

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

August 3, 2020

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall and via telephone on Monday, August 3, 2020 at 7:00PM. The meeting was called to order by President Gregg Hixenbaugh all were asked to stand for the Pledge of Allegiance, followed by a moment of silence to remember the lives lost due to COVID-19 and former South Bend Mayor and Indiana Governor Joe Kernan.



Roll Call.

Present: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

Others present; Mike Trippel, Council Attorney and Clerk Block.

Clerk Block read the following appeals and petitions to the council, who referred them to the Board of Zoning Appeals and the City Plan Commission for their recommendation.

- | | |
|-----------------------------|---|
| APPEAL NO. 2020-35 | Use Variance to allow Automobile Repair in I-1 Light Industrial – 1035 E. McKinley |
| APPEAL NO. 2020-38 | Use Variance for 6-Unit Senior Care Facility – 3025 Grape Rd. |
| APPEAL NO. 2020-39 | Use Variance for a 4-Unit Apartment in R-1 Single Family Residential – 539 W. Sixth St. |
| PETITION NO. 2020-13 | Rezone from R-1 Single Family Residential to C-3 City Center Commercial – 619 Lincolnway East |
| PETITION NO. 2020-14 | Rezone from R-1 Single Family Residential to R-2 Two Family Residential 613 W. Third Street |
| PETITION NO. 2020-15 | PUD Amendment to allow Assisted Living Facility – Northwest corner of Deer Run Dr. and Fir Rd. |
| PETITION NO. 2020-16 | Annex adjacent property to be included in subdivision – South & East of 1141 & 1241 E. Twelfth St. |
| PETITION NO. 2020-17 | Grandview PUD Amendment to allow dumpster enclosures in the 25' front setback only if gate is not visible from Gumwood or S.R. 23/Cleveland Rd. |

PRIVILEGE OF THE FLOOR

Licia Gerber, 1450 Penn Avenue, respectfully asked the council to hold a meeting to discuss an ordinance to allow backyard hens in Mishawaka.

Mrs. Voelker thanked Mrs. Gerber and expressed appreciation for her dedication to meeting all of the council members and her efforts.

Mr. Hixenbaugh appreciated her passion for the issue and the work she has done on it. Mr. Hixenbaugh also stated we still remain in the throes of a public health emergency and Governor Holcomb extended the public health emergency, along with the executive orders asking local governmental entities to focus on essential governmental functions at this time. Mr. Hixenbaugh also stated, in his opinion, it is not possible for the council to move forward with scheduling that meeting at this time. Mr. Hixenbaugh concluded stating he and Mr. Compton, as the chairman of the Public Health and Safety Committee, have committed to them and will move forward as soon as it is appropriate to do so. Mr. Hixenbaugh also stated they should continue to work with them as the council tries to work through the public health emergency.

Mr. Compton stated the request has not fallen on deaf ears. Mr. Compton has spoken to the council members and stated the issues that are time sensitive, such as rezoning, are part of the defining line of what was essential and what isn't.

UNFINISHED BUSINESS

Reconsideration of Proposed Ordinance No. 2020-17, Ordinance No. 5697 for republication.

P.O. NO. 2020-17

Transfer of Funds and Additional Appropriation
Motor Vehicle Highway Restricted Fund \$427,150.00
TO:
Local Bridge and Road Matching Grant Fund

Additional Appropriation of Funds to:
Local Bridge and Road Matching Grant Fund \$854,300.00

Clerk Block requested for reconsideration for Ordinance No. 5697. She explained there was an error in publication which required republication.

Mr. Hixenbaugh explained the committee report was previously given and he continued to open the public hearing.

Question was called for at 7:13PM for **Proposed Ordinance No. 2020-17, Ordinance No. 5697**



Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

NEW BUSINESS

Chief Brian Thomas, EMT Asst. Chief, gave an update on the COVID-19 pandemic. Chief Thomas stated it appears the area has entered a steady state with an average of 40 positive cases a day over the last week. Chief Thomas stated Mishawaka has leveled off but have not necessarily seen a decline. He said the hospitals have seen their census increase significantly and the fire station has seen their runs also increase significantly. Chief Thomas stated they have received their supplies ordered back in February and were seeing a normal supply chain return. Chief Thomas encouraged the citizens to continue to take this seriously. He said unfortunately his family is currently under quarantine after finding positive cases within his family from a graduation party. Chief Thomas urged everyone to continue to wear a mask when you cannot socially distance and to try to avoid large social gatherings.

Mr. Mammolenti asked Chief Thomas has there been a spike of positive cases since the initial one a few weeks ago. Chief Thomas stated they have not seen a spike, but they do have at least one confirmed positive case out right now. Mr. Mammolenti asked to extend their thoughts and prayers to that firefighter and thanked Chief Thomas for his dedication and leadership through this troubled time.

Mr. Emmons thanked Chief Thomas for his work in updating the council on COVID-19 . He went to ask if the paramedics were aware of COVID-19 related issue prior to their runs. Chief Thomas stated they are advised through dispatch when there is suspicion it could be a positive case and fortunately the signs and symptoms vary so greatly with a large number of people being asymptomatic. He also stated there have been a couple trauma cases where the patient ended up testing positive and did not know of a case where they had not been advised prior. Mr. Emmons also asked how long it takes to sanitize each vehicle as soon as they return from runs. Chief Thomas stated about 40-45 minutes, sometimes shorter or longer. Chief Thomas explained they treat each situation as they have positive cases in the decontamination process. He continued to say in the very beginning, an order for commercial device for cleaning was put out which ended up being canceled, the firefighters developed their own device that eliminates the virus, but leaves sticky residue behind causing more cleaning to be done. In conclusion, Chief Thomas stated they were trying to find a commercial device that would help cleaning and at the same time not leave sticky residue. Mr. Emmons asked if there has been an instance where an outside ambulance has been called. Chief Thomas stated he is confident that has happened, but has not been actively tracking that. Chief Thomas also stated he speculated it has happened that ambulances have been down whether they have been on a call or have been down due to sanitation.

Mr. Mammolenti asked if the material being dispensed or the way it is being dispensed is the reason for the sticky residue. Chief Thomas stated it could be a combination of both and it is not quite a product designed to do this.

Mr. Hixenbaugh thanked Chief Thomas for the information and sees the common theme is the inability at times to purchase a machine that would be important to have. Mr. Hixenbaugh appreciated the ingenuity of him and the firefighters for working through those issues. Mr. Hixenbaugh also asked if he could talk about the provisions put place in City Hall to keep the

employees safe and going beyond the minimum of wearing masks in government buildings. Chief Thomas stated it was not much different than what was being asked of everyone before, they are asking employees to wash their hands, social distance when possible, and wearing a mask. Chief Thomas stated the science is slowly coming behind to show wearing a mask not only prevents one from exposing other people but protects you as well. He said in City Hall, they elected for any interaction with the public to have employees wear a mask along with the public to take away any chance of spreading the virus. Mr. Hixenbaugh expressed appreciation for the task force taking all issues related to public health and safety seriously.

Mr. Compton asked Mr. Prince if any other city employees have tested positive other than the firemen. Mr. Prince stated there was an unidentified positive case found in the Wastewater department and that person has recovered. Mr. Compton stated he was pleased to see the decision of the taskforce and Mayor Wood to require masks throughout City Hall and in city buildings.

Mrs. Voelker asked for staff reports for all the variances and resolutions Clerk Block read. Mr. Prince stated they should receive them after they go before the Board of Zoning Appeals. Clerk Block explained they file the petitions and appeals and come to the council first, which she reads and are then sent back to the to the Board of Zoning Appeals and the City Plan Commission for their recommendation. Mr. Prince stated he knows in term of process that the agenda was all in first reading, so they would not receive the staff reports until the next meeting. Clerk Block concluded stating the resolution will come with staff report and the recommendation.

Mr. Compton stated he received an email from the White House regarding an invitation to listen in on a COVID-19 update from their administration on August 5th. Mr. Compton also stated he shared the email with Clerk Block. Clerk Block stated she would share it with the rest of the council.

Mr. Hixenbaugh concluded the meeting by reading the following statement:

Note: The Mishawaka Common Council has instituted changes in the way in which its meetings will be conducted during the current public health emergency. These changes are consistent with the terms of multiple Executive Orders issued by Governor Holcomb, as well as related legal guidance. It is anticipated that the Council's normal meeting procedures will be reinstituted at the conclusion of the public health emergency. In the meantime, physical attendance at Council meetings will continue to be restricted in accordance with relevant guidance related to limitations on public gatherings and social distancing. During the public health emergency, Council members, as well as members of the public and media, will continue to be afforded the opportunity to remotely access Council meetings. Recordings of Council meetings (if applicable) and the minutes of the meetings will also be made available to the public and the media as soon as is possible.

ADJOURNMENT 7:35PM

Deborah S. Block /s/
Deborah S. Block, IAMC, MMC, City Clerk

Gregg A. Hixenbaugh /s/
Gregg A. Hixenbaugh, President