

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

October 05, 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, October 5, 2020 at 7:00PM. The meeting was called to order by Vice President Matt Mammolenti. 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.



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 Boston

Minutes for the Regular meeting of September 21, 2020 were approved as received from the Clerk's Office.

Clerk Boston read the following petition by title to the council who referred it to the City Plan Commission for their recommendation.

PETITION #20-07 PUD Amendment to allow an Elevated Water Storage System Tank not to exceed 150' in Height

Clerk Boston read the following proposed ordinances by title, assigned to a committee and set for public hearing at the next meeting.

PROPOSED ORDINANCE NO. 2020-35

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN ELECTED OFFICIALS OF
THE CITY OF MISHAWAKA FOR THE FISCAL YEAR BEGINNING JANUARY 1,
2021**

(Assigned to Budget and Finance Committee)

PROPOSED ORDINANCE NO. 2020-36

**AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND
REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2020**

Transfer Funds – Public Safety LOIT Fund - \$235,010.00

(Assigned to Budget and Finance Committee)

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

RESOLUTION NO. 2020-20

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: 3602 GRAPE ROAD, SUITE 11 Use Variance to allow micro blading inside existing Rootz Salon

Victoria Giannetto, 1633 Trailwood Ct., spoke in favor of **RESOLUTION NO. 2020-20**. Mrs. Giannetto began stating she would be administering micro blading, which was simply a form of semi-permanent cosmetics. Mrs. Giannetto stated she would only be going into the first layer of the skin and it is a beauty service for women and men who have lost hair due to cancer, through medication, or natural aging, this would be to visually enhance face. Mrs. Giannetto concluded stating she went through certification prior to the meeting.

Mrs. DeMaged questioned pre-procedure instructions for clients. Mrs. Giannetto stated typically the pre-procedure would be no Botox, no sun tanning, and nothing to be applied that would affect the hold of pigment in their skin. Mrs. Giannetto also stated she informs her clients to keep their skin clean, no damage or scars, and she gives a free consultation when her customers come in. Mrs. DeMaged asked does her clients sign waivers before their treatment. Mrs. Giannetto stated they do prior to the treatment.

Question was called for at 7:03PM for **RESOLUTION NO. 2020-20**  **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.

Clerk Boston read the following proposed ordinances by title and opened the public hearing.

PROPOSED ORDINANCE NO. 2020-30

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF THE CITY OF MISHAWAKA, INDIANA.

Rezone from C-1 General Commercial District to C-4 Auto Oriented Commercial for an Auto Sales – 4211 N. Grape Rd

Mr. Emmons reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. This was signed by the majority of the committee upon a second by Mr. Compton motion carried.

Mr. Mammolenti requested roll call vote to accept the committee report.

 **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. The Committee Report passes.

Peter J. Agostino, Attorney at law 131 S Taylor St., spoke on behalf of the petitioner and asked for approval of the proposed ordinance.

Mrs. Voelker asked if the building will remain on the site. Mr. Agostino stated the building will be coming down. Mrs. Voelker wished the petitioner and Mr. Agostino good luck with the project.

Question was called for at 7:14PM for **PROPOSED ORDINANCE NO. 2020-30**  **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. Thus, it becomes **ORDINANCE NO. 5710.**

PROPOSED ORDINANCE NO. 2020-31

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF THE CITY OF MISHAWAKA, INDIANA.

Deer Run PUD Amendment to Permit I-1 Light Industrial Uses – Vacant Property at SW corner of Deer Run Drive (South Leg) & Fir Road

Mr. Bellovich reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. This was signed by the majority of the committee upon a second by Mrs. Voelker motion carried.

Mr. Mammolenti requested roll call vote to accept the committee report.

 **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. The Committee Report passes.

Terry Lang, Lang Feeny & Associates Inc., represented the petitioner. Mr. Lang stated the petition is to take a portion of the PUD and amend it to allow for the product packaging facility. Mr. Lang stated they have worked closely with the Planning Department and adjusted their petition to meet the departments desires and will comply with all of the requests they had.

Mr. Mammolenti asked would they be making the corrugate or making boxes, filling volume, liquid, etc. Mr. Lang stated they will be handling the packaging portion and will be taking the boxing to package the materials.

Question was called for at 7:18PM for **PROPOSED ORDINANCE NO. 2020-31**  **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. Thus, it becomes **ORDINANCE NO. 5711.**

PROPOSED ORDINANCE NO. 2020-32

**AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF
MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION
THEREFORE**

**Annexation and Rezoning for a Proposed Multi-Family Townhome Development – 15165,
15195 & 15201 Cleveland Rd.
PUBLIC HEARING – NO VOTE**

Mike Huber, Abonmarche Consultants, spoke in favor of **PROPOSED ORDINANCE NO. 2020-32**. Mr. Huber stated they are bringing in the other half of their parcel for the project with half of it already being in the city. Mr. Huber stated their proposal is to build 64 townhomes in the area at a 23-million-dollar investment in the project to help build the housing shortage in St. Joseph County. Mr. Huber concluded stating this project will have high-end development and they would appreciate the council's consideration.

Mr. Mammolenti asked if the townhomes will be owner occupied or leased. Mr. Huber stated they will be owner occupied.

Mr. Hixenbaugh questioned the price point for the units. Mr. Huber stated they would be 300-400 thousand dollar for each unit.

Mr. Mammolenti closed the public hearing at 7:22 p.m.

PROPOSED ORDINANCE NO. 2020-33

**Civil City Budget and Tax Levy for 2021
PUBLIC HEARING – NO VOTE**

Mayor Wood spoke in favor of **PROPOSED ORDINANCE NO. 2020-33**. Mayor Wood began stating the 2021 civil city budget does not look to much different than the 2020 civil budget and how good that is given the circumstances throughout the year. Mayor Wood stated their long term planning involved the convergence fascial cliff impacting the city and the unexpected pandemic hitting all in the same year. Mayor Wood stated they have seen communities all around the state affected by this and are pleased Mishawaka has not been hit hard. Mayor Wood stated they have been planning for a long period of time and have a strategy that the department managers follow, the Controller's Office manages, and that the elected officials enforce. Mayor Wood stated they get criticized for being too fiscally conservative, but this year they have not had to make cuts and that is his number one priority in the city of Mishawaka. Mayor Wood

stated he valued the great city services and the people who deliver those services and to protect them with their job security. Mayor Wood stated this year's budget looks a lot like last year's and touched on a couple of highlights in the budget. Mayor Wood stated the city needs more police cars and public safety, both police and fire, remains the biggest items in the budget. Mayor Wood also stated they are adding a new IT person specifically for public safety if the budget passes and the time for that has come. Mayor Wood stated the budget maintains their investment in the quality of city services and also gives those who deliver the service a modest raise. He said they are proposing for the staff, which is non-collective bargaining public safety and park, a 1.5% raise plus 500 dollars. Mayor Wood stated there are troubles that lurk ahead even with this year not seeing a big impact of the pandemic on the budget. Mayor Wood stated they will see the local option income taxes reduce, predominately in 2022 with less in 2021 as well. Mayor Wood stated while other municipalities across the state have taken their local option income taxes and put salaries in them, Mishawaka has not which has allowed them to not have to make cuts. Mayor Wood stated they keep their salaries in general fund, because it is the most stable and is the property tax based fund. Mayor Wood continued stating they are trying to shift expenses out of the general fund into local income taxes just so they can meet the troubles ahead. Mayor Wood thanked Becky Miller, City Controller, for the outstanding professional job she has done all throughout the year with the budget and making sure city stays in good financial shape. Mayor Wood also thanked the department managers for keeping their budgets manageable and the council for their commitment of time and talent putting the budget together.

Mr. Mammolenti thanked Mayor Wood, their staff, and Ms. Miller along with her staff for the tremendous job and is super proud of the department heads.

Mr. Hazen thanked Mayor Wood, his staff, the department heads, and all of the council members for their work. Mr. Hazen stated they have done a fantastic job and after being on the council, he can say he is very thankful that they have been able to get through the pandemic financially.

Mrs. Voelker stated she appreciates the opportunity to not only understand the budgets, but to also get an update with all of the departments and what their concerns may be. Mrs. Voelker also stated it is a really enjoyable process and appreciated Ms. Miller's work with outlining the differences between this year's budget and last year's budget.

Mr. Bellovich thanked Mayor Wood for running a tight ship for the last 10 years when he has been on the committee and appreciated the fact that the city has been able to maintain its workforce along with Mayor Wood's job managing the city.

Mr. Mammolenti closed the public hearing at 7:37p.m.

PROPOSED ORDINANCE NO. 2020-34

AN ORDINANCE AMENDING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT MISHAWAKA PARKS DEPARTMENT, ELECTED OFFICIALS, AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2021
City Employees Salary Ordinance for 2021

Mrs. Voelker reported the Committee of Budget and Finance recommended this proposed ordinance should be adopted. This was signed by the entire committee upon a second by Mr. Compton motion carried.

Mr. Mammolenti requested roll call vote to accept the committee report.



**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.** The Committee Report passes.

Mayor Wood spoke in favor of **PROPOSED ORDINANCE NO. 2020-34**. Mayor Wood stated they are proposing a 1.5% raise along with 500 dollars. Mayor Wood stated they think given the current conditions both in the economy along with the pandemic and the fiscal cliff it is something that can be sustained.

Mr. Emmons asked if the 500 dollars goes on the base salary or if it is a one-time thing. Mayor Wood stated the percentage benefits some of the staff members at the higher end of the pay scale and the cash amount benefits some of the staff members at the lower end of the pay scale. Mayor Wood stated this would be a way to recognize staff members doing a great job which is why they are doing the percentage plus the cap.

Mr. Hixenbaugh appreciated the work Mayor Wood, the controller and the department heads have done to provide an increase to the staff this year. Mr. Hixenbaugh stated his recollection is there is a short list of positions that are being treated as an exception to the general salary increase and asked Mayor Wood or the Controller to highlight the positions receiving a different increase for 2021. Mayor Wood stated they are creating a new IT position specifically for police and fire, they are doing an increase for the administrative assistant at the fire department and his own assistant will be receiving a raise as well. Mayor Wood stated his assistant does an outstanding job of running the office and keeping up with him and making sure his world goes more smoothly. Mayor Wood stated it is not an 8-5 job, it is a 24/7, 365 job and it is different from every single job in the city. Mayor Wood asked they create a new position called Mayor's Executive Assistant to make her position unique to the city. Mayor Wood stated they have eliminated some positions and part time work as well. Mayor Wood stated they are also creating an assistant HR manager. Mr. Hixenbaugh appreciated the information and supported all of the exceptions Mayor Wood highlighted. Mr. Hixenbaugh hoped they could look at the salary ordinance in the future in a comprehensive fashion to recognize some of the other positions in the city that are worthy of the above the scale raises that have been approved in the past.

Mr. Hixenbaugh asked the record to reflect the fact that the passage of the ordinance is subject to the ongoing negotiations with the public safety employees along with other collective bargaining groups and as those negotiations are concluded, then an amendment would be appropriate to reflect the outcome of those negotiations.

Question was called for at 7:48PM for **PROPOSED ORDINANCE NO. 2020-34**  **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. Thus, it becomes **ORDINANCE NO. 5712.**

PRIVILEGE OF THE FLOOR

Hodge Patel, 103 S. Ester St, complemented the Police Department for doing an outstanding job on his behalf. Mr. Patel's car was parked on the 300 block of west Mishawaka Avenue and there was a 22 year old individual driving a vehicle that was not his and slammed in the backend of his vehicle. Mr. Patel stated the impact collapsed the back tire of his vehicle and pushed the car up onto the curb. Fortunately, Mr. Patel and his family were not in the vehicle when this occurred and according to Sargent Long, one of the officers Mr. Patel spoke to, stated there were middle school age students who witnessed the incident and nobody had been injured. Mr. Patel stated the individual hit the backend of his car, ricocheted, went around the car and took out a sign while side-swiping a tree before going back on the roadway. Mr. Patel stated police responded within two minutes to the serious accident and recognized Officer Porter, Officer Minor and Sargent Long. Mr. Patel stated he was not physically at the scene of the crime and the officers put a business card with a report card on the vehicle and he was able to make it to the vehicle later that night. Mr. Patel then left a message to Sargent Long on the phone and appreciated how the officers handled the situation. Mr. Patel stated Sargent Long returned his call within minutes. Mr. Patel concluded giving compliments to the Mishawaka Police Department and wanted to recognize the work they did.

Mr. Mammolenti stated he was grateful nobody had been seriously injured and thanked Mr. Patel for coming to speak in high regards Officer Porter, Officer Minor and Sargent Long. Mr. Mammolenti stated in special times like these, police officers need as much positive influence and feedback as possible and thanked him for his comments.

ADJOURNMENT 7:53PM

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

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