

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on October 12, 2021 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: Spitale, Venecz, Kalwinski, Torres, Emerson, Rakos, Woerpel

ELECTRONICALLY PRESENT PER ZOOM: Alexander, Tyler

ABSENT: None

TOTAL: 9

Corporate Counsel Kevin Smith - Indiana legislature this year passed a statute that was signed by the Governor, specifically it's Indiana Code 5-14-1.5-3.5, which requires is you are participating by remote means, a couple things. One, that you have to be seen and heard in order to vote on any matter. Secondly, there are important limitations in the type of votes that can be cast remotely. Those include adopting a budget, is one of six things that are on the list. So, if a member is not physically present they can not vote on the budget. If a member is not able to be seen and heard on whatever platform they are using, they can not vote on any item.

Council President Woerpel - So the question remains, I mean, they have to be in chambers to vote on the budget?

Corporate Counsel Smith - That is correct.

Council President Woerpel - Is that all the budgets or just the City budget?

Corporate Counsel Smith - It just says, "Adopt a budget", is the way the statute reads so I would defer to Mr. Berger to further, to find that, I would think a budget means any budget.

Council Atty. Berger - I agree.

MAYOR'S ADDRESS

Mayor McDermott - So, I think, hopefully Councilman Tyler and Councilwoman Alexander have time to get to City Hall before we debate and vote on the budget. I think that's the moral to the story, right? Today, the Council, in your packet, has a 4<sup>th</sup> Quarter Gaming Budget Distribution Report. It's a little down from where it was a year ago, 94% of what we got last quarter. Ending Gaming balance is \$4.6 million; of the quarter, Capital Improvement Board gets \$2.8 million of that; Mayor's Discretionary, \$688 thousand; each of the 6 District

## MAYOR'S ADDRESS cont.

Mayor McDermott cont. - Council people get \$115 thousand; Mayor's Gaming and Advisory Committee gets \$183 thousand; Rainy Day Fund gets \$183 thousand, that's in accordance with the, what I call the "cheese grater", which is the ordinance we passed over a year ago which distributes, backwards, the Gaming Revenues that we receive. So that's our quarterly report. It seems like Horseshoe is still doing well. I haven't compared Horseshoe to ... I apologize, I'll try to get that for next meeting. Comparison's to Horseshoe to Hard Rock to see how we did as compared to Hard Rock. But last time I reported to you, Horseshoe was holding it's own. Still the biggest casino in the state of Indiana. Hard Rock got us on, I want to say, table games during the last quarter. We'll see where we stand after this quarter and we'll see, you know, if the trends continue into the future. Also, senior and disabled, for those of you in the audience watching, senior and disabled citizen tax credit program, checks are going out. Checks will be mailed out by the end of next week to all qualifying seniors and those that meet the senior and disabled exemption under the state law. We have a total of 2,110 households that qualify for the program. It's an increase of 96 residents from last year. Qualifications for those of you watching at home to meet the senior an disabled exemption, it's set by the state of Indiana. You must have the senior/disabled exemption on your property taxes. You need to do that at the Lake County Auditor's Office. You get it filed on your home. You must own your home. You must reside in that same home. You must be over the age of 65 and/or have a blind or disabled exemption from the state of Indiana and you must meet certain income requirements. If you meet all those requirements you get a \$500 check from the city of Hammond to help you with your property tax bill. We've been doing this, I don't know, fourteen or fifteen years. It's a great program. It runs us about a million dollars each year and it helps us help Hammond Senior and disabled homeowners pay their property taxes. So, I want to thank the Council for always prioritizing that along with Megan Flores in the City Controller's Office. Report 2021 Realtors breakfast was held at the Lost Marsh Golf Course on Thursday, September 30<sup>th</sup>, we had a couple of hundred Realtors at that breakfast. Presentations by multiple agencies in the city. I want to thank Councilman Spitale for being the Council liaison to the Realtors who do a great job for our city. They really, you could tell Northwest Indiana Realtors really like coming to Hammond and help selling our city. It's turned into a really great event. So I want to thank everybody that participated in that. In the 1<sup>st</sup> District, on October 1<sup>st</sup>, we held a groundbreaking for Calumet College of St. Joseph's first dormitory. I know we'll be talking a little more about this project down the road but we had the groundbreaking the other day which was very nice. I see Dr. Amy in here, she'll be here to talk more about the ordinances before you regarding how we're gonna lay out that area. October 5, 2021 I presented to approximately fifty mayor's from across Indiana on the use of social media or the improper use of social media, depending on which story I was telling. Showed off gohammond.tv, showed off Hammond 311, I want to thank I.T. Department for setting up all these great programs for us so that I can go to events like this and show off how well we're doing in the city of Hammond. Hammond 311 has over 60 thousand issues resolved, making us one of the top cities in America in the use of that platform. I got to show my fellow mayor's that. I showed them what we do with gohammond.tv, including many of the Council meetings archived and it was received very well by mayor's from across Indiana, helping them and giving them ideas. I wanted to give an update to the Council on something that we've been working on to help save us some money that's gonna ... we'll have more to share on this at your next Council meeting, I'm sure. We issued an RFP last year and we hired the Meyers Glaros Group to help provide my administration with a 3<sup>rd</sup> party review of current employee benefit practices and annual expenditures. We wanted to do this while keeping in mind that Hammond wants to provide the best in class employee benefits while maintaining fiscal responsibility. We sent RFP's to healthcare providers to bid on our services to get an idea of how much

*Prepared by  
Robert J. Golec  
Hammond City Clerk*

## MAYOR'S ADDRESS cont.

Mayor McDermott cont. - money we could save if we switch providers. For those of you that aren't aware, we use Cigna now, with a 3<sup>rd</sup> party provider of Professional Claims Management. We got this idea from the County who did something similar using similar, they also use Professional Claims Management, and the County changed healthcare providers and saved a tremendous amount of money which gave us the idea. In particular I want to thank Councilman Hamm for helping us shed light on this problem and potential solution to saving money. We presented RFP's to Anthem, like I said, we currently use Cigna, we sent proposals to Anthem, Aetna and United Healthcare. These proposals were received. We interviewed the providers, everything was reviewed and presented to the administration over the past couple of weeks. We had best and final offers given to us by all of those providers except for Cigna, who felt a conflict because they felt like they were bidding against themselves because they are currently in that position so they sort of sat out this whole thing and a presentation was made to the administration over the last week that said that the city of Hammond, if we go with the recommendations of Meyers Glaros Group could save anywhere from a half a million up to two million a year while maintaining the same level of benefits to our employees. By eliminating the middle man, so to speak, right now we use Professional Claims Management as the middle man, as the interface between us and our healthcare provider and instead of paying a premium, because we have this middle man so to speak. We would go directly to the healthcare provider ourselves and save a tremendous amount of money while giving the employees the same level of healthcare that we have. There's really very, very, very little difference about our plan going into this and coming out of it, other than maybe a couple dentists may not be in the new provider, and you'd still be able to go to that dentist even if that were the case with you, it just would maybe cost you a little bit more. We haven't made the final ... United, being honest, just between us, the United presented a really good case, Councilman Mark. And we're in the process of finalizing that and I imagine by the time I'm here next time I'll be able to give you the good news. We also want to prepare the employees because if this is the direction we're going, and it's looking like that, by the end of the year we have to have new health care cards. We have to have every employee trained on, you know, weaning themselves off of the Cigna and going with United and we have to do a lot in three months. So, my teams on this. We've got great consultants helping us. I want to say, Meyers Glaros, this is the first time we worked together that I know of and they are excellent. They've done an excellent job on a very complicated subject and they made it so that even I could understand it and this is like a mental block with me, it's really hard to deal with healthcare and all the terms and they made it real easy. So I want to thank the Controller's Office, my administration staff and Meyers Glaros Group for doing great work for us. I know we have our budget pending before you today. I don't really hear too many questions coming back on the budget. If you have them, obviously we're gonna be here. I'm very proud of this budget. We've worked real hard on it and, by the way, if we do make changes to our healthcare plan and let's say there's a million dollar savings in our budget next year, the budget is set at the higher numbers. So any savings we get will be savings under the budget, hopefully, that we pass tonight. And last but not least, I know there's an ordinance that is causing some consternation with a couple of the Council members. I'm here to answer any questions. I got a memo today, dated today, on the ordinance requiring employees to provide notice to the city of Hammond if they are charged with a crime. This came about because we had a firefighter charged with two crimes and we didn't find out until the second crime was reported to us. The only reason the second crime was reported to us is because our employee was in jail and couldn't come to work. And I said to myself, "We don't have a reporting requirement for a Hammond Firefighter?" Like if you have a firefighter that gets a O.W.I. they don't have to report it to their boss? That's insane. The more we researched it, we realized that is the case. The

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Hammond City Clerk*

MAYOR'S ADDRESS cont.

Mayor McDermott cont. - Hammond Police Officers, we researched them, well what about a cop? Of course the cops have reporting requirements. So what we did with this ordinance is model it off of what the police already do. It doesn't make sense if you're a police officer and you get charged with a crime that you are still out there arresting people, right? So we modeled our ordinance, the one that's pending before you, off of that ordinance and quite frankly didn't think it was controversial. I just got this memo dated today and I was a little, not upset, but you know, there's some concern about, you know, due process. Like, are we gonna interrogate the employee? Are we gonna have them violate the U.S. Constitution by asking them questions? No. But if you're charged with a crime I think we should know. It's a public record if you get arrested. They put your picture in the paper. They don't ask you, "Hey, can I put your picture in the paper?" They put it in there because it's a public record. But if you're arrested, we just want to know what the rest of the public knows. "Hey Mayor, hey boss, I got an O.W.I., I got a lawyer, we're fighting it and my license is suspended for six months." These are the basics. Then we take action accordingly. What if one of our employees, god forbid, had some type of improper impropriety with a minor and we found out about it after the fact. Wouldn't we want to know that before the fact to limit our liability? Maybe this person works in the Sportsplex. Maybe this person has contact with other citizens. This ordinance would require that employee to notify us. It doesn't say we are going to fire you. It doesn't say that we are going to do anything. But if I have an employee that's been charged with improprieties with a minor, I think we'd probably make sure that employee's not gonna be around minors at the least, to limit our exposure as a city. If I have a police officer charged with a crime we got to limit our exposure. They shouldn't be arresting people. That's were this is coming from. I didn't think it was very controversial until I got to work today. I got this memo and I'm here to answer any questions. So the budget and ... that's all I got unless the Council has any questions, and I'll be here for the whole meeting.

Councilman Kalwinski - When you spoke about United Healthcare, first you said \$2.5 million savings, later you said a \$1 million ....

Mayor McDermott - I gave like a range of ... they gave us a range... because it's all dependant. We could have a really bad year and it could be lower and we could have a great year where nobody really gets ill and it could be higher, right? So, they give you like a range. It's anywhere from \$500 thousand to somewhere over \$2 million, on a good year. But you'll see we have good and bad years just depending on the circumstances of our employees.

Councilman Kalwinski - And Police, Fire and Union Contracted, would they be under this contract too?

Mayor McDermott - Yes, sir. Thank you for the question. We did something a while ago, and you were here with me Councilman Mark, we changed the benefits to the employees by ordinance. It was controversial at the time but then what the administration did after that. So, we, the Council and the Mayor at the time, I'm trying to remember, eight years ago-ish, the Council and the Mayor at the time said this is the benefit package that we offer to the Hammond City Employees. I get the same package as the Council, I get the same package as the Police Officer and a Firefighter. We did that a while ago. Which was the right thing to do. Then what we followed up with, Councilman Mark, as the administration, we .... when I took over as Mayor, each Firefighter, each Police Officer, had the benefits in the contract. So if we wanted to change the vision or the dental, we'd

MAYOR'S ADDRESS cont.

Mayor McDermott cont. - have to negotiate with the Fire Unions. What we did was said, "You're benefits are defined by ordinance so and so." So we, the Council and the Mayor, could change the benefits without worrying about the Union Contracts.

Councilman Kalwinski - They would get the same plan, the new plan?

Mayor McDermott - Yes, sir. Absolutely. From the Mayor down to our newest employee, we'd all have the same medical. Any other questions? I'll be here for the meeting so if you have anything else.

READING OF MINUTES

Councilman Spitale, supported by Councilman Emerson, moved to accept the minutes from September 27, 2021 and place on file.

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

APPROVAL OF CLAIMS

Councilman Rakos, supported by Councilwoman Venecz, moved to approve the claims from September 22, 2021 through October 6, 2021. Claim #4845 through #5104, inclusive.

ROLL CALL VOTE (claims)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 CLAIMS APPROVED

PUBLIC HEARINGS

None

COMMUNICATIONS

None

COMMITTEE REPORTS

Council as a Whole Committee - Councilwoman Venecz - Brought out 21-35, 21-36, 21-37, 21-38, 21-39, 21-40 and 21-41

*Prepared by  
Robert J. Golec  
Hammond City Clerk*

COMMITTEE REPORTS cont.

Capital Improvement Board - Councilwoman Venecz- We met on October 4th. We approved \$1,562.81, a change orders number 2, 3, and 4 for the Purdue Refuge Island. We also approved \$136,745.00 for Hohman Avenue Phase Two Design. That is between Russell to Clinton Street. We also approved \$ 181,575.00 for Hohman Avenue to complete streets Clinton to Douglas through American Structurepoint, and that's it. Our next meeting will be on the 18th of October at 4pm here in the Council Chambers.

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

- Thur., October 14<sup>th</sup>; Whiting Robertsdale; Calumet College; 6:30 p.m.
- South Hohman Neighborhood Watch; Thur., October 14<sup>th</sup>; Trinity Lutheran Church; 6:30 p.m.
- Thur., October 21<sup>st</sup>; Hessville Crime Watch; Jean Shepard; 6:00 p.m.
- Wed., November 3<sup>rd</sup> ; Edison Community Watch; Edison School; 6:30p.m.
- Fri., November 5<sup>th</sup> ; Irving Community Watch; Irving School; 9:15 a.m.
- Wed., October 27<sup>th</sup>; Hammond Elderly Crime Watch; 1:00 p.m.

Councilwoman Venecz- These meetings are great to find out what's going on in your neighborhood, what's going on in your City, and get a lot of questions answered that you may have. And as usual, if you see anything suspicious, call 911. Because community is not just about me, it's about us. Thank you.

Councilman Tyler- I just want to add something to Councilwoman Venecz's report for the Community Crime Watch. The Harrison Park Community Watch is tentatively planning a meeting for Tuesday, October 26th at 5:30 pm at the VFW post on Hohman Avenue. Once we secure all of the information I will go ahead and release that so the public can know. But we're looking to bring in Jim Taillon, if he's available, to talk about future plans for Harrison Park. I know I've had a lot of residents asking about that. So, Councilwoman Venecz, if you can, please add that to your list and like I said, give you more details once we secure that and more information.

ORDINANCE 3<sup>RD</sup> READING-FINAL PASSAGE

21-35 An Ordinance Establishing A Two-Way Street on One Block of Doty Street to Access Hohman Avenue

Councilman Torres, supported by Councilman Spitale, moved for passage.

Councilman Torres-This Ordinance concerns the 100 block of Doty Street. It proposes to make the currently 100 block of Doty Street a one-way west from Hohman to Stateline. This ordinance proposes to make from Hohman to the alley line, which is about 50 feet long, a two-way. This will accommodate a business tire shop going on the southwest corner. It had a pause of two council meetings for the Mayor to call for a traffic study to go in front of the Board of Public Works. Last Thursday, the Board of Works did approve it. The agency's concerns, police, fire, and public works had no problem with it. So, I encourage my colleagues to vote for it. Thank you.

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

ORDINANCE NO. 9521 PASSED

***Prepared by***  
***Robert J. Golec***  
***Hammond City Clerk***

ORDINANCE 3<sup>RD</sup> READING - FINAL PASSAGE cont.

21-36 2021 City of Hammond Budget Proposal

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

City Clerk- President Woerpel, two council people are excluded from voting on the Budget according to statute 5-14-1.5-3.5., and that is Councilwoman Alexander and Councilman Tyler. So, I will not call their names for the roll call.

ROLL CALL VOTE (passage)

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

NAYS: Kalwinski

ABSENT: None

Councilwoman Alexander and Councilman Tyler's votes not recorded per: I.C. 5-14-1.5-3.5 and Hammond Council Res. (21) R20

Motion carried 6/1/0 ORDINANCE NO. 9522 PASSED

21-37 2021 Hammond Redevelopment Budget Proposal

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

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Councilwoman Alexander and Councilman Tyler's votes not recorded per: I.C. 5-14-1.5-3.5 and Hammond Council Res. (21) R20

Motion carried 7/0/0 ORDINANCE NO. 9523 PASSED

21-38 2021 Sanitary District of Hammond Budget Proposal

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

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Councilwoman Alexander and Councilman Tyler's votes not recorded per: I.C. 5-14-1.5-3.5 and Hammond Council Res. (21) R20

Motion carried 7/0/0 ORDINANCE NO. 9524 PASSED

ORDINANCE 3<sup>RD</sup> READING - FINAL PASSAGE cont.

21-39 2022 City of Hammond Salary Ordinance

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

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 ORDINANCE NO. 9525 PASSED

21-40 2022 Police & Fire Salary Ordinance

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

ROLL CALL VOTE (passage)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 ORDINANCE NO. 9526 PASSED

21-41 Amending Ord. No. 6049, 7472, 8620, 8638, 8669, 9181, 9242 and 9429, also known as Section 37.020 of the Hammond Municipal Code, pertaining to an Employee Reporting Policy

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

Councilwoman Venecz- I think there has been plenty of discussion. This ordinance requires an employee who gets in trouble when they're off duty to report to their superior.

Councilman Kalwinski- Yes, a lot of the discussion actually was from me, I think. And I want to make it clear that I'm not opposed to the intent of the ordinance but some of the language in it. On the last page, felt a little loose to me and I may be the only one but our attorney kind of agreed with it and my request was to maybe take it to committee again and review it. But I don't think I the backing on that. But I do want to apologize to the Mayor. It came to you short, with short notice because of me. I dwelled on this for a while before asking the Council Attorney to also look into it with me, and that's why you got his findings so late today. So, my apologies for that. But I wrangled over this and whether to do something about it, and I guess that late in the game, I decided to go forward. So, again the language in it. In speaking with you earlier, you mentioned that this is modeled behind police departments. Is it the exact language? Do you know? Is it different?

Mayor McDermott- The police departments model, it's modeled after our general order and the police department regulations. So, officers have to follow it but it's modeled after the same language in the general order that would impose similar types of requirements on our employees as well and for what it's worth, the



ORDINANCE 3<sup>RD</sup> READING - FINAL PASSAGE cont.

Mayor McDermott cont. - Hammond Sanitary District, Hammond Water Company, Hammond Housing Authority are following suit with similar language so it applies equally to all employees regardless if you're working in a utility or working for the City of Hammond. And I accept your apology. Yeah, I was taken back a little at first and I understand and I appreciate it. We don't need nine votes, as you know. Councilman Mark, you know, and obviously, there's descent on this issue, and I just want you to know why we came up with it was we had an employee with 2 OWI's. I think we should have been notified after the first OWI. It was a firefighter. We're working through that issue. We didn't punish the employee. We're working through it. We think this employee has issues that they need to deal with and that's where we could intervene and help. But it's not just, oh, you got two OWI's, you're fired. It's more like, what's this person's job? If it's a secretarial type of job, do we really have to be worried like that, but if they're in public works, that's something to be worried about. They're first responder. I've had a few situations with employees, we had an employee that was firing a gun in the air, we found out on social media. I didn't find out from the employee. We found out from social media that an employee was arrested. Another employee that fled from an accident. We've had a multitude of employee issues and usually the way we find out is through the newspaper or social media, and this would put the onus on them that's charged with the crime to give us a heads up so we could deal with it and expose, you know, limit our exposure.

Councilman Kalwinski- I believe the intent is worthy. I just had some issues with the language.

Mayor McDermott- I appreciate your concerns, and you know, we're not going to agree on every issue. So, but I appreciate you bringing that up and I appreciate Attorney Berger looking into it. I don't necessarily agree with the conclusions, but there's room for debate. Thank you.

Councilman Torres- I didn't look at it at first as closely as Councilman Kalwinski, but after hearing the arguments, I kind of tend to agree with the councilman that the language is not clear enough and the ordinance can be used by the department head or any supervisor or anyone that does the reporting for the wrong purpose, accused somebody of something that it's not clear if they did or not. So, I kind of agree that the language should specifically state, even though there are lengthy crimes, but the more serious crimes that this applies to or offenses. Thank you.

Mayor McDermott- I think working for the City of Hammond is a privilege. I think that these are great jobs that we have. Our job is to sell our city to be professional, to work hard, and I think that when we have employees that are getting charged with crimes, asking them to report it to their boss is not a very big imposition. I actually find it sort of, incredulous, ravenous discussion. I really didn't think this was going to be controversial and it seems to be controversial and we're sticking up for people that are charged with crimes. At the expense of department heads who are being made out to be the bad guys or maybe me, I'm the bad guy. I mean, keep in mind nothing is triggered under this until you're charged with a crime. And when you're a Hammond Police Officer, Councilman Torres, you had to do this also. I imagine the general rule was in place, then, maybe it wasn't because that was a while ago, but I know current Hammond Police Officers have to comply with this.

ORDINANCE 3<sup>RD</sup> READING - FINAL PASSAGE cont.

Councilman Torres-I agree with the intent and purpose of the ordinance. It's just the language of it that I don't agree with, and of course, I'm not accusing anybody that's going to back up somebody that did a serious crime or an offense. Attorney Smith brought out a pedophile, that's a serious thing, and we would not want a pedophile to be exposed to kids or actually anybody. But the ordinance itself does not state crimes like that. The serious crimes that I know, you intend the ordinance to bring out. So that's just my point of view, but I'm not accusing anybody of being weak on anything. I would think we want those kinds of people exposed if they're out there.

Councilman Tyler- I just want to go on record, so I kind of reluctantly voted yes on this a couple of weeks ago. And I think that the arguments brought up today by Councilman Torres, Councilman Kalwinski, and Attorney Berger are all valid points and I think that like everyone shared, we understand the need for ordinances like this. But at the same time, it doesn't do anything to say that nothing will be done, it kind of leaves it open to our interpretation. And I understand that, like our mayor, our department heads right now are not the type of people to, you know, fire someone or change their job description or anything like that, penalize them for only being arrested. But I do think that we are passing ordinances that might last for the longevity of our city or until someone else changes these ordinances, and in that sense, I think we have to do better. I think it's just a better job of updating the language so that it does not leave it open to interpretation and it is written as fact instead of somebody being able to use it, I guess, in their own will to do what they want with an employee who has been arrested but not proven guilty of said crime. And once again, I do want to go on record and say that, like, I understand that there are some people who commit some serious crimes, and like those people we should not be allowed to operate in their positions depending on what those crimes are they come into contact with. I'm not arguing with that at all, but I think that the language could be updated to more represent the message that we are trying to get across to our employees across the city. Thank you.

Councilman Rakos- Okay, we need to read what ... I don't know what people are reading. It says, "the City of Hammond commits to review their circumstances and pending charges, conducting an individual assessment of the charge, the circumstances, and the connection, employees, job duties. The department's head supervisor, in conjunction with the personnel director, will determine the most appropriate course of action, if any such action may include, but is not limited to modification of duties or work assignment". That's what that says. What people are getting all hung up on is "misrepresentation of the circumstances or nature of arrest and are charged may be grounds for disciplinary action up to including termination". Not the fact that they reported it to their supervisor. It does not say they could have been terminated for reporting the arrest. It says they need to talk to their supervisor and they'll determine what the appropriate course of action is. "Such action is not limited to modification of duties or work assignments." That should be the very least. The only time it includes something that everybody's going to be upset about is "possible termination is if they misrepresent the circumstances or nature of their arrest or charge, may be grounds for disciplinary action". If they're lying about it, after... is a separate offense. That's how I read this. I don't understand what the problem is.

Councilman Tyler- I think part of my biggest concern with this is that, like Councilman Rakos stated to me, it is open to interpretation by that department head. So, you could have two people who are arrested for the same crime be treated differently depending on who that department head is and who they think or what course of

ORDINANCE 3<sup>RD</sup> READING - FINAL PASSAGE cont.

Councilman Tyler cont. - action they feel like they want to take. So, I think my point is that I think we should have stronger language in terms of what crimes is being committed then what action will be taken by the department heads and maybe this I something that the HR Department personnel department handles instead of that department head to make sure that everyone is treated equally within our city depending on what crime was committed and it's not given like each department head is not given like the leniency to decide because what I don't want to happen is that maybe a department head and an employee don't have the best relationship and so they are treated or penalized more severely than somebody else who committed the same crime just because they don't have that positive relationship. So, I'm not saying it will happen, but I'm saying that it's our responsibility to make sure that it doesn't happen, and we do that through the language of the ordinance.

Mayor McDermott- I'm absolutely incredulous about this discussion. I am absolutely incredulous. Like, we have employees that make a good buck and we're asking these employees if they're charged with a crime under the state of Indiana. And we have council members willing to stand behind them and say, no, they shouldn't have to report it. I have the mind to say, let's just vote on it. Let's see who's standing with the employees, standing with, you know, those that are charged with crimes and who's standing with the administration. I have half the mind to do that, but I don't like doing business like this. I've seen nothing as an alternative, just a torpedo on the day of the council meeting. This has been in committee for a month and this is the first time we're discussing this, and it's a torpedo on the day of the council meeting which is becoming the norm, unfortunately. So I have half a mind to say, let's just do it. I believe in math and I have a feeling that we're going to get five, but that's not the way to do business. It's certainly not going to lead to good will between the council and the mayor. This is employees charged with crimes. That's who we're sticking up for here, right? An employee charged with a crime, OWI, a crime. They're facing prison. They don't have to tell their boss. That's absolutely ludicrous. I can't believe we're having this discussion. I just can't. This is embarrassing actually. We're sticking up for people that are breaking the law and taking taxpayer dollars and using it, and they're breaking the law and they don't even have to tell us. It's insane. I mean, take a step back council, look at what you're proposing here. Take a step back, this is not controversial. Take a step back, employees charged with crimes don't have to tell us. That's insane.

Councilman Tyler-Just for clarification, I don't think any of us are saying that they shouldn't have to report out that they were arrested. I think that what we're saying is that we want to make sure that the language of the ordinance is stronger so that the actions that a department head can take against them if they find out that they are arrested are equal under this ordinance. And I think the other thing that I'm getting confused about is are we talking about things like being arrested or are we talking about being charged with a crime. Because you can be arrested but not charged with a crime. And I thought that the ordinance said arrested, but maybe I'm remembering it incorrectly.

Councilwoman Venecz-This ordinance requires an employee to report an offense to their supervisor, plain and simple. Why, I guess I don't understand why, it is being read into the language here putting in between the lines. Everyone is saying that employees are not going to be treated fairly because he's not liked by his supervisor or the personnel directors. That's not the way we do business here. We are very fair in the way we conduct business with offenses, with employees. And to even imply that we could treat an employee differently because

ORDINANCE 3<sup>RD</sup> READING - FINAL PASSAGE cont.

Councilwoman Venecz cont. - of a personality difference. When someone has been arrested for two DUIs or child pornography, I mean, you name it. I believe that that employee has an obligation to advise their supervisor as to what has happened in their life. I would much rather know up front than to be blindsided and have it on the front page of the Hammond Times that somebody was arrested, you know, for so and so, and the City of Hammond did nothing. All this says is that the employee is required to report the offense. Plain and simple. Don't make stuff up in between the lines here.

Mayor McDermott-To further go upon Councilwoman Venecz's argument, when are we supposed to find out when it's trending on Twitter or on Facebook? And we have this employee working in a place where they probably shouldn't be working. Maybe they were charged with a crime, you know, and they were around people they shouldn't be. Maybe we could take actions, and keep the person employed, but like, how do we do that if we don't know? And right now, they're not telling us. I don't think this is very controversial. Obviously, it doesn't say much about my administration if four of the council people are saying you're going to do bad things with this power. The bottom line is, our employees shouldn't be charged with crimes. I've been mayor for 18 years. I haven't been charged with a crime once, nor do I plan on being charged. I can confidently tell you, I'm not going to be charged with a crime. Okay, I have a feeling most of the people looking at me right now on the City Council could say the same thing about the last couple decades of their lives. This isn't something that should happen once every six months or once a year, and if it does, I don't want those people working for us, plain and simple. If you are constantly being charged with a crime, arrested by police officers, arrested by Hammond P.D., you should not be an employee of the City of Hammond taking taxpayer dollars home, that's the bottom line. These are the types of employees that are taking up a good spot from a good Hammond resident that wants that job and won't get charged with crimes. They're taking a spot from a good resident that doesn't get arrested.

Mayor McDermott-Mr. President, can I say one more thing? This is a defining issue for me. I think we should go ahead with the vote. I want to see who's standing with the administration trying to rid our ranks and clear our ranks of employees charged with crimes, and who's standing with employees who get charged with crimes, let's see who it is. Let's put it on the record right now. We can talk about it in two years. I don't think Hammond residents want to see our employees charged with crimes. I think Hammond residents are very interested in this vote. Who's standing with the criminals and who's standing with the administration trying to clean out our ranks lets see who stands where. I'm interested.

Councilman Kalwinski-As the Mayor was speaking about a minute ago, he said that if they were arrested, they should be replaced. And I think that's part of what we're looking at is language that says, because you're arrested, that does not automatically mean you get replaced. Instead of are you convicted, then you get replaced or do you go on leave or what is the process, but you just said that if they're arrested for a crime, they should be replaced. They should be out. So, I think that's your stand.

Mayor McDermott-Councilman Mark, I know the residents in your district, a major concern is crime. I find it ironic that you, who are supposedly tough on crime, are sticking up for employees who are getting arrested. I find that ironic. It's one of my top priorities in the City of Hammond is making this city safe. Councilman

ORDINANCE 3<sup>RD</sup> READING - FINAL PASSAGE cont.

Mayor McDermott cont. - Torres, you know that. You were out there patrolling the streets for decades, right? And now, what we're saying is, if we have an employee that's leading to part of this problem, oh, this poor employee. Oh, we can't have them talk to their boss and tell their boss. You wonder why our country is in a situation like this. If we're debating this issue, you wonder why we're in a situation like that. I have a hard time understanding how you're gonna go back to the 1st District if you're justifying this, Councilman Mark. Because I know what your residents say. I know how your residents feel. They tell us.

Councilman Kalwinski- I get at least as many. But anyway, I think those of us who are raising concerns against the ordinance. We're saying that the intent of the ordinance seems reasonable. We just want the language tightened up. So, it's very clear what will happen to who it will happen to and how it will happen, and to come upon agreement upon that. I think that's not unreasonable, and because of the language, and I, our council, attorney agrees that the language should be tightened up. I'm going along with our attorney. I mean, I think that's reasonable to say, can we look some more, look at this, and look at some language and maybe this has to be wrangled out through a couple of attorneys, but if not, then, call for the vote. Whatever you want.

Councilwoman Venecz-To tighten up the language, the way it's being suggested would give a predetermined conclusion. If you're saying that this is going to happen, this is going to happen. All we're saying is that you have to report the crime. That's it, no predetermined conclusion, no reading between the lines, just reporting the occurrence. And now Mr. President, I'll call for the vote.

Councilwoman Venecz, supported by Councilman Rakos, called for the vote.

ROLL CALL VOTE (call for the vote)

AYES: Alexander, Spitale, Venecz, Emerson, Rakos, Woerpel

NAYS: Kalwinski, Torres, Tyler,

ABSENT: None

Motion carried 6/3/0 MOTION CARRIED

ROLL CALL VOTE (passage)

AYES: Spitale, Venecz, Emerson, Rakos, Woerpel

NAYS: Alexander, Kalwinski, Torres, Tyler,

ABSENT: None

Motion carried 5/4/0 ORDINANCE NO. 9527 PASSED

INTRODUCTION OF ORDINANCES

21-42 An Ordinance Reclassifying Certain Lands in the City of Hammond for Zoning Purposes and Amending Ordinance No. 8514 (An Ordinance Establishing a Zoning Plan for the City of Hammond including the Regulations and Maps to Administer the Zoning Plan in Order to Provide for Orderly Growth and Development Within the City, all in Accordance with the Comprehensive/Land Use Plan, as Amended) for Property commonly known as: 2450 New York Avenue.

Councilman Kalwinski, supported by Councilman Spitale, moved the proposed ordinance to 1<sup>st</sup> and 2<sup>nd</sup> reading and referred it to the Council as a Whole Committee with a Committee Meeting on October 25<sup>th</sup>, 2021 at 5:15p.m. with an Intent to Consider on October 25<sup>th</sup>, 2021.

Councilman Kalwinski- I want to acknowledge that Dr. Amy McCormick from Calumet College of St. Joseph is in the crowd to kind of monitor the vote and I could tell you that this ordinance has to do with changing the zoning to allow for a dormitory building, a three-story dormitory building to be built and to have a field, a sports field, adjacent to the dormitory. And in order to have those two events occur, we have to rezone properly for that to happen. And if I can, I'd like to invite Dr. McCormick to our 10-25 meeting on Monday at the Council as a Whole Committee Meeting at 5:15pm. Where you can, if you're able to be here, take questions and give comment about what you're trying to do.

ROLL CALL VOTE (1<sup>st</sup> & 2<sup>nd</sup>)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

MOTION CARRIED

RESOLUTIONS

None

NEW AND UNFINISHED BUSINESS

Councilwoman Alexander- I just want to give you the updated Covid numbers from October 12<sup>th</sup>, from our last meeting. 46320, we have 38; for 46327, we have 52; for 46323, we have 93; for 46324, we have 52; for 46394, we have 20. That brings us to 255 new cases. Which is about 54 cases less than our last meeting. As for fully vaccinated residents for 46320 we have 137 new, fully vaccinated residents with a 45.8% increase; for 46327 we have 155 new, fully vaccinated resident, that's a 45.9% increase; for 46323 we have 359 new, fully vaccinated residents, that's a 49.4%; for 46324, 424 new, fully vaccinated residents that's 50.6% and for 46394 we have 107 new fully vaccinated, which is a 52% increase. We are now, in two of our zip codes, with 50% mark. I hope that everyone continues to get vaccinated. And continue to stay safe and continue to mask up and social distance as much as possible. Thank you

*Prepared by  
Robert J. Golec  
Hammond City Clerk*

PUBLIC EXPRESSION

No One Spoke.

Councilwoman Venecz, supported by Councilman Rakos, 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


2021 HAMMOND COMMON COUNCIL ATTENDANCE RECORD OF  
ELECTRONIC AND PHYSICAL PRESENCE

	May	June		July		Aug		Sept		Oct		Nov		Dec	
	24	14	28	12	26	9	23	13	27	12	25	8	22	13	27
Katrina Alexander	P	P	P	P	P	P	P	P	P	E	E				
Dan Spitale	P	P	P	P	P	P	P	P	P	P	P				
Janet Venecz	P	P	P	P	P	P	P	P	P	P	P				
Mark Kalwinski	E	P	P	P	P	P	P	P	E	P	P				
Pete Torres	P	P	P	P	P	P	P	P	P	P	P				
Barry Tyler	E	P	E	P	P	P	P	P	P	P	E				
Bill Emerson	P	P	P	P	P	P	P	P	P	P	P				
Scott Rakos	P	P	P	P	P	P	P	P	P	P	P				
Dave Woerpel	P	P	P	P	P	P	P	P	P	P	P				
Initials	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: 7:10  
cb/dw

Prepared by  
Robert J. Golec  
Hammond City Clerk