REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
November 18, 2019

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday November 18, 2019, at 7:00 p.m. The meeting was called to order by President Dale "Woody" Emmons all were asked to stand for the Pledge of Allegiance.

Roll Call.
Present: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

Others present: Chief Deputy Clerk Mary Ellen Hazen, Deputy Clerk Raven Boston, Council Attorney Mike Trippel.

Deputy Clerk Boston read a letter from the Board of Zoning Appeals regarding their recommendation from their November 12, 2019 meeting.

APPEAL NO. 19-48 An appeal submitted by Jade Realty Michiana LLC and 4Tron Investment LLC requesting a Use Variance for **815 North Main Street** to allow a two-family dwelling in R-1 Single Family Residential zoning district.

The Board, with a vote of 3-1, recommended denial.

Deputy Clerk Boston read the following resolution by title and opened the public hearing.

RESOLUTION NO. 2019-26

Miscellaneous Property Acquisitions
1534 East 12th Street

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY'S PROPERTY ACQUISITION LIST

Ken Prince, City Planner said this was for the Electric Utility Division. He went on to say this was to acquire the former Bills City Wide Towing property. Mr. Prince said the property was immediately west of the existing main electrical facility. He said the electric division has ran out of space for some time now, they had current storage space in the central service facility and Biosolid facility on Logan Street. Mr. Prince went on to say when the property came for sale, the owner of the facility contacted the electric division for their interest in purchasing the building. He said when there was a need for more space, finding a property immediately adjacent to their facility did not come available often. Mr. Prince said because they could consolidate to the location there would be more room for expansion. He continued to say the general electric office was in a general central location. Mr. Prince went on to state by law before they could acquire the property the property had to be approved by the council to add it to the acquisition list. He said the funds for the property were available through the existing capital lines in the budget. Mr. Prince said the process was slow, it could be rolled into the capital improvements for this year or out of that line for acquisition. He went on to say once electric moved into the facility, they would develop an improvement plan and it would be incorporated as a part of their normal budget capital improvement process. Mr. Prince mentioned there would be cost for acquisition, but future renovation would occur naturally as a part of future budgets, it would not affect rates.

Mr. Banicki said knowing the building was used for towing services, he asked would there be a need for environmental testing to make sure it was not contaminated. Mr. Prince said they did not have to do an environmental investigation, but they did write in the buy sale agreement that it was contingent on a phase one investigation. He said if environmental contamination came up, they would put a thresh hold of 25,000 dollars. Mr. Prince continued to say if it was under the thresh hold, it would essentially be assumed by the utilities but above it they would renegotiate the price.

Mr. Emmons asked would the Bills Towing office building be demolished or utilized. Mr. Prince said they have not made the determination as of yet.

Sedric Springman, Electric Division Manager said they intended on using the existing building as is for their light work shop. He continued to say they were currently working at the old Virgil Street water plant. Mr. Springman said they intended on bringing all their work to the central location on 12th Street as well as their things stored a Central Services. He said they want to reconsolidate to make their operation more efficient.

Mrs. Voelker thanked Mr. Springman and his department for their efficiency on replacing a light pole in her neighborhood.

Mr. Hixenbaugh thanked Mr. Prince, Mr. Springman and Mr. Schrader for the explanation and information leading up to the meeting.

Question was called for at 7:09P.M. for **RESOLUTION NO. 2019-26 Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**
Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

RESOLUTION NO. 2019-27

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

815 North Main Street, Mishawaka, Indiana
(UV to allow Two Family Dwelling in R-1 Single Family District**)**

Fengrong Ma (Felicia) 51340 Lake Porte Ct. Granger, owner of 815 N. Main Street said she and her business partner started a new investment. She said they bought the proposed property in a sheriff's sale in February 2018. Felicia went on to say since they bought the property in a sheriff's sale they could not walk through the property, they did not know the condition of the property. She went on to say once they had access to the property, they seen the property was in major need of repair in the roof, windows and more. Felicia pointed out from a public report from 2014, the property was previously leased as a commercial building but there was also a two-bedroom spacious apartment at 960 square feet, the main floor was 3360 Square feet and a partially finished basement also of 3360 square feet. She said the property had not been leased for more than a year. Felica pointed out the report also showed the property was a mixed use. She went on to say the property was left abandoned, it was beginning to become an eye sore to the neighborhood. Felicia said they worked on the property for almost a year replacing the siding, roof, flooring, air conditioning, water heater, etc. She said the floor plans were so large they felt it could be more use for it. Felicia expressed the public data was misleading due to the property being used for commercial and residential, they went to the Building Department to retrieve the most recent and accurate information. She went on to say they renovated the property into a three-unit apartment because of the large floor plans. Felicia said the they occupied the apartment and later found out they had a parking issues. She continued to say there were four parking space in the back of the property. Felicia expressed there were many rental properties in the neighborhood, parking was an issue all around the neighborhood. She went on to say they were requesting for a rezone from R-1 to R-2 based on section 137-188 of restrictions for offset parking requirements for a single family, two family, or duplex should have two space per residential unit. Felicia expressed she felt they fit the requirements for R-2. She said Mishawka was a good place to invest. Felicia said they knew they made mistake, but they were working on correcting them all, work with the neighbors, and they would be responsible. She went on to mention they would have fulltime maintenance on call for the tenants. Felicia said because part of the building was zoned commercial and R-1 they were averaging 500 dollars a month for utilities and property taxes were high. Felica continued to the property was not being used to its full potential remaining R-1. She provided the council with pictures of the property to show the improvements made to the proposed property.

Mrs. Voelker questioned how many properties they owned and were they all renovated. Felicia said they owned more than 10 but this property was the only multi-unit they owned. She said the proposed property was the biggest renovation they have had, their other properties needed cosmetic repairs such as replacing the carpet. Felicia said they took a risky purchase, purchasing the proposed property from a sheriff's sale, they did not really know what they were getting into. Mrs. Voelker went on to ask what made them purchase property through a sheriff's sale when their other properties were bought through the market. Felicia replied it was the location, it was close to the downtown area and in a nice neighborhood. She said they felt it was a good investment property. Mrs. Volker mentioned she spoke with Building Director Bo Hundt. She said Mr. Hundt described some code issues in need to be fixed. Mrs. Voelker asked what things needed to be done to bring the property up to code. Felicia said the plumber did not put in a p-trap and there was some electrical work to be fixed. She explained because the property was so big the did not have enough outlets to put around the units. Felicia said she was working closely with the Building Department to pull all the necessary permits and bring the property up to code. Mrs. Volker said to her understanding if the variance did not pass, they could not continue to do the work on the property, she asked for clarification. She also questioned why the Board of Zoning voted against the variance. Felicia replied correct, they could not continue the work without the variance. She went on to say she was not fully sure, but the parking issue came up when all three units were occupied. Felicia said they only allowed two residents per unit. She continued to say the problem was a tenant had a daughter living with her without their knowledge, they later evicted the tenant. Felicia went on to say there were two units occupied right now both being single women. She continued to say there was enough parking spaces for the two units, each unit have two spaces a unit. Felicia said they want to address all the code issues and change the zoning to R-1 to R-2.

Mr. Mammolenti asked did the lease state the maximum occupancy and how many mailboxes were on the outside of the building. Felicia replied yes, the max was 2 persons per unit due to the limited parking spaces. She said tenants' visitors would park on the street, if they had any complaints vehicles were towed. Felicia said there were currently three mailboxes, but one would be removed because they were no longer renting it out. Mr. Mammolenti asked at the time she bid on the property, did she know the property was zoned commercial. Felicia explained from the public record from 2014 it did state it was commercial, but the GIS listed the property as commercial and mixed use. She expressed she felt they were miss lead.

Mr. Tanner questioned how much they invested in the property. Felicia said 140, 000 dollars so far and some of the money was borrowed. Mr. Tanner asked did they use license contractors before, and did they have to pull permits for work done at their other properties. Felicia said they had an electrician who did the work as a side job. She said they did not have to pull permits for the work done at their other properties. She said they replaced carpet and fixed minor things after a tenant moved out. Mr. Tanner asked did they own property in South Bend and Mishawka. Felica replied yes. Mr. Tanner went on to say there seemed to be a very long list of code requirement not met for the proposed property, he asked was she aware of the code requirements that may be lacking at her other properties. Felicia replied yes, this was a lesson learned. She continued to say they would move forward and do things the correct way.

Ms. Petko Reisdorf asked was Felicia a licensed purchasing agent. Felicia replied yes. Ms. Petko Reisdorf went on to ask as a licensed agent Felicia was not allowed to go in the property or receive more detail information before the sheriffs. Felicia replied no she could not, just the information from GIS and MLS report she provided to the council.

Mr. Hixnbaugh said based upon the information they received in terms of the work needed to be done, particularly in electrical, he asked how someone can live in the apartment down stairs if the electrical work was not up to code. He said the concern was there was someone living in a space that may not be safe. Felicia expressed she did not feel it was unsafe, it was only a short off of outlets. She continued to say they did not do major electrical work but if they had to move the tenant to another property until everything was up to code, she would do so. Mr. Hixenbaugh asked the anticipated time frame to bring the property up to code and addressing the concerns identified by the city. Felicia said they would pull all permits, they could correct the issues in one or two months. Mr. Hixenabugh asked since they took ownership of the property did, they make any attempts to market the proposed property as a single-family residence. Felicia replied no they did not want to sell the property, they were keeping the property as an investment. Mr. Hixenbaugh said he was struggling to understand how a licensed realtor involved in a business venture for profit to end up purchasing a property without taking the appropriate steps to bring their request before the council for the approval they were seeking and before occupying the property. Felicia explained she was still on the learning curve of being a broker.

Mrs. Volker addressed a comment Mr. Hixenbaugh made regarding safety. She said in speaking with Building Director Bo Hundt about the safety of the apartment, he said short term they were not safety issues but longer there would be, they were things that needed to be addressed but there was no immediate danger with the tenants living in the apartment as they were currently.

Mr. Mammolenti asked what the plans for the vacant apartment were. Felicia said they were not sure, maybe connect the down stairs unit to make a 4-bedroom apartment. Mr. Mammolenti asked would the lease continue to state two residence per unit. Felicia said they have not had much thought about it but maybe it could be for a small family. She continued to say getting the variance for R-2 was their main focus. Mr. Mammolenti asked would parking become an issue if third unit was rented out again. Felicia said they could expand the parking by adding a concrete pad in a grass area, it may fit up to three spaces, but it was something they needed to discuss with the building department to see if it was possible. Mr. Mammolenti also questioned whether Felicia sold properties and how many properties they owned in Mishawaka. Felicia replied yes, but not many. She said they had 8 properties in Mishawaka and 2 in South Bend.

Mr. Emmons questioned their plans for the property if the variance was denied. Felicia said if they were denied it would be a disaster because it would be such a big loss. She went on to express she did not feel the should be punished for the parking issue as it seemed to be an issue around the neighborhood. Felicia said they were working closely to correct all issues. Mr. Emmons made the comment parking was not the total issue in this case. He went on to ask Mr. Prince if the appeal was denied would the petitioners have the right to refurbish. Mr. Prince explained they would have to due to the building code deficiencies. He said even if they would only occupied one unit, they would only be allowed one unit if denied. Mr. Prince continued to say they would have to continue to do improvements in order to bring the one unit up to code. Mr. Emmons asked even if the variance was denied they could continue improvements. Mr. Prince replied yes, they would then ask for an inspection to make sure it was only for one unit. He continued to say ideally going through the units was harder to modify it to one unit due to the stairs to the second floor. Mr. Prince went on to say he agreed with Felicia regarding the third unit, it could be relatively easy to modify for the back apartment to become apart of the front apartment. He said how they would occupy one unit would be up to the petitioners.
Mr. Emmons asked if the petitioners brought the one unit up to code, could the petitioner come back to request the variance again. Mr. Prince said if the request was denied he believed there was a 6-month requirement before they could reapply. Mr. Emmons asked Council Attorney Trippel for conformation. Mr. Trippel believed it was 6 months to a year, he asked for a moment to review the council rules.

Mr. Mammolenti asked if the two units were combined into one would they be required to build additional parking, and would an inspection take place if units were combined. Mr. Prince said he and Derek Spier from his office visited the property to measure the area. He explained they would have to remark the existing parking area to fit spaces but there were four spaces that would meet the space requirements for the zoning ordinance. Mr. Prince said they could fit four spaces in the existing area without modification. He went on to say the area the applicant mentioned was a smaller area on the side of the building, it could handle one additional space to bring it to five spaces for the property, but they did not evaluate it to see if two spaces could fit because it would be parallel to the alley instead of perpendicular. Mr. Prince replied yes, there would be inspections regardless even if it was denied, the building department would have to do inspections to make sure it was under compliance.

Mr. Trippel confirmed it was 6 months until the petitioner could return to request the variance.

Mr. Banicki asked were the apartments full pay rental or subsidized. Felicia said they were full pay.

Robert Shannon, 115 W. Battell and Curt Krueger, 901 N Main St. spoke in opposition to the use variance. They expressed there were enough multifamily in the area and parking was at a premium on the street and felt the petitioner knew what kind of property they were buying. Mr. Shannon said people were cutting through yards with no regards to the neighbors. They Felt the property should remain R-1 residential. Mr. Krueger mentioned he had issues with vehicles parked on the street for months, since there was no parking on Main Street everyone parks on Battell street. He said he spoke with police, nothing went further. Mr. Krueger wished homeowners had a say of what goes on in their neighborhoods.

Mrs. Voelker asked since the eviction of the one tenant in September has Mr. Shannon noticed things to be better. Mr. Shannon said he thought since the owner got caught for not obtaining permits and the building was not up to code, they could not fully rent out the property. He continued to say there has not been any problems since other than someone cutting through neighbors' yard.

Mr. Compton asked did the neighbors get together to talk to the owner about the issues. Mr. Shannon replied no. He said he attended the Board of Zoning Appeals meeting on November 12th, at that time he asked if there was a property manager to check on the property. Mr. Shannon said the owner said they did not have one at that time. Mr. Compton said he understood Mr. Shannon's concern regarding rentals in Mishawaka, they need to be kept up and there needed to be a standard. He went on to say if the property was denied for the variance the property would sit empty, which was no better for the neighborhood. Mr. Compton continued to say this was a challenge for him personally, there were issues, the petitioners did not obtain permits, they did not do it right but what do they do at this point. He suggested having the proposed property occupied was better than unoccupied. Mr. Compton asked for Mr. Shannon to speak with the new owners of the property to work things out. He said if that did not help Mr. Shannon and Mr. Krueger should speak to Code Enforcement.

Mr. Mammolenti made the comment if the property remained R-1 there was a chance of a bigger family moving in with more cars. He said if parking and cut through traffic was the main concern, they needed to be cautious if the property remains R-1, R-2 would have restricted parking spaces. Mr. Mammolenti went on to say he shared the sentiments about neighborhoods changing with more rentals. He continued to say the owners stated the lease stated there was a maximum of 2 residents per unit.

Ms. Petko Reisdorf asked where Mr. Krueger parked his vehicles. Mr. Krueger said he parked his work van on Battell Street and his personally car in his garage.

Mr. Hixenbaugh thanked Mr. Krueger and Mr. Shannon for their comments. He also appreciated what the petitioner had to say. Mr. Hixenbaugh went on to say he was in a unique position, he was familiar with the area. He said fellow colleagues made some really good points. Mr. Hixenbaugh went on to say if the appeal came before them at the time the property was purchased at the sheriff's sale, he would have had no choice but to vote in favor, not because he was unsympathetic to the neighbors but looking at the map there were many multifamily properties in the neighborhood. He continued to say how could they distinguish between this request and the others already there. Mr. Hixenbaugh said the distinguishing factor in his mind was the fact they were not there at the time the property was purchased. He said the record reflected the fact that a significant time period passed from the time of purchase, despite the fact it was purchased by a professional company that presumably should be held to a higher standard, went forward to make modifications and bring tenants in. Mr. Hixenbaugh said he believed if their process was going to mean anything, people, particularly those who would engage in business involving holding property and renting them to others should have to follow and be held to a fair and higher standard, in his opinion. He went on to say in this case he was concerned their process was not followed and it would be injurious to the well being of the community and the neighborhood in particular if it was approved under these circumstances. Mr. Hixenbaugh said as the legal counsel stated from council rules, if this was not successful, in a 6-month period the applicant could come back to request approval. He said he hoped in that point in time all concerns and issues would be addressed, and the current owner could reach out to the neighborhood to try to address some of the good neighbor issues they heard. Mr. Hixenbaugh went on to say the petitioner also had the opportunity to withdraw the appeal to remediate the problems with the property to be able to come back before 6 months if they chose to do so. He expressed based upon those reasons he was voting no at this time, but it was with an understanding it would come back before the council and his guess would be it would be right for approval if it was not approved at this time.

Mr. Tanner, Mr. Mammolenti and Mrs. Voelker expressed this was a very difficult decision. They went on to say the highest and best use of the property, given the location, given the limited parking and given the size and condition of the property, multi residential was probably the highest and best use the property would ever have. They said but given the timing, contributing factors, concerns and safety issues they were also voting against the request. They hoped the petitioners would show good faith, speak with the neighbors to come together to solve any issues.

Mr. Emmons asked Council Attorney was it appropriate to ask the petitioner if they would like to withdraw. Mr. Trippel replied yes, as long as they did not take a vote the petitioners had every right to withdraw. He said they could come back in 60 days rather than 6 months.

Mr. Emmons asked the petitioner if she understood. Felicia replied yes, she understood all the issues. She said she appreciated the council for giving her the opportunity to withdraw at this time, she felt it would be better. Felicia continued to say she would work closely with the departments to come up to code and discuss the parking issues to request the vacation again.

Mr. Emmons asked Felicia was it her wish to withdraw. Felicia replied yes.

Mr. Banicki asked Mr. Prince if the petitioner withdrew at this time would she have to reapply. Mr. Prince replied yes, she would have to refile the application. He went on to explain the request came as a use variance rather than a rezoning at his departments directions because they wanted to come before the council quicker because the rezoning process would have taken longer. Mr. Prince said it was specifically done because of the code issues that existed, they wanted them corrected sooner rather than later and it was hard for the petitioner to correct when they did not know what the zoning was going to be on the property. He went on to say he would request for the petitioner to file a rezoning rather than a use variance when they come back to establish a true R-2 for the property. Mr. Prince stated either way they would have to restart the process.

Mr. Compton asked was there any consequences for doing work on a property without pulling the proper permits. Mr. Prince said he would have to refer the question to Building Director Bo Hudnt. He continued to say from the zoning perspective the penalty would reside with the owner of the property not with the person that did the work. Mr. Prince said the may be a higher permit fee. He believed there were consequences.

Felicia said she would like to withdraw **RESOLUTION 2019-27**. Mr. Compton made a motion to honor the request of the petitioner to withdraw **RESOLUTION NO. 2019-27** upon a second by Mr. Tanner motion carried.

RESOLUTION NO. 2019-28

A RESOLUTION OF THE MISHAWAKA COMMON COUNCIL CONCERNING CERTAIN ACTIONS AND PROCEEDINGS WITH RESPECT TO THE FINANCING OF CERTAIN MISHAWAKA ASSISTED LIVING FACILITIES

Scott Krapf, Attorney at Law Firm Frost Brown Todd 201 N. Illinois Street, Suite 1900 Indianapolis presented a slide presentation for the proposed Green Oaks of Granger Facility for Senior Assisted living. Mr. Krapf provided copies of the slide show presentation to the council and the Clerks Office for their records. He introduced his colleagues Matthew Carr, Michael Brockmen, and representative of Evergreen Real Estate Group Project Manage Gerrad Isanthaw.

Ms. Petko Reisdorf questioned the spend down for private pay residents' verses Medicaid residents and the rate they would pay. Mr. Carr explained during a period the private pay (spend down) residents would pay private pay rates for the living and assisted living facility. He said they were anticipating the rate for a studio would be 3,500 dollars and the One bedroom would be 4,100 dollars a month. Mr. Carr said if resident paid through Medicaid, they would pay 2,900 dollars a month after they exhausted all their assets. He continued to say typically in terms of these types of facilities compared to market rate facilities in the area priced their bedrooms less than the market rate in the area.

Mr. Mammolenti asked was the spend down consistent with the industry. Mr. Carr replied yes. He went on to say this particular facility was identical to other facilities the council seen before them, such as The Silver Burch at Hickory Road and Edison and the Hellanic Senior Living at Dragoon Trail and Logan. He said this would be the third affordable senior living project in the area.

Mr. Krapf explained the reason for seeking approval for the Inducement Resolution. He said this was the first steps to getting the project started. Mr. Krapf explained the inducement resolution would allow them to put the project in motion, apply for volume cap, which would be reimbursed by tax exempt bond proceeds. He said the documents provided in terms of the resolution were consistent with the types of approvals needed for this type of inducement resolution. Mr. Krapf stated this would be a conduit issuance, required by federal law to issue through a government entity to accommodate the issuance. He went on to note Indiana had sufficient bond volume cap, they would return with the bond ordinance and applicable bond documents following the approval of this proposed inducement resolution. Mr. Krapf also informed the council the city nor the EDC would be liable for any of the bond payments and it would not affect the city's credit rating or volume cap. He went on to say Evergreen had a number of facilities in the State of Indiana, including two in Mishawaka at Park View Terrace and Linden House, both with very successful track record. Mr. Krapf went on to discuss some information about the team that would be involved with this project, the management company was the largest operator of affordable assisted living facilities in the country and they operated out of Indiana. He said this facility would house elderly from the age of 62 and older who could no longer live independently, needing help with activities or daily living and for those who have exhausted or substantially exhausted their savings.

Mr. Mammolenti questioned how many residents come to the facility with private pay first. Mr. Carr said at their facilities they were seeing 10% at most came in pay with private pay, 90% or more at these facilities were paid through Medicaid.

Mr. Krapf said the facility would be located near the intersection at Cleveland and Fir Road. He went on to point out the site plan, rendering, 1st floor plan and site overview.

Mr. Mammolenti questioned whether the heat would be electric or gas. Mr. Isanthaw replied gas.

Mr. Banicki asked would they use local labors for construction. Mr. Isanthaw said the general contractor would be Evergreen Real Estate Group and they would employee local third-party contractors as the subcontractors.

Mr. Krapf went on to overview the benefits to the city. He said the projected loss would be around 1.15 million dollars in annual revenue that was compared to a market rate assisted living charge which included charity care and community benefits side to the city, there was also permanent and temporary job creations to come along with the project.

Mr. Emmons questioned their projection for permanent jobs. Mr. Krapf said they were projecting at stabilized occupancy 2.0 million dollars in annual wages, 46 in FTE's and 60 full time and part time jobs.

Mrs. Voelker made the comment this type of business appeared to be a big money loser. She went on to question the monthly fees Medicaid was required to pay. Mr. Carr explained the Medicaid monthly was the combination of two components for the Medicaid residence, one component being the rental amount for the apartment unit paid through social security, and the other component being Medicaid reimbursement from the State of Indiana around 2,200 dollars a month.

Mr. Tanner ask would the future of this facility depend on tax credits. Mr. Carr replied yes, it would depend on the allocation of tax credits and bond volume cap for the tax exempt bonds. Mr. Tanner also asked would it vary every year depending on the number of applicants and was it through the IHCDA (Indiana Housing & Community Development Authority). Mr. Carr explained there were two types of tax credit programs one at 9% which was extremely competitive and at 4% noncompetitive. He said the finance for this project would be at 4% tax credits through the IHCDA. Mr. Carr mentioned Evergreen submitted their tax credit application for the financing for this project. Mr. Tanner went on to say facilities like this created a burden on the public safety officials, they recently had issue of facilities like these would call for lift assist if a resident fell. He said wanted to address and bring it to their attention so that it was not a continued practice and a strain on first responders. Mr. Carr said it was a concern on projects like these. He went on to say the advantage of this facility was there were a number of elderly residences located in one location for easy access for first responders. Mr. Carr said there would also be 24/7 staff year around. He continued to say if there were issues there were emergency alert system throughout the facilities. He said the staff would try to address the issue first before emergency responders were called. Mr. Carr said typically at facilities like this there were 2 to 4 runs per month.

Mr. Emmons asked would there be staff available to help fallen residence to avoid calling for emergency responders. Mr. Carr said on at least the first and second shift there would be nurses on staff to respond to the situation. He continued to say the overnight shift had staff but whether or not they had the training to handle situation, he was unsure. Mr. Carr went on to say his assumption was between the RN's LPN's and qualified medical aids there were some skill sets there 24/7 to be able to take care of a residents fallen.

Mr. Hixenbaugh thanked all the gentlemen for their presentation. He went on to ask what business name the proposed facility would operate under. Mr. Krapf replied Green Oaks of Granger. Mr. Hixenbaugh went on to say they appreciated their investment in the community, the job they would create both short term and long term. He continued to say when the police, Fire or EMS was called they would be Mishawaka public safety services, they stood before the Mishawaka City Council requesting for their approval but yet they chose to market themselves under the name Granger, but he understood it was the postal address. Mr. Hixenbaugh continued to say he found it to be a little bit of off putting when someone wants to come into the community to make a good investment but chooses not to use the name of Mishawka despite the fact, they were their seeking the council's assistance to finance the project. He said it was their business to call their facility what it is they wanted to name it but he did find is to be somewhat off putting.

Ms. Petko Reisdorf asked were they projecting revenue loss every year. Mr. Carr replied yes. He explained they were showing the delusion in revenue at a facility like this accepting Medicaid verses a market rate assisted living facility that more often than not took Medicaid. He said by this developer on this project agreeing to the financing restrictions were committing themselves to lower revenue than if this were a market rate assisted living facility. Ms. Petko Reisdorf made the comment looking at the number it seemed they would never make money. Mr. Carr said that was not the case. He continued to say the idea here was for the project to have positive cash flow but not make a significant amount of money by any means. Ms. Petko Reisdorf ask for a ball park figure of positive cash flow for this project. Mr. Carr said maybe 100,000 to 200,000 dollars a year in cash flow. Ms. Petko Reisdorf asked did they hire LPN's or RN's for the proposed facility. Mr. Carr said there would be a combination of both including licensed medical aids on two of the three shifts. He added this was a licensed residential care facility, it was intended to fall under home and community-based services in Indiana rather than institutional care. He explained if there were RN's around the clock at this facility it would be considered and institution setting.

Mr. Tanner said in regard to this project they could not think of this in vacuum. He said the city had a couple other facilities like the proposed in the community. Mr. Tanner continued to say it seemed to be a growing trend nationally. He said it was obviously to accommodate a generation of individuals who were getting at age and needed care. Mr. Tanner expressed he worried with future facilities like the proposed and their commitment to build to a finished complete product and what it would look like in 40 or 50 years and how they support these kinds of institutions even though it was home and community-based care. He said at this time they had a strain on in home care through a variety of services and an apparent need for additional growth in this area. Mr. Tanner said he did not want to see Mishawaka become the mega for facilities like this to the point of straining public safety and first responders, but he would vote in favor for the proposed facility.

Question was called for at 8:53 P.M. for **RESOLUTION NO. 2019-28** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.**

Clerk Block read the following proposed ordinances by title and were opened for public hearing.

PROPOSED ORDINANCE NO. 2019-35

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2019
(TF- Police Dept. $67,600)
(Assigned to Budget and Finance Committee)

Mr. Compton reported the Budget and Finance Committee recommended this proposed ordinance should be adopted. This is signed by the majority upon a second by Mr. Banicki motion carried.

Ken Witkowski, Police chief said the request was for a transfer and reappropriation of funds to their account line. He continued to say they were not asking for any new money, it was a movement of money of 61,000 dollars from their regular salary line and 6,700 from their temp line to be distributed to their operating supplies line, building repair maintenance lines and K9 line.

Question was called for at 8:57 P.M. for **PROPOSED ORDINANCE NO. 2019-35** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).**Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons. Thus, it becomes **ORDINANCE NO. 5677**

NEW BUSINESS

Mrs. Voelker said 3 years ago Normain Heights was designated a conservation district, the neighborhood now had to vote on whether they wanted to remain a conservation district or to become an historic district. She said there would be a meeting on November 21st at 7:00 P.M. at Liberty School for the neighborhood to discuss and vote on their decision.

Mr. Mammolenti announced the Twin Branch neighborhood meeting at Twin Branch School would be held on November 20th at 7PM with guest speaker School City Superintendent Wayne Barker.

Mr. Emmons announced the 1st District neighborhood meeting would be held on November 21st at 7PM at St. Bavo's with guest speaker School City Superintendent Wayne Barker.

ADJOURNMENT 8:06 P.M.

Raven Boston /s/
Raven Boston, Deputy Clerk

Dale "Woody" Emmons /s/
Dale "Woody" Emmons, President