

**BOARD OF PUBLIC WORKS AND SAFETY
MINUTES OF NOVEMBER 7, 2024**

The regularly scheduled meeting of the Board of Public Works and Safety convened at 9:04 a.m. on Thursday, November 7, 2024, in the Council Chambers of Hammond City Hall. A roll call was taken: Mr. Long – present; Ms. Greenwell – present; Mr. Kalina – present.

Motion by Ms. Greenwell to approve the Minutes of the meeting of October 31, 2024; seconded by Mr. Kalina. AYES ALL. Motion carried.

Under Correspondence, correspondence received from William Short, Chief of Police requesting the approval of the Petition for Retirement of Sergeant Carmen Ramirez Martinez who has served the citizens of Hammond for more than twenty years effective the close of business on November 8, 2024. Motion by Ms. Greenwell to approve; seconded by Mr. Kalina. AYES ALL. Motion carried. (Ins. No. 24-978)

Correspondence received from Dean Button requesting advertising dates of November 14, 2024 and November 21, 2024 with a bid opening of December 12, 2024 for the Construction Plans for Memorial Park Redevelopment project submitted for approval. Motion by Ms. Greenwell to approve; seconded by Mr. Kalina. AYES ALL. Motion carried. Res. No. 24-4178 (Ins. No. 24-979)

Correspondence received from Dean Button requesting advertising dates of November 14, 2024 and November 21, 2024 with a bid opening of December 12, 2024 for the 165th Street and State Line Road Intersection Improvements project submitted for approval. Mr. Button states this is a rebid due to only one bidder previously. Motion by Ms. Greenwell to approve; seconded by Mr. Kalina. AYES ALL. Motion carried. Res. No. 24-4179 (Ins. No. 24-980)

Correspondence received from Dean Button requesting permission to solicit proposals for the 2025 Street Lighting and Signal Maintenance with a due date for December 3, 2024 with proposal opening on December 5, 2024 at 9:00 a.m. Motion by Ms. Greenwell to approve; seconded by Mr. Kalina. AYES ALL. Motion carried. (Ins. No. 24-981)

Correspondence received from Dean Button recommending the design of the Downtown Hammond Station Platform be awarded to American Structurepoint. Motion by Ms. Greenwell to approve; seconded by Mr. Kalina. AYES ALL. Motion carried. (Ins. No. 24-982)

Correspondence received from Dean Button requesting the approval for the Agreement of Professional Services with American Structurepoint for the design of the Station Square as considered in the Downtown Hammond Master Plan in the amount of \$598,630 submitted for approval. Motion by Ms. Greenwell to approve; seconded by Mr. Kalina. AYES ALL. Motion carried. (Ins. No. 24-983)

Correspondence received from Dunnet Bay Construction advising of the 3-week delivery time for the bridge bearings materials. They anticipate the work to be completed by December 5, 2024 which would allow for the road to be opened December 6, 2024. The detour route will remain the same and all signs will be removed on December 6, 2024. Motion by Ms. Greenwell to approve; seconded by Mr. Kalina. AYES ALL. Motion carried. (Ins. No. 24-984)

Correspondence received from the Controller's Office requesting the approval of the renewal of amusement device license for Buffalo Wild Wings Grill & Bar. Motion by Ms. Greenwell to approve; seconded by Mr. Kalina. AYES ALL. Motion carried. (Ins. No. 24-985)

Correspondence received from Jonathan Slay requesting permission to update the church sign at the corner of 165th Street and Hohman Avenue to include their church name and logo. Motion by Ms. Greenwell to approve sign as long as the dimensions remain the same; seconded by Mr. Kalina. AYES ALL. Motion carried. (Ins. No. 24-986)

Cover Sheet for the Hohman Avenue Street Project Des. No. 2002586 submitted for signature. Motion by Ms. Greenwell to approve; seconded by Mr. Kalina. AYES ALL. Motion carried. (Ins. No. 24-987)

Under New Business - Hearing – Denial of Business License – Dead Walker Arms, LLC. Mr. Dominique Morton-Thompson, owner and president appears and states he has two federal firearm licenses and is a software engineer for JP Morgan. He stated he contacted city in March to notify them he was moving his business to Hammond. He was denied for his business license due to “no manufacturing is allowed on the property and also no retail sales”. The manufacturing is not what they thought it was. Manufacturing for his gun business and what he does it literally putting pieces together and sell them as a firearm. Once he puts a serial number on a firearm, he technically manufactured that firearm even if it is already made. He doesn't plan on having anyone come to his house to purchase. He will do online sales and gun shows to sell and manufacture. He is a software engineer during the day and this is a side business. He will take phone calls from his house and make orders for parts and things that he needs.

Mr. David Westland states this property is at 1323 Sherman and is a R1U urban single family residential area. This is a denial of a business license and the Controller denied the business license because it violated zoning. You cannot have retail sales or manufacturing out of a home unless it falls within the home occupation ordinance. The application states the primary use is for firearm manufacturer and seller and ammunition, days will be open seven days a week 9 a.m. to 7 p.m. by appointment and online. The applicant has is a Type 07 ATF License which you can manufacture and sell retail firearms and ammunition. On the application the primary use was manufacture, online and retail sales of firearms and ammunition. Mr. Poland looked at the zoning ordinance, this property is in R1U single family residential zoning. Manufacturing of any sort is not permitted in any residential area unless you fall within the home application ordinance which is Title Section 19.35.12 which states that retail sales are not permitted in a residential

area. The request for retail sales from 9 a.m. to 7 p.m. by appointment is contrary to the on premises prohibition, contrary to the incidental sales and direct sales product parties of not more than 4 times a month. Mr. Poland determined that it didn't fall within what you would traditionally view as a home occupation ordinance. There are options for this particular petitioner with regard to the zoning, a use variance to attempt to bring this property to compliance, but those are steps before they get to Megan as a Controller. She is bound and the only thing she could do and this use as proposed does not comply with the ordinance she was bound to deny the business license. That is what we are here about, it is their burden to show basically that was a mistake by Megan and show they do meet the zoning. Mr. Westland doesn't think there is any choice but to deny the application.

Mr. Morton-Thompson states there is a new application besides the one he has. The ATF requires that every federal firearms license has business hours to where you can be contacted. He doesn't have a physical storefront to be at but you can call his cell phone and he'll respond after work and answer calls back. No retail sales will be done on property. For a home occupation, he meets every criteria and will not sell guns from his house. At the events he can conduct his business there but needs the license in order to produce his business at those events.

Mr. Long states the issue is that you might meet the criteria but the problem is that it was done the wrong way the first time.

Mr. Morton-Thompson states he has been in contact with them since March, multiple people throughout the city. They ensured them he would be in all local city and federal compliances with his license. Doesn't understand why they say there was a mix up when he's been communicating with them every step of the way. They first sent the wrong application, he corrected it and set another one.

Mr. Westland want to make it clear this is not a situation where its form over substance and doesn't have access to the second application. The same information is in it and the zoning is a problem which was in the application and signed under oath. This doesn't meet zoning and Mr. Poland knew it doesn't meet the home occupation ordinance. There are options as a land owner, he would need to go in front of the Board of Zoning Appeals, ask for a variance which would then go to Council. But as of right now, how it is, the Controller had no choice but to deny it. Doesn't meet zoning and this is where we are at.

Mr. Morton-Thompson states he talked with Brian Poland and Megan who were flipping back and forth as to who was going to control it. Megan's office said they weren't going to deny the business license then Brian said it was not with his office and they are the first stop. He did ask if he needed the variance and they said this is the first step. He was asking what can he do to make sure he meets the criteria. He has been back and forth with departments.

Mr. Poland states in one of his emails he did give him the option of going to the Board of Zoning Appeals, he would be appealing his decision.

Mr. Westland states once the zoning determination was made, then the petitioner has a choice to go through the Board of Zoning process but also a petitioner can appeal Brian's decision and the appeal is to the BZA. The BZA sits as a judge as to whether or not this use meets the home occupation ordinance.

Mr. Long seems to think something got lost in translation or he didn't understand. The point today is that those are his two options. The Board doesn't have enough information here today to decide.

Mr. Morton-Thompson states this is a thing with due process, he asked zoning what can he do or is there another place he can appeal. He was told no, first thing to do is the business license and until the business license is decided, we cannot do anything else. So this process is counter-intuitive as to what they told him before, leaving here with no clear direction is putting him in the same state as before.

Mr. Long states you will have clear direction.

Mr. Morton-Thompson states he is not manufacturing out of his house. This is being delayed and carried out and in the process, he has lost a license. He needs to give the State and ATF 30 day notice before he moves his license.

Mr. Westland wants to make it clear that his denial of business, the due process is this appeal. In terms of how long it took to get to the actual denial, he doesn't know the answer to that. To Mr. Chairman's question about giving him direction walking out of here today, whatever has happened to bring us to this point, there is not a lot I can do but I know where we are at today. Today he doesn't meet zoning as determined by the Director of City Planning. He is the one that makes that determination that is doesn't meet zoning. There are two choices from that 1) he can appeal that decision. We would waive the time requirement as of today because of the misunderstandings in the past or 2) he can file an application for a use variance. Those are the two choices he has right now.

Mr. Poland states we have already passed the filing deadline. Mr. Long wants to know since there was misunderstanding along the way, is there no way he can potentially be added to that date. Mr. Poland states there is a time crunch with the notifications. The appeal could manage to put on the agenda.

Mr. Long has no choice today because they don't have enough information other than to side with the city planner, who states it is not zoned.

Mr. Morton-Thompson finds it awkward at a meeting for zoning and city planning and we don't have an expert on the panel who can judge him appropriately to say what he did or did not do wrong. The process wasn't followed and he cannot file the appeal or make the time line because of actions taken by the city and cannot be told which statutes he's violating.

Mr. Westland states we are telling him what statutes are being violated. It is the home occupation ordinance statute which is an R1U single family residential area. You do not meet zoning. That is the determination today. He has the right and now we have affirmed on the record that he can appeal that zoning determination. That is the process. The Board of Works' determination today is did the Controller get it right? Was the denial of the business license correct based on the information she had. The information she had was from Mr. Poland saying it didn't meet zoning. She has to deny that license the same way the Board has to deny the license. There is no zoning expert that needs to be here today, that is what the Board of Zoning Appeals is for. When he received the information that he was not zoned correctly, it is not up to the city to tell him his options. We are being very generous today by saying, we were willing to give you these options. That's why folks have lawyers that know and read the ordinances and say if my zoning gets denied, here are your options. He is suppose to know that and to say that the city is wrong, no we think that our zoning determination was correct. Mr. Poland's determination is correct that's why in our ordinances and state statute called use variances, when zoning doesn't fit a particular property or a particular use, a landowner applies for a use variance. It is not incumbent on the city to provide that legal advice, it would be inappropriate to do so to a petitioner. We have to walk a very fine line with helping petitioners through our process but we cannot give them the legal advice to do it and due process, that is what this hearing is. It's a due process on the administrative determination that you didn't meet the requirement of a business license.

Mr. Long states what we are going to do today, we will defer our decision, we need time to talk and look it over and talk to Mr. Poland. We are going to defer our decision today, which will be done as quickly as possible and will let you know when our decision is made.

Mr. Westland states in the meantime, while this matter pends, he is free to pursue the two options that we've talked about.

Mr. Morton-Thompson states that he meets all the current conditions that are put in place by the city so he should not have to do extra work to have a business license and exercise his second amendment in this city.

Motion Ms. Greenwell to defer a decision until a future date; seconded by Mr. Kalina. AYES ALL. Motion carried. (Ins. No. 24-988)

Right of Way Permits (2) received from Engineering submitted for approval. Motion by Ms. Greenwell to approve; seconded by Mr. Kalina. AYES ALL. Motion carried. (Ins. No. 24-989)

Disposal Authorizations received from Hammond Police Department submitted for approval. Motion by Ms. Greenwell to approve; seconded by Mr. Kalina. AYES ALL. Motion carried. (Ins. No. 24-990)

Request for Late Rental Registration hearing submitted for approval. Motion by Ms. Greenwell to set for November 21, 2024; seconded by Mr. Kalina. AYES ALL. Motion carried. (Ins. No. 24-991)

Under Old Business, Whiting Knights of Columbus Council 1696 – request to label the roadway at Atchison Avenue at 119th Street “Home of the Pierogi Drop”. Motion by Ms. Greenwell to approve; seconded by Mr. Kalina. AYES ALL. Motion carried. (Ins. No. 24-992)

Status – 6411 Harrison Ave. Mr. Kearney states they are making progress and requests a 60-day status. Motion by Ms. Greenwell to set status for January 9, 2025; seconded by Mr. Kalina. AYES ALL. Motion carried.

Attorney Kristen Hill stepped out to do a conflict.

Status – 6333 Garfield – Mr. Kearney stated the contractor failed to show up for the testing and requested to give him one more month. Motion by Ms. Greenwell to set for status for December 5, 2024; seconded by Mr. Kalina. AYES ALL. Motion carried.

Attorney Kristen Hill entered.

Under Rental Registration – 956 Summer – Ms. Garza resides that this property. Motion by Ms. Greenwell to take no action and complete the proper paperwork; seconded by Mr. Kalina. AYES ALL. Motion carried. (Ins. No. 24-993)

960 Summer St. - Mr. Farrell states there is a discrepancy in the ownership. No action.

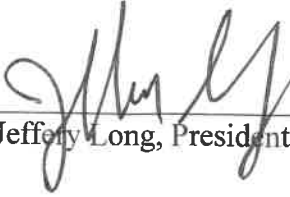
4835 Calumet – Mr. Farrell states there is a homestead on this property. Motion by Ms. Greenwell to waive the late fee on the condition that the homestead is removed; seconded by Mr. Kalina. AYES ALL. Motion carried. (Ins. No. 24-994)

Open to the Public, Mr. Walter Jackson is the new tax purchaser for 4934 Ash and will have the deed in approximately three weeks. This is on the demolition list. Mr. Kearney said he will need to pay for a demo inspection, report, sign a rehab agreement and have licensed contractors do the work. No action.

There being no further business to come before the Board, motion by Ms. Greenwell to adjourn; seconded by Mr. Kalina. The regularly scheduled meeting adjourned at 10:04 a.m.

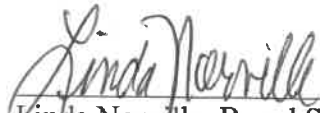
APPROVED:

BY:



Jeffery Long, President

ATTEST:



Linda Norville, Board Secretary