

MINUTES OF THE COMMON COUNCIL

NOVEMBER 18, 2019

The regular meeting of the Hammond Common Council of the City of Hammond, Lake County, Indiana was held on November 18, 2019 in the Hammond City Council Chambers.

Council President Robert A Markovich presided.

City Clerk Robert J. Golec facilitated.

PLEDGE OF ALLEGIANCE was recited by all.

Invocation by Councilman Higgs.

ROLL CALL

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

ABSENT: None

TOTAL: 9

READING OF THE MINUTES

Councilman Spitale, supported by Councilman Higgs, moved to accept the minutes of November 4, 2019 and place on file. AYES: ALL

APPROVAL OF CLAIMS

Councilman Woerpel, supported by Councilwoman Venecz, moved to approve the claims from October 30, 2019 through November 18, 2019. Claim #6171 through claim #6434, inclusive.

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

#6435 PAC-Indiana Div. Common Council \$100.00

ROLL CALL VOTE (amendment)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 CLAIMS APPROVED

ROLL CALL VOTE (as amended)

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

NAYS: None

ABSENT: None

Motion carried 9/0/0 CLAIMS APPROVED

PUBLIC HEARINGS

None

*Prepared by
Robert J. Golec
Hammond City Clerk*

COMMUNICATIONS

Councilman Torres- I got a letter from Mr Gustavo Vega from La Hacienda Azteca, 150th and Columbia. He's thanking all of the Hammond Common Council and Mayor McDermott, Councilman Woerpel, and myself, for passing it quickly, it went on three readings last Council Meeting for his improvements of a parking lot, he's very grateful we got this passed in a timely manner.

Councilman Higgs read a letter pertaining to animal care from George Manic.

Councilman Torres- We all got a letter from the City Engineer. He's got a diagram of what it takes to complete a project and the process it goes through from the day we submit it, or they receive it, till the day it's completed. We had a meeting with the Mayor's Office, and the City Engineer was there, Mark, the Assistant Clerk, anyway I made some negative comments about the Engineer, and Mr. Button took it personally. But I was not directing the comments at our own City's Engineers. I was directing the comments that I think they kinda delay our projects a lot to the private engineers, and the contractors, and his chart he... we submit a project this week for lighting for example, it won't be completed until 9 months later, and for the reconstruction projects on City Streets, it takes 13 months. I didn't want to be misunderstood, I think our City Engineers, they handle the projects as quickly as they can with the personnel, I think they do a good job. I just wonder is there a way this process can be sped up?

Mayor McDermott- I want to respond to Councilman Torres. I don't think they took it personal, Councilman, because when I saw the reply from my Engineer back to you all, I talked to him about it and said are you okay? And it was more they wanted to inform you guys that there's a lot that goes into each of the projects that you undertake, and he wanted to give you that information now so that you can plan it more appropriately. So, that we can break ground in Aprils or early Mays. We know you were very frustrated with Irving Park project. I think it's rightly so that you were frustrated, and we're trying to help you on that. But I think Dean just wanted to clear it up for you guys, giving you an idea if you're doing a lighting project or a road reconstruction, the time line you're looking at for your purposes, Councilman. I don't think Dean was offended. I hope you didn't take it that way because it wasn't meant to be offensive.

Councilman Torres- Yes, I had a talk with Dean yesterday, and he said the same thing. At first he did think I was talking about his office.

Mayor McDermott- Yea, I think we're all good now.

COMMITTEE REPORTS

Council as a Whole Committee - Councilmen Woerpel - Brought out 19-28, 19-29.

Community & Crime Watch Committee - Councilwoman Venecz - Announced upcoming meetings:

- Wed., Dec. 11th, Community Watch MT. Zion Pleasant View Plaza ; 2:00p.m.
- Tues., Dec. 17th, East Hammond Pullman at Ophelia Steen Center 6:30 p.m.
- Wed., Dec. 4th, Edison Community Watch Edison School; 6:30p.m.
- Wed., Dec. 13th, Edison Community Watch on the Road Golden Manor; 1p.m.
- Harrison Park Crime Watch; Tues., Dec 3rd, ; VFW; 6:30 p.m.
- Fri., Dec. 6th, Irving Community Watch will meet at Irving School at 9:15 a.m.
- Thur., Dec. 12th, Whiting Robertsdale Crime Watch Calumet College 6:30 p.m.

ORDINANCE 3RD READING - FINAL PASSAGE cont.

19-28 An Ordinance to Amend Ordinances 4633, 4673, 4994, 6035, 7657, 7661, 8435, 8612, 8718, 9081, 9249, 9258 also known as Section 94.090, 94.091 and 160.03 of the Hammond Municipal Code as it pertains to the enforcement of high grass and weeds, declaration of same as nuisances and allowing the Inspections Department to abate with ten days notice

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

Councilman Higgs - I would like to have that ordinance read in it's entity please.

Councilman Torres - We will be here all night.

Mayor McDermott - When that's requested, do you have to do it?

Council President Markovich - I'm sorry?

Mayor McDermott - You have to read it in it's entity, for real?

Council President Markovich - I, which one is it?

Mayor McDermott - How many pages long is it?

Councilman Woerpel - Six (6).

Mayor McDermott - It's like filibustering.

Council President Markovich - I may be wrong, but I guess if a Councilman requests an ordinance to be read in it's entity, it might have to be done that way.

Mayor McDermott - What would you do if it was a bond document and someone wanted to mess with you and there was hundreds and hundreds of pages?

*Prepared by
Robert J. Golec
Hammond City Clerk*

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Council President Markovich - Mayor I can't answer that.

Mayor McDermott - I'm not sure what the promise is of reading a six (6) page document?

Council President Markovich - Is that the weed ordinance?

????? Councilman Torres - Yes. Can I just paraphrase it? This is an ordinance that is, usually ? of cut and clean. Forty (40) to forty-five (45) days. That includes the tall grass and weeds. This ordinance cuts it down to ten (10) days. And then it gives the City the right to bill the property owner. And if I'm paid in thirty (30) days it can be added to their tax bill.

Mayor McDermott - Could I add to that? Councilman Torres, I think, did a great job summarizing what this says. One of the biggest complaints we get in the spring time, when the grass starts growing, and what happens is Councilman Torres would call up Code Enforcement and say this house isn't cutting their lawn. Code Enforcement would go out and put a green sticker on their door and we go to court. Which could take weeks, it could take two (2) months before we get a court order that allows us to go on that private property and cut the grass. So what this ordinance allows us to do is reduce that long time period to ten (10) days so that we can get on the grass sooner and cut it before it's four (4) feet long. That's the purpose of the ordinance. I appreciate Councilman Torres bringing it up.

Councilman Higgs - Thank you Mayor so much for explaining that. But you know in some terms and conditions people are in the audience or whether at home they would like to know what is being implemented in our great City. So that informs them and gives them the opportunity to find out what exactly the Ordinance spells out. So, that was my purpose, it's not to hold up the meeting or be disrespectful or none of that. It's simply doing what a Councilman does and that's informing your constituents.

Councilman Woerpel- Just to add to what the Mayor said and the Councilman said, I know when the grass starts growing in May, I immediately, as a District Councilman, get complaints. And sometimes the process is so long it's not resolved until July, or August, and this speeds the process up to 10 days.

Councilman Woerpel, supported by Councilman Rakos, moved that the purpose Ordinance be read by title only.

ROLL CALL (read by title)

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

ABSENT: None

Motion carried

9/0/0

MOTION PASSED

Councilman Torres- I would like to have the Ordinance Amended, paragraph A and paragraph B. In paragraph A where it says, "Growth in excess of six (6) inches declared a nuisance. It shall be unlawful for any person, legal entity, business, or organization to permit, suffer or allow any vegetation of any kind whatsoever to be, remain, or grow to a height above six (6) inches" and so on. I would like to include the word "Railroad Properties", we put in there. I have four (4) railroads going through the districts and they ignore the Code

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Torres cont- Enforcement when they send them letters to cut their weeds and sometimes they are up to six (6) feet high. So, I just feel better, I know our City Attorney didn't feel that it was necessary, but sometimes when we approach the railroads, if there were railroad companies in there, they might feel it pertains to them also.

Councilman Higgs- I guess my question would be at that point, and I don't know if the Times is here, I hope they report this, but the reality of it is on several occasions I brought it to your attention, as well as my colleagues, that in particular on Fayette Street, from Calumet, all the way down to First Baptist Church, there is a portion owned by the City, and the other portion is owned by the Railroad, for what ever reason they don't take care of that. So, if it's being implemented, certainly if they will address it, then I think it's a great thing. Because that grass is still high, and has been all summer, and no one has intended to cleaning it up whatsoever. So, that was one of the things I brought up on the Council on several occasions so that some people don't know the borders of the 2nd and 3rd Districts, our Districts coincide with each other. So, on Fayette Street, that particular area has a problem with high grass growing. So, I don't know if the Railroad is gon cut it next year or not but good luck to you.

Councilman Woerpel- Call for the question on the Amendment.

Council President Markovich- Just for point of clarification, what Ordinance is this?

Councilman Torres- 19-28.

Councilman Woerpel- But, we're discussing something that hasn't been seconded yet.

City Clerk Golec- The clarity that the Clerk received was to add the language to include railroad property after the word business, and probably the same language on Paragraph B.

Councilman Torres - I have another amendment on paragraph B. And B I have a, if I may Mr. President, ok. Where it says on B. "Unmaintained trees declared a nuisance. It shall be unlawful for any person, legal entity, business, or organization to allow dead or dying trees, tree limbs, branches, stumps or parts" and so on, after the word "business", to put "homeowner" in there. For some reason there are trees that overgrow onto other peoples property and sometimes there is a squabble between neighbors of who's responsibility it is to cut that limb down. It's a nuisance to the next door neighbor. I just want to make it clear that, a homeowners got to trim his trees, if it overgrows into another persons property.

Councilman Higgs- Point of Order.

Council President Markovich- State your point of order.

Councilman Higgs- Before we go into discussion Councilman Torres, we need to get a second on your motion. So I second your Motion.

Councilwoman Venecz- Second.

*Prepared by
Robert J. Golec
Hammond City Clerk*

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Higgs- It was already Seconded, Councilwoman Venecz.

Councilwoman Venecz -The Amendment was Seconded?

Councilman Higgs- Again he said he's not done explaining the reason for adding in this particular Ordinance, so what's so hard about it? I been on this Council for quite some time. I've served two terms as President here. I know what he's trying to explain, so he's explaining what he wants to add in. Our Attorney is here, Kevin Smith, so if he wants to come up and give us clarity or the Mayor can give clarity.

Mayor McDermott- Kevin Smith is not the Attorney for the Council, Kevin Smith is Corporate Counsel. You have an attorney sitting behind you, his name is Bob Berger.

Councilman Woerpel- Has the Motion been completed for the Amending?

Councilman Torres- Yes.

Councilman Woerpel- Has it been Seconded?

Councilman Torres- Yes.

Councilman Woerpel- Call for the question.

Council President Markovich- I believe every Councilman is allowed to speak on an Ordinance at least twice, you can't stop them from talking if they haven't had a chance.

Councilman Emerson-I think we gotta be a little careful. I understand what Councilman Torres is saying, but I would question then does it apply to INDOT's overgrown areas north of the fence line on 80/94. I mean, I agree with you with the Railroads sometimes lets the weeds grow, but other entities do as well. I mean the City, at what point do we stop, is what I'm asking.

Mayor McDermott- My recommendation, guys, put it back in Committee, and iron this out. No, offence Councilman Torres, I'm just as frustrated with the Railroad as Councilman Torres, but if you put it in there it has no affect. Just like you're a police officer Councilman, and you ticketed a train they crumple it up and throw it on the ground, because the Supremacy Clause the trains are above us. So, if we add it I don't think it's unconstitutional or illegal, but it doesn't matter. I think the same goes for INDOT. Councilman Emerson, I mean, we could add it and hopefully they'd do it because they are our State Government. But quite frankly, it doesn't matter if we ticket them or not, they are gonna crumple it up and throw it on the ground.

Council President Markovich - If the chair would entertain a motion to put it back in committee?

Councilman Woerpel - Our Council attorney informed me, I am correct. There's a call for the question, let's vote on the amendment.

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Torres - Second.

Council President Markovich - Clerk Golec, question for you. Are you going to be able to make all the amendments and changes, or would you...

Councilman Torres - There's only two (2).

Council President Markovich - I'm sorry?

Councilman Torres - There's only two (2), two (2) words.

Council President Markovich - Well but...

Councilman Torres - Railroad and homeowner.

Council President Markovich - I would like the discussion that the Mayor made that but it back in committee and clean it up...

Councilman Higgs - Mr. President, point of order.

Council President Markovich - Point of order, Councilman Higgs.

Councilman Higgs - You are to relinquish your chair if you are to address your colleagues and request something of that nature.

Council President Markovich - All I'm doing...

Councilman Higgs - Mr. President, I'm not done. So, in regards to that, the motion has been made and second. So either we are gonna vote on this and move on from this. Y'all make things so difficult, that isn't! Serve the public with dignity and respect for each other. He made the motion, he second it. Ok, what are we gonna do, are we gonna vote on this or what?

ROLL CALL VOTE (amendment on 19-28)

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

NAYS: Kalwinski, Woerpel, Markovich

ABSENT: None

Amendment carried

6/3/0

AMENDMENT PASSED

Councilman Woerpel - That's for the amendment correct?

City Clerk Golec - That's for the amendment, that is correct.

ORDINANCE 3RD READING - FINAL PASSAGE cont.

Councilman Higgs - Call for the vote on the motion that's been made on the floor.

19-28 An Ordinance to amend Ordinances 4633, 4673, 4994, 6035, 7657, 7661, 8435, 8612, 8718, 9081, 9249, 9258 also known as Section 94.090, 94.091 and 160.03 of the Hammond Municipal Code as it pertains to the enforcement of high grass and weeds, declaration of same as nuisances and allowing the Inspections Department to abate with ten days notice

Councilman Higgs, supported by Councilman Woerpel, moved for final passage.

ROLL CALL VOTE (passage)

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

NAYS: Motion

ABSENT: None

Motion carried 9/0/0 ORDINANCE NO. 9453 PASSED

19-29 An Ordinance to Amend Ordinance 7183 also Known as Section 10.98 of the Hammond Municipal Code as it Pertains to the Creation of an Ordinance Violation Bureau

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

Councilman Woerpel- This one is pretty simple. It allows the Clerk's Office to collect the fees for Civil Ordinance Violations. In other words, violations that come from Code Enforcement, that if people choose to pay the fine or prove that they're in compliance all they have to do is go to the Clerk's Office rather than clog up the court system on Russell Street. I don't think there is anything else to say about it.

ROLL CALL VOTE (passage)

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

NAYS: Motion

ABSENT: None

Motion carried 9/0/0 ORDINANCE NO. 9454 PASSED

INTRODUCTION OF ORDINANCES

19-31 An Ordinance Fixing the Salaries for Elected Officials for the City of Hammond, Indiana Commencing January 1, 2020

Councilmen Woerpel, supported by Councilwoman Venecz, moved the proposed ordinance to 1st and 2nd reading and referred it to the Council as a Whole Finance Committee with a Committee Meeting on December 16, 2019 at 5 p.m. AYES: ALL

INTRODUCTION OF ORDINANCES cont.

19-32 An Ordinance Authorizing the City Controller to Transfer Funds from One Line Item to another within various City 2019 Budgets

Councilmen Woerpel, supported by Councilwoman Venecz, moved the proposed ordinance to 1st and 2nd reading and referred it to the Council as a Whole Finance Committee with a Committee Meeting on December 16, 2019 at 5 p.m. AYES: ALL

Councilman Woerpel- This isn't spending more money these are just line item transfers, end of the year line item transfers.

19-33 An Ordinance Enacting Proposed Amendments to the User Fees for the Operation and Maintenance of the City Storm Water System

Councilmen Woerpel, supported by Councilman Higgs, moved the proposed ordinance to 1st and 2nd reading and referred it to the Council as a Whole Committee with a Committee Meeting on December 16, 2019 at 5:15 p.m. AYES: ALL

19-34 An Ordinance Prohibiting the Hiring of Relatives of Elected Officials by the City of Hammond or any Agency thereof

No motion made.

RESOLUTIONS

19R-31 A Resolution to Reappoint Miriam Soto Pressley to the Hammond Redevelopment Commission

Councilman Higgs, supported by Councilman Kalwinski, moved for adoption.

Councilman Kalwinski- Ms. Pressley has been on the Redevelopment Commission for several years now and has done an admirable job.

ROLL CALL VOTE (adoption)

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

NAYS: None

ABSENT: None

Motion carried

9/0/0

RESOLUTION NO. R31 ADOPTED

NEW AND UNFINISHED BUSINESS

Councilman Woerpel- I want to remind everyone of a meeting tomorrow at the Jean Shepard Center, pertaining to the traffic flow around the new Ice Rink that is being built by a private company, not city money. We've done a traffic study and have a neighborhood meeting. The Mayor and Mr. Button will be there and myself, and it's at 6 p.m. All those who would like to attend, you're welcome to come.

Councilman Higgs- I just want to personally thank all those who attended Ms. Willie Mae Durr's funeral services, all the elected officials that came out and gave love and support. Although she's gone she will truly be missed from the East Hammond Community. She gave so much of herself to the City of Hammond over a number of years and one of the things that remind me of her is Brooks House. Before we had the Ophelia Steen Center was built. I was very instrumental with helping getting that with the help of State Rep. Dan Stevenson, she ran the Brooks House for a number of years, where the youth had a place to go. Ms. Durr will truly be missed from this community.

Councilman Woerpel- Once again, I would like to commend the little guy out here for attending the Council Meeting again. His grandma and grandpa come to all the Council Meetings. I spoke with his grandma, Laurie, last meeting and she said he had something to do or something he was very upset he couldn't come attend, but once again when you can look out, and see young people... she says he takes an interest in what we're doing, and congratulations to your grandfather on his appointment on his position on the School Board.

Councilman Emerson- I would like to thank everyone for coming out to the 6th annual Veterans Day Parade. I want to Thank Donna Muta for organizing it, she did a fine job, she usually does. The Grand Marshall was Chief John Doughty, Army (unclear). I have to say that thanks to all the Veterans that came out. And, I hope to see you at the 7th annual Parade.

Councilwoman Venecz- I just wanted to wish everybody a very happy and blessed Thanksgiving, enjoy your time with your family, and of course don't eat to much.

PUBLIC EXPRESSION

Darnel Rainey- I've talked with Bill Emerson about this trouble I been having with this commercial van that's next door to me.

Council President Markovich- I would suggest you go to Board of Works and Public Safety and bring it to their attention.

Councilman Higgs- Point of Order.

Council President Markovich- What's your Point of Order.

Councilman Higgs- You cannot discuss... You have to allow him to express himself after the meeting, if you want to say anything in regards to this issue you can.

PUBLIC EXPRESSION cont.

Council President Markovich- The gentleman came here with a problem, okay are you going to handle this? No, okay, so I'm just trying to advise him.

Councilman Higgs- I've handled a number issues for my constituents. Not just in the 3rd District, but throughout the entire City, not to mention a number of other things that I've done as a Councilman.

Council President Markovich- Mr. Rainey, I appreciate you coming here, sorry for the interruption. I would suggest you talk with Councilman Emerson after the meeting and get that taken care of. I apologize for the rudeness.

Mr. Lowe- Would like to speak to you guys about no parking signs that were put up on a 116th Street. I believe the intentions were to eliminate the school teachers from parking on the street, and it became a "No Parking Zone". I would like to get some advice on where do I go from here?

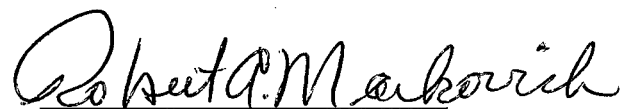
Council President Markovich- I will talk to you after the meeting.

Councilman Higgs- Just to enlighten you sir, you have 3 at Large Councilmen, their responsibility is to address your concern as well.

George Stoya- I was wondering, going back to that purpose Ordinance, I spoke with Councilman Woerpel, will there be a post and legal notices by the Code Enforcement schedule of the fines and penalties. And since we were subjected to a long and fruitful discussion about the 2nd secretary in the Council Office, could there be an announcement on who got the job? You guys, transparency.


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

AYES: ALL



Robert A. Markovich, President
Hammond Common Council

ATTEST:



Robert J. Golec, City Clerk

Time: 6:55 p.m.

dw

*Prepared by
Robert J. Golec
Hammond City Clerk*