

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on September 9, 2013 in the Hammond City Council Chambers.

Council President Michael Opinker presided.

City Clerk Robert J. Golec facilitated.

PLEDGE OF ALLEGIANCE was recited by all.

ROLL CALL

PRESENT: Spitale, Venecz, Kalwinski, Uylaki, Emerson, Hinojosa, Opinker

ABSENT: Markovich, Higgs

TOTAL: 7

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Emerson, moved to accept the minutes of August 26, 2013 and place on file. AYES: ALL

APPROVAL OF CLAIMS

Councilman Kalwinski, supported by Councilman Spitale, moved to approve the claims from August 21, 2013 through September 4, 2013. Claim #4230 through claim #4412, inclusive.

Councilman Kalwinski, supported by Councilman Spitale, moved to amend in claim:

#4413	Hammond Boxing Club	Common Council	\$200.
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ROLL CALL VOTE (amendment)

AYES: Spitale, Venecz, Kalwinski, Uylaki, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: Markovich, Higgs

Motion carried	7/0/2	CLAIMS AMENDED
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ROLL CALL VOTE (as amended)

AYES: Spitale, Venecz, Kalwinski, Uylaki, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: Markovich, Higgs

Motion carried	7/0/2	CLAIMS APPROVED (as amended)
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PUBLIC HEARINGS

None

COMMUNICATIONS

*Prepared by
Robert J. Golec
Hammond City Clerk*

None

COMMITTEE REPORTS

Council as a Whole Committee - Councilwoman Venecz - Brought out 13-37 and 13-38.

Council as a Whole Committee - Councilman Kalwinski - Brought out 13-30.

ORDINANCE 3RD READING - FINAL PASSAGE

13-30 Ordinance Authorizing the City of Hammond, Indiana, to issue its Economic Development Revenue Bonds, Series 2013 (Munster Steel Project) and Approving other actions in respect thereto

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

Councilman Kalwinski - This is Munster Steel going after their bonds which will not exceed \$3 million and will be paid by January 1st of 2039 so that they can begin their new building at the West Point Industrial Park located at Huehn, 141st, Columbia, generally known as right behind the FedEx and Hulcher facilities in the West Point Industrial Strip. The total investment is \$6 million. They're hoping to create about 40 new jobs by the year 2016 with an average salary of approximately \$40 thousand. They are going to construct a building that takes about 123 thousand sq. ft. and it will be a steel fabricated building with another 5,600 sq. ft. office building. And the proposed Munster Steel project is in complete compliance with the Redevelopment Plan.

ROLL CALL VOTE (passage)

AYES: Spitale, Venecz, Kalwinski, Uylaki, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: Markovich, Higgs

Motion carried

7/0/2

ORDINANCE NO. 9218 PASSED

13-37 An Ordinance Amending Ord. 4109, 7016 and 7335 also known as Section 91.092 of the Hammond Municipal Code as it pertains to Fees Paid for the Quarantine of Biting Dogs

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

Councilwoman Venecz - This ordinance is to increase the fee from \$50 to \$125 for an animal that has been quarantined as the result of a bite. The animal must be quarantined for a period of ten days. Anytime after that ten days there will be an additional \$10 charge per day. This is to cover the expenses at Animal Control for housing the animal for a period of ten days.

ORDINANCE 3RD READING - FINAL PASSAGE cont.

*Prepared by
Robert J. Golec
Hammond City Clerk*

ROLL CALL VOTE (passage)

AYES: Spitale, Venecz, Kalwinski, Uylaki, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: Markovich, Higgs

Motion carried

7/0/2

ORDINANCE NO. 9219 PASSED

13-38 An Ordinance Amending Ord. 4109, 7016 and 4201 also known as Section 91.074 of the Hammond Municipal Code as it pertains to Fees Paid for Impounded and Unclaimed Animals

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

Councilwoman Venecz - This ordinance would increase the fee to reclaim an animal that was picked up wandering around if your dog got off the leash or out of your yard, something like that, and Animal Control picked up the animal. The fee will now be \$30 to reclaim the animal and it will be \$10 per day for each day that the animal is impounded. This is to reflect, once again, the actual cost to the city.

ROLL CALL VOTE (passage)

AYES: Spitale, Venecz, Kalwinski, Uylaki, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: Markovich, Higgs

Motion carried

7/0/2

ORDINANCE NO. 9220 PASSED

INTRODUCTION OF ORDINANCES

13-39 2014 Redevelopment Budget

Councilman Hinojosa, supported by Councilman Spitale, moved that the proposed ordinance go to 1st and 2nd reading by title, referred it to the Council as a Whole Committee, with a Public Hearing on 9-23-13.

AYES: ALL

13-40 2014 Sanitary District Budget

Councilman Kalwinski, supported by Councilman Spitale, moved that the proposed ordinance go to 1st and 2nd reading by title, referred it to the Council as a Whole Committee, with a Public Hearing on 9-23-13.

AYES: ALL

13-41 Creating a New Non Reverting Fund (Fund #206) entitled the County Economic Development Income Tax (CEDIT) Fund

Councilman Spitale, supported by Councilman Emerson, moved that the proposed ordinance go to 1st and 2nd reading by title and referred it to the Finance Committee.

AYES: ALL

INTRODUCTION OF ORDINANCES cont.

*Prepared by
Robert J. Golec
Hammond City Clerk*

Councilman Markovich - So, is the Law Dept. here?

City Atty. Kantar - I've been here.

Councilman Markovich - So, that ordinance was typed up by the Law Dept. and usually when it's typed up by the Law Dept. there's usually not any problems and I'm just kind of curious what seems to be the problem with this one that the Mayor's vetoing this? If you can explain anything on it.

City Atty. Kantar - Mayor decided to veto it. It's his choice.

Councilman Hinojosa - As long as we got the City Controller here, if I have an at least an understanding of what's going on. The County Income Tax is going to start collecting money and we're not gonna get any until February even though we're getting County Income Tax it's not gonna equal what we've been putting in from the casino funds to put into the budget so we don't have to lay off police officers or lay off firemen. Can the City Controller give us a round about estimate of, even though we're gonna get this County Income Tax, how much that is and how much we're still gonna have to use for casino money next year? Estimate.

City Controller Lendi - Councilman Hinojosa, could you clarify your question slightly for me? I'm trying to relate it, I guess, to the resolution.

Councilman Hinojosa - I mean there's a lot of people out there that will say, "Why are they raising this fee? Why are they raising that fee?" I mean even before the County Income Tax. I mean if we're short \$13 million in the budget and we're using casino money like we have in the past couple of years. Now there's a County Income Tax, the County Income Tax, I believe, is not gonna equal \$13 million that we're gonna get from the County so do you happen to know what the estimate is that we're gonna get from the County?

City Controller Lendi - The estimates currently from LSA or the Non-partisan Legislative Services Agency, believes that the city is gonna receive somewhere in the neighborhood of \$8 million from the County Option Income Tax.

Councilman Hinojosa - Okay, so we're gonna roughly probably put about \$5 million....

City Controller Lendi - \$10 million is what is estimated as the councils gaming supplement to the General Fund for the 2014 budget.

Councilman Hinojosa - Okay, so even though we get \$8 million from the County Income Tax roughly, we're still gonna have to put \$10 million compared to \$13 million last year?

City Controller Lendi - Correct.

NEW AND UNFINISHED BUSINESS cont.

Councilman Hinojosa - So before this County Income Tax, my point I'm trying to get across is there is a lot of people out there, because we been raising a lot of fees and voting, the council's been voting for a lot of fees for a lot of things, but it's because not only are we behind from other cities and other counties and other states but at the same time there's no money. Some of these fees go up because they got to go up.

City Controller Lendi - I believe the Mayor's in agreement exactly with you, Councilman. I believe that's why he vetoed this ordinance.

Councilman Hinojosa - I think Bob and myself want to know why not this and the other ones were okay.

City Controller Lendi - It's my understanding that the mayor sent correspondence to the City Council.

Councilman Markovich - It says here in the ordinance that, "the Hammond City Controller shall deposit the Administrative Towing Fee created by the section into the Police Equipment Fund established by this section for appropriation and expenditure pursuant to established guidelines". Where has this money been going to in the past.

City Controller Lendi - That's exactly where it's been going. It's been going to a non-reverting fund that's not the General Fund It's a separate fund. So the County Option Income Tax we're going to use towards the general budget of the Police and the Fire Departments. The gaming money that each of you six district councilmen have been putting in to support the general fund. Those are the things that are supporting our Police and our Fire Departments general operations. As well as the general operations of many of the departments in the building we're in now. However, the way this ordinance is written and created, it would double the fee which would not go to the General Fund. It would not go to help support Police and Fire general operations. It would not go to help support the general fund which is what you guys are supplementing with your gaming.

Councilman Higgs is now in attendance.

Councilman Markovich - I would like to just know what Councilwoman Venecz, why she sponsored this thing and all of a sudden it's no good. I mean in the Mayor's letter it says here, "a need has not been established for this 100% increase". So we're going from \$20 to \$40. I'm just wondering why she came up with this in the first place to go from \$20 to \$40. Now all of a sudden the Mayor is saying we don't need the money.

Councilwoman Venecz - I do not believe that the Mayor is saying that we don't need the money. I believe that he is saying that he is in opposition to the fact that these dollars go to a non-reverting account. It doesn't go to the general fund and that is the problem with the increase in this particular case.

Councilman Higgs - As it relates to this particular ordinance, a non-reverting fund, the money would actually just sit in that fund and it wouldn't be utilized so what would be the need for us to have it there. That would be my question. If I'm correct, Mr. Controller, as it relates to this particular ordinance I tried to reach out to the Mayor and he was probably in meetings or whatnot for two days but I was trying to get some clarity as to how

NEW AND UNFINISHED BUSINESS cont.

*Prepared by
Robert J. Golec
Hammond City Clerk*

Councilman Higgs cont. - this works. Because initially it was passed and now we're back and he vetoed it, so the ordinance, the particular ordinance, so my question to you would be, as it relates to this particular ordinance, how would it be utilized if it was to stay in position?

City Controller Lendi - If this ordinance were to pass, how would it be utilized? It would be utilized at the discretion of the management of the Police Department.

Councilman Markovich - Do we have any idea of how much money is sitting in this fund now? Do you have any idea?

City Controller Lendi - No. I can give you a ball park estimate. Probably \$55 to \$65 thousand.

Councilman Higgs - I think the letter states as though the mayor is saying because of the Optional Income Tax there is no need for it. I think that's what he is saying. Am I missing something? Am I correct?

City Controller Lendi - No. I don't purport to speak on behalf of the Mayor. However, I read the correspondence to ensure that it was technically correct as far as the accounting facets of that correspondence, I believe what he is saying is that the Hammond taxpayers are now going to be set with a 1.5% County Option Income Tax, it would be adding insult to injury to double a fee in the city of Hammond that is now going to supplant any tax base relief for those same people.

Councilman Higgs - So, in reality they'd be paying twice is what you're saying?

City Controller Lendi - I believe that he stated that it's his position that if there is going to be any increases for fees for anything it should go to the general fund to offset the tax burden of Hammond taxpayers. Currently as this ordinance is written that would not happen with the fee increase. It would not go to offset any of the tax burden of city of Hammond taxpayers.

Councilman Hinojosa - Just to help us understand, especially now that we're getting ready to go into the budget, help me understand, and maybe all of us here, last year we put \$13 million from our casino money for the budget and we're gonna get roughly \$8 million from the County Income Tax, that leaves \$5 million that we should out in from our casino money to offset the budget but now we got to put \$10. Is that because there's less money from taxes?

City Controller Lendi - No. Councilman Hinojosa, if you remember in 2012 we dissolved the North Hammond TIF. In 2011 we resolved the Marina TIF. In 2010 we dissolved the Robertsdale TIF and the Lakefront Development TIF. Now when we dissolved those TIF's the general fund saw an increase of those balances of those funds and in each of those three years it was between \$5 and \$9 million. I think one year it was \$6, one year was \$8.8, between \$5 and \$9. Okay so we had that one shot each of those three years because the Council and the Mayor decided it would be prudent to dissolve those TIF's now that the projects were over and the debt service was completed in those districts and then use those revenues to help support the general fund. That's

NEW AND UNFINISHED BUSINESS cont.

*Prepared by
Robert J. Golec
Hammond City Clerk*

City Controller Lendi cont. - where we had those revenues in those three years. In 2013 we haven't dissolved any TIF's because we don't have any TIF's that are outstanding that currently have their debt service obligations satisfied.

Councilman Markovich - I don't understand this whole thing here in a sense because I thought the councilman said that we don't need this money but yet in the ordinance it says, "the Hammond Police Department and Hammond Councilwoman at Large wish to amend the ordinance to increase the fee from \$20 to \$40." But in the Mayor's letter it says a need has not been established for this 100% increase but yet we've increased all of our other fees and everything and all of that. So I would just like to know what the councilwoman is proposing here. I mean, what does she want to do with this or what's the purpose of this. I mean, the Mayor doesn't want it so what are we doing here then? Are we gonna leave it at \$20? Is that what we're gonna do? I just want to have some guidance here or what her intention is because she originally says here that they haven't had a raise since 2004, an increase, so that's eight years, and now they're saying the councilwoman and the Police department want to amend it from \$20 to \$40. But yet nobody knows how much money's sitting in the fund and what are they going to be doing with that money? Does it exactly say what they can do with that non-reverting fund money? Is there parameters for that? Do you know? It's just the discretion of the police chief?

City Controller Lendi - I'm not familiar with the..... actually you would be more familiar with it than I would. You would have to because you would be the body that would have established that fund for the police department so you would be the body that would know what that money would be for.

Councilman Markovich - That's what I'm asking, she's the one that proposed it, an increase of 100%, because we haven't done it since 2004, I'm just wondering where she got her information or why we need to do this. Because maybe we don't need to increase it if the Mayor says we don't need the money in his letter. An increase has not been established ... a need has not been established for this 100% increase. He's saying we don't need it. I mean, I don't know what the problem here is then.

City Controller Lendi - I think you're taking that correspondence out of context. That's not what it says. It doesn't say anywhere in that letter that additional funds aren't needed to help run government. It doesn't say anywhere in that letter that the police department equipment, such as the police cars that this officer right here is probably driving, is not in need to be replaced. I think it's a gross misstatement of both the ordinance as it was proposed and the Mayor's correspondence to the Council to say things of that nature and take it out of context. It's just absolutely untrue. Actually, it's blatantly false, Councilman, with all due respect, that you would purport that.

Councilman Markovich - Well, what it says here in his letter, it says, "A need has not ben established for this 100% increase. The fund we are diverting this increased revenue into has plenty of money available currently." So for you to start saying anything that they need police cars and all of that, he's saying which begs the justification on why we are doubling these fees.

NEW AND UNFINISHED BUSINESS cont.

*Prepared by
Robert J. Golec
Hammond City Clerk*

Councilman Markovich - I'd just like to know what the Councilwoman's intent is and what the Law Dept.'s intent was when they wrote this ordinance. I'm perplexed in the fact that the Mayor is vetoing this. Because usually when something comes out of the Law Dept. the Mayor is already in favor of something like this and I just wanted to have some guidance.

City Controller Lendi - If Councilman Markovich would like to know the intentions of another councilwoman or the Law Dept. I think that the City Controller is the last person to ask about the intentions of other people.

Councilman Markovich - So if the Law Dept. and the Councilwoman could give us their opinion and give us some guidance on where we're supposed to go I'd appreciate that.

Councilwoman Venecz - As I understood when I introduced this ordinance the amount of time that a police officer has to devote to a tow is about an half an hour. That's a half an hour that he's off the street and I was under the impression that this was going to go to cover that time. I was mistaken and this was to go to this non-reverting fund. So I misunderstood.

Council President Opinker - Any other discussion? Case closed.

Council President Opinker - The new business I have, in caucus we discussed we are gonna have budget hearing which are gonna be set for Saturday, September 21st at 9:00 am in the council chambers. All the departments heads, it's gonna be first come first serve. As they sign the book they will be able to speak as they signed in. Doors will open at 8:30 and we'll start at 9 o'clock sharp.

Councilwoman Venecz - I would like to announce some Crime Watch meetings:

Wed., Sept. 11	Woodmar C.W.	Nat'l Guard Armory	6 p.m.
Thurs., Sept. 12	Whiting-Robert C.W.	Calumet College	6:30 p.m.
Mon., Sept. 16	Columbia C.W.	Columbia School	6 p.m.
Tues., Sept. 17	E. Ham'd Pullman C.W.	Ophelia Steen	6:30 p.m.
Thurs., Sept. 19	Hessville C.W.	Jean Shepherd	7 p.m.
Thurs., Sept. 19	S. Ham'd C.W.	Ham'd Housing	7 p.m.
Wed., Sept. 18	Lafayette C.W.	Lafayette School	6:30 p.m.

Councilman Higgs - I've been sending letters in regards to the stumps that are placed throughout my district in trying to get them removed. The 900 block of Merrill. 1100 block of Ames. Also there are a number of trees in which we are trying to get picked up on property. Again, I would like to send a letter to Board of Works, Code Enforcement and the Mayor in regards to these particular stumps so that they can address them. I know there's policy when it's private property but David Howard who is a personal friend of mine, there's been a tree at 1129 Morris Street for about ever since the storm. Today he was nice enough to cut it down and get it to the alley so we can get it picked up. But there are a number of properties within my district that haven't been looked at or payed attention to in regards to having those trees removed. I would like to see what's the status on them being removed or what needs to be done, where they're at and how long is it gone take because the storm was about

NEW AND UNFINISHED BUSINESS cont.

*Prepared by
Robert J. Golec
Hammond City Clerk*

Councilman Higgs cont. - three months ago and they still haven't been removed and the residents are calling me saying, "When are they gone clean this stuff up?" Now they started on the sidewalks but the stumps are still there from the trees. The park is clean up. There's still a light that hasn't been replaced as well that needs to be replaced. So I make a motion that those letters be sent to those departments so that we can get some assistance in regards to getting them stumps removed. I so move.

Council President Opinker - Before we move on that I received a letter on your last letter that you had sent about the stumps. In regards to this, Donna Muta sent me a letter, they do not have large enough equipment to remove them stumps which are located at, one at 1116 Moss, two at 1113 Ames, one at 926 Merrill, one at 423 Lewis, one at Martin Luther King Park, and then there's also five in Riverside Park. She contacted Gary Gleason, he knows about them to bring their pay loader out because that's what they need to remove these stumps because they're too large for Park Dept., for the equipment they have. So it is on the list for these addresses.

Councilman Higgs - So, in regards to those particular stumps are they gonna get the equipment from Gary so they can get them removed? That's my question. I still need ...

Council President Opinker - Yes, Gary knows about that and it's on his list.

Councilman Higgs - I still want to make sure that we send a letter again in regards to that and they can notify me as to when they're removed.

Councilman Hinojosa seconds.

Council President Opinker - On the motion. All in favor? All opposed?

AYES: ALL

LETTER SENT : SEPT. 10, 2013

Councilman Markovich - Do we have to take action on the veto?

Council President Opinker - That's up to you guys . If you want to take action on it you take action on it.

Councilman Markovich, supported by Councilman Hinojosa, moved to override the Mayor's Veto of Ord. 9217.

Councilman Higgs - As the ordinance stands currently he vetoed it, it would have just died. So, we're voting now to uphold something that's already...he vetoed. Because he felt there was no need for it. I'm trying to figure out what's the purpose of voting, of overriding the veto at this point. Because to me if the money's going nowhere why would I vote for something that is not gonna be utilized. It doesn't make sense to me.

Councilman Hinojosa - Next year 2014 we're gonna have to use \$10 million casino money compared to \$13. I was hoping it was \$5 million but it's not \$5 million. It's gonna wind up being \$10 million. Meaning that when people start asking when you gonna do my street? When you gonna do my lights? There's a long way before that money's gonna come by us.

NEW AND UNFINISHED BUSINESS cont.

ROLL CALL VOTE (override veto)

AYES: Markovich, Spitale, Venecz, Kalwinski, Uylaki, Higgs, Emerson, Hinojosa, Opinker

NAYS: None

ABSENT: None

Motion fails

9/0/0

VETO SUSTAINED

Councilman Higgs - I just wanted to re-emphasize that NAACP is having their luncheon on Saturday at Dynasty Banquet Hall. I, and along with Owanna Miller and I think Rev. Polk will be somehow or another rewarded. I don't know to what extent. I just wanted to put that out there so if anyone's interested in attending it will be on Saturday at the Dynasty Banquet Hall at noon.

Councilman Hinojosa - Just to let everybody know that the Mexican Independence Parade is Sept. 15th in East Chicago. The parade will be taking off at 12 noon if anybody would like to participate. I don't think the city of Hammond, that I know of, unless I missed it, declared Mexican Independence month or Hispanic Heritage month that I know of. I know we used to do it in the past. I don't know what happened this year or last year. But the parade is Sept. 15th in East Chicago.

PUBLIC EXPRESSION

Jerry Wilson - Resides at the Renaissance Towers. The condition of the property is deplorable. Has complained to everybody he could. Nothing has been done. Asking for council to get Code Enforcement to inspect the property.

John Czulno - Council spent a long time discussing towing fees. If your car has been towed, you broke a law. Nobody can get their car towed for \$20. That does not cover the city's cost. We found out that we are losing another \$5 million as a random comment by our Controller. Budget needs to be gone through thoroughly.

George Stoya - Property tax reform was to save property owners from paying excess amounts in property taxes. Now they've increased many fees. We are robbing Peter to pay Paul. This council is too eager to want to raise fees.

Councilman Hinojosa, supported by Councilman Higgs, moved to suspend the rules to send a letter.

AYES: ALL

Councilman Hinojosa, supported by Councilman Higgs, moved to send a letter to Code Enforcement to check the conditions at the Renaissance Towers on Michigan and Sohl to check for bedbugs, and roaches, and emergency lighting, and terrible conditions at the building.

Councilman Higgs add to send a letter to the Fire Dept. In regards to this particular incident to make sure that their safety is not in jeopardy and it is appalling and very offensive to know that people have to live in these conditions. If that had been in my district I would be out there tonight. But, however, whatever's needed we

SUSPENSION OF RULES cont.

Councilman Higgs cont. - need to step up and get it corrected because nobody should have to live in those conditions. So, the Fire Dept., Code Enforcement and every department there is to inspect and take a thorough look at the building. They're getting Federal funds, it is no excuse for this building not to be up to code. None whatsoever. It's deplorable. This man is telling me that they are living like street animals.

Councilman Hinojosa - With everything that Councilman Higgs said and that Code Enforcement get back to the council on their findings.

Council President Opinker - On the motion. All in favor? All opposed? AYES: ALL

LETTERS SENT: SEPT. 10, 2013

Councilman Hinojosa, supported by Councilman Spitale, moved to return to the regular order of business. AYES: ALL

Councilman Hinojosa, supported by Councilman Spitale, moved to adjourn. AYES: ALL

Michael Opinker, President
Hammond Common Council

ATTEST:

Robert J. Golec, City Clerk

Minutes approved at the Common Council Meeting of 9-23-13.

Time: 6:50 pm

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