinance and just tell me how far you want it to go. All you have to do is amend it. Make a motion to amend the ordinance. You just need to give me a general idea of how far you want the 25 mph speed limit signs to be placed.

Councilwoman Venecz - Judge Harkin is here. If I could I'd like to ask him to come to the microphone because he and I have had a conversation about this very subject as well and it seems as if going north on Hohman Avenue, well even from the river going north, the speed limit changes every so often and if Councilman Emerson wants this a consistent speed limit could you make a recommendation perhaps that we may be able to amend in?

Judge Jeffrey Harkin - The speed limit on Hohman Avenue from my home on South Hohman to the hospital changes seven times. Now there is not a human being driving on the planet that could change their speed seven different times in a two mile area. The other suggestion I would like this council to consider is do a more general study of the speed limits throughout the city. For example, Highland street there are four speed limit signs west to east to the Illiana Warehouse. There's one at Harrison. There's one at Calumet. There are two that couple Noble. Coming back west there's one at Jennings. One at Noble and one at Columbia. There are no speed limits signs at MLK Park, at City Hall, at Hammond High School, at Eggers, Montessori, anything that would state that there was a speed limit of 25, which it should. That's just one example. I think that this Council should consider a conference to investigate the silliness of some of our speed limits throughout our city. I mean it doesn't make any sense to me that it's 25 miles an hour on Hohman Avenue north of the hospital. It's still a four lane highway. It's not residential. It's industrial and commercial and we need to take into consideration that for our speed limits.

Councilman Higgs - My question, again, as I posed earlier, because I wasn't the person who introduced the legislation. Although I feel it's needed but it should be standalized across the board and that's why that was the purpose of me reiterating the fact that the signs are all different numbers because I've watched it.

Judge Harkin - And Councilman I absolutely agree with you. The fact that speed limit on Calumet Avenue by Edison School is 35 mph when it's 20 or 25 or whatever, depending on the flashing lights, or who's present, doesn't make any sense. We need to have a generally acceptable program for the entire city that makes sense.

Councilman Higgs - So in the meantime, Judge, we have this piece of legislation before us now that we are in the process of voting on. Again, do you have a recommendation or suggestion as to what should be implemented on Hohman Avenue from the radius of 165th to perhaps Wolf Lake?

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Judge Harkin - Okay, the legislation as I read it is in the vicinity of 165th and Hohman. Now the 20 mph limit starts around Vine Street and it remains until Conkey, same way south. So are we changing the speed limit to 25 from Vine Street to Conkey?

Councilwoman Venecz - I'm wondering if it might not make more sense to make the speed limit down Hohman Avenue say 30 mph and have school zone signs by Kenwood School.

Judge Harkin - I absolutely agree. And I think those same signs should be present at Edison, at Jefferson, at Harding, at Maywood, at every grade school, high school, middle school in the city and I think it should be a general conference put together to propose that ordinance. But in the meantime, today, this day, I support 25 mph at 165th and Hohman.

Councilman Emerson - Just in the interest in providing some clarity, which Councilman asked for, I did give the parameters and it was roughly Conkey on the north. I said Humphreys on the south, 25 mph. There are school zone signs currently with big yellow flashing lights that when children are present it's 20 mph. The problem is, at that intersection, which is very busy as I stated in caucus from gas stations, people rushing to get to their designated transportation, that that's a very dangerous intersection because of the elementary school. That's what I'm trying to deal with right here. You know, school's in session til right before Christmas and then it's out, but it's back in and that's the purpose of this ordinance. Not rocket science. I agree with everything that's been said by the way. There are all kinds of different speed limits on Hohman. I'm dealing with the Kenwood School area. That's the purpose of this. I mean, you know, that's

Councilman Higgs - The Kenwood School radius is just a block. So you're just saying in the vicinity of that block?

Council President Opinker - I believe that's what he said.

Councilman Higgs - Is that what you're saying, Councilman Emerson?

Councilman Emerson - Again, approximately Humphreys on the south, and I want to say just the end of Harrison Park but that's a block away from Conkey. But if that's the case so be it. Because right after that is the Montessori School. So actually it should be further north. But I'm talking about that intersection because of those gas stations our good friends from Illinois buying our gasoline and people driving down Hohman Avenue, by the way every morning, not at that posted speed, I can tell you that. About 40 miles over it at times. So that's all. Trying to protect some elementary school kids here.

Councilman Markovich - I would ask Councilman Emerson, when you drafted this ordinance did you consult the Engineering Department for a traffic study on this. This has been in front of the Board of Works and they're aware of it and the police department agrees with me and if you look I don't know if you got it but I sure got it, Gary Gleason had sent a letter to the Board of Works and they agreed that it's a school district. I mean, we can, you know, work on it til it's a PHD but we're just trying to get people to slow down.

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Higgs - Councilman Emerson, that sign by Kenwood School currently states what speed limit? Is there a speed limit sign currently by the school of Kenwood?

Councilman Emerson - For right now we want it to be 25 mph. The school zone sign says 20 when the yellow light is flashing.

Councilman Higgs - Okay, that answers my question.

Judge Harkin - There are two different signs. There's a sign that says 20 mph when children are present, there's another sign that says 20 mph if the sign is flashing. So you have three different signs. Which one do we follow?

Councilman Higgs - I would say that, Councilman Emerson, if you want to amend the motion make it 25 mph from 165th to Waltham and that makes it clear. That goes all the way to Montessori School. That clarifies it. That way the rest of the signs will be irrelevant. Because the problem is the Judge is saying is that people are saying, "I wasn't speeding. I seen the sign".

Councilwoman Venecz - I think in due respect to Councilman Emerson's wishes with this ordinance and his intention to keep our children safe. It's my opinion that we should pass the ordinance and then after the beginning of the year take a look at some of the disparity between the speed limits down Hohman Avenue, also as you said on Calumet Avenue, Edison School, and there's several other schools in the city. Maybe we could meet with Gary Gleason and see what we could work out.

Councilman Higgs - I mean, I understand somewhat what's being said but the reality of it is we're here and the piece of legislation is before us and the Judge is here and a recommendation is being made by the councilman who happens to represent the 3rd District of the city of Hammond. So that was my purpose of saying. Montessori School is also placed in my District as well as Kenwood and for clarity, I mean, both schools are very important and I represent the district so I feel it's necessary for the signs to be placed not just at 165th but all the way past Montessori School which would be Waltham. That's my purpose of making that statement.

Councilwoman Venecz - And the purpose of me making my statement was that there are a lot of schools in the city of Hammond, not just in the 4th District and not just in the 3rd District, and I think we need to address all of the schools. Just a couple of months ago Crime Watch took up a collection for crossing guard vests, to upgrade the crossing guard vests. This could very well be a project that Crime Watch may want to get involved in to get signs by each of the schools, you know those mini sandwich board signs to put in the center of the street so that the drivers can see that they are most definitely in a school zone. So that's something that I will look into.

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

ORDINANCE NO. 9279 PASSED

INTRODUCTION OF ORDINANCES

14-43 2015 Elected Officials Salary Ordinance

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

Councilwoman Venecz - This ordinance fixes the salaries for all elected officials. This ordinance does need to be passed before the end of the year.

Councilman Emerson, supported by Councilman Higgs, moved to suspend the rules. AYES: ALL

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

Councilman Higgs - I'd like that read in its entirety. I so move.

Mayor McDermott - I was wondering what the council rules were on having something read in its entirety. Because it seems like it's a delaying tactic. I think it's weird. What if we have a hundred page bond before the council and Councilman Higgs moves to read 100 page bond. Does Clerk Golec have to read off 100 pages just because Councilman Higgs wants it read. I mean it's a procedural thing really. I mean, does one councilman get to say read off this ordinance and it could be an ordinance with 1000 pages. Do you have to read it off every time?

Councilman Higgs - The reality of it is, mayor, is that the general public is here and they may not be familiar with what's being passed this evening. I don't know if these are political tactics or what's going on here but the reality of it is I'm just simply trying to represent the people that I serve. All I'm trying to do is serve my constituents to the best of my ability. All these tactics and this back biting and this back stabbing is unnecessary. I don't do it to you. I would appreciate if you would just stop.

Mayor McDermott - I don't think it's really effective if that's what Councilman Higgs' purpose is. Because what usually happens is, it's a long ordinance, poor Clerk Golec is over there for 10 to 15 minutes reading off an ordinance that nobody is listening to. Everybody is sitting there looking at their smart phone. Why don't you explain it Councilman Higgs. If you really want to inform the constituents let's talk about it. The Elected Official Salary Ordinance. Every Elected Official in this salary ordinance is prepared to receive a 2% pay raise. Done. Do we really have to read off every single word on that ordinance? That's what it is. It's summarized in a nutshell, Councilman Higgs. Isn't that much easier than reading it word for word. I feel sorry for Clerk Golec every time this motion is made. That's why I'm up here saying. I think the council should take a position on it. It should be a majority.

Councilman Higgs - The reality of it is, and I hope the camera is on so they don't take this out, the reality of it I don't think the clerk has a problem. He's never approached me about it. And regardless to whether it's offensive or you feel it's offensive to you, because it's not you don't want it be heard so you feel as though everybody should agree to it. That's not fair. The general public may want to know what we're discussing. It's not an

INTRODUCTION OF ORDINANCES cont.

Councilman Higgs cont. - everyday occurrence every time I come before the council. But there are certain things that I feel as necessary to be presented and brought forth to the general public. What's the problem with it? Is there something we're hiding?

Mayor McDermott - Okay, in this single case it could be a two page ordinance that you're reading off. What if Councilman Higgs wants to delay a council meeting for four or five hours and say, "Clerk Golec, we have a hundred and fifty page bond document. I want you to read it in its entirety." So one Councilman could have that entire bond document read. Is that really? Because literally it's a good stalling tactic if you do want to delay something I can give you a real thick ordinance one day. Councilman Kalwinski could say I want this ordinance read in full. Clerk Golec, you better get your lozenges. Because you're gonna be sitting there for about six hours reading off an ordinance. Is that really what we're doing? I mean this is a simple ordinance. It's a two page ordinance. Everybody in the ordinance gets a 2% pay raise. Every elected official from me down to the council, to Clerk Golec, to Judge Harkin. That's what the ordinance says. Do we really have to read every single word? And if this is the standard, Councilman Spitale, next time I float a thick ordinance maybe you want the whole thing read. Where does it stop? That's all I'm saying. This isn't good for business. Really. Because sometimes you have important people out here that are waiting to do business with the city of Hammond and we're sitting here for 15 or 20 minutes reading off an ordinance that nobody is listening to. This isn't about hiding it's a silly procedure and I'm questioning the council on their silly procedure and I think you should take a position on it.

Council President Opinker - And another thing, all this is public record.

Mayor McDermott - It is a public record. This is a simple ordinance, 2% pay raise just like the city employees. That's what this ordinance says. There's nothing to hide. It's just silliness from Councilman Higgs. That's all I'm saying.

Councilman Higgs - Mayor, I find it offensive that you would call it silliness because the reality of it is I was elected to serve my constituents and you were elected to serve them as well. So any time that my constituents want to know something and they may not have the piece of legislation before them, it is my obligation and my responsibility to inform them and it should be yours as well. I don't know what's.... the devil's over you or something. Something's really disturbing you but it really sad the way you conduct yourself and the way you attack me personally. Because all it is is a political attack. That's all it is. I am so and that I personally supported you in the beginning. Because you have really shown me to be just disrespectful and just it's ridiculous the way you conduct yourself. It's ridiculous. Sad, it's really sad.

Mayor McDermott - I think I summarized it perfectly. It's a 2% pay raise for everybody. Every elected official that's before me right now including myself, including the Clerk, including the Judge. It just needs to be passed before December 31st. It may be a small ordinance this time but what happens if it's a 100 pager? What happens if it's a 200 pager? You do pass those. In fact we have an intent to consider a zoning and those are real thick. What if Councilman Higgs wants that read off and it takes three or four hours. You have to have some type of policy, Council President Opinker that is it one person, one vote, allows a thick ordinance to be read word for word? And I guarantee it most people aren't listening to it, no offense to Clerk Golec. I love listening to Clerk

INTRODUCTION OF ORDINANCES cont.

Mayor McDermott cont. - Golec. Okay. It's just a very boring ineffective way to communicate with the public. Alls you have to say is this is an ordinance, everybody gets 2%. Let's move forward to the next important item of business instead of delaying.

Council President Opinker - Roll call vote.

Councilman Markovich - Point of Order. Is he going to read the ordinance or not?

Council President Opinker - Clerk Golec, read the ordinance.

City Clerk Golec reads the proposed ordinance in its entirety.

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

ORDINANCE NO. 9280 PASSED

Councilman Hinojosa, supported by Councilman Higgs, moved to return to the regular order of business.

AYES: ALL

14-44 Transfer - \$1,279,000 - City Controller/Various City Budgets

Councilman Higgs, supported by Councilman Hinojosa, moved the proposed ordinance to 1st and 2nd reading by title and referred it to the Council as a Whole Committee.

AYES: ALL

Councilman Hinojosa, supported by Councilman Higgs, moved to suspend the rules for passage of 14-44.

AYES: ALL

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

City Clerk Golec - The Clerk was just gonna point out to the council that on the first and second it was referred to Council as a Whole. Is it coming out of committee now?

Council President Opinker - Yes.

Councilman Higgs - This is 3rd and final reading, Clerk Golec.

Councilman Higgs - Just for a point of clarity, as a councilman I think any particular ordinance I can explain it. It's not a problem. This particular ordinance, 14-44, reflects a transfer of funds throughout the different departments within the city. Preferably the Controller is reflecting on the consolidated department that needed

INTRODUCTION OF ORDINANCES cont.

Councilman Higgs cont. - some funds transferred and I can identify the numbers the MVH, utilities, the numbers, and as a councilman, if I so choose to, by law, I could simply go over it. But I won't this evening. 14-44.

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

ORDINANCE NO. 9281 PASSED

Councilman Hinojosa, supported by Councilman Higgs, moved to return to the regular order of business.

AYES: ALL

14-45 Transfer - \$43,025 - Common Council

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

AYES: ALL

Councilwoman Venecz - This is again moving funds from one line item to another within the Hammond Common Council 2014 budget.

Councilwoman Venecz, supported by Councilman Higgs, moved to suspend the rules.

AYES: ALL

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

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

ORDINANCE NO. 9282 PASSED

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

14-46 Authorizing the Issuance and Sale of Economic Development Revenue Refunding Bonds, Series 2015 (Hammond Urban Academy, Inc. Project) for the Purpose of Refunding the City's Outstanding Economic Development Revenue Bonds, Series 2010A (Hammond Urban Academy, Inc. Project)

Councilwoman Venecz, supported by Councilman Hinojosa, moved the proposed ordinance to 1st and 2nd reading by title and referred it to the Council as a Whole Committee.

AYES: ALL

INTRODUCTION OF ORDINANCES cont.

Councilwoman Venecz - This ordinance is to refinance bonds for the Hammond Urban Academy. The savings realized over the life of the contract will be approximately \$1,679,835.58. It will also ... we will realize the savings of an average of \$135 thousand a year by refinancing.

Councilman Higgs - That's excellent. I'm just so pleased that Councilwoman Venecz identified the savings that we're gonna save with this bond issuance. Oh, I'm just overwhelmed. Thank you so much for explaining that to me.

Councilwoman Venecz - You're so very welcome, Councilman.

14-47 To Prove for Diversity in the Hammond Police Department

Councilman Higgs, supported by Councilman Hinojosa, moved the proposed ordinance to 1st and 2nd reading by title and referred it to the Council as a Whole Committee.

Mayor McDermott - This is regarding the hiring procedure of the police department I believe? Is this that ordinance?

Council President Opinker - Yes.

Mayor McDermott - I don't know, maybe Councilman Higgs could brief us a little bit on what he's proposing. Because I don't think the Police Chief has been conferred in this and I know I haven't, I don't believe the City Attorney. I could speak for Atty. Kantar on this case. I know she hasn't been approached on this. I'm not really sure who's advising Councilman Higgs. Maybe he wants to explain this a little bit.

Councilman Higgs - Are you done speaking, mayor? I don't want to be interrupted when I start speaking. Are you done? Are you done? Oh, okay. Well, first and foremost Atty. Berger represents the council. So he's our attorney. Any legislation that I push forward I go through our City Attorney. Secondly, this particular ordinance is in 1st and 2nd reading so it's gonna go to Council as a Whole. So you're more than welcome to schedule a meeting with me or my colleagues in due respect to this particular ordinance. But for clarity, it was one of the things that you had discussed at a previous meeting as it relates to being diversified, in terms of hiring more minorities on the police force. So I'm just following your lead.

Mayor McDermott - Maybe we could read it off.

Councilman Higgs - Certainly, if that's what you'd like. Mr. President, if we could have Clerk Golec read the ordinance?

City Clerk Golec read the proposed ordinance in its entirety.

INTRODUCTION OF ORDINANCES cont.

Councilman Higgs - And I really, really, would hope that at some point Mayor that you would wholeheartedly come up with some suggestions as to how to approach the situation. I am openly and willing to do whatever is necessary to achieve what's necessary to make the city more (?) so you have clarity as to where I stand.

Councilwoman Venecz - I do have a question. Exactly what is the practice of the city of East Chicago with regard to applicants to their police department?

Councilman Higgs - Councilwoman Venecz, I'm not ... I don't want to quote totally on it but there is a percentage of if you live in the city and you are of African American descent there's a point system or something. But Atty. Berger was supposed to get copies of that documentation but at the next meeting I will have copies for you.

Councilwoman Venecz - I would appreciate that.

Mayor McDermott - How many points, Councilman Higgs, I mean percentage-wise?

Councilman Higgs - I'm not sure but Atty. Berger was working on that for me. I'm not sure. I don't want to mis-quote.

Mayor McDermott - Mr. President, if this is passed do we have to lay off White Hammond Police Officers? Is that where we're heading with this? I mean, I guess, we could change the department but we have 210 police officers. That's all that's been budgeted. Okay. Most of my police officers, when they join the police department they stay with the police department until they retire. A lot of the police officers that are working for me right now were hired in the 1990's. I don't know, maybe we increase the number of police officers, you know, and commit to (?) If we're gonna stay with 210. Is the council asking me to forcibly downsize Caucasian police officers?

Councilman Higgs - Mr. Mayor, this ordinance is not intended to lay off anyone. It is simply to state that we want to diversify in the fact of hiring more minorities on the Hammond Police Department. In no form or fashion is this identifying and saying you should lay off. In fact, I feel as though we need more officers. In fact, I can give you a example of something that I had to ... occurred and happened to me this weekend on Saturday...

Mayor McDermott - You just passed the budget.

Councilman Higgs - Let me finish, Mayor. You always seem to have a tendency to cut people off. It is so rude. I haven't did it to you. So I am asking you respectfully to please stop it. Thank you so much. One incident that happened to me was on Saturday and as I was strolling through my district looking at some areas of concern on May Street I had to call the Fire Department. Luckily no one died. There was a flame going across the 1000 block of may Street where a gas tank was placed under a young ladies car. It could have very easily blew up. The vehicle and the residents on may Street. Secondly, at the liquor store, Sunrise Liquor, there were a couple of individuals that I've known all my life and they're a little younger than me, and the Hammond Police were there. And the way they conducted theyself was totally disrespectful.

INTRODUCTION OF ORDINANCES cont.

Mayor McDermott - The Hammond Police?

Councilman Higgs - No. The individuals. Okay. I'm not gonna hold anyone up when they're wrong. If you're wrong you're wrong. I don't care who you are. It could be from my mother, my father, you, me, anyone. If I'm wrong, I'm wrong. If you right, you right. Okay. The reality of it is what happened was there were four officers there and the way they conducted themselves it was totally uncalled for. I'm not gonna hold you up when you're wrong and I told them. I stood personally there while the officer was there and I told them you need to respect them because they have a job to do. So, in saying this, the reality of it is I'm trying to come to a feasible understanding as to how to come to a happy medium with addressing the concerns of not just my district but the entire city.

Mayor McDermott - Thank you, Councilman. I just want to point out we just passed a budget, I think two meetings ago. The budget was prepared by the council, assigned by the mayor, voted on 9-0, if I remember correctly. That budget has 211 police officers including the police chief. Voted 9-0 by the City Council. Signed by the Mayor. I attended every meeting, I don't remember one person bringing up an increased police presence. Not because we don't desire an increased police presence, because we have a structural deficit in our budget. I don't recall Councilman Higgs bringing that up. I wish he would have. I wish we would have tried to find ways to do it. But it's hard when you have a structural deficit. So, I appreciate the attempt to help diversify the police department. We're working on that right now, so.

Councilman Higgs - I'm gone say this and I'm done with it. The reality of it is that we're in a deficit. You have to look at the spending. You're the administrator of the city. In spending and being on the council for 11 years, I've always tried to stay within the restraints of what was allocated for my district. If you look at the history of the spending from the casino dollars that were allocated for the 3rd District, every year money was rolled over. So, in order to say money, it's just like when you have a home, you can't live in a home and think that, you know, you gonna go out and spend \$300-\$400 thousand and your house is a million dollars. You know, you have to pay for that home. So you have to budget yourself. In saying that, you have to find out what's needed and what's necessary in terms of addressing the needs of the people. That's all I have to say.

Councilman Hinojosa - I'm sure we'll come up with more. This is just the 1st and 2nd reading. But eight months ago we passed a resolution that hiring should somewhat, it's just a resolution, that hiring should somewhat reflect the diversity of the city. Also, this is probably coming about because of everything that's going on throughout the United States and right here just in the city of Hammond African Americans are 25% of the population but the police department is only 5% or less. Hispanics are 37% approximately, and only 12% are police officers. Now as far as this ordinance downsizing and laying off police officers, these police officers have a union and you can not lay any of the police officers if they have seniority you can not take out any of these police officers to put somebody else in there. It would have to be done with new hires. And also this administration had eleven years. The previous administration, Dedelow, I don't know what he had, about eight years, and the previous mayor before him, McDermott Sr., had another six or seven years, they failed to diversify the police department and other departments as well.

INTRODUCTION OF ORDINANCES cont.

Councilwoman Venecz - If we are going to talk about being inclusive, there's no mention made of women. There's no mention made of the LBGT Community. If we're going to be inclusive we have to include everyone.

Councilman Emerson - I would like to see, it was mentioned earlier, but, you know, if you're gonna continue to amend this with the councilman who is sponsoring it, the East Chicago data you're saying that they give preferential points to residents, the African Americans and Hispanic applicants, I'd like to see that as part of this ordinance and also a little clarity on what a reasonable number is. You use the words reasonable number a few times and what are used to disqualify an unreasonable number of minority applicants. There's no there there. So I'd like to see that if you care to amend that.

Mayor McDermott - Because it applies I'd like to mention this, and I hate, I hope these officers are listening to me right now because I'm going to embarrass them by mentioning the three new hires the city of Hammond is bringing in as we speak today. I just met the individuals. All three are from... two of them are from Gary P.D., they are emergency hires, we brought them in. One of them is from IUN Police Department. They start January 2nd. For demographic purposes I'm not gonna mention it but it's diverse. I'm proud to have these three individuals come in. I don't want these officers to think the only reason they got hired is because they're from a diverse background. Because they're great police officers and they deserve to work for our police department and they're excited about working on the Hammond Police Department. Because they're gonna make more money. They're gonna have better equipment. They're gonna have better opportunities for overtime and it's a better job if you're a police officer working in Hammond. I don't want these officers to think the reason they were brought in here is because of the color of their skin. But they're brought in and they're gonna do a good job for us and I think it's gonna make the community proud. And you'll see these three individuals when they come in.

Council President Opinker - All in favor? All opposed.

AYES: ALL

RESOLUTIONS

14R-32 Appointment - Gladys Hilliard - Human Relations Commission

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

Councilwoman Venecz - Ms. Hilliard is a re-appointment. She currently is serving on the Human Relations Commission. She does fulfill the ordinance requirement of having a citizen member on the commission.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R32
ADOPTED

RESOLUTIONS cont.

14R-33 Appointment - Brandon Dorsey - Human Relations Commission

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

Councilwoman Venecz - Brandon Dorsey is also a re-appointment. He does fulfill the ordinance requirement for a resident with business and industry experience. He is also, just as a side, a wrestling coach at Eggers. Last year I had the opportunity to go to a wrestling competition over at Hammond High that he organized for these kids and he did a fabulous job.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R33
ADOPTED

14R-34 Appointment - Ronald Mullins - Human Relations Commission

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

Councilwoman Venecz - Mr. Mullins is also a re-appointment and he fulfills the ordinance requirement of having a member with real estate and banking experience. He currently serves as president of the commission.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R34
ADOPTED

14R-35 Appointment - Janet Venecz - Hammond Urban Academy Board

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

Councilman Spitale reads a letter by Councilwoman Venecz.

Councilman Higgs - Just for a point of clarity, I'm just wondering, I mean, it reminds me of like being a school board candidate but I know it's non-partisan, but I guess I would ask Berger is it, we have an appointment from the council is it feasible for a Councilwoman Venecz to sit on that board?

Council Atty. Berger - I have not researched that question. I think it's a private corporation though. I don't think it's a city corporation. So if it's a private corporation I would think the City Council under the private corporations constitution and bylaws appoints a member. I don't think that it would violate any law.

RESOLUTIONS cont.

Mayor McDermott - I know a councilperson has always served on the HAST Board. It was designed that way because the city is a guarantor on HAST's loan which is why the refinance is coming before the City Council because at the end of the day if HAST runs over the limit on their spending the city bails them out through Mayor's gaming money. Okay, so, from the very beginning I've had appointments to the board. The board has their own appointments elected and the City Council has always had an appointee. I believe for the past few years before Councilwoman Venecz took over, I believe it was Councilwoman Poland. Then she no longer became a councilwoman and then Councilwoman Venecz took over. If I remember the history correctly.

Councilwoman Venecz - Correct.

Mayor McDermott - But as far as the board is intentionally designed so that a member of the Hammond City Council serves on it. It's been that way since its inception.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R35

ADOPTED

14R-36 Appointment - Robbie Brundige - Historic Preservation Commission

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

Councilwoman Venecz - We all had an opportunity to meet Mr. Brundige in caucus. He is a re-appointment to the commission and he is an architect so he brings great experience.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R36

ADOPTED

14R-37 Appointment - Victor Franco - Economic Development Commission

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

Councilwoman Venecz - You all may recall that a couple of meetings ago Victor Franco came before us to be appointed to the Economic Development Commission. We found when his commission came up that that resolution was not worded quite properly so I'm asking for your consideration again to appoint Victor Franco.

RESOLUTIONS cont.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. 37 ADOPTED

14R-38 Appointment - Miriam Soto Pressley - Redevelopment Commission

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

Councilman Kalwinski - Ms. Pressley has served on Redevelopment for the past three years and has been before this board previously and most people who attend Redevelopment have seen her work. Present president Tony Halprich and former president Jimmie Lambert both endorse her continued appointments.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R38
ADOPTED

14R-39 Appointment - Dennis Radowski - Board of Zoning Appeals

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

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R39
ADOPTED

14R-40 Supporting the President's Executive Action on Immigration

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

Councilman Hinojosa - This does not give these 5 million undocumented citizenship.

Councilman Hinojosa reads a fact sheet from the White House Office of the Press Secretary dated November 20, 2014.

Councilman Emerson - You know, that's all well and good, you know, but as, and you had said it yourself Councilman, Congress will have the final action in this regard. Our borders in Hammond, the Council's borders

RESOLUTIONS cont.

Councilman Emerson cont. - are Lake Michigan, Gary, Calumet City and Munster. Noone disagrees with the thrust, I guess, of what the President is doing here but, I mean, maybe developing issues with who directly borders our city would be more appropriate in terms of there's lots of things that we could get involved in. We could get involved in ISIS. You know anything in the world but, and I understand what you're saying but I'm wondering why we're again sort of leaving the borders of our city.

Mayor McDermott - Is my signature on Is that a resolution of the City Council or is it under the mayor's signature? Because if my signature's not on there I guess I can check out of this argument but I really would like a lot more information about immigration bill before it's sent to me when I think this is the type of thing if we're gonna debate immigration issues in the United States of America it's not just a two paragraph resolution that gets it done. I mean, if you guys are comfortable on voting for this and you want my signature I can tell you I need a lot more information. I don't really know enough about the immigration bill because it's not really our jurisdiction. Our jurisdiction is Hammond, Indiana. I'm more worried about Governor Pence and his agenda. All due respect to President Obama and Congress. We got enough problems here in Indiana. We got enough problems here in Hammond I'm worried about. I really don't feel educated enough on this issue. But then again if it's just a resolution of the council, take my signature off of it and debate it yourselves. But I agree with Councilman Emerson, I mean, we got a lot of things we could talk about. We could talk about what's going on in the Middle East. We could talk about what's going on with the price of gas. I mean, are we really gonna start focusing on National issues here in the Hammond City Council? We got a lot of problems and we got a lot of things to do. It just seems like this is a stunt in my opinion.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R40
ADOPTED

14R-41 Supporting Passage of the Youth PROMISE Act

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

Councilman Higgs read the proposed resolution in its entirety.

Councilman Hinojosa - It was also discussed in the back that Lake County Council passed this already, they're also looking in Michigan City, Gary. Also Visclosky signed off on it and they're looking for Coats (?). And something I was reading on here that was it says here, "An example of promising program under the YOUTH Promise Act is Richmond, Virginia Gang Reduction and Intervention Program called GRIP." I mean, if it can reduce gang reduction I think it's a success in what it's doing.

Councilman Higgs - I want to personally thank Ms. King for bringing this information to me. Anything that's gonna help our youth any programs that's gonna prevent crime and it's gonna be an asset to the community, I

RESOLUTIONS cont.

Councilman Higgs cont. - am 110% behind and hopefully we can come to a census of trying to address the needs of the community as we move further in the future.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R41
ADOPTED

NEW AND UNFINISHED BUSINESS

14-48 BZA - Z-14-07: For Variance of Use from Zoning Ordinance to allow Distribution and Food Processing located at 2825 Carlson Drive within the City of Hammond, Lake County, Indiana
Petitioned by Byway Brewing Company

Mayor McDermott - This is the micro-brewery that's moving into Oxbow Landing. The commercial classification for Oxbow landing doesn't fit the intended use of this building so they need this variance. The building's gonna have a distillation and distribution and industrial uses. So we're asking the council to please approve this special use. I know it's gonna be set for public hearing but this is the brewery project at Oxbow. If there's any questions I'm here.

Councilman Higgs - I know in caucus it was, the question came up which I posed to Brian was what was the total investment and I think the total investment is \$2.3 million.

Mayor McDermott -So far the total investments at Oxbow Landing, the BW3 project was over \$20 million in itself. The Hampton that's under construction right now is over \$10 million itself. This is a \$2.? million project, when you think about we purchased the entire property for about \$18 million and we've already got double the investment into that property, you know, a few years later but I think it's all turning out really well there. So I appreciate you guys considering this. And I have to leave shortly after this. I wanted to wish everybody a Merry Christmas. I have a meeting with the entire F.O.P. They're waiting for me right now so I have to run out of here. I didn't want the public to think I didn't want to hear Public Expression. I wanted to wish the council a Merry Christmas, so thank you very much.

Councilman Higgs, supported by Councilman Hinojosa, moved the proposed ordinance to 1st and 2nd reading by title, referred it to the Council as a Whole Committee with a Notice of Intent on January 12, 2015.

AYES: ALL

Councilman Emerson, supported by Councilman Spitale, moved to suspend the rules.

14R-42 Confirming the appointment of Janet Evans as a Commissioner of the Hammond Historic Preservation Commission

NEW AND UNFINISHED BUSINESS cont.

Councilman Emerson - As we stated in caucus, Janet Evans wants to be appointed to the Historic Preservation Commission. What I didn't read in there and would like to read briefly from her cover letter that she sent along with her interest.

Councilman Emerson read from the cover letter.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

**RESOLUTION NO. R42
ADOPTED**

Councilman Spitale - I'd like to announce two upcoming birthdays for two very popular young men, Clerk Golec coming up this Thursday and our President Mike Opinker on Christmas Day. Happy Birthday.

Council President Opinker - Thank you. Also Jake Jacobs' is coming up too on the 18th.

Councilman Higgs - As I stated previously I received a letter, a correspondence from one of my constituents as it relates to Harrison Park. So I'm gonna forward these documents.

Councilman Higgs, supported by Councilman Hinojosa, moved to send copies of documents to the Park Superintendent, Pat Moore, in regards to addressing the safety issues at Harrison Park.

Councilman Markovich - Since he's saying it's a safety issue that a copy of that should be sent to the Board of Public Works and Safety also.

Council President Opinker - All in favor? All opposed?

AYES: ALL

Councilwoman Venecz - This being the holiday season we have only one Crime Watch meeting left from now until the end of the year and that is the East Hammond Pullman Crime Watch. They will meet tomorrow night, 6:30 p.m. at the Ophelia Steen Center. It is their Christmas meeting and they're asking that everyone bring a dish so come out and meet some of your neighbors and find out what's going on in your neighborhood. And from all of the Crime Watch and community groups in the city of Hammond we wish everyone a safe and happy holiday season. Thank you.

Council President Opinker read a letter to him from Hammond Police Chief Doughty.

Councilman Higgs - Just to respond to the allegations. First and foremost I attended the rally because I was, I guess,

approached in terms of addressing the needs of our city and the community. Secondly, for no apparent reason am I, whether it be the Hammond Police, Gary Police, or whatever, if people are acting in such a way that the police can't calm them down, what would make them think the councilmen can. I mean it's far fetched. And secondly, I

NEW AND UNFINISHED BUSINESS cont.

Councilman Higgs cont. - didn't see anyone act in a unprofessional manner. People simply were exercising their rights as citizens of the United States of America which they have that right to do in the first amendment. Exercising their right. Freedom of speech. And exercising the fact that they were concerned about what's taking place, not just in Hammond but nationwide. If you look at the news and the Chief should, if he looks at the news he can see it's not just happening in Hammond but also in Chicago. Which is about a thirty mile radius from us. There are concerns that the citizens are trying to address and no form or fashion would Councilman Higgs exercise in anything that's not feasible or neither is disrespectful to any officer in this city. Make sure you comment that in the papers, sir. So to address or send a letter in regards because we were the only two councilmen that stood up and said that we were not happy with what's going on so we're gonna get a letter saying that, "Oh, they showed up so let's send them a letter because, hey, Councilman Hinojosa wants to run for mayor and Councilman Higgs was there because it represents the African American community. It's wrong." The reality of it is that we were protesting in a respectful manner. In fact, when the gentleman, the officer, the Assistant Chief approached Ms. King and said that we're gonna start writing tickets, Ms. King abruptly stated follow the lights. So in no form or fashion was anyone disruptive or being disrespectful. They were just simply exercising their rights. That's all I have to say.

Councilman Hinojosa - First of all, this political statement, I know it's political but Jeff Long was approximately from here to that corner over there and my right ear right now is infected right now it's probably about 70% where I can't hear out of it and for Jeff Long to be speaking in front of about fifty people in between us and speaking to me about helping, I didn't hear anything of Jeff Long. Why didn't Jeff Long approach me across the street where I wasn't blocking the street or anything. By the way, too, the street's they didn't lay down in the street. They didn't break no windows. It was a peaceful march. It was very well put together. I think it was just a little slap on the hand. I think maybe the next time, and the police officers which they know the law, they know how to handle crowds and they know how to handle walkin and jaywalkin and all that. They instructed everybody to don't cross the street until you get a green light and then cross the street. Okay, wait for the next light. That's what they did. You know. So they were wrong for a little while and the streets were blocked for a couple minutes. But as far as Jeff Long saying anything to me, I did not hear anything. I think this is all politically made up to make me look bad because I'm running for a higher position and I'm there representing, you know, the Blacks matter, all lives matter. I was there to represent it because I think it's the right thing to do and they have an action plan that is gonna come up next and that's what the march was about and I'm glad at least myself and Councilman Higgs were there to support this because we have to look into the future about what we can do next. It's not about what happened in the past. We need to let that go. We need to what are we gonna do in the future for our youth? What are we gonna do in the future for our youth? What are we gonna do to correct them so they know the law? What are we gonna do so they don't get shot by a police officer? Educate them. This is all part of the action plan. But as far as what was said right there, Jeff Long, you'd better take that statement back.

Councilman Higgs - And furthermore, I mean, no form or fashion would I even allow anyone that is close to me to conduct themselves in an unprofessional manner as it relates to the police or the fire. I'm not gonna conduct

myself in an unprofessional manner because certainly I don't want to be arrested and pay a bond for something that I did (?) subject to do. If I do something it's because someone has offended me or put their hands on me. That would be my only reason for that. But to protest in a reasonable manner and exercise your rights, it's only being a citizen of the United States of America. I don't know where all this other language came from in regards to us, no one even

NEW AND UNFINISHED BUSINESS cont.

Councilman Higgs cont. - approached me. Me and Councilman Hinojosa stood on the steps for about at least a hour and never did any officer approach us and say, "Hey, could you give us a hand." or "Hey, could you talk to them." or "Hey, is it anything that we can do?" or "Hey, is there anything that we could assist you with?" That never occurred so I don't know where all this far fetched language is coming from in regards to Councilman Higgs and Councilman Hinojosa didn't do anything to prevent them. They were exercising their rights. I didn't even walk across the street. I simply watched, observed, the whole process and participated in something that I felt was needed in my city. Simple as that.

Councilman Hinojosa - Maybe it was because there's another Hinojosa that's a police officer. Maybe he thought I was that other Hinojosa that's been on the force for maybe 20 something years. Maybe he thought I was him and I can assist him but I'm not gonna go out there and assist something that I'm not a professional in. I'm a steel worker. I'm a councilman. A mobile equipment operator. But I'm not a police officer and I'm not gonna go out there and intervene on something that's supposed to be done by police officers. Not by the councilmen.

Council President Opinker - On behalf of myself and the council I'd like to wish everybody a Merry Christmas and a nice safe New Year and hopefully we could start the new year off on a good note. Other than that, any other New and Unfinished Business?

PUBLIC EXPRESSION

Carlotta Blake-King - Merry Christmas and a prosperous new year. Following the direction of Lt. Andy Short and President Ron Mullins regarding the form for complaints on racial profiling. I went to Human Relations and they had no form. She gave me a police department complaint form, which was fine. The Police Chief did respond to my complaint in writing. It was not on H.P.D. stationary nor was it signed. I would like the courtesy and dignity of that. Discussed jaywalking tickets being issued to children.

Lorrell Kilpatrick - Moratorium on ticketing the youth. If adults are able to do it and not be harassed why should children be targeted and criminalized? I think there's a better way to do it.

Johnny Williams - Amused at what's going on with the child laws. If you thought Sunday was a gesture to wake the city of Hammond up you guys haven't seen anything yet.

Kitten Gray - The rally on Sunday was beautiful. People of all walks of life came out. I applaud the Hammond Police on how they stepped back and kept the peace. There's an initiative called My Brothers Keeper that I think is a great idea. There's money attached. We could get some teen summits and workshops going and things that keep our involved in their community. I'd also like to see more respect in this room. There's a lot of disrespect of each

other.

Eddie Banda - I just wanted to wish everyone a Merry Christmas and a happy new year.

PUBLIC EXPRESSION cont.

George Stoya - With respect to there being a uniform 25 mph speed limit throughout the city, perhaps I'm understanding this wrong. I object. You know how hard it is to drive 25 mph? My car idles at 20 mph. 30-35 mph seems reasonable in most places. This is irrational.

Alvin Cheeks - Was at rally and was approached by the Assistant Chief and he informed me there is a law that says you have to aid an officer if he's in need. There were two little girls that did not want to move so I helped them move. Thanked Councilman Higgs and Eddie for the work they did at Thanksgiving. The march was lawful and inside of the law. God bless you guys and happy new year.

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

AYES: ALL

Michael Opinker, President
Hammond Common Council

ATTEST:

Robert J. Golec, City Clerk

Minutes approved at the Common Council Meeting on January 12, 2015.

Time: 8:05 pm
cb