

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on July 24, 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, Kalwinski, Torres, Tyler, Emerson, Rakos

ELECTRONICALLY PRESENT PER ZOOM: None

ABSENT: Woerpel

TOTAL: 8

MAYOR'S ADDRESS

Chief of Staff Phil Taillon - Good evening, Council. Mayor could not be here so he asked me to step in and give his report. A couple things before I go through the packet that I handed the Council this evening. The public notice is out for the 34 lot Heartfield residential auction that's coming up on August 3rd at 5:30 p.m. at Lost Marsh Golf Course. I know this has been talked about at Council several times so I'm not gonna go through a bunch of details. I just want to let you know that it's officially out and anybody that will want to bid at the auction is asked to pre-register. So if they want to they can go to the Hammond Redevelopment Commission Office up on the 3rd floor. I believe it's office 315, but don't quote me on that. And they'll be able to pre-register or they can just show up that day. They'll be able to pre-register at the event. The minimum bids for the lots are anywhere from \$14 thousand to \$18 thousand, depending on side. Obviously, we do have minimum requirements of size of the houses and there are certain covenants to protect the neighborhood. Meaning, we're not gonna let someone go in there and build a 500 sq. ft. home, for example. So I just want to make sure that if you know folks that have talked about being interested, or if you've heard from people that said they were looking for new housing, which I know I've heard from time to time. Please inform them. Also, we've sent out e-mails and notices to many of the residential groups in the area. So we want home builders to come out and take a look. I think somebody had reached out to the Mayor's Office and said, "What if a homebuilder buys a lot and builds it and rents it out?" But, it's just not practical. Most homebuilders that are spending about \$400 thousand plus on new homes are selling those homes to new homeowners. So, we definitely area asking home builders to come out and take a look. We do have requirements on how quickly they have to build so you cannot buy a lot and hold on to it. There is a certain time period that you have make sure the house is built. So, I just want to pass that on to you. More of a technicality, I want to make sure all the Council knows, I think you do, that the City Hall elevator that operates from the ground floor to the 3rd floor will be inoperable starting August 1st for about ten weeks. It has to be repaired. So, because there is the other elevator that still works, it goes from the 1st floor to the 3rd floor. That one will remain operable. Because we have to do this, we are making accommodations for people with accessability needs on the ground floor. We have a conference room where

*Prepared by
Robert J. Golec
Hammond City Clerk*

MAYOR'S ADDRESS cont.

Chief of Staff Phil Taillon cont. - there could be meetings that will include zoom that they will be able to use. We're also trying a new system where there's gonna be a cashier in the actual building department now that will be able to take payments for things that in the passed they typically have had to go up to the Controller's Office to pay for. So, we're hoping that if this is successful with Megan's new software system, Megan our City Controller, new software system, that if this is successful, this will be a permanent change for City Hall. Where people will no longer have to go to the Building Department, apply for a permit, then they're sent upstairs to the Controller's Office to make payment, then they got to come back downstairs to the Building Department to prove they made payment, it's really inefficient. So this new system, hopefully, is gonna work well and we're currently working on making sure the computer is set up and the software is set up, so if there's any issues at that time the Building Department will be able to help out. Okay, so with that, I gave all the Council people a packet. The packet is statistics that we heard a lot about during the public meeting. It is statistics for all the twenty-four hour gas stations from 2019 to present. It's every incident that has occurred during those hours at those specific stations. So, I know that from talking to several of you on the Council, it doesn't sound like this ordinance is coming out tonight. Which makes sense. You're going to want to review the information that you received and then we could talk about that, obviously, after your review. But I think what you're gonna find, specifically, is some numbers that are way too high for these types of businesses. I think that's why this ordinance has been put together at this time to address some of the things that we heard during public comment or during the public meeting. I heard Mr. Stoya talk about how this is a slippery slope, you do it to one group, you know, it's going to go to the next one. Like next week we're gonna say, "Hey, we want to close Dairy Queen down at 3:00 o'clock." I heard the same thing back in the day when we acquired the River Park Apartments.

Councilman Woerpel is now in attendance.

Chief of Staff Phil Taillon cont. - It was a very similar story in that the River Park Apartments had extremely high police calls and police incidents where most of our resources, and I remember the number being ver high. I don't want to make up a number, but I remember it being somewhere around 80% of our police calls at certain times were going to those River Park Apartments. I hear people say, "If you're requiring them, or you're gonna eminent domain them, you're gonna take them, then, you know, you're just gonna do it to the next guy a month from now, and the next guy a year from now, and it's a slippery slope. Well that's not what happened. We acquired the apartments, obviously, all the police calls and the issues there went away. Some people, unfortunately, did lose their job, because there were employed people there. But you go to Oxbow Landing now and you have a beautiful new development over \$65 million worth of investment. Something that Hammond could be very proud of. Something Highland is very proud of, that they were a part of . And we don't have police calls at those sites anywhere in the vicinity of what it was back when those apartments were operable. So I don't mean to be exaggerative, but you know, when I hear that if you're doing it to one it's just gonna get worse and worse. You are always gonna be the Council that's gonna make a decision on whether an ordinance makes sense or not. So just because a second ordinance gets put forward doesn't mean you're gonna approve that one. If you do approve this one. I always hate those arguments about predictions in the future of why you shouldn't do something now. When we're talking about this ordinance, of course we care about people that lose their jobs. Of course we care about business owners that are trying to run a successful business and make

MAYOR'S ADDRESS cont.

Chief of Staff Phil Taillon cont. - money. But in the end you're really talking about the greater good. Is this protecting our residents? Is this protecting other businesses? Is this protecting our police officers that are disproportionately responding to calls at these locations more than other businesses? I think it might have been Councilwoman Venecz that brought this up, that's exactly what happened at McTaverns. When we had several incidents, you know, we have power in those situations because there's a liquor licence board that we can go to and say, "Look at this. Do something about it." They can pull their liquor license and the business is killed. So because of that, we were able to have McTavern's closed. It happened again on Kennedy Avenue at Coach's Corner. They were having a number of incidents on a regular basis where people were getting hurt. Gunshots were happening on a regular basis. Where bystanders could get hurt. Not just people at the business but people in that neighborhood could get hurt. We end up acquiring the property and shutting down the business. When you were looking at the calls and those reports, even if they are not gun shot calls, you keep in mind that every time a police officer, and it's always gonna be more than one, is responding to one of those police calls at the gas station, that's that officer not watching our neighborhoods, not watching our homes, and not protecting other businesses. So I just want to, you know, put my two cents in when it comes to this. I also want to bring up that there was a bar, and I'm not gonna mention the name, that was having some issues and we reached out to them and they came and they met us right here in the Mayor's conference room, and we sat down and we said, "Here's what's going on." They said, "You're right. Here's what I want to do to fix it, and can I work with you to fix it." And they did. They made changes. Our police officers were in the room when those conversations were happening. That business, as far as I know, to this day is not having those issues anymore. They are in operation and successful and everybody wins. So, it's not just overreaching government coming in and saying, "This is what's gonna happen and that's all there is to it." It's we need to work together to fix this problem. So that's ... I just want to make sure that we talk through some of the things that came up during the public comment. I think I hit on everything that I wanted to. So, if you have any questions, I'm happy to answer them.

Councilwoman Alexander - Alright Phil, just glancing through this information, no shots to you or anything, but just glancing, because right now we can't we just got it. So, thank you for getting it for us because if it was voted on tonight it would be very bad that we just got it right now.

Chief of Staff Phil Taillon - Agreed. I wouldn't suggest you vote on it this evening.

Councilwoman Alexander - Yes, so we know that we are tabling it for now. But just glancing through this, I'm just pulling away from some of this stat that it just proves right here that approximately six and a half more issues than the other, let's say about twelve or so more. So, just with this data, just glancing, number like how many things are on the sheets versus ... and the dates from 2019 to now. It still does not give enough information that says we have a big problem at our gas stations. So, just looking at it from this standpoint of just saying with these sheets that are stapled, there's more activity at these gas stations versus these. The other thing is, we set this in our committee meeting that we know that it's people that are causing crimes. It's not our gas station owners. So, made suggestions to those owners about joining our FUSUS program. I also ask that we get our police departments until we can get around to our businesses in the city to actually get that information out to all of our businesses because we want them to be good neighbors and participate in that program when we have things like criminal activity happening that they have those access to the cameras. Now they have live feed

MAYOR'S ADDRESS cont.

Councilwoman Alexander cont. - to them, they do not get a recording, but they're able to see something when a call is dispatched. So we want those business owners and even residents to understand that program and I think maybe we could get maybe a video or something that explains the program that we can put out maybe on our Tik Tok that we have, or maybe on our gohammond page so that they have more information. I also made a suggestion that if they have too many signs up on their windows they get them down. We talked about a security guard overnight, because I really feel that this ordinance, we're rushing it, that's why we had to pull it back. But we're rushing it that we could probably put some other things in place. That is they don't, maybe, oblige by them that then we can go to this extreme. But right now this is still a little extreme and you can pass that on and I know Mayor's probably watching, that we can look into. But I'm not seeing enough with just glancing while you were talking. Enough that still supports why we're wanting this ordinance to exist for all gas stations, ok. And let me pull out my note right here to say to you, if anybody else wants to comment I'll get back to it. But I really do feel that it's our businesses right to be open and they should have that free right if they need to close and we just put different parameters in place but we don't force them to do certain things because I'm pretty sure you wouldn't want to be forced to do something.

Chief of Staff Phil Taillon - So, my response to that is that's why there is something in the ordinance that allows each individual gas station owner to petition to not have to be closed during certain hours and I think if they have statistics and things in place that prove that they are more safe and more secure and don't have the issues that some of the other ones do, I think that's where the Board of Works can look at that and make a decision. So I think it protects them still but at the same time it protects us from some of the gas stations that are not as safe as the others.

Councilwoman Alexander - So, my question is, are we saying that it's the gas stations that are the problem, meaning the gas station owners, the employees that are causing the crime or is it that people? Like with our state gun laws that have changed that say anyone with the age of eighteen, if they don't have a felony, they have the right to carry without a permit, or is it that maybe even in the instance of if we had a hospital maybe that young man wouldn't have passed away and he didn't have to go so far. We have a lot of other things and I think we really need to dive back into the root of our issues in our city than to go all the way across the board with this one.

Chief of Staff Phil Taillon - Well I think what I would say is we have a disproportionate amount of calls at gas stations between the hours of midnight and 5 a.m., and because of that, I think that is where it is the responsibility of the administration and the Council to work together to try and address the situation. Am I saying are we blaming the employees and the business owners, I obviously can't say something like that because I don't know specific employees and I don't know specific business owners being honest. But, I could tell you by looking at some of the incidents on those lists, specific gas stations, things that've been going on for a very long time and they have not addressed it. They have not tried. We've sat back and haven't done anything, haven't put any ordinances forward or tried to change some rules to make it more safe. They certainly aren't doing anything. So, in my estimation at some point you've got to say, "Look, too many people are getting killed. Too many incidents are happening. Too many police calls, and by the way, the incidents you're seeing are the calls that came in. I think I heard from one of the police officers at the last meeting that came forward that said

MAYOR'S ADDRESS cont.

Chief of Staff Phil Taillon cont. - when he pulls up to a certain gas station and all of a sudden a bunch of people scatter. Which means, you know, we're constantly having patrols go by these areas because we know they're problems and that is taking resources away from all the other businesses and residents that also need to make sure we're safe and secure. So, that would be my response to that.

Councilwoman Alexander - Isn't it their responsibility to also drive these areas as well. I'm not shaming our police or anything like that but if they're driving passed and people are fleeing that means because they have made their presence known that things stop. So, to say that we can go to other areas or things like that, it's like wait a minute, if they're driving past we can go back to the Juneteenth event that we had. There were no incidents that happened because we had police presence. When presence is there it's just like being in a classroom, I'm a teacher, if I'm not in the classroom then my students can run amok. But if I'm there, because of my presence, then they're not doing the things that they would normally do if they don't have someone's eyes on them. So, having that access to FUSUS, it gives us that thing. Because, again, they have the phone call that happens now, someone is triggered to look on that camera and see, okay, it was this car and now they can get more details because, not saying they're big brother or anything like that, but it's just giving them more access to be able to pull out these things and say, "Okay, we're the good neighbor." So that's why suggesting to the business owners before we say let's stop your hours from here. Yes. If we're gonna stop them and then now we're sending them to another board to approve them, that does not make sense to me either. To send them to somewhere else when we're the ones saying, "Okay, we're closing you down from 12 to 5."

Chief of Staff Phil Taillon - While using your analogy in the classroom, you know, I've heard this many, many, times that teachers have to spend inordinate amount of time with students that cause problems and if you didn't have those students or if you were putting something in place that made sure those students didn't cause as many problems, then the teacher could then pay attention to all the other students that are doing great. And I think it's the same with gas stations, honestly. We have our police that are constantly having to drive by these stations that are having non-stop issues, and it does pull police presence away from everybody else that doesn't have the same amount of problems. So, trying to use the analogy that you were going with. But it's okay. I can obviously tell we may not agree 100% on this. I think right now the ordinance is in committee. So you guys have an opportunity to look at it, pick at it, see if this is something that you decide that it makes the most sense. Maybe there's a change or two that the Council wants to see happen in the ordinance. I mean, obviously, that's why we have you reviewing it.

Councilman Kalwinski - Good evening. A few things, just to get (unclear) real quick. Is there a packet to pick up in Redevelopment with information on the auction, and the rules, and the down payment, and is there a home owner's association, etc.? (unclear)

Chief of Staff Phil Taillon - This has been put in the newspapers. It certainly has been all over social media. So, the answer is yes. I don't want to spend too much time while everybody's sitting here but there is information on here that says that you can go to the Redevelopment Office and as far as whether you pick up the packet or just fill it out there, that's what I'm not 100% sure on.

MAYOR'S ADDRESS cont.

Councilman Kalwinski - The software is fully operational (unclear)

Chief of Staff Phil Taillon - No. We are absolutely still working through that. It's a very extensive process because you're changing so many different ... each department has been using different software and different programs. So, to integrate all of them is gonna take time. However, for August 1st we're trying to have it in place that you will be able to make payment at the billing department for things that you typically would have had to go to the Controller's Office to handle.

Councilman Kalwinski - Back to the auction, are developers or builders allowed to bid on parcels?

Chief of Staff Phil Taillon - They are.

Councilman Kalwinski - They are?

Chief of Staff Phil Taillon - I believe we have rules in there that you can bid up to four parcels.

Councilman Kalwinski - That's different than the meetings we held at the marina where there would not be developers allowed to bid on these things.

Chief of Staff Phil Taillon - I think you always want, I mean, there is a lot of very strong great residential developments out there that ...

Councilman Kalwinski - Builder or developer (unclear) buy at least up to four lots.

Chief of Staff Phil Taillon - I believe that's where we ended at, yes.

Councilman Kalwinski - Just real quickly on the gas station issue, as you were talking, you mentioned that the department had a problem and you all sat down with the administration, the police and the bar owner. Has that stuff taken place with the gas stations?

Chief of Staff Phil Taillon - Again, this is a different scenario. We have a oversight tool with bars that we do not have with gas stations. We can't shut of the gas station license. We can pull your liquor license if you're having incidents.

So, in those situations it makes it a lot easier to sit down with certain business owners and have a conversation.

Councilman Kalwinski - So there hasn't been a sit down with the gas station owners?

Chief of Staff Phil Taillon - I would say there's been individual conversations over the years when there's been incidents.

Councilman Kalwinski - During the process of the ordinance being brought out?

MAYOR'S ADDRESS cont.

Chief of Staff Phil Taillon - No. This is at the end of, you know, obviously, years and years of police calls and incidents where it got to the point where the city is saying, or the administration is saying, we've got to make some change to try to address this.

Councilman Spitale - (unclear) there's a plat, we could get a survey on that whole (unclear) district (unclear) homes in. We have to (unclear) the cul-de-sacs that might be in there (unclear).

Councilman Kalwinski - (unclear) in the packet.

Chief of Staff Phil Taillon - So I think in the packet that they can get at the Redevelopment Office it will show you the different parcels. It gives all the parcel numbers. I don't know that there's a specific plat that every person gets, but there will be, obviously, visuals that we can show them, you know, which each parcel represents what the number is.

Councilman Tyler - I have the same question as Councilman Kalwinski, just in terms of if we've gone about having individual conversations with the owners. Because I do feel like that could be a good start. And at least to Councilman Woerpel's point, will give them an opportunity to share what they might be interested in doing in terms of helping us solve this issue as well. My other question, Phil, which is a much easier one is you talked about the elevator improvements. Is that part of the long term upgrades to this building?

Chief of Staff Phil Taillon - It is , it's part of the green project that we've taken on where we've changed the HVAC and windows and we're fixing the elevators as part of that as well. That's correct. And I don't, you know, talking about having conversations with business owners, I feel like I know that, for example, the Mayor and a few others have spoken to some of the business owners, but, hey, if that's, you know, if a conversation can happen and things can be talked through, obviously, that's something that can sometimes be productive. I think the issue is when you look at some of those incidents and some of the gas stations, you will see that this is been ongoing for a very, very, long time and I can guarantee you when the police officer's are responding to those calls they are talking to the employees that are working at the time and, you know, making suggestions and saying we've got to do a, b and c to fix this and obviously it just hasn't worked. So, but, I hear, and I agree with what you're saying about communication is never gonna hurt things, that's for sure.

Councilman Kalwinski - Is the audio equipment have a completion date for this room, because I can hear you fairly well but I know people can't hear us oftentimes and we can't hear all the time either. Do you know when this is all going to be done?

Chief of Staff Phil Taillon - When I was sitting out there during the public hearing, I could hear certain council people much better and clearer than others. So, 100% true. Unfortunately, I don't have the time line off the top of my head but I can probably find out before the end of the meeting.

Councilman Kalwinski - Could you, thanks.

APPROVAL OF MINUTES

Councilman Spitale, supported by Councilman Emerson, moved to approve the minutes and place on file.

ROLL CALL VOTE (minutes)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 MINUTES APPROVED

APPROVAL OF CLAIMS

Councilwoman Venecz, supported by Councilman Spitale, moved to approve the claims from July 17, 2023 through July 19, 2023. Claim #4616 through #5030, inclusive. For a total of \$8,454,184.54.

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

23-14 Appropriation Ordinance, City of Hammond, Indiana (General Obligation Judgement Funding Bond)

George Stoya - The last time the Mayor spoke about this informing us of what was going on he stressed that he had not been Mayor when these suits started, I mean, when these criminal actions occurred. But, he was Mayor when these suits started. For example, Larry Mayes, he won in 2006. Granted the Mayor was a new Mayor, but none the less he was Mayor. And the Hill case was 2010 it was filed. Clearly within the scope of the Mayor's tenure as Mayor. That's not the only one that's pending if I read the article correct. I read it quickly. By Sarah Reece of the NWI Times. She reported back in November of last year that Darrell K. Pinkens and Roosevelt Glenn have another case against brother Solan for stuff that happened in 1989 on the bump and run rape stuff, you guys might remember some of that stuff that was going on on Cline Avenue, I believe. They said one of the spots. So we still have that pending out there. Brother Solan has cost us some serious cash here. People forget that ... the Mayor also failed to mention the last time he spoke was we got hit ... a lot of those cases, I believe, should have been settled already because we're rolling the litigation dice here. One part about being an attorney, any attorney will tell you this, is being able to predict the outcome of your cases. And we lost on Mayes for \$9 million, he got them to settle for \$4.5 million I think it was, something like that. Now we got lit up for \$25 million and punitive damages. I mean, the punitive damage aspects, it's not so much the money but the nature of the character of the conduct of Solan during the Mayes thing. So, these lawyers, I think, should have foreseen and build a more circumspect about proceeding the trial. \$25 mil, thank god the Mayor got it reduced. But still, an argument can be made, and I'm making it now, he might be rolling the litigation dice and is he rolling the

PUBLIC HEARINGS cont.

George Stoya cont. - litigation dice with the Pinkens and Glenn cases? This doesn't look good. Again, Detective Solan seems to be the, I think it was the lead detective in this again. And it has to do with withholding exculpatory evidence, manipulating witnesses, and fabricating evidence. This is not just we're in civil court here, preponderance, evidence, hey he might have it, we got a chance of winning, uh-uh, not with this stuff. I mean they've got, in the case with Mayes, that's some good attorneys on it. Levinson's a good attorney. I think Jenson's a pretty good attorney. But, you know, it's good as the facts. You know, they couldn't do anything. But, again, that's why I say they might be just rolling the dice. You guys, as Council, I would hope, you may want to bring this up with the Mayor, I'm not saying he's doing anything wrong, I'm just saying rolling the dice is rolling the dice. We don't have a blank check here. We can't keep coming up with judgement bonds. I don't know what our debt is now. It's (unclear). Somebody told me earlier they keep saying it's somewhere around \$200 million plus. I know, it's not the debt, it's how you service the debt, yada, yada, yada. Ok, that's fine. But we're still not a blank check. I just wanted to bring it to your attention.

COMMUNICATIONS

Councilman Woerpel, supported by Councilwoman Venecz, moved that the letter submitted by George Stoya be placed on file.

ROLL CALL VOTE (letter)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

MOTION CARRIED

Councilwoman Alexander - I know that Councilman Tyler has also sent notification to all the Council, but the School City of Hammond will be having their Back to School celebration on August 2nd, from 10 am to 2 pm. I know that I've already made a donation and we're hoping that you all will make a donation as well to the Back to School celebration with him and also come out and show your support on that day.

Councilman Tyler - I provided a copy for everyone, but a resident from my district, Vanessa Allison, who is also an employee at one of the gas stations in the city submitted a letter in opposition of 23-16. So, I just want that to gon on file as well.

Councilman Emerson - I'd like to announce the Solid Waste Management of Lake County will be doing a shredding of personal items, insecticides, oil based paints, syringes and sharps on 9/23. I will be mentioning it again as we go along, from 9am to 2pm on Conkey Street with the Street Department.

Councilman Kalwinski - I received communication that the Pulaski Park Neighborhood Association will hold its meeting tomorrow, Tues., at 6:30 at the Hammond Mohawks at the corner of 141st and Calumet Avenue in the North Hammond area.

*Prepared by
Robert J. Golec
Hammond City Clerk*

COMMITTEE REPORTS

Council as Whole Committee - Councilwoman Venecz - Brought out 23-14 and 23-15.

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

- Community Watch at Mt. Zion Pleasantview Plaza - September
- East Hammond Pullman Crime Watch; Tues., Aug. 22; 6 pm; Ophelia Steen Center
- Edison Community Watch; September
- Harrison Park Crime Watch; Wed., Aug. 2; 6 pm; VFW on Hohman Ave,
- Hessville Crime Watch; Aug. 17; 6 pm; Jean Shepherd Center
- Irving Community Watch; September
- S. Hohman Avenue Neighborhood Watch; October or November
- Whiting-Robertsdale Crime Watch; Thur., Aug. 10; 6:30 pm; Calumet College

Also coming up, sponsored by Mayor McDermott and the City of Hammond is National Night Out. This is a crime and drug prevention event that will be held up at the pavilion. I just got an email that there's going to be a dunk tank and the Mayor's going to be in the dunk tank for about an half an hour. There will police vehicles, fire vehicles, the Lake County Sheriff will have his helicopter there and just come out and meet all of the people who serve and protect us every day.

Capital Improvement Board - Councilman Woerpel - Met on July 19. \$89,700 was approved to First Group Engineering to go towards the design of the Community Crossing Matching Grant Project on Summer Street between Indianapolis Blvd. and 165th. We also added to that grant, in order to get the full usage of the grant that the State provides half the funding for, up to \$1 million. We also included on that grant, 169th Street from Southeastern to Northcote, and the fee is designed for construction and engineering of the expansion of the program. They also approved \$49,566 with Site Services under an agreement for payment preservation for sections of the Eric Lackawana Trail between Columbia Avenue and the pedestrian tunnel underneath the interstate 80/94 are in poor condition and required restoration.

ORDINANCE 3RD READING - FINAL PASSAGE

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

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

Councilwoman Venecz - This is the appropriation of \$9,600,000 in the James Hill case.

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

ORDINANCE NO. 9603 PASSED

*Prepared by
Robert J. Golec
Hammond City Clerk*

ORDINANCE 3RD READING - FINAL PASSAGE cont.

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 Spitale, moved for passage.

Councilwoman Venecz - This gives approval for the issuance of the bonds in the amount of \$9,600,000. This is over ten years and it will mean about \$3.44 cents per year to the homeowner on their taxes.

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

ORDINANCE NO. 9604 PASSED

INTRODUCTION OF ORDINANCES

23-17 An Ordinance Vacating a 3021-foot portion of the 125th Street Lying East of Calumet Avenue in the 800-1300 blocks of 125th Street

Councilman Kalwinski, supported by Councilman Emerson, moved the proposed ordinance to 1st and 2nd reading, referred it to Council as a Whole Committee with a meeting at 5:15 p.m. on August 14, 2023 and a Public Hearing on August 14, 2023.

Councilman Kalwinski - This is the property that is what used to be the road between the South Basin of George Lake and the North Basin of George Lake back many decades ago that was also used by BP Amoco's research and training facility to test their gasoline products on that road, which of course does no longer take place and so the city is (unclear) vacate that property, which is long overdue.

ROLL CALL VOTE (1st and 2nd)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

MOTION CARRIED

RESOLUTIONS

None

*Prepared by
Robert J. Golec
Hammond City Clerk*

NEW AND UNFINISHED BUSINESS

None

PUBLIC EXPRESSION

Mr. Buck - Concerned why all these mega million dollar contracts going on right in our back yard and no one that looks like me has one of those jobs anywhere. We are being excluded. Last time I brought this up I was told it couldn't be done. It was illegal. That's not true. Hammond Central had to have so many Blacks, Hispanics and so many people from the City of Hammond. They don't want to do it. I know you all have something to say about who gets those bids. There need to be stipulations. We need to be included also.

Mr. Beckman - Requesting the Council to ask the Park Board to recruit Purdue to fix the George Carlson ramp, they've got plenty of engineers, and to take out the invasive species.

George Stoya - I wanted to clarify something that Phil brought up. This is the first time, that I know of, that the city applied a blanket ordinance to blanket all these businesses. They've adjusted things on an individual basis before.

Ken Rosek - Back to the bridge issue. We're still waiting from the IDEM public hearing on that. Some of the information put out by the administration of elected officials was wrong. They should be held accountable. The bridge does not help the children going to school. The city said an underpass would cost twice as much as the bridge. The bridge is actually more expensive than the underpass. It's just the opposite.

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

AYES: ALL

George Stoya
1413 Stanton Avenue
Whiting, IN 46394
Tel. 219.659.6339
Email: Georgestoya@outlook.com

July 10 , 2023

To: Hammond Common Council
5925 Calumet Avenue, Room 304
Hammond, Indiana 46320
Phone: 219-853-6404
Fax: 219-853-6420
council@gohammond.com

RE: Proposed Ordinance 23-16 Closing Hammond Gas Stations Midnight to 5 a.m. is tantamount to an Authoritarian Declaration of Martial Law. Slippery Slopes.

Dear Council:

Pursuant to urgent updates in weekend news reports by the NWI Times and Chicago television networks, at this Monday's meeting of the city's council, it will consider an ordinance regulating the business hours FOR ALL Hammond gas stations mandating they close-for-business each day between the hours of 12 midnight and 5 a.m. Such a peremptory action/enactment is disproportionate, invites an unwarranted risk of expensive litigation and, most of all, it is devoid of sufficient necessity to justify any exception that would enable local government to override and/or regulate the economic interests of local & interstate commercial entities.

In May 2019, Hammond's street department indefinitely shutdown Boy Scout Road, also known as 136th Street, peremptorily alleging the road had become a conduit for illegal trash dumping and other criminal activity from the Chicago side of the state line, similar to the rationale later again employed in suspending use of MLK park's basketball courts. Boy Scout Road was reopened in July 2019 after social pressure as well as complaints were lodged by Luke Oil and other merchants relying on the road for commercial activity.

As reported then by the NWI Times, "Some Hammond businesses, including the Luke Oil station at 136th Street and Sheffield Avenue, reported a severe reduction in vehicle traffic in the weeks following the closure. North Hammond residents largely agreed that keeping 136th Street open outweighed any inconvenience caused by increased traffic in the neighborhood, according to the results of the survey. About 60% of respondents said the closure had not made the neighborhood quieter or safer, while 61% percent said they use the road at least 1-3 times per week." Boy Scout Road reopened that July 2019.

Fastforwarding to last year, the council should recall that in August 2022, following two shooting incidents in the MLK park area, Mayor McDermott suspended use of the park's basketball courts pending police and administrative review, as well as input from neighborhood citizenry. Earlier that July, McDermott had also closed the skateboard area of Pulaski Park located in a neighborhood further northwest of MLK, after repeated incidents of vandalism and graffiti. The skate park was reopened after a few weeks with an increased police presence.

But note, unlike today Mayor McDermott and the city council did not seek to close ALL HAMMOND PARKS, only the individual PUBLIC park implicated/involved with unlawful conduct. The scope and reach of an ordinance to regulate the business hours of PRIVATE, local and interstate commercial interests as represented by the gas stations is fraught with risks of liability and damages from major, if not multinational oil corporations. And it will, yet again, likely require retention of Indianapolis legal firms and possibly hundreds of thousands of dollars in legal fees and costs.

With respect to the criminal activity occurring in and/or involving the specific city parks, as custodian of the city's real property and other public municipal assets, McDermott's actions were well within the scope of his government authority and execution of the city's police powers. However, here Hammond's gas stations are privately owned and operated and any exercise of the city's police powers in the form of an ordinance to peremptorily mandate their hours of commercial activity is likely to violate federal/state interstate commerce rights preempting local government regulation of business hours. What's more, as I understand it, pursuant to the Privileges and Immunities recognized in the analyses of the Dormant Commerce Clause, such an ordinance can be said to unduly burden interstate commerce, even in the absence of federal or state legislation regulating the activity.

Again, Hammond's city council risks legislating beyond the statutory scope of its local authority and, more likely than not, despite Indiana's Home Rule provisions (or because cities are political subdivisions of the State) municipal authority to regulate interstate commerce has been preempted by the state law. Absent sufficient emergency, the necessity needed to invoke an exception to federal & state regulation cannot be recognized.

In addition to the potential liabilities noted above, I further believe, from the information I've gleaned, that the mandatory subjection of all gas stations to the invasive regulatory force of the proposed ordinance risks constituting an inverse condemnation under the 5th amendment. That this direct, regulatory appropriation of its rights to determine the hours of business is a valuable property interest which the gas station owners and operators possess that is actionable under the theories of inverse condemnation.

That such an appropriation of control of the city gas stations is also violative of 14th amendment provisions of due process and equal protection. Equally, the city might also become vulnerable for violating 4th amendment protections against unreasonable intrusions and other

forms of seizure pertaining to property rights held by owners and operators of Hammond's gas stations, individually and as a class. One thinks of the Katz case wherein the US Supreme Court recognized 4th amendment protections covered not only unreasonable physical intrusions, but to any area where a person has a "reasonable expectation of privacy". Nothing could be more personal or private for Hammond gas station owners than the right to determine their hours of business.

In both sum and substance the proposed ordinance embodies a raw instance of cloaking a local legislative measure with the color of law as the legal means of promoting a desired social outcome. Still, all such an end-justifies-the-means legal enactment really achieves is exposure of the city to increased risks of legal consequences, liabilities it can ill-afford to venture at this time.

In conclusion, Hammond resident and part-time activist Mary Ellen Slazyk sums up the situation best in an internet comment posted to the July 6, 2023 news report in the NWI Times, "Hammond gas stations could be forced to close overnight," by Molly Devore, observing:

"This proposed ordinance would punish the people, and not the criminals. As it is right now, there are only a few gas stations open all night. I am retired, but when I was in the workforce, I used to work all kinds of shifts, and sometimes did get gas for my car late at night, on my way to work, or on my way home after work. FYI, a lot of robberies, carjackings and other criminal activity happen during the day. The criminals work 24/7, in case you haven't noticed."

Indeed. Punishing the people. Today, it's our local government asserting dominion and control of gas station business hours. Tomorrow, restaurants, 7/11s, the gaming casino...A slippery slope

Respectfully submitted,



George Stoya

Liz Reyes

From: Barry Tyler Jr.
Sent: Monday, July 24, 2023 5:11 PM
To: Liz Reyes
Subject: Fwd: Gas station hours

To print...

Get [Outlook for iOS](#)

From: Vanessa Allison <vanessaallison491@icloud.com>
Sent: Thursday, July 20, 2023 9:56 PM
To: tylerb@gohammond.com <tylerb@gohammond.com>
Subject: Gas station hours

My name Vanessa I've been employed at All Star and Citgo by Morton high school for 9 years. When I first started working there I was working two other jobs to make ends meet. My previous employers wasn't giving me enough hours. I wasn't making enough I got offer a full time position at All Star with the hours that I needed. How is the owner's suppose to pay their employees and bills to keep the stations open and running? By closing the stations that's money the store is losing out on to cover expenses. You're taking hours away from the workers. What happens if the stores are closed over night something happens to the owners or employees getting robbed or shot open early in the morning or closing late at night. If you're going to close the stations close everything in Hammond. Crime happens anytime of the day not just at night. What happens when a customer comes to us for help because they got shot or robbed elsewhere. So you're going to hold the owners accountable? How is the fuel delivery drivers suppose to get an accurate gas reading to see how many gallons are already in the tanks? There's a machine where the driver has to print out inside the store. Who will be responsible if the driver over fills the tanks? That will be a mess to clean. Think about the other delivery drivers and vendors when the store is closed. That puts them behind on their deliveries. It's about our safety also not just the customers. It's sad the guy lost his life there's more to this story that's not being released to the public. What about the shootings that happened at the bars on Kennedy? I think every station should have bulletproof glass and cameras operating at all times. Are you going to send officers to every store when opening and closing to make sure the employees get to there car safety? It's easier when a other employee is working they can just open the door for us it takes time to unlock a door. It's going to push more crime elsewhere and other cities around Hammond. How you close the gas station's that keep having problems and issues it's not fair to the other stations that doesn't have problems. I actually like working there by myself and I don't have to listen to a other co workers complain about other workers, not doing their job. Have the stations remove signs from their windows where they can get a good view of the parking lot. Not every store has two or more employees working per shift. We also got to worry about vandalism and the store getting broken into over night. Have officers stop in an check on us to see if everything is okay. What about customers that play lottery early mornings on their way to work. It's not just about money it's about our loyal customers. I have conversations all the time with customers. There are some older customers that need help pumping gas or insert their card in the card reader outside. I do help the elderly if I don't have any other customers. Mr Tyler thank you for listening to me today when we had a conversation.

Sent from my iPhone

Liz Reyes

From: Barry Tyler Jr.
Sent: Monday, July 24, 2023 5:11 PM
To: Liz Reyes
Subject: Fwd: Gas station hours

To print...part 2.

Get [Outlook for iOS](#)

From: Vanessa Allison <vanessaallison491@icloud.com>
Sent: Thursday, July 20, 2023 10:13:54 PM
To: tylerb@gohammond.com <tylerb@gohammond.com>
Subject: Gas station hours

I forgot to add something what about the people leaving the bars intoxicated they're not only putting their life in danger, but others that are driving on the road. We can't stop people from drug dealing in our parking lots all we can do is call it in . Hopefully the responding officer catches them in the act of drug transaction. Customers coming in buying cigarettes and swishers that's what helps bring money into the store.

Sent from my iPhone

2023 HAMMOND COMMON COUNCIL ATTENDANCE RECORD OF
ELECTRONIC AND PHYSICAL PRESENCE

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	9	13	27	10	8	12	10	14	11	23	13	4
Katrina Alexander	E	P	P	P	P	P	P	P				
Dan Spitale	E	P	P	P	P	P	P	P				
Janet Venecz	P	P	P	P	P	P	P	P				
Mark Kalwinski	P	P	P	P	P	P	E	P				
Pete Torres	P	P	P	P	P	P	P	P				
Barry Tyler	E	P	P	E	P	E	P	P				
Bill Emerson	-P	P	P	P	P	P	P	P				
Dave Woerpel	P	P	P	P	P	A	P	P				
Scott Rakos	P	P	P	P	P	P	P	P				
Initials	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: 7:00 p.m.

cb

Prepared by

Robert J. Golec

Hammond City Clerk



Scott Rakos, President
Hammond Common Council