

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on September 11, 2017 in the Hammond City Council Chambers.

Council President Janet Venecz presided.

City Clerk Robert J. Golec facilitated.

PLEDGE OF ALLEGIANCE was recited by all.

Moment of silence was observed.

ROLL CALL

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

ABSENT: None

TOTAL: 9

Councilman Higgs, supported by Councilman Torres, moved to suspend the rules to allow Renee Greenleaf from the Hammond Public Library to speak.

ROLL CALL VOTE (suspension of rules)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RULES SUSPENDED

Rene Greenleaf, Director of the Hammond Public Library - Informed the Council about some of the different programs that are available through the Hammond Public Library.

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

AYES: ALL

Council President Janet Venecz - For the record, the Hammond Common Council and Council Attorney Berger met this evening in Executive Session at 5pm pursuant to Indiana Code 5-14.5-56.1B2C to discuss litigation.

Thank you.

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Emerson, moved to accept the minutes of August 28, 2017 and place on file.

AYES: ALL

APPROVAL OF CLAIMS

Councilman Markovich, supported by Councilman Higgs, moved to approve the claims from August 23, 2017 through September 6, 2017. Claim #5222 through claim #5377, inclusive.

*Prepared by
Robert J. Golec
Hammond City Clerk*

APPROVAL OF CLAIMS cont.

Councilman Higgs - Call for the vote.

Council President Venecz - Councilman, I understand that you're bored with the process, but will you please allow the chair to do her job? Any discussion?

Councilman Higgs - Madam President, Madam President.

Council President Venecz - Clerk Golec, roll call vote please.

Councilman Higgs - Madam President. Point of order, point of order, point of order!

Council President Venecz - Councilman Higgs.

Councilman Higgs - Yes. Madam President, I'm not bored with anything. The fact of the matter is, I called for a vote.

Council President Venecz - Yes you did.

Councilman Higgs - On the issue. So don't try to show out because your friend is in the audience. Thank you.

Council President Venecz - Councilman Higgs, you understand the process that I have to ask....

Councilman Higgs - Oh so well...

Council President Venecz - Councilman Higgs, you've served as President plenty of times. You understand that you have to ask for any discussion three (3) times. When you ask for call for the vote, that means we have to stop the process, ask for a vote to stop the discussion. So, any discussion three (3) times I will ask and when you ask for call for the vote, I will stop the discussion and we will vote on whether or not we are stopping discussion. So, conversation has ended on....

Councilman Higgs - Madam President...

Council President Venecz - Clerk Golec roll call vote.

Councilman Higgs - Madam President. Rudeness..

ROLL CALL VOTE (claims)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

CLAIMS APPROVED

APPROVAL OF CLAIMS cont.

Councilman Higgs - First and foremost, yes I was the President, I know how to run a meeting. And at anytime I can call for a vote on something that you already originally called and said twice. So what's the point, I've been doing it in previous. So today, you want to act like it's something all new. Please cut it out, it's unnecessary. Thank you so much.

Council President Venecz - And Councilman Higgs, I'm going to say one thing and then I'm done with it...

Councilman Higgs - I don't care what you say...

Council President Venecz - You obviously do. You...

Councilman Higgs - No I don't...

Council President Venecz - You called me out for not asking for any discussion, three times previously, and now your changing it. I'm done with it. Alrighty.

Councilman Higgs - Have a good evening.

PUBLIC HEARINGS

None

COMMUNICATIONS

Councilman Rakos - I would like announce that this Saturday their first Mexican Independence Day Parade will take place in Hessville. They will meet at Morton High School, the staging will start at noon. The parade starts at 1pm. It goes from Morton High School, down Grand to 165th, 165th to Kennedy, from Kennedy to Hessville Park. At 2pm at Hessville Park will be a mariachi festival. This will be the first time Hessville has put on a parade for the Mexican Independence Day. Day after that, there will be HUGS Organization, which is the, Hispanic United Government Services, will be putting together community members who want to try to bring back the Culture Fest, next year at Morton.

Councilman Higgs - The annual Hammond Fire Department fire prevention open house will be at the new Fire Station 8, 6350 Parrish Avenue on Saturday, October 7, 2017, from 10am-2pm. Public welcome, all ages. A raffle and free smoke detectors will be given away.

Councilman Higgs - Mayor McDermott Jr., the City of Hammond Planning and Development volunteers the heart of the community, Thursday November 2, 2017, 8-10am at the Dynasty Banquet Hall, 4125 Calumet Avenue.

COMMITTEE REPORTS

Building and Zoning and Council as a Whole - Councilman Woerpel - Brought out 17-20.

*Prepared by
Robert J. Golec
Hammond City Clerk*

COMMITTEE REPORTS cont.

Community & Crime Watch Committee - Councilwoman Venecz - Announced upcoming meetings:

East Hammond Pullman C.W.; Tues, Sept 19; 6:30pm; Ophelia Steen Center
Hessville C.W.; Thur, Sept 21; 7pm; Jean Shepherd Center
Lafayette N.W.; Wed, Sept 20; 6:30pm; Lafayette School
South Hammond C.W.; Thur, Sept 21; 7pm; Hammond Housing Authority
South Hohman Ave N.W.; Thur, Sept 21; 6:30pm; Trinity Lutheran Church
Whiting/Robertsdale C.W.; Thur, Sept 14; 6:30pm; Calumet College

ORDINANCE 3RD READING - FINAL PASSAGE

17-20 An Ordinance Amending Ordinance No. 8514, also known as the Hammond Zoning Ordinance, for purposes of adopting a Planned Unit Development District Ordinance for the Columbia Business Park Planned Unit Development establishing the provisions for the Columbia Business Park Planned Unit Development as a Supplement for the Zoning Ordinance

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

Councilman Higgs - I would like Brian to step to the podium so he can explain what's going on in my district. Seeing I wasn't called prior to.

Mayor McDermott - Councilman Higgs.

Councilman Higgs - Yes, Mayor.

Mayor McDermott - Is everything alright? I don't want my Department Head to come up here and get berated, because you're pissed off about something else.

Councilman Higgs - No Mayor, I just want him to explain...

Mayor McDermott - Brian did nothing wrong.

Councilman Higgs - I didn't say he did.

Mayor McDermott - I don't even think technically he has to appear before you...

Councilman Higgs - I understand that, but I want, this property has been vacant for a number of years there. I'm extremely glad something is being done. I just want him to simply state what's happening, that's it.

Mayor McDermott - I know your mad about other things, but...

Councilman Higgs - I'm fine, I'm not mad. If you seen me mad, you would know.

Mayor McDermott - I've seen you mad.

*Prepared by
Robert J. Golec
Hammond City Clerk*

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Higgs - Okay, I'm fine.

Brian Poland - Good evening. 17-20, and then we talked about in caucus the amended document of 17-20A. It is a Planned Unit Development District Ordinance for the Columbia Business Park PUD. The original Columbia Business Park PUD was established in the mid 1990's. The proposal is to bring the regulations for the provisions for the PUD up to date, up to current standards. Changing it from the Resolution format to the Ordinance format, per state statute. The trigger of this is the Menards expansion project. Menards is looking at purchasing, what is known as Lot 3, which is the property at Kenwood and Columbia Avenue, the Northeast corner. They want to develop a detention basin. That would allow them to remove their current detention basin and expand the warehouse on the store property. Because of the current language of the PUD Resolutions, the detention basin would not be allowed. So, we have to rewrite the regulations in order to allow that to happen.

Councilman Higgs, supported by Councilman Markovich, moved to replace 17-20 with 17-20A.

ROLL CALL VOTE (amendment)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 AMENDMENT PASSED

ROLL CALL VOTE (passage 17-20A)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 ORDINANCE NO. 9383 PASSED

INTRODUCTION OF ORDINANCES

None

RESOLUTIONS

17R-30 A Resolution Appointing Caryn Janiga to the Hammond Library Board

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

Council President Venecz - Councilman Spitale, this is a reappointment correct?

Councilman Spitale - Yes, it is. Ms. Janiga has been on the board since 2013, and she's doing an outstanding job.

Councilman Higgs - I'm just elated that we have someone that's actively involved on the Library Board. As you can remember we had to fight to get the funds released to keep the Library here. So, it's a wonderful asset to the City of Hammond and I'm extremely glad and proud about it.

*Prepared by
Robert J. Golec
Hammond City Clerk*

RESOLUTIONS cont.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R30 ADOPTED

17R-31 A Resolution recognizing September as Brain Aneurysm Awareness Month

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

Councilman Spitale - We started sponsoring this Resolution back in 2012. I'd like to have Jim Wolf please come to the podium please.

Jim Wolf - For those of you that know me, I was married to a wonderful lady, for forty-five (45) years. She was a twelve (12) years brain aneurysm survivor. Unfortunately, she succumbed twelve (12) years later, do to surgery following another brain hemorrhage. We are the only City in the United States, there may be more now because I received all kinds of messages on Facebook, how to get this through a City Council. At the time, we were the first and the only City in the United States, to pass this resolution on a local level. I can't tell you how proud I am of my City, my City Council and my Mayor, whose idea was to make this a permanent resolution. Thank you.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R31 ADOPTED

17R-32 A Resolution recognizing September as Childhood Cancer Month

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

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R32 ADOPTED

Council President Venecz - I'm so glad your back Clerk Golec, I was calling Carmen, Clerk Golec the whole time you were gone.

NEW AND UNFINISHED BUSINESS

Councilman Higgs, supported by Councilman Markovich, moved to have a letter sent to Code Enforcement, in regards to the vacant property at 6105 Noble and would like an update to where they are at with that property.

LETTER SENT: SEPTEMBER 12, 2017

Councilman Markovich - Last Council Meeting we had members of the School Board come here and give a presentation on their school referendum. This Wednesday, on September 13th at Clark at 6pm they are going to have one of their public meetings. Also, on September 21st, Thursday at Gavit at 6pm they are gonna have another public meeting for people in those areas if you want to find out what's going on with the referendum, as far as, building a new school. 6pm on both days for those referendums. Thank you.

Council President Venecz - When was the one at...

Councilman Markovich - This one is Wednesday at Clark 13th at 6pm, door B in the cafeteria, that's off of Davis Avenue. And on the 21st at Gavit, that's a Thursday, door C at 6pm and that one is also in the cafeteria.

Council President Venecz - Thank you.

Councilman Higgs - They also had a meeting in regards to the referendum that's coming up in November pertaining to the school that happens to be in my District. It was held at Hammond High School, I was the only Councilman there that attended the meeting, which was very informative. Hopefully, people were able to understand the affect of what it would cost, in regards to this particular bond that would be needed to floated if the referendum is passed. So, there are other meetings gonna be held throughout the City and I would hope that those that are interested would attend and get informed of what's going on. Because I do feel the school is very important. Food for thought.

Councilman Emerson - So Saturday morning on our block we had a little commotion. Apparently the largest pit bull I've ever seen was running around and had no tags on. So a neighbor called Animal Control and the Police Department. So I observed them lassoing, I don't even know what word to use, but they has a collar thing with a long pole on it and they both put, simultaneously put that around that pit bulls neck and got him into the animal control van. I just wanted to give them a shout out, the officer that was on the scene is Officer Hamer and the Animal Control employee was Elisa Serrano. And they did a great job and the pit bull is secure.

Councilman Higgs - Councilman Emerson would you like to send a letter of thank you for those officers?

Councilman Emerson - Sure.

Councilman Higgs - Make a motion.

NEW AND UNFINISHED BUSINESS cont.

Councilman Emerson, supported by Councilman Higgs, moved to have a letter sent to the Hammond Police Department and Animal Control honoring Officer Hamer and Elisa Serrano for a job well done on Saturday September 9th.

LETTER SENT: SEPTEMBER 12, 2017

PUBLIC EXPRESSION

Joe Hero - I've come here a couple of times before. At your last meeting on the 28th of August, you approved a claim that had been on hold, #3597. You also all received the draft complaint from Ice Miller about your Court, saying you can't dissolve your Court. That, that's illegal and unconstitutional. I think now that you have approved that bill, which you are really saying is, it could be interpreted that, that complaint is valid. You were all elected by these people in Hammond, you all to an oath to support the constitution of Indiana. You all took an oath to support the laws of the State of Indiana. I think based on the complaint and the comments that you've heard here, and from even your own ordinance. That it was illegal to do away with the court. And I think you have to look at that document, you have to look at the statues that I've cited, you have to look at the Indiana Constitution that's mentioned in the draft complaint. Now, I don't come here to ruffle your feathers, I think you run a good operation, I think you all are trying to make Hammond great. But, I don't think you should put your City Council and your City in jeopardy by ignoring this issue. I think based on this claim that you paid, if you take it as face value, dissolving the court this year, was illegal. The other thing you have to look at is next years budget. If in fact it was illegal, you have to see what repercussions that's gonna have on your budget. There are 30 thousand cases backlogged, and at the rate your going, if you count the working days of the court, you have to calculate the number of cases per day you have to get rid of. I think you need to take the bull by the horn, so to speak, and if you made a mistake, everybody makes mistakes, there's nothing wrong with mistakes, we all learn from mistakes. My opinion is, you got to rescind that ordinance. Thank you.

George Stoya - With respect to the bike path and the \$500 thousand that the Mayor's asking or seeking, there is something wrong. I'm not opposed to bike paths, but in terms of priorities, is that something that is that pressing? I mean, we are losing money, we are going to be bleeding money, we are always in the red. I'm mean, how many cyclist are there in Hammond that we are talking about a \$1.5 million (unclear) behind it? I just wanted to raise that issue. With respect to Mr. Hero's contentions, I wondering what his standing is, I mean is he representing the Judge? I'm sure like all opinions, they are not engraved in stone. Please keep in mind, I know the attorneys for Hammond well, that that complaint is a hypothetical. Anybody can sue, winning is quite another story. Thank you.

PUBLIC EXPRESSION cont.

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

AYES: ALL

Janet Venecz, President
Hammond Common Council

ATTEST:

Robert J. Golec, City Clerk

Time: 6:50pm

jt

Minutes approved by the Hammond Common Council on September 25, 2017.