

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

May 4, 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, May 4, 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 remembering those who have been lost to the COVID-19 virus.

Roll Call.

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

Others Present: Clerk Block Mike Trippel, Council Attorney.

Minutes for the Regular meeting of April 4, 2020 were approved as received from the Clerk's Office.

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

APPEAL NO. 2020-10 Use Variance for 3-units in R-1 Single Family Residential – 201 Smith St.

APPEAL NO. 2020-11 Use Variance for 3-units in R-1 Single Family Residential – 1210 W. Sixth St.

APPEAL NO. 2020-16 Use Variance for relocating shipping containers and Developmental Variance for reduction of parking spaces – Bethel University Athletic Training Center

PETITION NO. 2020-05 Rezone from C-1 General Commercial, C-5 Neighborhood Commercial and I-2 Heavy Industrial to R-3 Multi-Family Residential – 1215 & 1225 E. Jefferson Blvd.

PETITION NO. 2020-06 PUD Amendment to allow Quick Service Oil Changes as a use and Reduction of Parking Spaces, Setbacks, and Landscaping – 317 W. Indian Ridge Blvd.

PETITION NO. 2020-08 Annex and Rezone to C-1 General Commercial – 5921, 52861, 52885, & 52841 Fir Rd.

PETITION NO. 2020-09 Rezone from I-1 Light Industrial to C-3 City Center Commercial – 407 W. Fourth St.

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

RESOLUTION 2020-06

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A REPORT OF COMPLIANCE WITH STATEMENT OF BENEFITS FOR CERTAIN PROPERTY OWNERS

Ken Prince, City Planner, began stating the staff report was thoroughly completed by Derek Spier. He continued explaining there were currently 10 active tax abatements in Mishawaka. Mr. Prince said next year's reports will be interesting due to COVID-19 and how it affected businesses. Mr. Prince concluded giving insight on Lippert Compounds Manufacturing and Jamil Packaging regarding employment and business partners.

President Hixenbaugh thanked Mr. Spier for his work.

Question was called for at 7:10PM for **RESOLUTION 2020-06**  **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 Block read the following proposed ordinance by title and opened the public hearing.

PROPOSED ORDINANCE 2020-08

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 area South of Retention Area from R-1 Single Family to C-1 General Commercial 4019 & 4021 LWE

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

Wendy Walker, May Oberfell Lorber, represented the Lincolnway Veterinary Clinic. Ms. Walker began stating the Clinic faced Lincolnway with a parking lot on the corner. She continued to say they were seeking a rezoning from residential to commercial to add an additional parking area behind the clinic building and to relocate the retention pond.

Mr. Compton asked was the retention a wet or dry pond. Ms. Walker replied she was unsure.

Mr. Mammolenti asked was the retention pond full and how deep and were there plans on a fence barrier. Ms. Walker was unaware of the depths but assured Mr. Mammolenti she would retrieve the information. She continued to say the pond would be relocated to accommodate the parking space. Mr. Ms. Walker stated they would be working with the City Planning and City Engineering Department to work out the requirements.

Mr. Mammolenti asked for Ken Prince to answer questions regarding the pond. Mr. Prince began stating there was not a policy to require barriers around retention areas. The Traffic Commission could not meet in May to discuss the policy after 10 cases arose of cars driving into ponds with 1 case resulted in a fatality. Mr. Prince concluded by reiterating there was no clear policy, but it would be reviewed.

Question was called for at 7:20PM for **PROPOSED ORDINANCE 2020-08**  **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. 5691**

NEW BUSINESS

Mayor Wood gave an update on COVID-19 related issues. There were 668 positive cases, 292 recoveries, and 20 deaths in St. Joseph County reported. He said the Mishawaka Fire Department and Police Department conducted data stating no employees have tested positive to date and Mishawaka as a city has flattened the curve of the virus. Mayor Wood continued stating the City of Mishawaka has followed Governor Holcomb's plan to be back on track and would have the ability to be stricter if necessary. He continued to say the city government has instituted modified operations and begun to return to normal considering all the guidelines from the CDC and local Health Department. Mayor Wood continued stating an implementation team has been put in place to make sure the plan was being followed. He stated utilities have returned to regular operation and the Mishawaka Police Station lobby and Central Services would open on May 11th. Mayor Wood went on to say Leaf Pick up and Large item cleanup programs went relatively smoothly. Mayor Wood continued stating City Hall was not yet opened to the public but should be open fully by the following week. He went on to state the Controller's Office tabulated the expenses for COVID-19 related expenses, totaling \$100,000. He said Baker & Tilly have been hired to conduct Comprehensive Financial Plan for the pandemic. Mayor Wood mentioned Governor Holcomb announcement of the CARES Act Fund going to local, municipal, and county governments in Indiana to reimburse for COVID-19 related expenses. Mayor Wood also stated the recovery plan was constantly being worked on for citizens affected by the pandemic, which could include basic necessities and utilities. He also mentioned the Small Business Plan was also being modified to aid with zero interest loans to be used for purchasing inventory and basic expenses. Mayor Wood concluded by stating considering bonding for projects that would help keep local companies in business.

Mrs. Voelker asked were parks open. Mayor Wood answered stating the parks were open, but playgrounds and dog parks were not at this time. He said they were planning to open Merrifield pool and a small amount of splash pads when allowed.

Mr. Compton expressed appreciation for the information being provided and asked for Mayor Wood's thoughts on office settings, specifically if employees should work remotely until second week of June, and if he has considered the strategy. Mayor Wood explained the City of Mishawaka was being encouraged to follow all recommendations and guidance for getting back

on track. Mayor Wood also continued stating City Hall has remained open with essential services and would continue to comply with social distancing.

Mr. Hixenbaugh thanked Mayor Wood for the information and work all of the staff has been conducting. Mr. Hixenbaugh continued stating how important it was to move forward with financial plans and implement assistance to the public as soon as possible. Mr. Hixenbaugh concluded asking the Mayor to share with the Council the plans as decisions were reached in the future. Mayor Wood added thermometers have been purchased for all departments, with the Police and Fire departments taking temperatures for the time being.

Mr. Hixenbaugh expressed appreciation to Police Chief Witkowski and the department for their work on addressing the McKinley Cruise that transpired the past weekend. Mayor Wood added that 54 citations were written.

Mr. Hixenbaugh continued asking Mayor Wood to touch on how communication with the County and South Bend were conducted. Mayor Wood stated he had phone calls with County Commissioner, the Health Department, Dr. Fox, and Jeff Rea receiving reports, but not necessarily relating to Mishawaka.

Mr. Hazen asked why the county decided to go more stringent with the Governor's suggestions. Mayor Wood stated he was not part of the decision process and couldn't answer.

Mr. Hixenbaugh closed the meeting by thanking the IT staff for perfecting availability of the council meeting to the public and Clerk Block as well for working out details to make the meeting happen. Mr. Hixenbaugh also announced the public health emergency was extended by Governor Holcomb to June 4th.

ADJOURNMENT 7:48PM

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

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