

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on August 12, 2019 in the Hammond City Council Chambers.

Council President Robert A Markovich presided.

City Clerk Robert J. Golec facilitated.

PLEDGE OF ALLEGIANCE was recited by all.

Moment of Silence was observed.

ROLL CALL

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

ABSENT: Higgs

TOTAL: 8

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Emerson, moved to accept the minutes of July 22, 2019 and place on file.

ROLL CALL (Minutes)

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

ABSENT: Higgs

TOTAL: 8

APPROVAL OF CLAIMS

Councilman Rakos, supported by Councilman Woerpel, moved to accept the claims from July 29, 2019 through August 7, 2109. Claim #4130 through Claim #4472, inclusive

Councilman Rakos, supported by Councilwoman Venecz, moved to amend in claims:

| | | | |
|-------|--------------------------------------|----------------|-------|
| #4473 | Douglas Pointe Apts/ School Supplies | Common Council | 50.00 |
| #4474 | Douglas Pointe Apts/ School Supplies | Common Council | 50.00 |

ROLL CALL VOTE (amendment)

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

NAYS: None

ABSENT: Higgs

Motion carried

8/0/1

CLAIMS AMENDED

APPROVAL OF CLAIMS cont

ROLL CALL VOTE (as amended)

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

NAYS: None

ABSENT: Higgs

Motion carried

8/0/1

CLAIMS APPROVED
(as amended)

PUBLIC HEARINGS

None

COMMUNICATIONS

Councilman Rakos- On August 15, 2019 at 3:30 p.m. the Hessville Park will have a ribbon cutting at the new Skate Park.

COMMITTEE REPORTS

Community and Crime Watch Committee- Councilwoman Venecz- Upcoming meetings:

Community Watch; Mt. Zion Pleasant View Plaza; Wed., Aug. 14; 2 p.m.

Tues., Aug.20; East Hammond Pullman C.W. ; Ophelia Steen Center; 6:30p.m.

Tues., Aug.13;Harrison Park Crime Watch VFW 5820 Hohman Ave 6:30p.m.

Thur., Aug. 15; Hessville C.W.; Jean Shepherd Center; 7 p.m.

Thur., Aug. 15; S. Hammond C.W.; Hammond Housing Authority Bldg; 7 p.m.

Councilwoman Venecz- I would like to thank everyone who participated in National Night Out last Tuesday. Once again it was a huge success. Our Police and Fire Departments are always supportive. The community came out in force and a good time was had by all.

ORDINANCE 3RD READING FINAL PASSAGE

None

INTRODUCTION OF ORDINANCES

None

RESOLUTIONS

None

NEW AND UNFINISHED BUSINESS

Councilman Woerpel, supported by Councilman Rakos, moved to reschedule the Common Council meetings set for October 14 and 28, and reschedule them to October 07 and October 21, to allow the appropriate time for the budget hearing but also because Columbus Day falls on the October 14th meeting.

AYES: ALL

Councilwoman Venecz- I would like to announce on Saturday October 5th we will be having our budget hearing at 9 a.m. here in the Council Chambers.

Councilwoman Venecz, supported by Councilman Rakos, moved to have an Executive Session on August 19, 2019 at 5:30 p.m.

AYES: ALL

Councilman Torres- We all got notified about the City of Hammond suing the Visitor's Bureau for them not accepting our appointment. I want to thank the Mayor for persuing this so hastily and I believe that we did appoint Mr. Garcia in time. He's not a new appointee, he's been serving for 7 years, so it's just a matter of reappointing him. Nothing in the law from my understanding requires us to inform the Bureau or anybody else. If the Bureau or Mr. Batistatos had a concern about it, should have called the Council or the Clerks Office to justify it. So not only is Mr. Batistatos demeaning Mr. Garcia, which is a highly respected business man in our City, but he's also snubbing the Council as if our appointment doesn't mean anything. So thank you, Mayor, and I'm glad we're gonna pursue this coming shortly, I understand.

Mayor McDermott- Thank you Councilman Torres, I appreciate it. The Hammond City Council, acted with a week to go before the deadline. There's a case out of St. John that's some what similar. It's an Indiana Supreme Court case where the whole issue came sort of a similar type of situation where the Council acted and the notification wasn't received by the appointing body at the time and the Supreme Court came out and said it doesn't matter what happened after the act. Once the Council acted, doesn't matter if you send a first class letter, doesn't matter if you send an email, doesn't matter if you did smoke signals. Once you acted, which you did on June 24th, nothing else matters. Maybe it's common courtesy to send a letter, maybe it's common courtesy to give a phone call, just like it's common courtesy for him to give you a phone call saying, "Hey, what happened?". And you are right, Councilman Torres, it's a reappointment. Raymundo served on that board for a long time should have been given this opportunity. Right now we have a hearing before Judge Sedia, I gave you a copy in your packet and that hearing date has already been continued. Ice Miller is a law firm that's representing South Shore Convention and Visitors Bureau, and they asked if the could delay for a couple weeks, and it's common courtesy to allow them. They just got the entire complaint handed to them, so our Attorneys agreed this is going to take place. I'm not the attorney that's ligating the case. As you know, I'm licenced to practice law, so I'm monitoring it. I think your Attorney Bob Berger is doing a great job. He's working with Kevin Smith, also a Constitutional Lawyer from Indianapolis. I feel really good about this case. It's a two part case, the first part is the plenary injunction which asks that Raymundo Garcia be immediately appointed as a representative of the Hammond City Council, I feel really good about your chances on that, I really do. In my opinion, and I'm not an attorney on the case, I think you're gonna get your appointment at the end of the day, that's the first issue. The second issue is the statue that Speros is using like a weapon to beat up the appointed body's to put his on people on the board, which I think is unconstitutional. And I conferred with Attorney Berger and

NEW AND UNFINISHED BUSINESS cont.

Mayor McDermott cont. - Kevin Smith, we conferred with Brian Babb, who is our attorney on the case, and he recently overturned a state law in the City of Hammond finding it was unconstitutional, it was special legislation, and we won, so we wanted the same Attorney that helped us overturn one statue for this one. That's a more difficult battle that will probably take awhile, maybe months before that's finally heard. The most important part is getting your appointee appointed, just like you wanted. It was confirmed 9-0 with a week to go before the dead line passed. You guys did everything you were supposed to. Maybe we should have sent a letter, but we didn't. But it doesn't matter, according to the St. John case out of the Indiana Supreme Court. So, I want to thank the Council for supporting the administration and I think we are working really well and I think you are going to get the result you are looking for. I'm here to answer any questions.

Council President Markovich- Mayor, I believe the Convention Bureau meets on the 3rd Thursday, they have a meeting August 15th, usually they don't really say where it's at or anything, do you know?

Mayor McDermott- They usually have them at the place in Hammond.

Council President Markovich- Well they usually have them at the Convention Bureau, but they been known to go to... last months meeting was in Cedar Lake, so they choose different places. I don't know if they really notify the press when there meetings are?

Mayor McDermott- I know that there's a special meeting, there's a lot going on, this lawsuit has caught fire. There's a lot going on at the Convention Bureau right now. I don't think the Board is happy with the CEO and there's a lot of turmoil on their side. We are in the right, you guys made an appointment, you represent 81,000 people, and he refused to recognize that appointee. What are we gonna do? You either get bullied and accept what he's doing or we fight, and that's what we're doing. I'm proud of you and I'm proud of the City, when a body that represents 81,000 people speaks, I think Speros has got to listen, no one votes for Speros, you're all elected, no body votes for him. I don't know if you have any more questions?

Councilman Torres - I also would like to research the matter into just checking if you can use whatever attorneys he can, or our Council Attorney, to see there's a way we can withdraw from this Convention Visitor's Bureau. For one thing, I think the City of Hammond does an excellent job of doing it's own promotions. You as the Mayor, are constantly promoting our City, through the events in the Civic Center and the Lake Fest and so fourth. I think we can use what ever money we contribute to our hotels and restaurants, Innkeepers, for our own personal use and we can do a lot better job then what this Bureau has been doing for us. Quite frankly, I just don't see anybody or any shops selling Hammond, Indiana tee shirts or novelties, or anything. I just don't see what they do for us. We can do a better job by creating our own Bureau, creating our own budget, and doing our own promoting.

Mayor McDermott- Going off of the Councilman and what he's saying, I can tell you right off the bat we would save a quarter of a Million Dollars, cause we're looking at salaries, obviously, which are pretty preposterous high salaries. If you saw, I was going to post the whole thing but I decided just to post the CEO salary, but my goodness, if you look at the salaries in the South Shore Convention and Visitor's Bureau, most of them are in the upper 80 or 90's and then all of the friends of Speros are over 6 figures each, Speros' salary is \$ 230,000.00 a year. He gets a bonus, a

NEW AND UNFINISHED BUSINESS cont.

Mayor McDermott cont. - luxury suv, and 401k, all that stuff. I tell you I've been in government a long time, the only people I see making that kind of money are basketball coaches, Tom Crean makes more than that, the head coach for the Purdue Boilermakers makes more than that. They're government employees just like us and they make millions, but all us regular people that work for the government you never see a salary above \$200, he makes \$230 plus, plus, so I tell you that's a huge waste of money in my opinion and it's time to call it for what it is and get control, and it starts with us putting the person that you chose on that board and making them think a little bit instead of just throwing money away. \$230 grand for a CEO of that organization, you can do it for a \$100 grand less. The Governor of our state makes \$ 95,000 a year and the head of the Lake County Convention and Visitor's Bureau makes \$230 grand. It's preposterous, it's ridiculous, it's wasteful, if we could withdraw and form our own, Councilman, I'd be on board.

Council President Markovich- All these hotels, Hotel Motels tax they pay, we have at least 8 or 9 hotels ourselves, so if like what Councilman Torres said, if we had our own, that money would just stay right here then.

Mayor McDermott- We got two under construction too, Councilman, I mean we have hotels in Hammond. We would do pretty well. We do pretty well contributing towards the heads in beds theory they operate under. We have a lot of hotels and pay a lot of tax money. It's tax money. This is a government agency we are talking about. I tell you the head of the RDA is a great guy, a friend of mine, and he makes \$75-80 grand less than Speros, the head of the RDA. The one that is doing the South Shore expansion, the one that's doing all this, he makes \$75-80 grand less than Speros does. This is Lake County, I would love for Lake County to be like Disneyland, I'd love to to have a huge tourist population here. For someone from Lake County to make that kind of money in tourism, wow, I was completely amazed at how high that salary was, but it makes sense when you've got a board that you basically appoint yourself, that board gives you good pay raises I guess. But I appreciate the support, I promise we will fight hard to get your appointee on there. I have a real good feeling that you will see Raymundo on the board. The special legislation is a much harder ordeal . Any other questions? Thank you guys.

PUBLIC EXPRESSION

Michael Newell- I'm here to represent the residents of my street. The problem is our street is hard to navigate if you have cars on either side of the street. It's hard to drive down. So I was wondering if we could get the street wider and the side walks done, also improved lighting.

George Stoya- I want to commend this Council for filing suit against Speros. However, I am concerned about the cost. I know we got some issues. But these are issues of law not much discovery but from my view that statute as it's currently written, whether it's special legislation or not, to me that's a secondary issue. The issue is, did we comply with any notification thing?

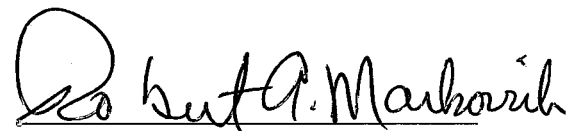
Mayor McDermott- I agree with George. I think the most important thing is to get Raymundo on there. That's step number one. That's your appointee, you have every right to put him there. You appointed him in time, that's step number one. I agree and I promise you I will watch the bills on the special legislation. I promise you. I think it's an important issue whenever we have a law that's passed that applies unevenly. You're supposed to pass laws in Indiana

PUBLIC EXPRESSION cont.

Mayor McDermott cont. - that apply generally across the State. If DUI's was .08 across the State but it was .07 in Lake County, that would be special legislation. They treat us different than the rest of the State and that's what this is about, and personally I don't like it. Maybe I'm a little too wrapped up when it comes to stuff like this, but I don't like being treated differently in Lake County then they do in Porter County, totally different statutes. In Porter County if you guys would have missed the deadline it would of just gone unfilled until you filled it. In Lake County if you miss the deadline, Speros guy gets to appoint a new person. Completely different than theirs. I agree with what George said, step one, I think, is the easier one, is getting your appointee appointed. Step two, I promise you I will watch the bills on that one. Thank you for pointing that out George.

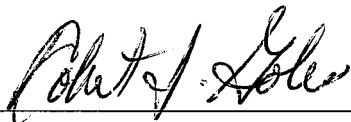
Councilwoman Venecz , supported by Councilman Torres, moved to adjourn.

AYES: ALL



Robert A. Markovich, President
Hammond Common Council

ATTEST:



Robert J. Golec, City Clerk

Time: 6:30 p.m.

dw