

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on July 11, 2022 in the Hammond City Council Chambers and was available to be viewed at gohammond on Facebook, gohammond.tv live and per Zoom.

Council President Dave Woerpel 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, Kalwinski, Torres, Tyler, Emerson, Rakos, Woerpel

ELECTRONICALLY PRESENT PER ZOOM: None

ABSENT: None

TOTAL: 9

MAYOR'S ADDRESS

Corporation Counsel Kevin Smith - Good evening to the Council. Mayor has a family function this evening and is unable to be here. So he sends his regards. Just quickly, I wanted to go over a couple of items. Namely just reminding everybody both watching and here in Council Chambers that this is Festival of the Lakes week, which, of course, is always a very exciting week for the city in welcoming tens of thousands of visitors to the city. Just a real quick rundown, Wednesday night we're welcoming Darius Rucker; Thursday, Counting Crows; Friday, Lynard Skynard; Saturday, The Lox and Rick Ross; and Sunday, Codigo FN and Los Originales de San Juan. So, we hope everybody can come out and enjoy the fun. It looks like, knock on wood, the weather looks good and that everybody has a safe, fun and enjoyable festival experience 2022. Also I just note, go to festivalofthelakes.com for all information regarding the Fest. I also wanted to mention that I know our City Controller, Megan Flores, has been working diligently with the Mayor's Office to get to the Council an Ordinance for American Rescue Plan 2.0. That, we believe, will be in front of the Council in August, we're hoping. I believe the Mayor kind of previewed that last meeting and indicated that there were some substantial cost overruns on several projects. Due, in no small part, to the costs of goods going up, there being labor shortages throughout the United States, and that Hammond has become a victim of that as well. Just as an example, just last week we had something go out to bid, I'm sorry, bids came in for a project in the 3rd District and only one bid came in and it was double the estimate. So this continues to be an issue. We're hoping that it corrects itself over time as the supply chain gets fixed and that labor becomes more available and that the influx on money that's come in through various Federal and State programs lessen so that, and just remember, the city of Hammond is kind of ahead of the game on a lot of these projects, some communities are just coming on line with their projects, so it is a concern, I know, from the Engineering Department, the CIB Board, the Mayor's Office and the Office of Economic Development. So, I did want to mention that. There will be a version 2.0 of the ARP Ordinance coming, we hope, next month. During caucus we discussed the firearm discharge ordinance. I appreciate all the Council members attention to that ordinance and I also want to, again, thank Noah Inman's mother, Shannon Burchek, for coming to the caucus and being present here in Council Chambers in support of

MAYOR'S ADDRESS cont.

Atty. Smith cont. - that ordinance. Lastly, I'm sorry, two things, gaming numbers, I know that the Controller's Office sent to the Council, and I hope that all of you got that in your packet, 3rd Quarter Gaming numbers. Those included 2nd Quarter collections, because we always work in arrears, April through June, and that they were 92% of pre-covid collection totals. Those numbers are, of course, in your inbox and for your perusal. Finally, I just wanted to mention that Board of Public Works continues to work on different street signs, through the ordinance that Council passed earlier this year. I again want to thank Councilman Kalwinski for coming last week, or maybe it was two weeks ago, thank you, regarding some issues in his district and would also, of course, always welcome any Council member to the Board of Public Works to request anything they may have that they would like to go through there instead of through Council. I have Linda up at the Law Department compiling a list of everything that has been proposed at the Board of Works and its status. That's always available to any of you upon request. They'll be kind of a clean up ordinance, or what I would call a cleanup ordinance, at the end of the year that would request ratifications of all those measures before the Board of Works. That's all I have. If there's any questions, of course, I'm happy to answer them.

Councilman Tyler - Hey, Kevin. Just a quick question. In terms of project cost inflation, I thought that we would kind of discuss those on a case-by-case basis and decide which projects to continue to move forward with versus which ones to maybe hold off on.

Atty. Smith- Yeah, I think there's always, Councilman Tyler, just to answer that, or I hope to answer it is that obviously, there's always certain projects that may take precedence just because of the condition of roads. For example, or the relation to another project, and I think that the Mayor is always open to that discussion, is our Engineering Department, and the CIB, of course, is a very integral part of that but I think at this point what we're trying to do is make sure that the projects we already have under construction are finalized and finished. That of course, is probably going to seep into those leftover ARP dollars. I know that Megan also is looking for help to shore up the budget a little bit and other things. So, it's always, how do you prioritize things, right? And I think case-by-case is the way to do it.

Councilman Kalwinski- How many millions are we holding back, like in Phase Two to make sure we can pay for the projects we are doing in 1.0 and 2.0. Is it okay to have money left over so that we don't spend everything and wait and see because cost overruns happen on every project anyway? So, are we going to set aside x number of millions out of that 51 million to make sure that we don't have to go to other pockets to pay for projects.

Atty. Smith- I think that the goal is to make sure that the projects that are currently under construction are finished and not to have to go to other sources of revenue. That's definitely the number one goal. I know that knowing Megan and knowing her office, our Controller is very careful about making sure that if we do have cost overruns that we have sources of revenue to pay for them, and I believe that in this case, she, you know, and I don't want to speak for her but I can tell you, at least from the meetings I've been in, that her absolute goal is to make sure that we don't have to tap into other resources of revenue for the to pay other projects.

MAYOR'S ADDRESS cont.

Councilman Kalwinski- Thank you.

Council President Woerpel- Just a follow up. It's my understanding. These aren't minor cost overruns. I had a Pre-Covid bid on Mahoney Drive just to get it resurfaced and the work done and it came the bid itself... I mean, the proposal itself was \$250 thousand...

Atty. Smith- I'm going to say it was like \$170 or \$200.

Council President Woerpel- Yeah, it was like \$250,000 I believe and then by time we got the design done, we allotted \$400,000 when the bid was opened that became \$1.7 million.

Atty. Smith- Yeah, I think I never... and I was actually going to say this in response to your question.

Councilman Kalwinski with Councilman Woerpel is correct. We've never seen cost overruns like this. We've never seen estimates be that different than the bids. I think its kind of becoming the new normal and there's two things that of course are... one of the things that's very worrisome with bidding is lack of competition, right? That's why you have bids. You want many people to bid on things as possible and what we're seeing is a contraction of that, and even last week where the bid that was opened at a Board of Works, there was only one bidder and there were multiple bidders that picked up materials and you just don't see that, right? In a big city like Hammond, where you see low competition.

Councilman Kalwinski- Isn't it true that most times when bids go out and come back, we put a stipulation on how what percentage can be allotted for overruns?

Atty. Smith- For changes orders and things like that, yeah.

Councilman Kalwinski- So, are we holding are we in a position to be able to hold bidders to those percentages?

Atty. Smith- Well, so, I kind of think I see where you're going with it, and it's if it's as a result of, if they can show that the cost per, that their cost has gone up substantially because of some other reason out of their control, like, for example, supply chain or whatever. We just heard that as an example. Our City Engineer told me today that an electrical subcontractor told them that in a project, if we don't spec out the correct transformer, that the lead time on it is,... the lead time on the correct transformer would be 150 weeks three years. That's how mind-boggling it is. So, and I know that doesn't answer your question. I was just using an example of what we're facing. So, I guess the point of that example was to mention that if there's something out of the contractor's control, I think we, you know, the contract does allow for a change order in that regard.

Councilman Kalwinski- Is it written like that?

Atty. Smith- I don't want to miss state what it says. So, I probably want to look and make sure and give you a better explanation when I get a chance to look at it and talk to Dean. I promise to because it's a lot. I don't want to sit here without the contract in front of me and state what I think it says.

MAYOR'S ADDRESS cont.

Council President Woerpel- I know that two projects in my district, one we're going to apply for community crossings to try to cover what we allotted for and the other one involved rebuilding sewers and all the pipes and all that and I was told that even if we could pay the cost, there's no guarantee that the suppliers will have the sewers that are needed ready for the project in 2 years.

Atty. Smith- That's accurate.

Council President Woerpel- So, I know when the question was asked like, do we have a say on what gets prioritized? Well, that one is a high priority of mine, but like, so do I say, hey, I want nothing done over there. And that's wait two and a half years to get these sewers.

Atty. Smith- Now, I get it. It's the these are... and you have residents that want their street done. I get it. I mean, these are all, I think we're all in this together. I don't think we're trying to, I can tell you this, the administration is not saying we're choosing this district over that district. We're looking at city-wide projects and we're trying to make the right decisions.

Councilman Emerson- I had asked for four. You had asked for five. Everyone else asked for four in that neighborhood and they all got two. Uh, except 2nd District, they got, they got a few more, but I understand those streets have to be really bad and I understand the wait time. So, this is, I don't know what to tell people when they want a new street and then and a new curb and all that. However, I'm getting two done out of the four requests, and I guess that's the 50% rule.

Council President Woerpel- Even worse than that, we go to those residents that we thought we had the money to cover it for and tell them, "Hey guess what, we're going to do your project". And then all of a sudden the bid comes in, and it's no way it can be done that way.

Councilman Kalwinski- Legally, then, we can walk away from a bid that can't get it done in our time frame and at our cost?

Atty. Smith- So, we always have the ability to reject all bids. You don't have to accept a bid just because it's the only one, right? So, we always write into our bid specs that the board or the city or the commission has the right to reject all bids for any and all reasons. It comes a little tougher if we're in the middle of a project, right? All of a sudden, there's an issue we don't want to have a street half done.

APPROVAL OF MINUTES

Councilman Spitale, supported by Councilman Emerson, moved to approve the minutes of June 27, 2022.

ROLL CALL VOTE (minutes)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

MINUTES APPROVED

*Prepared by
Robert J. Golec
Hammond City Clerk*

APPROVAL OF CLAIMS

Councilman Rakos, supported by Councilwoman Venecz, moved to approve the claims from June 22, 2022 through July 06, 2022. Claim #3941 through claim #4301, in the amount of \$50,918,063.55.

ROLL CALL VOTE (approve claims)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 CLAIMS APPROVED

PUBLIC HEARINGS

22-23 An Ordinance Vacating an 89.63' Foot Portion of the 100-Block of Sibley St. in the City of Hammond, Lake County, Indiana

22-24 An Ordinance Vacating a 52 Foot Portion of Rimbach St. Lying Between Hohman Ave to the East & Extending Approximately 226.50 Feet West the City of Hammond, Lake County, Indiana

No One Spoke.

COMMUNICATIONS

No One Spoke.

COMMITTEE REPORTS

Council as a Whole Committee - Councilman Torres - Brought out 22-23 & 22-24.

Capital Improvement Board - Councilwoman Venecz - Did not meet on July 5th, so I have no report.

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

Thur., July 14th; Whiting Robertsdale; Mascot Hall of Fame; 6:30pm

Tues., July 19th ; East Hammond Pullman; Ophelia Steen; 6:00pm

Councilwoman Venecz- National Night Out will be celebrated at the Wolf Lake Splash Pad on Tuesday, August 2nd from 5 to 8pm. That's sponsored by Mayor McDermott, the City of Hammond, and Community Crime Watch groups events for the evening will be hosted by Mayor McDermott will open up the event. We'll have a drunk driving simulator, City of Hammond Fire Truck and police vehicles. Hammond K9 officers with a K9 demonstration. Uh a magician games, prizes for children, and a DJ. This year, we are collecting bleach, laundry soap, dog, and cat treats, and fabric softeners for the City of Hammond Animal Control. And with that donation, you will receive a free hot dog, chips, and pop. So, again, that's National Night Out on Tuesday, August 2nd from 5 to 8pm at the Wolf Lake Splash Pad. Thank you.

*Prepared by
Robert J. Golec
Hammond City Clerk*

ORDINANCE 3RD READING-FINAL PASSAGE

22-23 An Ordinance Vacating an 89.63' Foot Portion of the 100-Block of Sibley St. in the City of Hammond, Lake County, Indiana

Councilman Torres, supported by Councilman Emerson, moved for final passage.

ROLL CALL VOTE (passage of 22-23)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 ORDINANCE NO. 9554 PASSED

22-24 An Ordinance Vacating a 52 Foot Portion of Rimbach St. Lying Between Hohman Ave to the East & Extending Approximately 226.50 Feet West the City of Hammond, Lake County, Indiana

Councilman Torres, supported by Councilman Kalwinski, moved for final passage.

ROLL CALL VOTE (passage of 22-24)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 ORDINANCE NO. 9555 PASSED

INTRODUCTION OF ORDINANCES

22-25 An Ordinance to Amend Ordinance 3315, Also known as Section 132.071 of Title XIII of the Hammond Municipal Code as it pertains to the Discharge of Firearms within the City

Council President Woerpel- Clerk Golec, Councilman Emerson, and Councilwoman Venecz asked to be added on as sponsors as well.

Councilman Kalwinski- I'd like to be added as well.

Council President Woerpel- We can do that after the fact because of the predetermined outcome thing. So, we can only have 4.

Councilman Rakos- I would like the opportunity to read the ordinance in its whole before we 1st and 2nd reading. I got it Bob. Thank you

Councilman Rakos- Reads ordinance 22-25 in its entirety.

*Prepared by
Robert J. Golec
Hammond City Clerk*

INTRODUCTION OF ORDINANCES

Councilman Rakos, supported by Councilwoman Venecz, moved for 1st and 2nd reading.

Councilman Emerson- I just feel like I have to say something, this young man that we're mentioning as Councilman Rakos read the ordinance. Uh, lived in the 4th District. And as a Vietnam Vet, I know the difference between fireworks and automatic or semi-automatic weapons and handguns. And on New Year's Eve and the 4th of July, I hear far too many weapons in the city, and I think at some point, and the police will respond if you call. If you know the difference, if you think it's gunfire, please call because even though they're shooting'em up, as people have said and the parents said tonight, what comes up must come down. Thank you.

ROLL CALL VOTE (1st & 2nd of 22-25)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 MOTION CARRIED

Councilman Rakos, supported by Councilwoman Venecz, moved to suspend the rules.

ROLL CALL (suspend rules)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 RULES SUSPENDED

Councilman Rakos, supported by Councilwoman Venecz, moved for final passage.

ROLL CALL VOTE (passage of 22-25)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 ORDINANCE NO. 9556 PASSED

Council President Woerpel- Clerk Golec, I think from what everybody said, the entire council as a whole wants to be added as a sponsor on this.

Councilwoman Venecz, supported by Councilwoman Alexander, moved to return to regular order of business.

ROLL CALL (motion carried)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 RETURN TO REGULAR ORDER OF BUSINESS

RESOLUTIONS

22R-12 A Resolution Authorizing the Hammond Fire Department to Apply for a 2022 Walmart Cyber Grant.

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

Councilman Spitale- This grant is for providing training programs, equipment for our first responders. But this grant requires approval from the Hammond Common Council.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 RESOLUTION NO. R12 ADOPTED

22R-13 A Resolution Authorizing the Hammond Police Department to Apply for a 2021 Bulletproof Vest Grant

Councilman Spitale, supported by Councilwoman Alexander, moved for adoption.

Councilman Spitale- This grant is available for the Hammond Police Department and the amount is \$22,500. For the purchase of bulletproof vest. Also, the grant has to go through the requirements for the approval of the Hammond Common Council.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 RESOLUTION NO. R13 ADOPTED

NEW AND UNFINISHED BUSINESS

Councilman Emerson- I attended the launch party in Councilman Rakos district and had a wonderful time. I was with my brother-in-law from Virginia and a good time was had by all. I just wanted to say that. Thank you.

PUBLIC EXPRESSION

Ken Rosek- I'd like again to speak about the Woodlands in Hessville. It's the last remnant of the High Tolleston Dunes in Hammond, and it is the highest point in all of Hammond. These dunes are 4000 years old and are the last great shoreline of Lake Michigan. Hessville residents were not informed and are still in the dark about this project. Hessville residents have never had public vetting on this project, not by the city, not by INDOT. We deserve a public vetting for this \$12.5 million dollar project. Thank you.

George Stoya- So, I was wondering if the word in this gun ordinance, the word "any" had been adequately vetted. The only reason I'm worried about is specificity is are friend when you're drafting legislation. You guys should know that. But when you get in these ambiguities, guess what? Plain meaning is out the window. The biggest reason is under 35-47-11.1-7 the city is looking at triple damages, court cost, and fees if we lose.

Robert Wilkie- I have been a resident of the City of Hammond for over 50 years, and I can remember going to the YMCA on Southeastern and people are wondering why isn't there a sidewalk? We're worried about the kids during the winter. They don't want to walk on the grass. They end up walking in the street and you get cars coming down that street. And no room for these kids to walk. They need a sidewalk all the way from Whiteoak all the way down to 175th. We'd like to know why there's so many semis coming down Southeastern. That's not a truck route. That's why these roads are getting destroyed. They're not made for that weight

Alvin Cheeks- I came here on the discharge of firearms. George hit the point that I was going to talk about earlier.. I've been coming to council meetings for 32 years. When a caucus ensues over the history and I look back through, I can give council, plenty of council presidents. If you allow one resident to speak, they allow the other one to. But I came to talk about the Hammond Police and the gustavo tactics against me. I was working as a private security contractor on a 175th. They have the officers that work for Krazy Kaplans, the constant harassment by Hammond Police, it really needs to stop.

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

ROLL CALL VOTE (adjourn meeting)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0


MEETING ADJOURNED

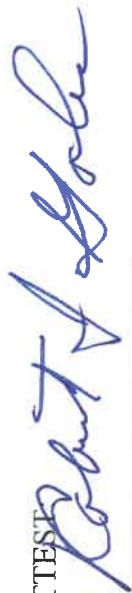
2022 HAMMOND COMMON COUNCIL ATTENDANCE RECORD OF
ELECTRONIC AND PHYSICAL PRESENCE

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


Dave Woerpel, President
Hammond Common Council

ATTEST


Robert J. Golec, City Clerk

Time: 6:45
dw/cb

Prepared by
Robert J. Golec
Hammond City Clerk