

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on September 24, 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 Council President Venecz.

ROLL CALL

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

ABSENT: None

TOTAL: 9

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Emerson, moved to accept the minutes from September 10, 2018 and place on file. AYES: ALL

APPROVAL OF CLAIMS

Councilman Markovich, supported by Councilman Higgs, moved to approve the claims from September 5, 2018 through September 19, 2018. Claim #5383 through claim #5686, inclusive.

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

#5687	Hammond Fire Dept.	Common Council	\$100.00
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ROLL CALL VOTE (amendment)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 AMENDMENT ADOPTED

ROLL CALL VOTE (as amended)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 CLAIMS APPROVED  
(as amended)

PUBLIC HEARINGS

None

*Prepared by  
Robert J. Golec  
Hammond City Clerk*

COMMUNICATIONS

Councilman Higgs read correspondence from Shane M. Gamez regarding his neighborhood garages and gates being snowed in and damaged by the plows.

Councilman Higgs, supported by Councilman Torres, moved to send a copy of the correspondence from Shane M. Gamez to the Mayor. AYES: ALL

LETTER SENT: SEPTEMBER 25, 2018

Councilman Higgs congratulated the Mayor and the city of Hammond on the opening of the Sports Complex this Thursday.

COMMITTEE REPORTS

Council as a Whole Committee - Councilman Woerpel - Brought out 18-16.

Community and Crime Watch Committee - Councilwoman Venecz - Announced upcoming meetings:  
Tues., Sept. 25; Pulaski Park N. A.; American Legion; 6:30 p.m.  
S. Hohman Ave. N. W.; Thurs., Sept. 27; Trinity Lutheran Church; 6:30 p.m.

Edison Community Watch and the East Side Community Council in partnership with Home Depot will once again host the 7<sup>th</sup> Annual Trunk or Treat. It will be Saturday, October 27 from 6 to 7:30 p.m. at Home Depot. Organizations are welcome to join in and advertise.

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

18-16            An Ordinance Amending Ordinance 8108 known as Section 33.03 of the Hammond Municipal Code as it pertains to EMT's/Paramedics

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

Councilman Emerson - This ordinance basically amends the previous ordinance taking away a specific number of people at events in a building and focuses on the type of activity that is going on. If a question exists to the nature of the event, final determination shall be made by the Park Board Commissioners.

Councilman Higgs - I would like to have Phil Taillon step to the podium and explain the importance of this ordinance.

Phil Taillon, Chief of Staff - As Councilman Emerson stated, this is pretty simple as far as an amendment to a current ordinance that was created a long time ago after an incident at a kick boxing tournament in which, unfortunately, there was a fatality. At the time, it was decided that if there is an event in the city on any city property that two EMT personnel would be required for any event that has a hundred people or more.

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

Chief of Staff Taillon - Well, in a lot of situations it really didn't make a lot of sense. Because if you have a Pampered Woman show at the Jean Shepherd Center, or you have chess club, or you have a Little League Event, we basically were requiring that two EMT be on site. What we found over the years, especially as we get closer to, as Councilman Higgs said, our Sports Complex is opening on Thursday, and I know Mark Heintz, our Director of Parks, was here earlier discussing this. What we found was that certain events are bypassing the city of Hammond and going to other communities because they do not have that requirement. If they thought it was important for them to have EMT personnel or police personnel they would make sure they did so but they were going to different communities so that they weren't mandated to do so. What this does, it still addresses the real issue, which is, if you do have full contact sport activity, boxing, kick boxing, martial arts, also the circus because with animals you never know, sometimes there could be some issues, and I think any type of vehicle situation, then we do still mandate that they have EMT on site. However, for the less evasive type sports, soccer, basketball, chess, you know whatever it may be, now they are not mandated to have the EMT. I do want to bring up that the Sports Complex does have a budget specifically set aside for police and fire personnel so that if there is an event or a tournament where it makes sense for us to have folks on site to lessen our risk or liability because of that specific event, we will still do so. The budget is pretty significant. So I feel like this meets the best of both worlds because we love our fire department, we love what they do, we love what the EMT does. We use them all the time. If anybody was at the concerts this weekend, you saw them walking around. If you were at the Festival of the Lakes you see them walking around the Festival of the Lakes. We basically were putting a law in place that didn't make a lot of sense in a lot of situations.

Councilman Higgs - What year was the original ordinance that we are amending tonight?

Chief of Staff Taillon - I don't have it in front of me but I want to say it was in 1998.

Councilman Kalwinski - When those special decisions are made, what are the parameters used to figure that out?

Chief of Staff Taillon - I think it really comes down to the fact of with the specific event, what type of risk is there, and I would say, I guess, risk could be looked at different ways. You know, if you're playing soccer you could sprain an ankle, obviously. But a sprained ankle, typically, you're not going to call an ambulance and be transported to a hospital. You're typically going to put some ice on it and let it heal and maybe go see the doctor the next day. So I think it's really, the best way of putting is that you're gonna look at each individual event and activity and say, "What kind of risk is there that potentially you would need an ambulance if worse case scenario occurs?" As I mentioned in the caucus, my son has been playing soccer since he was five years old, he's eighteen now. In those thirteen years, I've never seen, one time, an ambulance show up at any soccer facility or soccer event. The way it's written currently, we were asking folks, if you have a Little League game you're supposed to have EMT's on site. The new hockey complex, that's gonna be under construction here in the next five weeks, the way it's written you'd have to have two EMT's on site for every single event that was going on at the hockey complex. It just doesn't make sense in those situations. I think it does make sense when you have a boxing event, for example, at the Civic Center. You have the Police vs the Fire, even a charity event. Because in those situations you could have contact that could cause a concussion or somebody could go unconscious and it makes sense to have somebody on staff, that needs immediate treatment.

*Prepared by  
Robert J. Golec  
Hammond City Clerk*

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

Councilman Kalwinski - In the special instances not laid out in the ordinance, then the Park Board decides whether to put EMT's or police there. Is that what you're telling us?

Chief of Staff Taillon - That would be correct. To me that makes a lot more sense than every single event that comes in through the city come to the council.

Councilman Higgs - If you could identify those particular events for the council and the general public.

Chief of Staff Taillon - The ones that are listed in the amended ordinance are kick boxing, martial arts, boxing, any type of vehicular event and the circus. But that doesn't mean if there's some event that comes up that would fit really well into mandating EMT's that's were I believe the Park Board will step up and say, "This event makes sense, there could be an issue, let's make sure we have EMT's on site."

Councilman Woerpel - Theoretically, if somebody was to have a wedding at the Civic Center, they needed EMT's there the way the current ordinance was written, right?

Chief of Staff Taillon - Correct.

Councilman Woerpel - Same thing with the Shepherd Center?

Chief of Staff Taillon - Correct. Any city property where there's an event of a hundred people or more, according to the ordinance they are mandated to have two EMT's on site. I think what you might think is, there's been events where they haven't been there. Technically, they would be breaking the law in that situation. I know Mark Heintz brought up when he was in there, as recently as August we lost a basketball camp that was looking at Hammond and because there was mandating EMT's, which the cost is what it is, I don't know off the top of my head, but let's just say it might be five to six hundred dollars, they end up choosing to go to a complex in Gary instead because they did not have to pay that fee. So those types of events where they're working with a shoestring budget, you know, they're not necessarily there to make a ton of money but to really just host an event and add value to whatever organization they belong to, that's where you really cause Hammond to ...

Councilman Woerpel - I guess what I'm getting at is, it's not like we're giving the Park Board the right to write the ordinance. It's basically the Park Board has a right to make a stipulation as far as issuing the permit or the contract that, "Oh, by the way, you need EMT's at this event", correct?

Chief of Staff Taillon - Correct.

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

ORDINANCE NO. 9416 PASSED

INTRODUCTION OF ORDINANCES

18-18 An Ordinance Amending the Code of Ordinances of the City of Hammond to Permit the Use of District Casino Money to be used to Remove Dangerous Trees from Property owned by the City

Councilman Higgs, supported by Councilman Spitale, moved the proposed ordinance to 1<sup>st</sup> and 2<sup>nd</sup> reading and referred it to the Council as a Whole Committee.

Councilman Higgs - The purpose of this particular ordinance is that particularly in my district when I'm out there, there are a number of trees that are not actually being cut down and there's a certain amount of money that is designated for tree removal and if we should run out of money, because money is allocated to each district councilman, we could utilize that in emergency situations to remove the tree. So this happens quite frequently throughout my district and certainly I don't want anyone to be in danger by trees that are sitting over their property or vacant lots that are owned by Redevelopment, or the city of Hammond. So if the funds run out we can use (unclear) in terms of addressing the concerns of the citizens of our great city. That's the purpose of the ordinance.

Councilman Torres - I agree with Councilman Higgs because I have a few areas in my district where I have asked for trees to be removed and for some reason they're not removed and I think it's because of a lack of money. Even though we have an allotted fund through the Park Department for this, this could supplement that fund in case it is needed.

Councilman Higgs - Also, just like, of course, there's Redevelopment projects taking place in my district at MLK Park, but certainly Harrison Park has been an issue with trees as well over the years and I've been working extremely hard with Mark just trying to get a new pavilion built. Fortunately we have other projects going on in conjunction with the efforts of the Mayor, which I congratulate, and I applaud his efforts. Although I may live particularly in the area where the park is being done, every park is important throughout the entire district and certainly Harrison Park is in desperate need of repairs. So I would hope that in the coming year we can do something in regards to addressing some of the concerns in Harrison Park as well.

Council President Venecz - All in favor? Opposed?

AYES: ALL

RESOLUTIONS

None

NEW AND UNFINISHED BUSINESS

Councilman Higgs - During caucus we had discussion in regards to the property at 936 Conkey Street in which I recently honored Ms. Pearline Jenkins who was a fighter in the community and stood for injustice and fought for justice for all the citizens of the great city. She served as president of the Hammond chapter of the NAACP for a number of years as well as a member of the Mount Zion Church. Due to her passing the property became vacant and I was fortunate enough to get her artifacts out of the property and submit them to the church.

*Prepared by  
Robert J. Golec  
Hammond City Clerk*

NEW AND UNFINISHED BUSINESS cont.

Councilman Higgs cont. - However, the gentleman that purchased the property seems to act as though for some reason it's being overlooked and he's not given an opportunity to actually have the property rehabbed. Well, the director from Code Enforcement came and addressed the Council in Caucus and basically told us that that's not true. So, again, I don't have a dog in the show. I'm basically standing up for what's right and I'm not taking sides in regards to addressing it but what was discussed was the fact that he has addressed this issue with the Code Enforcement Inspector, the head of the department, in terms of addressing the concerns of the property and the deplorable condition which is existing in the property and the repairs that are needed to bring it up to code. However, if you do not, I repeat, do not fix the property and make it into livable conditions, unfortunately you can not keep the property. Prior to this I had personally put this, as well as a number of homes within my district on the list for demolition. Because the property sat vacant for a number of years and no one wants to look at an eye sore in their community. Especially when you go \$120 thousand homes sitting just adjacent to this property. So, I would hope that the gentleman, and I will reach out to him to schedule a meeting with me, him and the Code Enforcement Inspector to address any of his additional concerns as it relates to this particular property at 936 Conkey. Hopefully they will be able to resolve this issue and if not, the property will probably be condemned. Unfortunately, the citizens of the great city are more than welcome to address the Council and the Council at Large and speak in regards to this property because Ms. Pearlina was a pioneer in the community and if they can come up with some general ideas in regards to rehabbing the property, or fixing the property, or making it livable, they are more than welcome to do so. So, in saying that, I just wanted to make it perfectly clear that the Code Inspector came before the council and addressed the concerns and the repairs that are needed to keep this property in the 3<sup>rd</sup> District of our great city. Thank God I was able to name the street after Ms. Pearlina because she was a fighter.

Councilman Rakos, supported by Councilman Higgs, moved to change the October 9, 2018 meeting to October 1, 2018 and the October 22, 2018 meeting to October 15, 2018.

AYES: ALL

Councilman Woerpel - I just want to make the residents of the 5<sup>th</sup> District aware, because I have gotten some calls about this but currently under the gaming ordinance where it says what we can spend money on, I think it's item d. Trees, I've given \$100,000 in the 5<sup>th</sup> District to cut the trees away from the lights and to cut the low hanging branches across the streets and I know a lot of residents have come out when the tree guys are out there if they can go completely around the trees in their yard and I just want to clarify that because this program, this tree account, is run through the Park Dept. that we can cut stuff that is hanging over our sidewalks, our streets and our lights, but we can't go completely around the trees in the yards. Because I've been questioned on that while this tree program's been going on.

Council President Venecz - Because that extends into private property?

Councilman Woerpel - Correct. But if it's hanging over our right of ways, or in front of our stop signs, or over our lights, we can cut it back away if it's on private property.

NEW AND UNFINISHED BUSINESS cont.

Councilman Torres, supported by Councilman Higgs, moved to have a letter sent to the Sewer Dept Director, Jack Smith, there is some kind of sewer problem on the southbound lane of Columbia Avenue, the 5400 block, right across from Columbia Park. It's tying up traffic pretty good, clogging it up. It's been going on for about two months and if he can give the residents a time frame as to when the repairs are going to be complete, whatever they are repairing. It is a sewer problem I understand.

Councilman Markovich - I am aware of that area there, and talking to the Superintendent and probably Dean Button knows, being on the Sanitary Board, that at that intersection there are several sewer lines that are crisscrossing there and right now they have a cave in. You can see a low spot that is blocked off with those parking things there and right now the problem there is funding, whether they can find the money, because it's an emergency type situation. It's not just that one area there because everything intercepts there at Columbia and, I believe, Michigan Avenue, not Michigan but Summer Street. Whatever it is, Michigan and Columbia. So there is an issue there. It's not just the one but it's a tie in of crisscross sections coming from the north, south, east and west. So, all of them sewers. They're going out for bids right now to get that taken care of. I would suggest, and I agree with you, going south on that Columbia Avenue that gets backed up during the day at rush hour and maybe only five or six cars go through. I don't know if that's timed. I've sat there myself and waited for three lights. Maybe if they can extend that going southbound to maybe a minute, set the timer on that, and east west traffic maybe can be shortened. Right now it's a lot of traffic going in there. But the traffic on there on Michigan, it is Michigan correct Dean, their leaving Calumet Avenue because of the backup on the overpass there. So, if they can set the timers to allow more traffic to go south. It's no problem going north, it's just going south that it gets backed up because I've timed it, it's maybe 15 to 20 seconds only for that green light and only five or six cars can get through. So that's giving you the background on what's happening there, so if you want to rescind your letter it's up to you but you're sending it to Jack Smith who is the foreman but it probably should be addressed to the Sanitary District in that respect. I'm not telling you what to do but I'm just giving you the background on that.

Councilman Torres - I can add the Sanitary District to that letter. If it's funding or something I can help with, we got a little money left in the gaming. Maybe I can help. So, I need to know about it. If it is a funding issue or whatever the issue is. But that's been going on for two months and the truth is I very seldom see anybody working on it. It's just blocked, and it is causing the problem that Councilman Markovich says it is. So, add to the letter if you may, Clerk, if there is something that I can help with, I'll gladly help.

Councilman Markovich - I know one figure is \$150 thousand. So, if you've got an extra \$150 thousand you want to throw in but everybody is well aware that the present gaming ordinance, when they do new streets, that 10% is supposed to go for new sewers and so forth and all of that. But, you know, it's up to them what they are going to do about it.

Council President Venecz - All in favor? Opposed?

AYES: ALL

LETTERS SENT: SEPTEMBER 25, 2018

NEW AND UNFINISHED BUSINESS cont.

Councilman Higgs read an announcement from the Hammond Sports Complex regarding the Men's Basketball League. On September 20, 2018 they will be hosting a Mens's 40 and up Basketball League from October 8<sup>th</sup> through December 10. There will be ten games plus a tournament. Register at the Complex in the main office. Registration fee is \$700.

Councilman Emerson - I do not have an extra \$160 thousand this time of year but I wish I did. But anyway I wanted to compliment Engineering who in turn talked to the striping people. We4 overlayed part of 173<sup>rd</sup> this year and a couple residents called with complaints about the crosswalks on VanBuren and 173<sup>rd</sup> not being done and through a call to Engineering I noticed today that they were done. So people can walk between the crosswalks and the whole project is complete.

Councilman Higgs read an announcement from the Hammond Sports Complex regarding the Men's Basketball Fall League. September 20<sup>th</sup>, 2018 they will host a Men's Fall Basketball League from October 8<sup>th</sup> through December 10<sup>th</sup> on Monday nights from 6 to 9 p.m. There will be 10 games plus a tournament. Register at the Complex. Registration fee is \$600.

Councilman Higgs - As we all know, all our District Councilmen has an appointee on the casino funding for the 501(c)(3). Organizations that receive funding throughout the year, however, I have not had a representative to sit to represent my district in quite some time.

Councilman Higgs, supported by Councilman Torres, moved to send a letter so he can represent his district in regards to the allocation of the casino funds. Each District Councilman as well s the At Larges are supposed to be sitting on this committee but for some reason or another I don't think that's been happening. So he motioned this letter so he could get an appointee appointed for his district. AYES: ALL

LETTER SENT: SEPTEMBER 25, 2018

Councilman Higgs announced the Hammond Fire Department is celebrating their Fire Prevention Open House on Saturday, October 6, 2018 from 10 a.m. to 2 p.m. at Fire Station 8 located at 6350 Parrish Avenue.

Councilman Higgs - I again would like to thank the Mayor. I see the park is starting to be redeveloped here in my district and I would want to certainly thank him for his efforts in working together to get this accomplished. So I look forward to seeing the results of that and I plan to schedule a meeting shortly with the Superintendent of Parks in regards to any additional things that can be added in remembrance of Dr. Martin Luther King.

Council President Venecz announced that the city of Hammond is taking applications for Hammers for Hearts. The last day that the applications will be taken is October 5<sup>th</sup>. This is for any senior, disabled or low income families who are looking for some work to be done on their homes such as painting, stair repairs, things of that nature. A faith based group will be here next year in June and they will help out people who apply and qualify. You can contact Owana Miller at 853-6397, option number 2, by October 5<sup>th</sup>.

NEW AND UNFINISHED BUSINESS cont.

Council President Venecz announced the 32<sup>nd</sup> Volunteer Annual Awards Breakfast on November 1<sup>st</sup>. The Department of Planning & Development is taking applications for individuals or organizations that you might think deserves to be acknowledged as a volunteer here in the city of Hammond. You can contact Owana Miller at 853-6397, option number 2, to submit applications.

Councilman Higgs - I want to thank the board of directors at the Mt. Zion Pleasantview Plaza as well as the community affairs coordinator and the director of the great facility named after Dr. A. A.R. Burns. Recently they had a 35<sup>th</sup> anniversary of the complex and I was able to present Ms. Burns with a dozen roses as well as a plaque from her Councilman in regards to all the hard work and contributions that they contributed to our great city. Without Ms. Burns, Ms. Pearline and Rev. Burns the facility wouldn't have even been built. So certainly, and a number of other people of course were part of it, but we appreciate their efforts and certainly if there's anything I could do in regards to the complex, certainly I am here and willing to do such. I really, really, really want to congratulate Ms. Burns for all her hard work and her efforts.

Councilman Emerson announced Hammond 5<sup>th</sup> Annual Veteran's Appreciation Day Parade on Saturday, November 10<sup>th</sup> at 10 a.m. in Hammond's 5<sup>th</sup> and 6<sup>th</sup> Districts. The route travels from Olcott Avenue down 173<sup>rd</sup> Street to Hessville Park at the Veteran's Memorial.

Councilman Higgs read an announcement from the Hammond Sports Complex regarding a Four on Four Volleyball Tournament on September 21, 2018. The complex is hosting a Four by Four Volleyball Tournament on November 24, 2018 at 11 a.m. There is a 112 team limit. Each team gets a maximum five player roster. Coed maximum of two women. Four Division Men's Elite Coed and Women's Elite prizes to be announced. Registration at the Complex in the main office. Registration team fee \$120 by November 2, 2018.

Council President Venecz announced that this Saturday, September 29, 2018 from 9 to 11 a.m. the department heads budget hearings will be held in the Council Chambers.

Councilman Higgs - Seeing that we have there are so many children here in our audience I just want to remind them that, I'm not on the School Board, I am the City Councilman, but for your benefit I did try to implement a program which is called Safari Brainware. It's a tutoring program that actually lasted for about a year and we were trying to get funding through the School City of Hammond. However, there are individuals that are running for School Board this term and some of them were sitting there previously and there are people that are running currently and I would hope that they are interested in the children and not themselves and you are important to not just me but the entire city. So, Safari Brainware is a wonderful program and it's about implementing programs that can help your (unclear) skills as well as your physical and mental skills. So, the first year was funded by a private donor and we went before the school board to try to get it in all the schools and for whatever reason they refused to implement it. But, it's election year and let's see what's happening.

PUBLIC EXPRESSION

Demetrius McNeil - Why are there oranges fences around the trees?

PUBLIC EXPRESSION cont.

George Stoya - I was almost put to sleep there by Councilman Higgs droning on. Is there any remedy to this? Because obviously he's grandstanding. I don't know why anybody here doesn't speak up about it. You can just run through it and just say it all at one time and stop disrupting the continuity of this meeting. I'm a little leery of the ordinance concerning the determination of what a risk is when using the Sports Complex and will it be recognized by any court of law should the city be sued. Being that the city is self insured. There was no reference to any external authority or reference by which the scope of risk was determined. Just 'cause you say it's so don't make it so. When it's challenged all bets are off.

Councilman Markovich , supported by Councilman Higgs, moved to return to New and Unfinished Business.

AYES: ALL

NEW AND UNFINISHED BUSINESS cont.

Councilman Higgs - Just for clarification, there's no need for me to grandstand. I can take the fact that you may not like me but I'm gonna do my job. The reality of it is I'm addressing the concerns so that the citizens that are not here that may be watching will be aware of it and I don't need the political attacks or the criticism of someone that doesn't even live in my district.

Councilman Emerson - To address the young man's question, I believe the red X means the tree is coming down eventually.

Dean Button, City Engineer - He's asking about the orange fence around the tree. It's tree protection.

Councilman Rakos, supported by Councilman Kalwinski, moved to return to the regular order of business.

AYES: ALL

Councilman Higgs, supported by Councilman Spitale, 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: 7:10 p.m.  
cb

Minutes approved at the Common Council meeting of October 1, 2018.

*Prepared by  
Robert J. Golec  
Hammond City Clerk*