

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

January 9, 2023

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the New Mishawaka City Hall and via telephone on Monday, January 9, 2023 at 7:00PM. The meeting was called to order by City Clerk Debbie Ladyga-Block. All were asked to stand for the Pledge of Allegiance.

Chief Deputy Clerk Raven Boston called the roll.

Roll Call.

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

Others Present: Clerk Block and Mike Trippel, Council Attorney.

Clerk Block opened the floor for nominations for President of the Council for the year 2023. Mr. Mammolenti made the motion that Mr. Hixenbaugh remain and serve as Council President for 2023, with a second from Mr. Hazen. There were no other nominations made, thus Clerk Block entertained a motion to close nominations, with a second from Mrs. Voelker. A voice vote was held and the motion carried.

Mr. Hixenbaugh thanked the Council and looked forward to continuing to serve with them in the coming year.

The chair entertained a motion to appoint their Council Vice President for 2023. Mr. Mammolenti made a motion to nominate Mr. Banicki to serve as Council Vice President for 2023, with a second from Mr. Compton. Mr. Hixenbaugh entertained a motion to close nominations, with a second from Mrs. Voelker. A voice vote was held, the motion passed and nominations were closed. Mr. Hixenbaugh entertained a motion to appoint Mr. Banicki for Council Vice President for 2023, with a second from Mr. Compton. A voice vote was held and the motion passed. Mr. Hixenbaugh congratulated Mr. Banicki. Mr. Banicki thanked Mr. Hixenbaugh and the rest of the council.

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 Meetings of December 19, 2022 and December 27, 2022 were approved as received from the Clerk's Office.

ARPA Awards Presentation

Mr. Mammolenti approached the podium and welcomed their award recipient that evening. Mr. Hixenbaugh stated that evening's recipient were representatives of United Way on behalf of the One Roof Project. Mr. Mammolenti stated on behalf of the Council and Mishawaka, it was his honor to award them with the check for their continued service within their community and he looked forward to the future and what this would do for the community and he thought it would last for years and years to come. Mr. Mammolenti thanked them for their efforts and presented them with the check.

One of the representatives stated on behalf of United Way St. Joseph County and One Roof, they were truly grateful for the investment and they were excited to get to work. On Wednesday, they had their first community meeting that hopefully went well for City Hall and they were excited to support the neighborhood, the residents and the schools in Mishawaka as well as the city and bring childcare, healthcare, youth programming and programs for the seniors to benefit the city of Mishawaka. They thanked the council once again.

Clerk Block read a letter from the City Plan Commission regarding their recommendations from their December 13th meeting.

Honorable Members:

A regular meeting of the Mishawaka Plan Commission was held on the above referenced date at which time the following proposed ordinances were considered:

Petition No. 2022-20	A request submitted by Ann Witkowski and Mark Kosanovich, as Tenants in Common, requesting to amend the Gateway Plaza – Bremen Highway PUD to allow a second restaurant with drive-thru restaurant, an automobile use, and reduced parking.
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The Commission, with a vote of 7-0, recommended approval.

Petition No. 2022-21	A request submitted by Gumwood Acquisitions, LLC, requesting to amend the Grandview Planned Unit Development to increase the building height to 65'.
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The Commission, with a vote of 4-3, forwarded no recommendation.

Pursuant to I.C. 36-7-4-605 the Mishawaka Plan Commission hereby certifies to the Mishawaka Common Council the attached proposed ordinances regarding the above matters.

Respectfully,

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

Petition No. 2022-22

Rezone outlot from C-1 General Commercial to C-7 Automobile oriented restaurant commercial – NE corner of 12th St. & Merrifield

Mr. Hixenbaugh opened the floor for comments from his colleagues on the Council with respect to the One Roof Project as he did not do so at the conclusion of the ARPA awards presentation.

Mrs. Voelker stated she was excited to have United Way and One Roof come to Mishawaka and bring all of the tools that they were working on pulling together including the Boys and Girls Club, rural services, mental health services and a playground and there would be so many neat things that were going to put new life into the old City Hall building and provide wonderful services for the community. Mrs. Voelker stated she was happy to have been a part of it and it was right by her home so she would be paying very close attention. Mrs. Voelker thanked them again.

Mr. Mammolenti thanked the partners on the committee, Kate Voelker, Mike Compton and President Hixenbaugh. Mr. Mammolenti stated this process had taken several meetings and presentations and they did not take this lightly. Mr. Mammolenti stated he could not think of a better recipient than One Roof in United Way with the program and it really encompassed everything as the committee first started to discuss and they even took it a step further from infant to end of life. Mr. Mammolenti stated everything was all inclusive and he thought they really hit the mark with this and just to repurpose the old City Hall potentially and he believed great things were going to come and the city of Mishawaka was going to be in great hands and would be receiving great services from them. Mr. Mammolenti appreciated their efforts and as he said before, looked forward to seeing how this thing would grow and pan out.

Mr. Hixenbaugh thanked them and wished them good luck as they embarked on this new venture.

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

PROPOSED ORDINANCE NO. 2022-49

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.

PUD Amendment to allow Second Restaurant with Drive-Thru, Automobile Use, and Reduced Parking – South of 3615 Bremen Highway

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

Jeffery Schaffer, Abonmarche, spoke in favor of **PROPOSED ORDINANCE NO. 2022-49**. Mr. Schaffer stated he was representing the property developer as well as the petitioner. Mr.

Schaffer stated they appreciated the recommendation of approval from the Plan Commission and the committee and he would answer any questions they may have.

Mrs. Voelker asked about some terminology and specifically why the company was asking to allow the changes to the PUD without having to get approval from any of the other neighbors. Mr. Schaffer stated he believed when this PUD got approved, it had multiple property owners involved. Mr. Schaffer stated since that time, a lot of the ownership had turned over and most of the property was now owned by various developers, so there was less of a need at that point to have all of the other property owners coming in as a group, as the properties now had been developed individually. Mrs. Voelker asked if all of the neighbors were notified. Mr. Schaffer stated it was his understanding that they would have been notified on the part of the Plan Commission. Mrs. Voelker asked if they had heard anything from anybody. Mr. Schaffer stated no and he did not recall anyone being in attendance at the Plan Commission meeting.

Question was called for at 7:15PM for **PROPOSED ORDINANCE NO. 2022-49 Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5825.**

PROPOSED ORDINANCE NO. 2022-50

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.

PUD Amendment to increase Building Height to 65’ – NW corner of Cleveland Rd. (S.R. 23) & Gumwood Rd.

(Petitioner requesting postponement until February 6th meeting)

Mr. Compton made a motion that they honor the petitioner’s request and postpone the matter to their first regularly scheduled council meeting in February, which was seconded by Mr. Banicki. A voice vote was held and the motion passed. The matter was postponed until the February 6, 2023 meeting.

NEW BUSINESS

Mr. Hixenbaugh announced the annual appointment of their council committees and other appointments as well as appointments to various boards and commissions. Mr. Hixenbaugh stated a list had been prepared with input by the council and distributed by the Clerk’s Office. The chair entertained a motion to approve their Council committees and appointments as reflected on the list that had been distributed. Mr. Compton made the motion and it was seconded by Mrs. Voelker. A voice vote was held and the motion passed unanimously.

Clerk Block read the names of the council members who submitted Conflict of Interest forms for approval. Dale “Woody” Emmons, Anthony “Tony” Hazen, Gregg A. Hixenbaugh and Matt Mammolenti all submitted Conflict of Interest Forms. The chair entertained a motion to accept the Conflict of Interest forms for those council members. Mr. Banicki made the motion and it was seconded by Mrs. Voelker. A voice vote was held and the motion passed unanimously.

Mr. Mammolenti reminded everyone viewing online and in person that they would be having a Twin Branch Neighborhood Watch meeting January 18th at 7PM held at Fire Station #4 on Harrison Road with Officer Faltynski being the guest speaker and doing meet and greets since, unfortunately, Lieutenant Reppert had moved on to further his career elsewhere. Mr. Mammolenti stated Officer Faltynski would be stepping in. Mr. Mammolenti again stated the meeting would be held on January 18th at 7PM at Fire Station #4.

Mr. Hixenbaugh reminded folks that on Wednesday January 11 at 6:30PM in the Council Chambers, there would be a neighborhood meeting to discuss the proposed plans for the disposition of the former City Hall and invited members of the public to attend that meeting.

ADJOURNMENT 7:22PM

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

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