

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

April 19, 2022

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 Tuesday, April 19, 2022 at 7:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

Clerk Block called the roll.

Roll Call.

Present: Mrs. DeMaegd (P), Mr. Banicki (P), Mr. Hazen (P), Mr. Mammolenti (P), Mr. Emmons (P), Mr. Bellovich (P), Mr. Compton (A), Mrs. Voelker (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Others Present: Clerk Block, Mike Trippel

Members attending virtually do so by WebEx. Public that attend can participate by WebEx or observe meetings by YouTube or Facebook live. The Council meetings are also streamed live on Michiana Access on Comcast/AT&T U-verse Channel 99.

Minutes for the Regular Meeting of April 11, 2022 were approved as received from the Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals regarding their recommendations from their April 12, 2022 meeting.

APPEAL #22-05 An appeal submitted by Mishawaka Commons LLC requesting a Use Variance for 502 West McKinley Avenue (former CVS) to permit an event center (assembly hall) with bingo in C-2 Shopping Center Commercial zoning district.

The Board, with a vote of 5-0, forwarded a favorable recommendation to the Common Council subject to the following conditions of approval:

- Exterior grease interceptor will be required if any food service is proposed
- Occupancy permit and inspections by the Building Department
- Life safety issues will need to be updated

APPEAL #22-07 An appeal submitted by Topview Holding Group LLC requesting a Use Variance for 309 Bittersweet Road to allow three (3) tenants in a building in the C-1 General Commercial District.

The Board, with a vote of 5-0, forwarded a favorable recommendation.

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

RESOLUTION R2022-08

**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: 502 W MCKINLEY AVE
Use Variance to permit an Event Center (Assembly Hall) IN C-2 Shopping Center
Commercial – 502 W. McKinley Ave.**

Terry Harper, 10231 Conover Drive, spoke in favor of **RESOLUTION R2022-08**. Mr. Harper stated he currently had the Celebrations Palace on 5th and Laurel in Mishawaka and they were doing a non-for-profit organization there and were looking for more parking and space. Mr. Harper stated that was the sole reason why they wanted to move the place to the old CVS over there to run Assembly Hall. Mr. Harper stated Celebrations would still be open, but they would move the operation so it would not be so congested for public safety.

Mr. Banicki stated there had been some concerns with the parking lot and asked if he would be responsible for the repairs or if there would an owner of the property taking care of that. Mr. Harper stated he would be working with the owner of the property and would do a walkthrough on Thursday to make sure the parking lot was remedied.

Mrs. Voelker stated she had read that they would be hosting bingo at the Assembly Hall and asked what other events would be held there. Mr. Harper stated they would hold events such as luncheons and gatherings for organizations. Mrs. Voelker asked if his business was nonprofit or if he hosted nonprofits and what exactly he meant by that. Mr. Harper stated one of the businesses that rented from Celebrations was non-for-profit and they ran the bingo hall, which he was involved in with his brother. Mr. Harper stated they wanted to move it so it would not be so crowded over there.

Mr. Mammolenti thanked Mr. Harper for the work he had done with Celebrations and once they took over, a lot of cosmetic improvements were made and it was refreshing to see that at some of the events he had gone to. Mr. Mammolenti thanked him once again.

Question was called for at 7:08PM for **RESOLUTION R2022-08** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 8-0.

RESOLUTION R2022-09

**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: 309 BITTERSWEET ROAD,
MISHAWAKA, INDIANA**

Use Variance to allow 3 tenant in 1 Building in C-1 General Commercial District – 309 Bittersweet Rd.

Michael Hewlett, 51301 Golden Oak Court Granger, Indiana, spoke in favor of **RESOLUTION R2022-09**. Mr. Hewlett stated the property they were speaking about was the former Family Dollar across from Martin's at the corner of Lincolnway and Bittersweet. Mr. Hewlett stated they made some significant changes to the exterior and interior of the building. Mr. Hewlett stated there was a dental in the north side of the building that they occupied for the last year and they had two spaces for two tenants that were looking to lease in the remaining suites in the building. Mr. Hewlett stated the tenants had submitted their letters of intent to lease the property and they began seeking this variance to allow for the two additional tenants in the building.

Mr. Hixenbaugh asked if he was at liberty to tell them who the tenants in the building were. Mr. Hewlett stated one was a medical group, specifically a physical therapist group and the other was a telephone retail company.

Question was called for at 7:11PM for **RESOLUTION R2022-09** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 8-0.

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

PROPOSED ORDINANCE NO. 2022-08

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA
AMENDING THE UNIFORM SCHEDULE OF FEES**

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

Brian Thomas, EMS Chief from the Mishawaka Fire Department, spoke in favor of **PROPOSED ORDINANCE NO. 2022-08**. Chief Thomas stated around 10 years ago when they did a substantial increase, they tried to base them on a percentage of Medicare allowable, so it would make it easier as they moved forward. Chief Thomas stated as Medicare had increased their fees over the last 10 years, they were just asking to have that increased to follow along with that.

Mr. Hixenbaugh asked Chief Thomas to summarize the fees that they accrued for ambulance service and how were those used within their budget and what did they do with the other money they collected for those fees. Chief Thomas stated he could not speak to the specific percentages or exact amounts, but there was some that went towards the general fund and they also had a reverting vehicle fund that it went towards. Mr. Hixenbaugh asked for clarification that if it was used to replace and upgrade their equipment, particularly vehicles, as they aged. Chief Thomas stated that was correct.

Mr. Mammolenti thanked Chief Thomas for his presentation and asked if someone was on Medicare, would their price of service increase. Chief Thomas stated it would not and it was all very confusing, very hard which was why they hired a firm to help them with this. Chief Thomas stated there were some Medicare, Medicaid, Blue Cross Blue Shield and all those fees were set. Chief Thomas stated they could build someone \$10,000 and Medicare would give them the amount that they give them. Chief Thomas stated they just used that as a basis and Medicare set most of the billing rules out there. Chief Thomas stated they tagged onto their increases for inflation and such. Mr. Mammolenti asked for layman's purposes that Medicare was raising their rates and they were below that, so they were just kind of raising theirs to meet that same threshold. Chief Thomas stated that was correct and he did not remember the exact date, but it had been about 10 years since they had done that. Chief Thomas stated they all knew from the news and such that their expenses had gone up greatly with medical supplies and they were just trying to follow with inflation there.

Mrs. Voelker asked a follow-up to question to Mammolenti asking if Medicare had to change their prices annually. Chief Thomas stated they did and most of the time they went up. Chief Thomas stated he knew over the last 10, 12 years there was actually one time that it had decreased. Chief Thomas stated most of the time it was not very substantial and as far as Blue Cross Blue Shield Indiana Medicaid they made some more than just annually and during COVID they made an increase during that time as well. Mrs. Voelker asked if this was something he looked at on an annual basis and decide if it was worth it to go through the process of increasing the fees or how did he decide when to do that. Chief Thomas stated he thought so and if it was going to make them one extra dollar then he did not know if that was worthwhile, but they would be there again sometime in the future.

Mr. Bellovich asked Chief Thomas if every 10 years was frequent enough to look at this or if they should be looking at it maybe every 4 to 5 years. Chief Thomas stated that would probably be more realistic and they should do it more often. Chief Thomas stated they did sit down with their vender and evaluate it every year and they gave them recommendations for where the felt their fee should be and they were still within that ranged. Chief Thomas said now, though, they were at the lower end of the range instead of the higher end and they would be leaving money on the table.

Mayor Wood spoke in favor of **PROPOSED ORDINANCE NO. 2022-08**. Mayor Wood stated first of all, he wanted to thank Chief Thomas for his outstanding leadership and all of the crew who operated their EMS division provided incredible service, especially throughout the pandemic. Mayor Wood stated he would put their service up against anyone, anywhere that they provided to their citizens. Mayor Wood stated their calls were going up quite substantially with an increase of 17% just last year alone and that continued a trend where they kept going up and often in double digit percentages. Mayor Wood stated their general fund was also quite tight and between their obligations, bringing in a little less money than what they were spending and what they had obligated, he asked rhetorically how you squared those two. Mayor Wood stated they needed to hire police officers and firefighters and they had a general fund that could not support hiring that. Mayor Wood stated in his State of the City, he announced a plan to hire 6 new firefighters, 3 new police officers but since they could not necessarily support that out of their general fund, he asked rhetorically how they could support that. Mayor Wood stated the average

citizen may look to downtown and see there was \$15 million being spent on a park or see road improvements and wonder why the city could not hire police or firemen. Mayor Wood stated those were TIF funds and by state law, they were dedicated to capital projects and had to be used within a certain district and they could not hire police and fire out of those same funds, which led them back to the general fund. Mayor Wood stated they were tight, so he outlined a plan to use ARP funding for a 3 year commitment to hire 3 officers, increase their shift strength from 10 to 11 and also to hire 3 of the 6 firefighters they needed. Mayor Wood stated they wanted to increase their rates and although they had not done it in 10 years, but they could look at it more often and try to compare themselves with what their neighbors are spending. Mayor Wood stated these funds went into their general fund and that's where their payroll came out of. Mayor Wood stated it was going to the same place where they were paying for salaries for their firefighters and police officers. Mayor Wood stated 75% plus of their general fund went to paying payroll for their publics and most of their payroll was for Public Safety and they made up the highest amount of their payroll. Mayor Wood stated this was their plan to bring on and get the 6 firemen on and they wanted to do that with next year's budget. Mayor Wood stated this would help them to start saving for it now and they would work through the collective bargaining process perhaps with a memorandum of understanding so that they could do this with the union. Mayor Wood stated they had to also hire the firefighters and police officers and they could not just snap their fingers and have that done. Mayor Wood stated it took the better part of a year to bring a firefighter or police officer on board with all of the training and especially going to places like the academy. Mayor Wood stated they also had retirements that were upcoming and they had to fill the retirements before they could hire new people so they were planning to add the staff and it would happen. Mayor Wood stated it would not happen overnight, but they were committed to doing those things in a growing city that demanded more and more of their incredible service. Mayor Wood stated they would begin the process of right now if the rates were approved and would start working on the rest of the plan they had outlined.

Mr. Mammolenti thanked Mayor Wood for his presentation and went back to his State of the City where he recalled him mentioning that some of this would require some negotiations with the FOP and he did not know if those discussions had commenced yet or not. Mayor Wood stated it was a collective bargaining year for the FOP, so they would have those discussions as part of the collective bargaining process. Mayor Wood stated as far as fire went, this was not collective bargaining year, so they would first talk to the membership there and they would have to come to some sort of agreement there that hopefully they could do it through a memorandum of understanding or something along those lines. Mayor Wood stated the goal was to add a fourth full-time ambulance and they had three full-time now. Mayor Wood stated they had a need for that fourth ambulance and they had mutual aid agreements throughout the county and with other departments, so as their officers or firefighters go out and make some calls in some cases outside of the city of Mishawaka, they would still be capturing those fees as well.

Mr. Hazen stated he believed they needed to share with the public and everyone that they could say their shift strength could be 15, but that did not mean it would be 15 and that had to be agreed on by the FOP. Mr. Hazen stated a lot of people did not understand that and sometimes the policemen wanted more officers on the road but they also wanted more time off too. Mr. Hazen stated they could not hire more men just to give time off and it was a difficult situation to navigate through. Mr. Hazen stated he just wanted everyone to know that. Mayor Wood stated

that was exactly right and they could hire more officers today but that did not mean they were going to be on the road tomorrow and they needed to negotiate it with the FOP getting those extra officers on the street. Mayor Wood stated for him, conditionally, would be that if they were going to hire and go through the process of adding more officers to their budget, they would then want to make sure they get those officers out by contract on the street and that was the process they would be doing.

Mr. Hixenbaugh thanked Mayor Wood for his comments and stated none of them, him included, liked to consider raising any fees at any time, but if they were going to do it to remain market competitive and be compensated in a fair manner for the services they provided, that certainly made sense and he applauded the creativity to use the revenue to directly support those who were providing the service. Mr. Hixenbaugh stated he was confident Mayor Wood would be able to work through all of the negotiations with the public safety unions and bring this to fruition. Mr. Hixenbaugh thanked Mayor Wood and his administration for the work they did to bring this to the council.

Question was called for at 7:24PM for **PROPOSED ORDINANCE NO. 2022-08 Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus becoming **ORDINANCE NO. 5785.**

NEW BUSINESS

Mr. Mammolenti made a reminder that the neighborhood watch meeting for Twin Branch and the entire were welcome to attend a meeting on April 20th at 7PM at Fire Station #4. Mr. Mammolenti stated he was proud to announce their speaker tomorrow evening would be their Council President Mr. Hixenbaugh who would be discussing the rules and authority of the council. Mr. Mammolenti stated he heard him speak at Mr. Emmons' meeting and it would be very informative. Mr. Mammolenti stated he believed everyone would enjoy it. Mr. Mammolenti stated their next speaker for their May 18th would be their very own Mayor Wood who would be giving a condensed State of the City at 7PM also at Fire Station #4. Mr. Mammolenti stated all were welcome.

Mr. Emmons made a reminder that the first district neighborhood meeting would be held on Thursday April 21st and their speaker would be Representative Maureen Bauer to talk about what happened down at the legislative session that year as far as the good news and bad news of legislation that was passed and why. Mr. Emmons stated she would answer questions following her presentation about the legislation issues that were passed in Indianapolis. Mr. Emmons stated he would hope to see everyone at 7PM at St. Bavos and would have refreshments provided by West End Bakery. Mr. Emmons stated all were welcome.

ADJOURNMENT 7:28PM

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

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