

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on May 29, 2018 in the Hammond City Council Chambers.

Council President Janet Venecz presided.

City Clerk Robert J. Golec facilitated.

PLEDGE OF ALLEGIANCE was recited by all.

Invocation by Councilwoman Venecz.

ROLL CALL

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

ABSENT: Markovich, Kalwinski

TOTAL: 7

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Emerson, moved to accept the minutes of May 14, 2018 and place on file.

AYES: ALL

APPROVAL OF CLAIMS

Councilman Rakos, supported by Councilman Higgs, moved to approve the claims from May 9, 2018 through May 23, 2018. Claim #2929 through claim #3258, inclusive.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Markovich, Kalwinski

Motion carried

7/0/2

CLAIMS APPROVED

PUBLIC HEARINGS

None

COMMUNICATIONS

None

COMMITTEE REPORTS

Council as a Whole Committee - Councilman Woerpel - Brought out 18-12 and 18-14.

Finance Committee - Councilman Woerpel - Brought out 18-13.

*Prepared by*

*Robert J. Golec*

*Hammond City Clerk*

COMMITTEE REPORTS cont.

Community & Crime Watch Committee - Announced upcoming meetings:  
Tues., June 5; Harrison Park C.W.; VFW on Hohman; 6:30 p.m.  
Pulaski Park N.A.; after council meeting head over there  
Coffee with a Cop; Thur., May 31; Johnel's; 5-7 p.m.  
June 4<sup>th</sup>; Security Light Program will begin taking applications.

Councilman Markovich is now present.

ORDINANCE 3<sup>RD</sup> READING - FINAL PASSAGE

18-12 An Ordinance to Amend Ordinance 9363, Ordinance 4487, Ordinance 4851, Ordinance 6099, Ordinance 7429, Ordinance 7830, Ordinance 8211, Ordinance 8471, and Ordinance 8845, also known as Chapter 35 of the Hammond Municipal Code as it Pertains to the Hammond City Court and the Orderly Transition of Cases

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

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: Kalwinski

Motion carried 8/0/1 ORDINANCE NO. 9412 PASSED  
(as amended)

18-13 Supplemental Ordinance Authorizing the City of Hammond to Refund its Taxable Economic Development Revenue Bonds, Series 2015A (Gateway Projects) and Approving other Actions in Respect thereto

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

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: Kalwinski

Motion carried 8/0/1 ORDINANCE NO. 9413 PASSED

18-14 An Ordinance to Create a New Section of Title VII, Chapter 72, to Prohibit Booting of Motor

*Prepared by  
Robert J. Golec  
Hammond City Clerk*

Vehicles

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

ORDINANCE 3<sup>RD</sup> READING - FINAL PASSAGE cont.

Councilman Spitale - The City of Hammond in the interest of the public safety, health and welfare, wish to restrict the use of booting in the city of Hammond.

Councilman Markovich - Can somebody who owns private property call and have the cars still towed or booted while it's on their own private property?

Mayor McDermott - Absolutely not, if you pass this ordinance. They can not have it booted on private property. They could have it towed. Which is what we want them to do. Instead of booting it and holding it as ransom. Just tow it. It's a set fee, you know. In some cases we've heard of situations where semi's are getting booted on private property, they're parked illegally, I acknowledge, but they're getting booted and the person comes up and says, "That will be \$1,000." The truck driver says, "I don't have \$1,000." So they go, "How much do you have?" He says, "\$800." They're like, "Okay, we'll take the \$800." There's no rhyme or reason. There's no set fee structure. Quite frankly, it's Hammond Police Officers that are put on the spot because they are called to the scene to mediate a dispute between somebody that did a wrong, the person that parked the car, and somebody that also did a wrong by booting their car and holding it hostage. The police officers have better things to do than mediating these disputes. So what we're saying to private property owners is if you have an illegal car on your property, have it towed.

Councilman Markovich - I mean, I'm sorry I missed the caucus. So I might have missed something. But the question would be, if we can pass an ordinance that says they can't boot them we could probably go ahead and pass an ordinance that says you can't charge more than \$100 then.

Mayor McDermott - We could, you're right. We're taking a different position with this ordinance say if it's approved by the council and signed by the Mayor, booting would be illegal in Hammond. City-wise that means police officers can't use it either. If we took the approach that you're suggesting, allowing boots but you can not charge... like we do with towing, you have to charge this amount. We could take that direction. We just decided to go this route instead, Councilman.

Councilman Markovich - Okay, because I know people are questioning how much it costs for storage, how much it costs for towing. I know probably in the past we were able to set those rates and how much they can charge for storage. I don't know if we want to do that or not. I have no problem with this.

Mayor McDermott - No, but this is saying, if you pass this we wouldn't have to worry about that. If we pass this it would just be illegal to boot in Hammond, for Hammond Police officers or private property owners. But, it is a

*Prepared by  
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Hammond City Clerk*

problem. Illegal parking is a problem. We just don't feel this should be the solution, Councilman. We think it should be towed. Then it goes to the set structure that we already set as a Council and Mayor.

Councilman Torres - If we don't pass this ordinance we're just giving a license to scalpers. When they can come and charge whatever fee they request. So, it is just wrong. If there is anybody that should be doing any booting on cars should be the police department where it's regulated. Where the rates will be set by the court and storage and all that good stuff. It's just wrong for a private person or a company or organization to be able to go in a lot

ORDINANCE 3<sup>RD</sup> READING - FINAL PASSAGE cont.

Councilman Torres cont. - and boot a car or a truck for whatever reason they choose. I've heard a horror story other than what the Mayor has said. Somebody went into a business for tacos right here across the street. Because he made a (unclear) somewhere else for whatever reason, then came back to the business and patronized it, he got booted for leaving that business and leaving that car. Probably not gone longer than five minutes. I understand that the sum was reasonably high. So we're just giving a license for anyone that wants to be a scalper on the unknowing in the public. So this is wrong. This ordinance should pass.

Mayor McDermott - I agree with Councilman Torres very much. In fact, the people that are putting these boots on are very quick. If you're in the wrong and you park illegal, you could go in to use the bathroom at White Castle. And Councilman is also right about a restaurant very near city hall that had an issue like that and they charged the car more than it would have cost had the car been towed. That's where it starts getting ridiculous. Then of course, the car owner is upset and he calls the police. Then the police show up and have to mediate this dispute, we got better things to do. It would have been a lot easier just to tow the car and then the tow company and the landowner could deal with the property owner.

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: Kalwinski

Motion carried

8/0/1

ORDINANCE NO. 9414 PASSED

INTRODUCTION OF ORDINANCES

None

RESOLUTIONS

18R-24      A Resolution Appointing Rosemary Wojdyla to the Hammond Port Authority Vacancy  
                 Currently Existing

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

*Prepared by  
Robert J. Golec  
Hammond City Clerk*

Councilman Woerpel - Rosemary is in attendance tonight and we were all provided a copy of her resume with this ordinance.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: Kalwinski

Motion carried 8/0/1 RESOLUTION NO. R24 ADOPTED

RESOLUTIONS cont.

18R-25 A Resolution Authorizing the Filing of a Cities of Service Grant Application and Designating for the Love Your Block Program

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

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: Kalwinski

Motion carried 8/0/1 RESOLUTION NO. R25 ADOPTED

NEW AND UNFINISHED BUSINESS

Councilman Woerpel, supported by Councilman Spitale, moved to set a Public Hearing for June 11, 2018 at 6 p.m. for 18R-17.

ROLL CALL VOTE (public hearing)

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

NAYS: None

ABSENT: Kalwinski

Motion carried 8/0/1 MOTION CARRIED

Councilman Emerson - I'd just like to thank everyone that came out to the Memorial Day Parade. The Mohawks had, as usual, a good parade and a nice ceremony for those that didn't come back from various wars. It was a good turnout. It was a hot day. Everybody that came out, I just want to say thank you.

Councilman Rakos - I'd like to announce that on June 1<sup>st</sup> and 2<sup>nd</sup>, HC3 will be hosting the festival in Hessville known as Live in the Ville. It will be our 4<sup>th</sup> year hosting this event. The purpose of the event is to bring attention the

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Hammond City Clerk*

Downtown Hessville in Hammond area and to showcase our area. There will be an opening ceremony this year at 4 p.m. right off of Martha and Kennedy. We will be celebrating our veterans.

Councilman Torres, supported by Councilman Higgs, moved to send a letter to the Engineering Department requesting a drain at 800 block of Truman Street on south side of the street. Water collects around mid-block and creates quite a mess there. If they can design it to see what's needed there. AYES: ALL

LETTER SENT: MAY 30, 2018

Councilman Higgs, supported by Councilman Torres, moved to send a letter to the Engineering Department in reference to the 1100 block of Drackert where there is a large pot hole where I'm afraid that possibly the street may sink in. Also the 200 block of Kenwood, I guess the plow trucks knocked over the curb and the residents over there are complaining they need them replaced so no kids gets hurts over there.

NEW AND UNFINISHED BUSINESS cont.

Councilman Markovich, supported by Councilman Torres, moved to suspend the rules to allow the City Engineer approach the council. AYES: ALL

City Engineer Dean Button - Councilman Higgs, the 1100 block of Drackert, that's a sewer lateral problem. It's a homeowner issue. The homeowner would need to repair that.

Councilman Higgs - In the middle of the street?

Mr. Button - Yes, sir. The lateral is owned by the homeowner, all the way to the main, including the tap in the main. That's by ordinance, sir. We've looked at that numerous times and it's a homeowner issue, even in the street. Thank you.

Councilman Higgs - I guess my only question to you is that if something happens to one of the residents then what happens? If someone drives down the street and it sinks in, then what happens then?

Mr. Button - So, we would have to go out and fill the hole in. But the repair to the sewer, the collapsed sewer, is the responsibility of the homeowner. So the city could go and cite the homeowner and force them to repair it or city crews could go repair and then put a lien on the house, eventually. Similar to like your requests for tree removal.

Councilman Higgs - I probably suggest that something like that takes place because it's scary. That hole, it's just a matter of time before it sinks in.

Mr. Button - Okay, we'll send a citation to the homeowner and have them repair it.

Councilman Markovich, supported by Councilman Woerpel, moved to return to the regular order of business.

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Robert J. Golec  
Hammond City Clerk*

AYES: ALL

Council President Venecz - On the motion to send a letter by Councilman Higgs, second by Councilman Torres, to have a letter sent to Engineering regarding the curbs on the 200 block of Kenwood. Any discussion? All those in favor? Opposed?  
AYES: ALL

LETTER SENT: MAY 30, 2018

Councilman Torres, supported by Councilman Spitale, moved to have a letter sent to the Engineer. There's water that also pools at the intersection of Truman and Kent. That's an intersection where Columbia Elementary students have to cross and the pool gets so large that they have to go around it. Anyway, it creates an unsafe condition. If they can look at it and see if it's draining or whatever can be done to correct that. I've been approached by the principal. That will be the north side of the 1200 block at the intersection.

LETTER SENT: MAY 30, 2018

**PUBLIC EXPRESSION**

Ernie Dillon - Made a request that Mr. Higgs resign his position as 3<sup>rd</sup> District Councilman as soon as possible so he can be replaced before the November election because we're gonna be real busy then. The District, city and county are tired of front page news with Mr. Higgs' name on it making the community look bad. Also, on Election Day his pluggers in the 3<sup>rd</sup> District had his business cards. It was confusing because he was not on the ballot. Who paid for the business cards? The taxpayer? Or did Mr. Higgs pay for them out of his campaign fund, contributions, or on his own? Requested an invoice pulled to see if the city recently purchased business cards for him.

Carlotta Blake-King - Highland Street and Lyon Street residents are concerned that when the neighborhood pool is demolished that, as it has happened in other neighborhoods, it may be overran with mice. From what they shared, they indicated that they called the city for assistance and they were told they would have to abate the situation themselves. You will have other neighbors coming before you in the next few meetings asking you to send a letter to the Park Department requesting that Maywood Pool Park be abated before it's demolished because we do not want to be ran over with mice. Many don't have the money to have their homes abated for something that could have been averted had the city taken the chance to abate it. I did talk to the Executive Director of Parks and Recreation and I shared with him that there were monies set aside for anytime there was a major demolition in the city that affected a neighboring community that those properties were abated for mice or any other kind of rodents.

Mayor McDermott - I'm not sure where Ms. King is coming from with regard to Edison pool. I could tell you that every time there is a problem in the city I get a phone call. Hundreds of phone calls. I haven't got a single, I mean, I saw flyers that she was passing around in the community saying that rats were getting into peoples homes in Edison Park when we demolished the pool. Councilman Emerson, can you help me on this?

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Hammond City Clerk*

Councilman Emerson - I have not gotten one call about mouse or rat.

Mayor McDermott - I totally agree and, quite frankly, if something we did .... first off, I don't really think that inside an abandoned pool there's a whole bunch of rats as the flyer indicated, or mice. Maybe there are, I don't know. I'd probably hang out some place else if I was a rat or a mouse. Then when we demolish it, it's gonna be replaced with something beautiful. I think, quite frankly, this whole thing's made up. I haven't heard a single thing about it. God bless Ms. King. She has every right to say what she wants. But, if I heard anything we did caused rats to go into peoples homes, I would be seriously upset with the contractor that was doing the work. I don't know where this is coming from but stuff happens. People put flyers out with stuff on them all the time. But I have a feeling if there was rats around Edison Park caused by us we would have heard about it.

George Stoya - I was alarmed by this boot thing. That's a property owner acting as judge and jury. I mean, as a property owner you're have a right to exclusive enjoyment and use of your property. You can get somebody off your property, but I don't know about keeping them on your property with a boot. With respect to closing of the court, is the burden of our court substantial enough that somebody from the state or county could come back at

**PUBLIC EXPRESSION cont.**

George Stoya cont. - us and say that because we are the largest city in the county and now we have to do all your stuff, that they could ask for a piece of our levy? Is that at all possible? Or is that just crazy Stoya thinking?

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

AYES: ALL

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Janet Venecz, President  
Hammond Common Council

ATTEST:

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Robert J. Golec, City Clerk

Time: 6:40 p.m.  
cb

Minutes approved at the Common Council meeting of June 11, 2018.

*Prepared by*  
*Robert J. Golec*  
*Hammond City Clerk*