

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on July 10, 2023 in the Hammond City Council Chambers and was available to be viewed at gohammond on Facebook, gohammond.tv live and per Zoom.

Council President Scott Rakos presided.

City Clerk Robert J. Golec facilitated.

PLEDGE OF ALLEGIANCE was recited by all.
Invocation by Councilwoman Alexander.

ROLL CALL

PHYSICALLY PRESENT: Alexander, Spitale, Venecz, Torres, Tyler, Woerpel, Emerson, Rakos

ELECTRONICALLY PRESENT PER ZOOM: Kalwinski

ABSENT: None

TOTAL: 9

MAYOR'S ADDRESS

Mayor McDermott - Thanks, Council. Good to see you all. I want to come approach the bench, if you don't mind, hand out some stats that some Council People are waiting one. Mayor read stats on gas stations, see attachment. Unfortunately, Hammond had another violent crime that took place at a gas station after the hours of midnight, about a week ago. This isn't the only time this has happened, obviously we've had hundreds over the last (4) four, (5) five years. I think it's very reasonable to... definitely within the power of the City Government, we issue business license, we are given powers of the Indiana Code to regulate hours. I think this is a sample decision. I know it affects people, but we can plan better so you can fill up your gas tank during business hours before midnight. We are talking about midnight to 5am. Between those hours the gas station under Hammond Ordinance, would be required to be shut down. Now, there are some gas stations, we are the crossroads of America, and there are some gas stations that people are traveling through the area, between the hours of midnight and 5am and they may need to get gas. I understand these situations come up, so we have set up a system in here... perfect examples would be the new gas station that is being built down by Cabela's, I think its called Casey's, it's not open yet. It's got (30) thirty, (40) forty pumps. They literately put it there strategically, so there's people on the highway that need to get gas after hours, they simply pull off and that gas station could petition to stay open if they want to stay open. Maybe they don't want to be open between the hours of midnight and 5am. But, if they want to be open they go to the Board of Public Works and Safety, where a Hammond Police Officer sits on that panel, the Assistant Chief of Police, quite frankly sits on that panel and we get asked questions, like do you have security system in place, do you have a good track record, have you ever had calls for service, things like this... If it's a situation like the one on Casey's, it's off the interstate, it makes total sense for it to be opened. A lot of places where these crimes were taking place in the middle of the night, quite frankly I'm not sure why they stay open til (2) two, (3) three in the morning. It's not off the interstate. The violent crime we had last week, was right in downtown Hammond, not near an interstate at all. I can't imagine how many people are fulling up their car in (2) two in the morning. I think it's unsafe. That's where I'm coming from, I've been in charge of this City for (20) twenty years, I work hand in hand with the Hammond Police Department to try to give us the safest community possible. And if you are serious about your job about providing a safe community, I think this is a no brainier. This is about safety, it's about people that

*Prepared by
Robert J. Golec
Hammond City Clerk*

MAYOR'S ADDRESS cont.

Mayor McDermott cont. - work there, safety for them as well. If my son wanted to work between midnight and 5am at a gas station, I wouldn't feel safe letting him do that and I don't think anybody should be put in that position. This is one of the best economies we've had in the United States of America in the last (50) fifty years, right now. Unemployment is as low as it's ever been, right now. I know there's some concern from the Council that are currently working these jobs, that's a great concern I totally sympathize with what you're saying. They will find a job, this is the best economy that you could ever be looking for a job in right now. So let's give them a break, get them out of this potentially dangerous situations so they could find another job and make good money. I'm having trouble understanding why anybody won't be for this ordinance, I really am. I'm strongly behind it, I know the Hammond Police Department is strongly behind it. 650 something calls for service, that people go out and manned these calls for service are strongly behind it. Now I need to convince the Council to get strongly behind it. I tell you, everybody should be watching this. I know, I've been elected (6) six times in this City, I know what our residences want. They want a safe City Hammond Council, they want us to make tough decisions to make it a safe City. If you want to coward behind some fictitious concern, I think this is crazy, this is a no brainier guys. We have to make this happen and send a signal to the bad guys, this is not where you do business, not Hammond Indiana. That's not the way it should go, all do respect guys, this is an easy decision. I hope in (2) two weeks when it comes up to third and final you support the Administration and the Hammond Police Department and the Hammond Fire Department, with an ordinance that's a no brainier. Does anybody have any questions on this, because I can go on to other things but, I see there's a number of people here. I get why there's a lot of concern, I get why the owners of the businesses are sitting in the audience, I get that. Let's keep in mind the tens of thousands of people we represent that are slapping of us right now for doing something that's common sense. Why are you at a gas station at (2) two in the morning in downtown Hammond, you're not traveling across the Country, you're hanging out and somebody got killed. We need to do things to help the Hammond Police Department, it's not all their fault. We got to do things too guys, if we are afraid to tackle the tough issues, I don't know why we are doing this job, this is an easy one in my opinion. I'm sorry but, if there's no questions on this, I'll move on to the next. I know you have a judgment bond before you regards to a case that we talked about in executive session, that's a \$9.6 million judgment bond, obviously we talked about that in great length in executive session at the last Council Meeting. For those of you that have questions, I talked about this at great lengths as well. That was a verbal agreement in the James Hill case. July 5, 2023, Councilman Barry brought to my attention today, he's getting a lot of push back from his residents in the 3rd District, I want to read off this statement from the Hammond Sanitary District. "On Wednesday, July 5th Hammond Sanitary District, City of Hammond experienced a major rain event that lead to localized flooding and unfortunate basement backups." To start off before the July 5th rain, on July 2nd Hammond received 2.5 inches of rain, so the ground was well saturated already. So on July 5th when we received.... started at 6:30pm on July 5th intense rain fall throughout Hammond, but specially in Hammond's 3rd District. Rain fall in an intensity of (2) two inches per hour, the intense rain overwhelmed all sewage system. All pumps and all structures we operating properly. All pumps and all structures were well maintained, the sewer system is cleaned regularly and had been cleaned in this area recently. We have an approved sewer maintenance program that's monitored . Hammond Sanitary District brought in additional personnel during this event, keep in mind our waste water treatment plant is designed for 48 million gallons a day and we were treating 69 million gallons during this storm. The CSO (?) Basin was discharging in the rate of 500 million gallons during this storm. We had a combined sewer overflow that day, it's a reportable event, we have to report to the United States EPA. We are

*Prepared by
Robert J. Golec
Hammond City Clerk*

MAYOR'S ADDRESS cont.

Mayor McDermott cont. - bypassing the plant, doing everything we can to prevent basement backups. But unfortunately we had a total of 74 confirmed basement backups in the City of Hammond and unfortunately for Councilman Tyler 64 of them happen to be in the 3rd District. I apologize to anybody that was affected by this, obviously these storms are getting more intense, more frequently. It seems like we have dodged them since about 2020, we haven't had basement backups and we just got hit again. I know, Councilman Barry is feeling the heat, I really feel horrible about what's going on. Obviously our system is doing everything it can to keep up with these new storms. I normally go through my previous couple of weeks, seems like you guys want to move on with things today. Just want to point out that we had the July 3rd event, we had over 700 people attend, the pavilions July 3rd event. Visions of Santana played the summer concert series. We did a lot of work in Hessville it seems like recently, we had a Blight Elimination Plan Meeting with the Hessville Business Association, Councilman Rakos was there. I also met to discuss the future of the Little Red School House in the redevelopment and reprogramming of Hessville Park. Cut the ribbon on Little Calumet River Pedestrian Bridge heard it on WJOB. Discussed the upcoming Festival, key to the City to Dan Repay. Festival of the Lakes Launch Party, we've had a lot of stuff going on. Met with the members of the Hammond FOP at the 18th Street Brewery to discuss upcoming contract negotiations, their contract starts next year and we're talking about it already. Ran against all of our employees in the Roadie Run 5K. It's been a busy 2 weeks, it's gonna be only busier for the next few days coming up. I appreciate everything you guys do, if you don't have anymore questions I apologize about my lengthy report today.

Councilman Tyler - Mayor, in regards to the flooding I know in the past we've given support to residents we have had issues, especially with sewage coming up in their basements. Is that something we are considering doing this time around too?

Mayor McDermott - I think it's a great idea Councilman, but more importantly there's a program run by the Hammond Sanitary District and this is a disturbing statistic about the people... we monitor floods real closely in this District, we monitor all of our basement backups to see if we have repeat performers unfortunately. In this situation Councilman, out of the 64 houses in the 3rd District that flooded, 48 of them had flooded previously. We offered this 50/50 Backflow Preventer Program, which would eliminate this problem. I know it's costly for the homeowner, there's a 50/50 program through the Sanitary District and quite frankly Councilman if we were to do relief, I think this is the best relief we can give anybody is to try to figure out how to... instead of giving them mops, to give them the backflow preventer because this problem will go away with that. It's more expensive than a mop is but, it's a preventer, we are not going to be talking about this again. We seem like we have repeat performers in your District and I think that's what we should focus on personally Councilman. But, I'm willing to work with you.

Councilman Tyler - I agree. I've been personally handing out the mops. So if we as a Administration can work together to figure out if there's, I don't know if there's more assistance we can help with instead of 50/50 maybe 75/25.

Mayor McDermott - I think we should talk about that, I think that should be our goal Councilman. I mean the cleaning, that's really nice you did that. If we're going to be involved as a City and we know we have consistent problems in this neighborhood I think this should be our goal okay. I'm willing to sit down and talk with you about it and we can bring the Sanitary District to the table. Thank you by the way for bringing all this up and being a good Councilmen and monitoring this.

Councilman Woerpel - The 50/50 program for the back flow preventer, I know you were out there in 2020 by Dowling Park and our City Engineer, Mr. Button happened to be at one of the residence I was at and he suggested the backflow preventer. And it is a 50/50 program and that resident was unaware of it and when she bought it, she has never been happier.

Mayor McDermott - I know, and the thing is it's a great program. It's hard to get people to bite that bullet has Councilman Barry is pointing out. If I remember it's \$4,000 or \$5,000 and it's 50/50, so it's half and half so the homeowners out \$2,500, but it's still a pretty big bite for a lot of our residents. What happens is they cleanup and it goes away for (2) two years and then (2) two years later we are here talking about it again. So, I think if we are going to have a goal Councilman, that should be the goal.

Councilman Tyler - Or maybe too, I know it's a reimbursement program so maybe, I don't know if the City can cover our 50% up front?

Mayor McDermott - Well this is a Sanitary District program, keep in mind.

Councilman Tyler - HSD can cover their 50%....

Mayor McDermott - Lets get something going with you and me and the leadership, ok.

Councilman Tyler - ok.

Mayor McDermott - Thank you Councilman. I didn't mean to come in hot Council, I didn't mean to come in hot! But it's, you know and I realize there's business interests involved, I get that. But there's also people that are losing their lives involved as well. And they don't let to come here and petition where or not they think the gas station should have stayed open later. I betcha the young man that lost his life recently would of wished they closed (2) two hours earlier. We need to make tough decisions guys and I think it's time that, you know. So anyway I appreciate you all very much and if there is no more questions I'll go ahead and sit down.

Councilman Kalwinski - For the Mayor, regarding the gas stations, do other cities or towns have similar ordinances?

Mayor McDermott - Thank you Councilman Mark. We didn't really monitor our neighbors, I know gas stations shut down on their own. For instance, we were talking about Highland earlier, Councilman Mark, and Highland gas stations shut down. I'm not sure if that's voluntary or if it's just done by ordinance. But for instance, in my neighborhood the gas stations voluntarily shut down and I live in a heavily traveled gas station neighborhood. Right Councilman Woerpel, you live even closer to it then I do. I live right by the 7500 block of Indianapolis,

*Prepared by
Robert J. Golec
Hammond City Clerk*

Mayor McDermott cont. - there's multiple gas stations, probably close to a (100) hundred pumps on that street. The gas stations all started closing down at like 11pm and that place is dead at night and that's wonderful. You know what, when it's a dead neighborhood and there's nobody around, you see if there's people hanging out up to no good, you see it. You don't see it right now because it's so crowded and so busy. And if we start thinning out the neighborhood like that then it gives the Hammond Police Department a better chance of catching the bad guys. Which is what our job is to help the Hammond Police Department catch the bad guys. So Councilman Mark I can't answer your question specifically, but I do know that there's a number of gas stations where I live that close down early. And I do want to point something out Councilman Mark, I did speak to the owner of a large chain of gas stations throughout NWI and I was ready to hear an earful and instead he was happy. He said we are already having staffing problems, I think it's a little dangerous late at night like that anyway and it sorta levels the playing field. If everybody shut down it's a little bit easier then if voluntarily shutting down. I was surprised to get that, it made me happy because I thought he was going to be upset with me.

Councilman Kalwinski - Also regarding that, what's specific criteria will the Board of Works use to deny or grant an exception, shouldn't that be in this ordinance?

Mayor McDermott - Sure Councilman Mark, I think if you want to add that to the ordinance factors to consider, we would have no opposition to that at all. I think personally factors to consider should be, are they really an interstate gas station are they close to the toll road are they close to 80/94 are they close to Cline Avenue. Do they have a security plan are they cops at night, do you have a security system. Are they good neighbors already, what if we have hardly any calls for service there and they want to open at night, I think that's a factor. So if you wanted to add those to the ordinance Councilman Mark I would not be opposed.

Councilman Kalwinski - Regarding what the gas stations owners are willing to do to try to stay open from 12-5am, have we heard from them to see if there is collaboration about how they would police themselves to make it safer, if they were to remain open.

Mayor McDermott - What do you mean if the ordinance didn't pass?

Councilman Kalwinski - Right.

Mayor McDermott - If the ordinance didn't pass it's like it is right now. Everybody gets to decide what they want to do and there's no ordinance that requires security at night. So the gas station owners that wanted to stay open would have to do nothing. Just continue to operate has they have been.

Councilman Kalwinski - If the gas station owners organized and came together with a plan on how to make things safe for citywide. Would that be reasonable to listen to?

Mayor McDermott - I think that's why we got elected by the residents of Hammond, so we can come together and make decisions citywide. Not the gas station owners, Councilman Mark.

Councilman Kalwinski - Okay, thanks.

Councilman Torres - You know, I was going to save my comments for when we got to the ordinance discussion period, but I can ask it now. That's the same point I had, as anybody approached the effected business owners and ask them how they feel. Maybe they will voluntarily close, maybe they'll take security measures or add some technology equipment that might help the police, they can do things on their own. My only problem with this ordinance is and I believe a lot of them are here, I don't think anyone has approached them. Just like I was surprised by this ordinance when it hit the packet this weekend. I read it in the articles I saw it in the paper I didn't know that gas stations were the main cause of all this night crime that we're talking about.

Mayor McDermott - I don't think it's the main cause. I think...

Councilman Torres - It's one cause then.

Mayor McDermott - I think the bars are the main cause, we can't regulate them. It's regulated by the State.

Councilman Torres - But we have no control of bars and liquor stores and that.

Mayor McDermott - Yes sir.

Councilman Torres - And we have control of gas stations.

Mayor McDermott - Yes sir.

Councilman Torres - Okay, thank you.

APPROVAL OF MINUTES

Councilman Spitale, supported by Councilman Emerson, moved to approve the minutes of June 26, 2023 and place on file. AYES: ALL

APPROVAL OF CLAIMS

Councilwoman Venecz, supported by Councilman Woerpel, moved to approve the claims from July 3, 2023 through July 5, 2023. Claim #4260 through claim# 4615, inclusive. In the amount of \$5,516,345.64.

ROLL CALL VOTE (claims)

AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Woerpel, Rakos

NAYS: None

ABSENT: None

Motion carried

9/0/0

CLAIMS APPROVED

PUBLIC HEARINGS

23-13 An Ordinance Vacating an 145' Foot portion of the 5900 Block of Jackson Avenue in the City of Hammond, Lake County Indiana

Tom Novak - This one's a bit simpler than the other items tonight. We can't (?) on why, but this is to kinda fix an anomaly in the plating of the right of ways in this area. Just North of Lewis Street and North of Highland Street there is a 80' wide section plat of Jackson Avenue, 5900 block. This includes a large 40' wide triangular area of grass that Mr. & Mrs. Nunez were here tonight, them and the owners before them have been basically using it as their yard. But for some reason it's plated as a right of way. This area was plated in the 1890's and again in the 19 tens, so I can't guess as to why. Basically the City Engineers reviewed it, he said there's no opportunity to expand the roadway here, it should not affect anything and he's okay with it. So this will not affect the sidewalks or the streets, it is just a grassy area to the West of where Jackson Avenue runs Northerly here.

COMMUNICATIONS

Councilman Woerpel - We all received an email from Mr. George Stoya pertaining to Ordinance 23-16 today. I make a motion duly noted and placed on file.

Councilman Woerpel, supported by Councilwoman Alexander, moved to place Mr. Stoya's letter on file.

AYES: ALL

Councilman Tyler - On Saturday, July 29th at the Hammond Sportsplex there will be a free baseball camp for boys and girls ages 7-21. In the morning there will be a youth camp and training session and in the afternoon there will be a three on one contest and a one on one contest. There will be prizes, t-shirts, food. This is sponsored by myself and the family of Teyone McCoy who passed away recently. His family wants to do something to honor his memory and hopefully the community will come out, I think it would be a great time for kids that are interested in the game of baseball, no matter their skill level to come out and have some fun, have some free food. And then learn about Mr. McCoy and what he meant to the City of Hammond. So once again, that's Saturday July 29th for ages 7-21 it will start at 10am. I don't know if we have announced this already, but on August 2nd the School City of Hammond is having their Back to School Celebration from 10am-2pm, just across the street, at Hammond Central High School. They will be giving away school supplies, immunizations, you can register for school. They will have games, food, music, haircuts, health professionals, dentists, vendors and more. If you want to be part of that event, you want to volunteer or sign up as a vendor, you can call 219/933-2400. And once again that's from 10am-2pm and it's open to any student and they'll give away supplies and much as they have until everything is gone. Thank you.

COMMITTEE REPORTS

Capital Improvement Board - Councilman Woerpel - Met on July 5, 2023 allocations approved were \$44,885.66 to J & J Newell for the sidewalk program, funding allocation for the Kennedy Ave. Road Diet Supplement Design First Group Engineering for \$33,100, Summer St. Advanced Clearing Howard’s Tree for \$9,000 and funding allocation for the Citywide Stripping Traffic Management Company for \$100,000.

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

- C.W. at Mount Zion Pleasantview Plaza- Wed., July 12; 1 p.m.
- East Hammond Pullman C.W.; Ophelia Steen; July 18; 6 p.m.
- Edison C.W. will not meet until September
- Harrison Park C.W.; block party at Harrison Park on July 22; 12-4pm and Aug 8; VFW
- Hessville C.W. will not meet in July
- Irving C.W. will not meet until September
- S. Hohman Neighborhood Watch will not meet until September/October
- Whiting-Robertsdale C.W.; Thur., July 13; 6:30 p.m.; Calumet College

Councilwoman Venecz - Every meeting I urge our residents to come to our Community and Crime Watch Meetings. That’s how you find out what is happening in your neighborhood. The ordinance before us tonight came out of statistics that we heard at a Crime Watch Meeting, in our neighborhood. Things that were going on in our neighborhood. And for the safety of our neighborhood and our residents we will always look out for their safety, always. So, I urge everyone to come to a Community or Crime Watch Meeting and learn about what is happening in your neighborhood. Because community is just not about me, it’s about us, it’s about all of us. I would like to make (1) one more announcement. Fireworks are officially over. July 9th, was yesterday there should be no more fireworks in your neighborhood. If you have a specific address, contact the Police Department, they can’t follow the smoke they’ve got to have an address, be sure to call 911.

Councilman Tyler - CAW will be bringing out 23-13 for 3rd and final passage.

ORDINANCE 3RD READING - FINAL PASSAGE

23-13 An Ordinance Vacating an 145' Foot portion of the 5900 Block of Jackson Avenue in the City of Hammond, Lake County Indiana

Councilman Tyler, supported by Councilwoman Alexander, moved for passage.

ROLL CALL VOTE (23-13)

AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Woerpel, Rakos

NAYS: None

ABSENT: None

Motion carried

9/0/0

ORDINANCE NO. 9602 PASSED

*Prepared by
Robert J. Golec
Hammond City Clerk*

INTRODUCTION OF ORDINANCES

23-14 Appropriation Ordinance City of Hammond, Indiana (General Obligation Judgment funding Bonds)

Councilwoman Venecz, supported by Councilman Spitale, moved the proposed ordinance to 1st and 2nd reading, referred it to Council as a Whole Committee with a meeting at 5:00 p.m. on July 24, 2023 and a Public Hearing on July 24, 2023.

Councilwoman Venecz - This is an appropriation for \$9,600,000, the cost of a judgment with Mr. James Hall.

Councilwoman Alexander - Can we ask how this is going to affect our residents once this goes into play?

Mayor McDermott - As a reminder to the Council, this is a case emanating from 1981, rape case. The gentleman did almost (18) eighteen years in prison, sued the City upon being cleared by DNA. The verdict entered against the City \$25 million, we negotiated it down the \$9 million. Obviously this is not wonderful I'm think it is a completely reasonable question, I will have Kevin come forward, Corporate Counsel, to explain how it affects the Hammond taxpayers.

Kevin Smith - Thank you Mayor and good evening to the Council. Specifically it will be a (15) fifteen year judgment bond. The affect on a homeowner at the maximum and will be \$5.44 per year and the low end will be (0) zero, depending on your assessed value. However, the low end of anybody paying will be \$2.80 per year. It adds (3) cents \$.03 onto the property tax rate. So it's very minimal, under a 1% increase.

Councilwoman Alexander - Thank you.

Councilman Kalwinski - Maybe Kevin or the Mayor can answer this question. Are other cases without naming them, pending against the City which may result in large liability judgments or settlements in our future that we are aware of?

Mayor McDermott - Councilman Kalwinski, I bet you there's over (50) fifty pending cases against the City of Hammond right now. If somebody falls and trips on the sidewalk and slams their face on the sidewalk, the City of Hammond get sued. If there's car crashes in the City of Hammond, sometimes they allege that we did something wrong with the streets. So, there is a number of cases pending at all times against the City of Hammond, that's always been the case. Probably will always be the case. But, as far as large Police verdicts, there's a couple cases we are monitoring, in my opinion this is one of the big two that we got rid of. We've gotten rid of both of them now. The other cases are concerning, but not nearly as... I don't think there is any type of liability like we've been facing with the previous two cases Councilman Mark.

Councilman Kalwinski - Well thank you. Also, I know we are self-insured, but isn't insurance available or any kind of protection to the City from liability on losses that we can purchase giving that... what if we had a \$100 million judgment against us. Is there a place to go besides our self-insurance to help us protect the Cities future?

INTRODUCTION OF ORDINANCES cont.

Mayor McDermott - I mean, there is insurance for everything Councilman Mark. I'm sure there's this type of insurance out there, but you know, any type of insurance that gives you \$100 million worth of coverage is going to cost you at least a million or two. In my opinion, every year, at least probably even more. So, I think that if you're looking for that type of coverage it's going to be cost prohibitive. But we are self-insured, typically most cases result in a verdict of less than (6) six figures. This one was an exception, obviously. But we knew this case, we've all been talking about it. Councilman Mark, I know you've been a Councilman for as long as I been the Mayor, we've been monitoring this case. The other tough case that we fought our way through and ultimately settled was the Larry Mays case, that case was settled. This James Hill case is hopefully going to be settled now, if the Council goes along with this judgment bond. And in my opinion Councilman Mark, the major liability cases are out of the way. We have a couple other cases we are monitoring, but I recently spoke with our litigation attorney's and they're not as concerned with the other two cases we're monitoring, as they are with this one. This is the last of the 1980's cases, how about that.

Councilman Kalwinski - Thank you Mayor, thank you Mr. President.

Mayor McDermott - I was (11) eleven years old when this happened. Councilman Barry wasn't even born yet. So we are dealing with things that happened along time ago, it's part of our job it's not wonderful, I think nobody is happy about this. I do want to say to the Hammond Council, I got an opportunity to speak to Mr. Hill, I apologized on behalf of the City of Hammond, we had a heart to heart. I think it made a difference, obviously I feel horrible about everything that happened to him. I think this is good compensation for being wrongfully convicted. I hope it's good compensation, his attorney's thought it was fair.

Councilman Woerpel - Bottom line to this, is we are ordered by a Court to pay \$25 million correct?

Mayor McDermott - Councilman Dave, if for some reason this fell apart, this is what we are facing. We were going to the Seventh Circuit on appeal, we were appealing the \$25 million verdict, interest was ticking. We were losing about \$140 thousand a month on interest alone, on a \$25 million verdict. So, if we appealed for (2) years, do the math, you're talking a couple million dollars in interest, right. We were hanging our hat on, we thought we'd be successful at the Seventh Circuit, we had great lawyers, we had great argument, and it felt Seventh Circuit was the right venue for us, but we were taking a big gamble. If it didn't go as we planned, our only option would have been the US Supreme Court and that's like a lightning strike to appear before them. And if we failed at Seventh Circuit, we'd be facing the \$27/\$28 million verdict with interest. By the way, on the other side it was Attorney King representing Mr. Hill and their office had a \$25 million verdict and they settled for \$9 million. So they knew there was risks in the Seventh Circuit as well. They didn't want to take the chance that maybe we did win in the Seventh Circuit and our verdict gets turned into a (0) zero and we start all over again. So there was risks on all sides and usually in cases like that you could arrive at a good number, I think this is a fair number, I really do. I wasn't thrilled with it, it was much higher than I wanted to pay and Mr. Hill certainly wasn't thrilled with it, it was much less than he wanted to make. Usually results like that are the best deals. I know this is a tough issue guys, believe me I've been complaining about it for the last (5) five years we've been litigating, you know, I was (11) eleven years old when this started. But it's been a big problem for a long time and it's almost over, so I hope you can support us on this.

*Prepared by
Robert J. Golec
Hammond City Clerk*

INTRODUCTION OF ORDINANCES cont.

Councilman Woerpel - Thank you.

ROLL CALL VOTE (1st & 2nd)

AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Woerpel, Rakos

NAYS: None

ABSENT: None

Motion carried

9/0/0

MOTION CARRIED

Council President Rakos - Also, before we go on anybody wishing to address the Council under Public Expression, come up here and sign you name. At the end of the meeting there is a Public Expression time where you will be allowed to speak.

23-15 An Ordinance of The Common Council of the City of Hammond, Indiana, Authorizing the Issuance of Bonds For the Purpose of Providing Funds to be Applied to Pay Costs of a Judgment and/or a Settlement owed by the City and Incidental Expenses in Connection Therewith and on Account of the Issuance of the Bonds; Other Matters Connected Therewith, including the Issuance of Notes in Anticipation of Bonds; and Repealing Ordinances Inconsistent Herewith

Councilwoman Venecz, supported by Councilman Tyler, moved the proposed ordinance to 1st and 2nd reading, referred it to Council as a Whole Committee with a meeting at 5:00 p.m. on July 24, 2023.

Councilwoman Venecz - This ordinance authorizes the issuance of the bond for the \$9.6 million in the James Hill case.

ROLL CALL VOTE (1st & 2nd)

AYES: Alexander, Spitale, Venecz, Kalwinski, Torres, Tyler, Emerson, Woerpel, Rakos

NAYS: None

ABSENT: None

Motion carried

9/0/0

MOTION CARRIED

23-16 An Ordinance Regulating the hours of operation of Automobile Fueling Stations within the City of Hammond

Councilwoman Venecz, supported by Councilman Spitale, moved the proposed ordinance to 1st and 2nd reading, referred it to Council as a Whole Committee with a meeting at 4:00 p.m. on July 24, 2023.

Mayor McDermott - Just so everybody in the audience understands, we all know because we do these meetings all the time, 1st & 2nd reading is typical, nothing really happens between 1st & 2nd reading. 3rd and final reading when we go for that, that's when ordinances get passed. So, this period we are in now, which is (2) two weeks at least, is the period where changes are going to be made to the ordinance changes will be made. So it's a good opportunity for us to lesson to feed back and recommendations and if recommendations come up to make the

*Prepared by
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INTRODUCTION OF ORDINANCES cont.

Mayor McDermott cont. - ordinance stronger, we can change it in the next (2) two weeks. I don't want anybody coming here to think that this is happening right now, it's not. This is all procedural, 1st & 2nd is formality, for the most part, 3rd and final is when we make that, that when you're passing an ordinance. I wanted to point that out to the audience so they understand what's going on. Thank you.

Councilman Woerpel - I would like to just go with Councilwoman Venecz's proposal for 1st and 2nd reading, but I don't think (1) one hour, before the next Council Meeting is enough time, because these people that are about to speak to us have (3) three minutes and we can't interact with them to ask questions. I propose we do the committee as a whole meeting on Thursday, July 20th at whatever time works for everybody to be there. If nobody has any objection to it.

Councilman Spitale - What was that date?

Councilman Woerpel - I just proposed that we have the Council as a Whole meeting on July 20th, the Thursday before next meeting. That way public can come, I've got longer than (3) three minutes and we actually have the opportunity to interact and ask questions. If nobody has any objections to that.

Mayor McDermott - I can't be there that day, but I can make sure members of the administration are there. It's not important if I'm there or not. But I don't want anybody thinking I'm blowing you off if I'm not there.

Councilman Woerpel - Whatever works. I just think (1) one hour before a meeting... I mean, they are going to speak for (3) three minutes and we can't ask no questions.

Mayor McDermott - No, I have no problem with that, I agree by the way. I don't think if this is, obviously there's a lot of people concerned about this. I think doing it right before a Council Meeting will be bad.

Councilwoman Venecz - My intention for requesting the Committee Meeting at 4pm, was so we would be able to air our concerns. Then if we needed to come back at another time we would be able to... because there's no guarantee that this ordinance is going to pass at the next meeting. Given the discussion that everyone, I'm assuming, that would like to have. I just thought that by limiting it to (1) one hour before the next meeting that we would be able to gather some thoughts and then have some discussion at a later date. But I'm open to anything.

Councilwoman Alexander - First of all, my condolences to that family because I don't want any of my comments to seem like...you know the word I'm looking for. But it's from my understanding that we do have 36 to 37 gas stations in our City and approximately 16 of them are open 24 hours. So my question Mayor, and I wanted to put it under this portion, not the beginning just so it falls right in the category. The question is, (1) one with us making this change, if we did pass this change, (1) one the question is and it's probably gonna be off of the owners is one is how is it going to affect their employees. Another question....

Mayor McDermott - Can we go one at a time?

*Prepared by
Robert J. Golec
Hammond City Clerk*

INTRODUCTION OF ORDINANCES cont.

Councilwoman Alexander - Sure go ahead.

Mayor McDermott - That would be... We could insert that in the next couple weeks into the ordinance. If you are more comfortable allowing to faze in, insert it into the ordinance. This ordinance can be modified, as you all know. So, if you would all feel more comfortable saying October 1st, but October 1st in there, November 1st whatever. To give everybody an opportunity to get ready for this, I have no problem with that. Right now as written, I think it would take place after you all, if it was approved. So if you want to insert that Councilwoman, that makes sense to get everybody an opportunity to get ready for it.

Councilwoman Alexander - Next question. Out of the gas stations that are now open over midnight, and I know you just provided us with some data, before even thinking about agreeing to this, we need more data. Even from even the gas stations for instance on what instances are happening between the hours of 12-5am that could affect with what we're talking here today. So if there is statistical data from the Police Department to you could provide to us, I know that we talked about it, but like I said I want to make sure that all these things are on record that we have that statistical data that can back this up. Because currently, just like Councilman Torres, I heard it from the news I got it in the packet and I definitely want to give more time and consideration to something that's so delicate. It's delicate for multiple reasons, it's delicate because we had a death in the City, but we also have crime all throughout the City and I understand public safety is definitely important. So, if we can get those statistical numbers from our Police and maybe even from our gas station owners on what happens during those hours and if that data does not line up, of course, we can make modifications. But if there is only (16) sixteen open and let's say only 1% is having a major issue, does that deem for us to make this ordinance pass. The other thing is, how many issue have happened where it was employees involved at the actual work place is a concern of mine. Because if definitely there's issues with things happening with their employees, then definitely we want to see how we can help rectify that. And another solution that I thought of was, that maybe we add into this is maybe we require them to have armed security guards at the facility to help facilitate with some issues, because it is open overnight. But my next question is, if they close overnight how are we going to help make sure that their business is secure? I know we can ask them for cameras and things like that, but if they are use to having business going through overnight that means some of them probably have less issues going on. But will happen once that business is closed overnight, will it cause for more issues to happen such as break ins and things like that.

Councilman Woerpel - This goes back to my original proposal of doing it on a day when we have longer than an hour to talk about it. We can do both, we can have a meeting on the 20th and let the public come and the gas stations owners come and we, again, they're gonna come up and speak for (3) three minutes, we can't no questions or respond to any answers, so we can do both. We can have the committee hearing on July 20th and we can do like before and schedule another committee hearing. I just feel like this issue is strong enough that we need to hear more than (3) three minutes from everybody and not be able to ask questions.

Councilman Torres - Thank you Mr. President. I was just going to say that, like everybody else I don't think anybody here wants to be in the way of affecting public safety and if we can find ways of reducing crime and this ordinance does it, it's a good ordinance. But these gas station owners are here now, I'm gonna make a

*Prepared by
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Hammond City Clerk*

INTRODUCTION OF ORDINANCES cont.

Councilman Torres cont. - motion to suspend the rules to let them speak now for a limited time, if I can get a second. For the ones that are here.

Councilman Tyler - Second.

Councilman Torres, supported by Councilman Tyler moved to suspend the rules to let the gas station owners speak. I would like to hear what their issue are now. Some are for it and some are against it.

Councilman Woerpel - Point of order I guess. Are we making a motion to move Public Expression up and say their (3) three minutes now. Because all this is, is an introduction of ordinance, I mean 1st and 2nd reading. To start the process of having a committee hearing so we can have these questions and answers answered. Now, like I said, Public Expression is gonna give them (3) three minutes. It doesn't change the fact that let's start the process.

Councilman Torres - Mr. President, I got a motion on the floor and I got a second. Call it to a vote.

Councilman Spitale - Mr. President, what's the time frame on that?

Councilman Torres - Obviously there is no time frame.

ROLL CALL VOTE (Suspension of Rules)

AYES: Alexander, Kalwinski, Torres, Tyler

NAYS: Spitale, Venecz, Emerson, Woerpel, Rakos

ABSENT: None

Motion carried

4/5/0

MOTION FAILED

Councilwoman Venecz - Given our discussion here I would like to amended my motion that our Council as a Whole meeting be on July 20th. Mayor you said you would be able to make that day?

Mayor McDermott - I don't believe I can make that one. Just set it, if I can't make it somebody will be here.

Councilwoman Venecz - July 20th at 4pm here in the Council Chambers and then a second committee as a whole meeting on July 24th at 4pm as a continuation of July 20th meeting. If I could, real quick, I would just like to make clear that my no vote on suspending the rules is not an effort to stifle anyone from speaking their mind. But we do have Public Expression, especially for whomever. The residents, business owners whomever to speak during Public Expression. That was the reason for my no vote.

Councilman Woerpel - Second.

INTRODUCTION OF ORDINANCES cont.

ROLL CALL VOTE (Amendment on meeting for 23-16)

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

NAYS: Alexander

ABSENT: None

Motion carried

8/1/0

MOTION CARRIED

Councilman Torres - My reason for suspending the rules was to, Public Expression comes after the ordinance is voted on. Even though it's 1st and 2nd. Just to hear their views on it before I voted on it. But it didn't pass, so.

Councilman Tyler - I just echo some of the concerns, questions that others have shared, just how this will impact gas stations revenue jobs. I know that's not the most important issue, the most important issue is the Mayor stated is the safety of our City. So I just to make sure that we have time to review the data and anymore information that our Police Department can share with us in terms of the incidents that have happened. And if we have a break down of which gas stations are happening at, I know we are not going to make a decision based off (1) one gas station verses another. This will be a blanket ordinance, but we will still like to see how it breaks down across our entire City, my mom is in the audience . So I use to be a gas station employee and I shared this earlier, I worked that 10pm to 6am shift so I'm calling on personal experience. Granted it was not a Hammond, I was in a College Town in Crawfordsville Indiana, where I attended Wabash. I that, that was the only time that I could work, it was really the only job that I could do based off.. I was a college football player, I was trying to focus on my studies, had other extra curricular activities I was trying to be a leader within. So I know that there are plenty of people that have also reached out to some of us on the Council in terms of how this will impact them. And I know, we talked about this earlier Mayor, but your Administration has shared that you would be supportive in helping those people find other jobs. As long as we can, I don't know if that needs to be written into the ordinance, but I just want to go on record to share that, that our City will be a resource for those folks. And also work with the gas stations to make sure the ones that are going to stay open past midnight, do so, so that they can insure the safety of the resident and the people who are stopping by those businesses. It just something I just wanted to discuss.

Mayor McDermott - Working the 10-6 in Wabash, Wabash is a wonderful community, it's a lot different in all do respect then working a 10-6 in Hammond Indiana. In the modern day and age with guns everywhere, just a lot different. All do respect, I worked crazy hours when I was a kid too, and I respect Councilman Barry and his work ethic and his input. But the fact is, you know when people get murdered in our City, I don't know if they call Council people, but they call Mayors. You get emailed from the family, you feel like you failed your City when somebody gets killed at a gas station. I feel like I failed, I have nothing to do with the gas stations security. But we do have power guys, we have power to regulate things like that and if we did exercise that power there would be 650 fewer calls. And I guarantee you if I stood up here and I said there is over 190 calls for service at a bar, I know how you guys would feel. But I have over 190 calls for service at gas stations, it's like Oh My God we can't touch that. It's the same thing. Thank you all.

*Prepared by
Robert J. Golec
Hammond City Clerk*

INTRODUCTION OF ORDINANCES cont.

Councilman Kalwinski - To piggy back on Councilman Tyler. Probably if this is going to pass, perhaps a job fair date should be placed in the ordinance prior to the ordinances effectiveness or effective date. Just an idea.

Mayor McDermott - We do have a job fair every year. I would have no problem with including. We do have a job fair in the City of Hammond every year through our Economic Development Departments. That would be easy to do.

ROLL CALL VOTE (1st & 2nd)

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

NAYS: Alexander

ABSENT: None

Motion carried

8/1/0

MOTION CARRIED

RESOLUTIONS

None

NEW AND UNFINISHED BUSINESS

None

PUBLIC EXPRESSION

Tammy Alonzo - Against Proposed Ordinance 23-16; She is a business owner and is in support of a safe community. We have freedom and we have rights.

Jim Witham - Against Proposed Ordinance 23-16. Feels that this ordinance will cause more harm than good.

Kwabona Busuli - Spoke against violence and radio station 92.3 and Lil Wayne coming to Hammond.

Maureen Frank - Against Proposed Ordinance 23-16. If you're working and need diesel fuel you need to be able to get it. I feel safer getting gas at night.

Miles Howard - Against Proposed Ordinance 23-16. Gas stations are a safe spot if you feel you're in danger.

Pat of Woodmar - The Hammond Horseshoe is evil and they got me drunk and took all my money.

Vanessa Allison - Against Proposed Ordinance 23-16. Who's gonna pay for the vandalism during our closed hours? How are we supposed to get our night deliveries?

Jason Ingram - Against Ordinance 23-16. In our four Speedway Gas stations in Hammond, in the month of June brought in \$403,000 in revenue during those closed hours. Some employees can only work that shift.

*Prepared by
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Hammond City Clerk*

PUBLIC EXPRESSION cont.

Carlotta Blake-King - There is a gas station facing Wallace Elementary with a humongous sign in the window that says "Vapes Sold Here". There are also stores nearby selling edibles. According to our City Ordinances it is legal for that sign to be there. Perhaps the Council needs to change that ordinance. These children are vulnerable. We shouldn't make it so easy for these kids to get this garbage.

Kayed Hamad - Against Proposed Ordinance 23-16. Thanked the Mayor for being concerned with the safety of it's residents. But the Mayor is taking the easiest way out. If crime happens earlier are we going to have to close earlier? The employees are at risk when opening and closing.

Sunny Tiwana - Against Proposed Ordinance 23-16. Concerned with break ins at night. We do a lot of sales at night. It's just gonna move the crime to our surrounding neighborhoods. There are other businesses open 24 hours, why should the gas stations be the only ones that have to close.

George Stoya - Against Proposed Ordinance 23-16. Calls this legislative measure tantamount to an authoritarian declaration of Martial Law. This rush to a blanket piece of legislation against gas stations should have been a last resort. There are risks to life. You need to use common sense when to go to gas stations. It's an invitation to law suits.

Ken Rosek - Re: flooding. Back flow preventer valves is not the solution for everything. We're getting over developed. That's what's causing this flooding. We need sustainable development.

Linda Anguiano - Against Proposed Ordinance 23-16. What if it's the only shift people can work? People will lose their jobs. The Mayor needs to get feed back from the residents. Re: flooding. If you were a renter you got no help.

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

AYES: ALL

2023 HAMMOND COMMON COUNCIL ATTENDANCE RECORD OF
ELECTRONIC AND PHYSICAL PRESENCE

	Jan		Feb		Mar		Apr		May		Jun		Jul		Aug		Sep		Oct		Nov		Dec	
	9	23	13	27	13	27	13	27	10	24	8	22	12	26	10	24	14	28	11	25	23	13	27	4
Katrina Alexander	E	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Dan Spitale	E	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Janet Venecz	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Mark Kalwinski	P	P	P	P	P	P	P	P	P	P	P	P	P	P	E									
Pete Torres	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Barry Tyler	E	P	P	E	P	P	P	E	E	P	P	E	E	P	P									
Bill Emerson	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Dave Woerpel	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P									
Scott Rakos	P	P	P	P	P	P	P	P	P	P	E	P	P	P	P									
Initials	RJG	RJG	RJG	RJG	RJG	RJG	RJG	RJG	RJG	RJG	RJG	RJG	RJG	RJG										

E=ELECTRONIC
P=PHYSICALLY
PRESENT
A=ABSENT

If the member qualifies for an exemption from the "Consecutive - 50" requirements, draw a circle around the E for that meeting/ member.


ATTEST:



Robert J. Golec, City Clerk

Time: 7:55 p.m.
jt/cb

Prepared by
Robert J. Golec
Hammond City Clerk



Scott Rakos, President
Hammond Common Council