

*Prepared by  
Robert J. Golec  
Hammond City Clerk*

MINUTES OF THE COMMON COUNCIL  
JANUARY 11, 2016

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on January 11, 2016 in the Hammond City Council Chambers.

Council President Michael Opinker presided.

City Clerk Robert J. Golec facilitated.

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

ROLL CALL

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

ABSENT: None

TOTAL: 9

2016 ELECTION OF OFFICERS

Councilwoman Venecz nominated Councilman Opinker for President.

Councilman Spitale nominated Councilwoman Venecz for Vice President.

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Emerson, moved to accept the minutes of December 14, 2015 and place on file.

AYES: ALL

APPROVAL OF CLAIMS

Councilman Markovich, supported by Councilman Higgs, moved to approve the claims from December 9, 2015 through January 6, 2016. Claim #1 through claim #341, inclusive.

ROLL CALL VOTE (claims)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

CLAIMS APPROVED

PUBLIC HEARINGS

None

MINUTES OF THE COMMON COUNCIL cont.

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COMMUNICATIONS

Councilman Higgs read correspondence regarding the Indiana State Bar Association Northwest Indiana Volunteer Lawyers, Inc. are hosting the 15th Annual Public Service event honoring the legacy of Dr. Martin Luther King, Jr. There will be access to justice for all. Got legal questions, get legal answers. Mon., Jan. 18, 2016. Free walk ins, no appointment needed. Volunteer lawyers will be available to answer legal questions and give briefs from 10 to 15 minutes. Locations will be Tabernacle Baptist Church, 3715 Butternut, East Chicago from 9 to 1; Westside High School, Gary, 9th and Jerry St. from 11 to 2; New Chicago Public Library, Lake Station, 2000 Central Avenue from 10:30 to 6:30; Public Library, 1505 E. Commercial Avenue, Lowell from 9 to 5. If you can not attend there will be state wide calling where you can speak to Indianapolis attorneys January 18th, English and Spanish, 1-800-266-2581.

Councilman Higgs read a letter in which he submitted to the Mayor's Office in regards to the sports complex and wants it to be perfectly clear that in no form or fashion has he stated publically or in private that he was against a sports complex.

COMMITTEE REPORTS

Community & Crime Watch Committee - Councilwoman Venecz - Announced the following meetings:  
Thur., Jan. 14; Whiting Robertsdale C.W.; Calumet College; 6:30 p.m.  
Thur., Jan. 21; S. Ham'd C.W.; Ham'd Housing Authority; 7:00 p.m.  
Hessville C.W.; Jean Shepherd Center; 7:00 p.m.

ORDINANCE 3RD READING - FINAL PASSAGE

None

INTRODUCTION OF ORDINANCES

16-01           An Ordinance Amending Ordinance Number 9315 also known as the Salary and Wage Ordinance for all City Officials and Employees of the City of Hammond, Indiana other than those Fixed by Statute or by Ordinance Heretofore Enacted, and Fixing the Effective Date Thereof

Councilwoman Venecz, supported by Councilman Higgs, moved the proposed ordinance to 1st and 2nd reading by title and referred it to the Council as a Whole Committee. AYES: ALL

16-02           An Ordinance Amending Ordinance Number 9316 also known as the Salary and Wage Ordinance for Police Officers and Fire Fighters in the City of Hammond

Councilman Spitale, supported by Councilman Kalwinski, moved the proposed ordinance to 1st and 2nd reading by title and referred it to the Council as a Whole Committee.

#### INTRODUCTION OF ORDINANCES cont.

Councilwoman Venecz, supported by Councilman Higgs, moved to amend. As it lists, the Chief that does apply to the Chief for both the Police Department and the Fire Department. Assistant Chief is for the Police Department and what was omitted was Deputy Fire Chief.

#### ROLL CALL VOTE (amendment)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

AMENDMENT ADOPTED

Council President Opinker - On the motion for 1st and 2nd reading, all in favor? All opposed? AYES: ALL

#### RESOLUTIONS

None

#### NEW AND UNFINISHED BUSINESS

Councilman Higgs - These were the questions that were submitted to the Mayor's Office in regards to the sports complex.

Copy of 23 questions attached to minutes.

Mayor McDermott - We did have a meeting, Councilman Higgs and I, and I asked Councilman Higgs to sponsor the ordinance to carry it through the council and he refused to. Which I was shocked because we're talking about a \$15 million dollar investment in the 3rd District. So, I believe we either went to Councilwoman Venecz or Councilman Spitale. I forgot who we went to but I was shocked. Because I figured we're investing \$10 to \$13 million in the 3rd District. So anyway, and then Councilman Higgs did give me the list of the 25 questions and I didn't answer them. I'll be honest with you. I'm here to answer any questions. A lot of the questions, I don't know the answer to at this point. But a lot of the questions are, you know, are sort of leading questions.

Councilman Higgs - So Mayor, you're saying that in regards to you don't have the answers to some of the questions but none of the questions were answered. Secondly, I can't support a ordinance that I'm not .....

Mayor McDermott - That's fine, Councilman Higgs. So we went to somebody else.

Councilman Higgs - Let me finish. No ordinance has ever been presented to me and no one said that I wouldn't sponsor it. I said I needed more information. Let's make that clear and put that in the paper and on the record. I never said I wouldn't support it.

Mayor McDermott - That's fine Councilman Higgs, you don't have to support it.

Councilman Higgs - I understand that if I choose not to, but to be clear on the issue I never stated that.

NEW AND UNFINISHED BUSINESS cont.

Mayor McDermott - When I asked you to carry a bill for a \$13 million project in your district you didn't seem very happy and then you gave me a list of 25 complex questions that I had to sit down and answer before you would do it. I said fine, I'll go to somebody else and that's what I did.

Councilman Higgs - That's fine, Mayor. But in regards to that particular issue and any other issue as it relates to the 3rd District in the city of Hammond, I represent the 3rd and so if there are questions that need to be answered I have to answer those questions.

Mayor McDermott - If somebody wants to invest in your district, if you give them a list of 50 questions and they're all complex multiple paragraph answers, maybe they say, "You know what, maybe I'll go to another part of the city. Because Councilman Higgs is making it hard to invest in the 3rd District."

Councilman Higgs - That's not true. I've been requesting information and trying to get things. Mayor I have physically tried to get businesses on Calumet Avenue where we have nothing but car lots for a number of years. Also on Columbia Avenue where we did a study where the property is been sitting vacant for a number of years since I've been on the council, where the old Eldorado used to sit, and we still have yet to have anything built there. There are a number of companies and businesses that may be interested in investing. I don't know who reached out to them and see if their interested in investing in the 3rd District. My priority is to make sure that I represent my constituents and find out the information that's being requested. I think anyone on here would feel the same if something was going on in their district.

Mayor McDermott - Actually I've had conversations with a lot of council members that are excited about an opportunity for Section 108 Loans coming into the 3rd District and rehabilitate a empty building to something that is thriving and useful. If you have 25 complex questions to answer and say, you know, before I could even talk to you I want you to answer all these question. Okay, I'll go to somebody else that's less difficult to work with.

Councilman Higgs - The reality of it is, Mayor, and you didn't have to answer all twenty five, you could have answered two or three. That may be enough for me to make a decision on whether or not I am interested.

Mayor McDermott - I'm here to answer any questions if you have it about this project since the councilman brought it up.

Councilman Higgs - I have a question for you. What are the benefits of this sports complex to the city of Hammond?

Mayor McDermott - We have an empty building there, Councilman Higgs. It's empty and the last plan I heard was a Goodwill Superstore. We thought a Goodwill Superstore probably wouldn't be good for that area so we came up with an idea and we thought we could address a shortage in the region. Shortage is indoor options for basketball players, volleyball players and soccer players. Instead of possibly a negative with a Goodwill Supercenter there, we could bring in something that's gonna drive traffic like a youth sports complex. Something that's a positive thing that could benefit the community and benefit the businesses around it.

NEW AND UNFINISHED BUSINESS cont.

Councilman Higgs - I have one other question.

Mayor McDermott - Sure.

Councilman Higgs - Where is the funding gonna come from?

Mayor McDermott - I told you already, Section 108. We have \$10 million sitting in an account that has to be spent or else they'll take it from us. If it's excess, we'll probably have to bring it out of the TIF District. At this point we're hoping to cover it with the Section 108. So how much do the tax bills in Hammond go up? It doesn't. Section 108 is sitting there, it hasn't been used since I've been Mayor. We've been saving it for an opportunity like this. It's in your district. I guess I'm silly enough to think that the district councilman would support that. I was wrong. I moved on.

Councilman Higgs - Mayor, no one ever stated that I wasn't supporting it. I just simply had some questions.

Mayor McDermott - You have a funny way of showing support for a big investment for your district.

Councilman Higgs - Hey, you may not approve of it but that's the way I chose to address it. I submitted a letter to you and if you want to answer the questions you can. You have that right.

Councilman Torres - This is just clarification of an ordinance, 93.005, Ambulance User Fees. Some people are still confused or think that if they call an ambulance and use it if they are uninsured that they have to pay that fee of \$750. I had a friend, Marilyn, she gave me permission to use her name. She had an incident where she needed an ambulance and she had passed out and when she came to she was in an ambulance. She was told she would have to pay the fee of \$750. She refused the ambulance and a co-worker, since this happened at her work, took her to the hospital. But I just want to make clear that the ordinance states, on Sec. C, Part 3, that no collection action is authorized against an individual who is uninsured or against an individual whose insurance company does not pay the entire ambulance fee. In other words, if you don't have insurance it's a free service and our city of Hammond is one of the few cities that offers this service. So a lot of people are worried out there and she told me that she had a friend that she thinks she's got about \$4 thousand worth of ambulance fees. Well, these should be voided, but just for information, there is no insurance fee if there is no insurance.

Councilman Higgs - I guess my question would be to you Councilman Torres are you planning on submitting a letter to that department and requesting so that there's clarity. So what I'm hearing is that she requested an ambulance and she refused it because they told her that she would be charged. Is that what I'm hearing?

Councilman Torres - Yes, she refused to take an ambulance.

Councilman Higgs - So what corrective actions are you planning on taking?

NEW AND UNFINISHED BUSINESS cont.

Councilman Torres - This is just for information. I can inform Marilyn herself. I just want the public to know some kind of way that there is no ambulance fee if you do not have insurance.

Council President Opinker - New and Unfinished Business is closed.

Councilwoman Venecz - We have on the agenda, Item A, Consideration of the Mayor's Pocket Veto.

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

AYES: ALL

15-43 Consideration of Mayor's Pocket Veto of Ordinance No. 9324, an Ordinance Appropriating Funds from Local Pretrial Diversion and Deferral Fund within the Hammond City Court 2015 Budget to Fund Part Time Salaries

Councilwoman Venecz, supported by Councilman Markovich, moved to override the Mayor's Pocket Veto.

Councilman Higgs - In the caucus there was discussion that brought up, the Mayor stated to us that he reached out to the Judge and the Prosecutor's Office was there and a number of their staff, if he wasn't there the staff was there in regards to addressing this particular issue. The Mayor feels as though, for some reason or another...

Mayor McDermott - I can speak for myself, Councilman.

Councilman Higgs - Well, I'm just conveying what was discussed so the general public understands. What happened was that for some reason or another I guess the people are filtering into the Mayor's Office, that's the impression I got. The reality of it is though, I think the money's already been spent and all it does is create a problem even further as it relates to the Judge's Office if we don't override the veto. The money's been spent and what do you do when the money's been spent and there is no money.

Mayor McDermott - We talked about this in caucus. I agree with Councilman Higgs on that. This all stemmed from the fact there was a meeting set up requested by myself to Judge Harkin, we worked together, set up a meeting in my office where we had three members of the council present; we had Clerk Golec and representatives from Clerk Golec's Office; we had Hammond Police Officers, literally like the top three ranks of the Hammond Police Department there; Judge Harkin specifically recommended that Prosecutor Bernie Carter be there, and not only was Bernie there, he took his top two lieutenants in my office. The purpose of this meeting is to fix the wait time where people have to sit in that hallway outside of our door and wait for 2½ hours to get into a courtroom. They'll have room for 200 people in their court and there'll be 500 people on a call. So if you're person #499, you got to wait for everybody to get down before you can step into that office. It's wrong. So we requested all these people present, Judge Harkin was with us and we set it up for my Office and everybody showed up for that meeting except for the Judge. We were crippled. So the Judge had a representative there and we gave her our recommendations, and they were reasonable recommendation based on people that are attorneys, you know, the Prosecutor deals in every city and town court in Lake County, gave

NEW AND UNFINISHED BUSINESS cont.

Mayor McDermott cont. - reasonable expectations. Like if you run a stop sign and you want to plead guilty and say put me on the deferral program, I'll pay my fee. Right now you have to show up and you have to stand in that line. You have to take a day off of work basically, for running a stop sign. What if you just want to pay it? Nope you got to show up and stand in that line and add to the problem. Reasonable recommendations. We gave these reasonable recommendations to the Judge's representative. She took it back about a month ago. I called her up the other day, nothing's been done. And I have this ordinance pending on my desk where the Judge is saying, "Please Mayor give me more money." I can't do it. I can't do it. You got to run the court the right way before we start sending more money to you. If you want to override my veto, do it, and I will take down your

name and I will give every person who complains in my office, which is every week maybe fifteen to twenty, and I will send them right to the person who overrides my veto. I promise. I'll say, "This is council person so and so, this is their cell number. They're the ones that are justifying what's going on in the court." Because it's not right. It's not right. Judge Harkin, I like Judge Harkin, he's a friend of mine. I think he's having trouble right now running the court and it's spilling over into the Mayor's Office, it's effecting business the way we do it here and I guarantee if you talk to Debbie she'll tell you the same thing. It's not right. If you're #499 in that line, get ready for a three hour wait in City Hall lobby. That's not right. Why can't we have multiple court times, 8 o'clock & 10 o'clock? Just stuff like that instead of just the cattle call where everybody shows up at one time. If you override my veto that's fine. I'm not gonna take it personally. I just don't think it's the right answer, sending more money to try to fix a problem. I just don't think it's the right answer. It's a principle thing, Councilmen. By the way, I also agree with you Councilman Higgs, it's a principle thing. Harkin already spent the money. So, we'll take the hit as far as I'm concerned. I'm not gonna sign off on it. I don't want my name attached to it until they fix the way things are going right now.

Councilman Torres - Just one question, has the Judge been informed in writing? I know you tried to have this meeting with him. But in writing can we send him a letter stating to him these problems and maybe he can answer back in writing, we can have something written.

Mayor McDermott - We did, Councilman Torres, we sent the young lady that attended our meeting, we sent her back with a list of 15 recommendations. We were like, okay, if they did 10 of them it would help, right. We called back and she says we haven't done any of them, okay, that's point A. Point B is even if we override we still got a problem, Thursday this week I guarantee you it's piled up out here. Come over here on a Thursday morning, come check it out. Come talk to the guy that drove in from Portage the other day. He drove in in a snow storm because he's afraid he's gonna get a bench warrant and he gets to court after an hour drive from Portage in the ice. Gets here and "Oh, sorry, courts been cancelled today" Did he come to you to complain, no because you're not here. He comes right into my office and starts screaming at my staff and saying this is not right, and it's not right by the way, how could I justify that. Why can't you get a phone call if they cancel court? Send more money to it, that will fix it, right? We got to do something. The court's got to be run better. We got to do something. If you just keep sending money to it do you think he's got any incentive to fix the problems?

ROLL CALL VOTE (override veto)

AYES: Markovich, Venecz, Higgs

NAYS: Spitale, Kalwinski, Torres, Emerson, Rakos, Opinker

ABSENT: None

Motion failed

3/6/0

VETO

SUSTAINED

NEW AND UNFINISHED BUSINESS cont.

Councilman Higgs announced the 30th Annual Black & White Ball will be held on Saturday, February 20th. For tickets call the Ophelia Steen Health & Service at 853-2360.

Councilman Higgs announced Forums with Congressman Viscloskey on Thursday, January 14th at Crown Point Community Library at 10 a.m.; 12 p.m. Dyer Town Hall; 2 p.m. East Chicago City Hall; 4 p.m. Wicker Park Social Center; 6 p.m. Purdue University Calumet, Student Union Library Building; Friday, February 15th Michigan City, City Hall Council Chambers; 12 p.m. Chesterton Town Hall, 726 Broadway; Porter County Government Center, County Commissioner Chambers, 155 Indiana Avenue; 4 p.m. Portage City Hall; 6 p.m. Hobart Community Center; Saturday, January 16th, 12 p.m. Gary Public Library Woodson Branch; 2 p.m. Merrillville Town Hall.

Councilman Higgs, supported by Councilman Markovich, moved to send a letter to Owana and Phil Taillon letting them know that any future meetings as it relates to anything in the 3rd District, please include me in the process. I'm graciously will attend any meetings concerning anything in the 3rd District. AYES: ALL

LETTER SENT: JANUARY 12, 2016

Councilman Emerson - This morning I noticed online the passing of Archibald McKinley. Now I've never met the gentleman. He was a journalist with The Times and he wrote a column about the history of Hammond and throughout the Calumet Region and various people commented and whatnot. But it's maybe akin to what people look at today on Facebook to Throwback Thursday. He would talk about, you know, different issues of Hammond's past and everything. So I just wanted to mention that I from time to time would read that column and found it relaxing and I think that he'll be missed for those that do know him. I believe he was from Whiting.

Councilman Higgs - The old Bank Calumet Building, I observed in the last couple of weeks that they've got that street blocked off and I know it's in the 2nd District but I'm interested in finding out why is the street blocked off? Is the building falling apart or what's going on?

Mayor McDermott - There's tiles falling off the building into the street during high winds. We're in the process of securing the tiles back to the building. Hopefully within a couple days we'll have the street back open again.

Councilman Markovich, supported by Councilman Higgs, moved to have a letter sent to Phil Taillon asking him to give us a list who owns all the property south of the R.R. tracks on Hohman Avenue all the way up to All Saints on both east and west side of the street. AYES: ALL

LETTER SENT: JANUARY 12, 2016

Councilman Higgs - County Councilman Dave Hamm did contact me over the last couple of weeks in regards to moving City Hall. I requested a feasibility study, I have yet to receive that. I am waiting for that so that all minds and hearts are clear. I need to see the study so I can read it and get a general idea if it's feasible for us to move downtown and it's the best thing to make Hammond beautiful and prosperous, I'm all for it. If it's not gonna be beneficial to the entire city, I'm against it. All I need is a study.

#### PUBLIC EXPRESSION

Carlotta Blake-King - Spoke regarding the mediation agreement between the city of Hammond and the two groups that work with those other groups. Rev. Cobb indicated that document was going before the council for final approval. An Executive Order is just that. There is no clarity regarding that particular document. NAACP addressed the tasing & jaywalking events. There was supposed to be a second meeting but it never occurred. A complaint was filed with the Human Relations Office regarding charging racial profiling regarding jaywalking. The Director of Human Relations faxed it to Kenneth Bergeran. A further investigation needs to be done.

Mayor McDermott - Hammond City Officials were not driving the bus on this on this issue. The Dept. Of Justice, Ken Bergeran, outlined to us what he wanted to see done. We signed it because it was the best thing to do, is to work with the Federal Government. Usually when the Federal Government wants you to do something you cooperate.

Alvin Cheeks - I was invited to the Steen Center by the U.S. Attorney's Office and the Washington Branch of the Justice Department. I didn't hear back until the day before the press conference. I attended the meeting. Mr. Mullins and the Justice Department said there were no secret meetings. Then he turned around and said there were confidential meetings taking place. There's something going on.



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

AYES: ALL

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Michael Opinker, President  
Hammond Common Council  
ATTEST:

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Robert J. Golec, City Clerk

Minutes approved at the Common Council meeting on January 25, 2016.

Time: 6:55 pm  
CB