

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

January 23, 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 23, 2023 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: Mr. Hazen (P), Mr. Bellovich (A), 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.

Minutes for the Regular Meetings of January 9, 2022 were approved as received from the Clerk's Office.

Clerk Block read a letter from the City Plan Commission regarding their recommendations from their January 10th meeting.

Honorable Members:

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

Petition No. 2022-22	A petition submitted by MCC Self Storage LLC and Morris Sales, Inc. requesting to rezone property at the northeast corner of Merrifield Avenue and Twelfth Street from C-1 General Commercial District to C-7 Automobile Oriented Restaurant Commercial to allow the outlot to be developed.
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The Commission, with a vote of 8-0, recommended approval.

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

Respectfully,

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

Clerk Block read the following proposed ordinances by title and assigned committee.

PROPOSED ORDINANCE NO. 2023-01

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 outlot from C-1 General Commercial to C-7 Automobile oriented restaurant commercial – NE corner of 12th St. & Merrifield
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2023-02

AN ORDINANCE APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MISHAWAKA AND THE MISHAWAKA FRATERNAL ORDER OF POLICE LODGE 91

(Assigned to Public Health & Safety Committee)

PRIVILEGE OF THE FLOOR

Myron Larimer, Habitat for Humanity of St. Joseph County representative, spoke under **PRIVILEGE OF THE FLOOR**. Mr. Larimer stated he wanted to share with the council their Aging in Place program and they were providing weatherization kits for seniors in need of some assistance with some of the cold weather issues and it would be for minor issues. Mr. Larimer stated the kits included window installation kits, rubber window seal kits, installation for electric outlets and switches, two door draft dodgers, a fleece blanket, a pack of hand warmers and a battery operated lantern. Mr. Larimer stated they liked to share this with councilmembers so as they came across their constituents and the public in Mishawaka, they could share this information with them. Mr. Larimer stated this did come with some requirements; such as you must be over 60 years old, in terms of one owner occupancy it had to be occupied, no rental properties, mobile homes or condominiums and taxes and insurance must be current. Mr. Larimer left a handout with Clerk Block.

Mr. Hixenbaugh thanked Mr. Larimer and appreciated the information, along with himself and Habitat for Humanity making them aware of this.

Matt Lentsch, Executive Director of Development and Governmental Affairs, spoke under **PRIVILEGE OF THE FLOOR**. Mr. Lentsch brought a couple of matters to the council's attention, one regarding legislation they were proposing with the help of Senator Rogers having to do with their CSO long term control plan and that related to hopefully getting to revision to their long term control plan and they were very hopeful for a hearing. Mr. Lentsch stated a second legislation they were working on was a beverage area for the Ironworks Plaza and it would help them to better utilize the area and for the vendors to not need to have temporary alcohol permits for events, especially in the summer. Mr. Lentsch stated right now with the way the law worked, you had to have an area attached to a building so instead of having something

like temporary walls that would be set up and not look very flattering, they were working on this legislation with some of their vendors to prevent that and it was being housed in the Senate. Mr. Lentsch stated those were the two big legislations he wanted to address to the council with a possible third involving freedom filmers, folks who stopped and filmed police officers or other city employees in the workplace, being in the works as well. Mr. Lentsch stated they were trying to put some parameters on that even though they had the right to do that as of right now. Mr. Lentsch stated it had caused public safety concerns and they were afraid someone could get hurt, so this was in discussion. Mr. Lentsch lastly stated that they were seeking to launch a new city website on January 31st and just as they moved out of buildings they had outgrown a couple months back, they would be moving into a new website as well. Mr. Lentsch stated it would be easily navigable and get information from and hoped that would become the primary source of communication to their citizens. Mr. Lentsch stated he would answer any questions.

Mrs. Voelker had a question about the beverage area and asked if there were other communities in Indiana that had those types of permits and if there were other communities that worked together with them. Mr. Lentsch stated there were other communities, like Carmel, that had such areas and this language would be specific to Mishawaka. Mr. Lentsch stated there was another one in Northwest Indiana that had a set area and specific legislation that legislated specific to a city or municipality and this one would be specific to them. Mr. Lentsch stated this was not out of the ordinary. Mrs. Voelker stated there would be a successful model they were following. Mr. Lentsch stated exactly. Mrs. Voelker thanked Mr. Lentsch.

Mr. Hixenbaugh thanked Mr. Lentsch and asked him to keep them updated as the legislation progressed.

Haley Nice, 443 Ballard Avenue, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Nice stated she spoke to the council a few months ago about abortion rights in Indiana and she wanted to update them on that. Mrs. Nice stated currently in Indiana, abortion was legal because there were multiple court cases that had to do with freedom of religion and the right to privacy that was founded in their state constitution and those were being heard before the Supreme Court at that time. Mrs. Nice also wanted to talk to them about what else the State Assembly had introduced. Mrs. Nice stated they had introduced 11 anti-LGBT bills that session in an attempt to further erode bodily autonomy and freedom of expression rights in the state. Mrs. Nice stated these bills were HB1118, HB1130, HB1220, HB1231, HB1232, HB1338, HB1346, HB1407, SB12, SB354 and SB358. Mrs. Nice stated these would actively harm transgender youth and their parents in the community and she had a laundry list of research supporting transgender rights and the science backing up why cutting off their gender affirming care was harmful and she would be glad to share it with the council via email. Mrs. Nice stated on all 11 bills she would just focus on a few main points and many of these bills infringed on their right to self-expression and freedom of speech and they flat out discriminated based on gender. Mrs. Nice stated SB354 would put transgender youth in danger of their parents that were not accepting of their gender expression and infringed on their right to freedom of speech as well. Mrs. Nice stated it would put teachers in schools in the position of outing LGBT students to their potentially homophobic and transphobic family members, further pushing transgender youth towards self-harm and potential homelessness or death. Mrs. Nice stated SB12 would criminalize librarians and school staff for doing their jobs of providing information to the public. Mrs. Nice

stated if they were not already aware, there were 10 steps that were generally considered when analyzing levels of genocide and this was the path they were on if these bills were to go into state law. Mrs. Nice stated the steps were classification, symbolization, discrimination, dehumanization, organization, polarization, preparation, persecution, extermination and denial. Mrs. Nice stated based on the 11 bills recently introduced at the state level and the bill recently introduced in West Virginia, they were not far behind. Mrs. Nice stated they were on step 7, preparation, and if they wanted to be better than those who came before them, they must stand against discriminatory bills and all other forms of violence against subjugated peoples. Mrs. Nice stated she knew that the State Assembly had asked all counties to put out resolutions either supporting or opposing SB12 and if they asked cities as well, she implored the council to oppose the bill. Mrs. Nice stated they had a strong community in Mishawaka and in South Bend. Mrs. Nice asked the council to please show that they supported the citizens in Mishawaka when the time came and there was some hope for LGBT people in Indiana, albeit a small sliver. Mrs. Nice stated SB39 would increase protections for queer people and everyone else in schools. Mrs. Nice stated she also asked the council to pass a resolution supporting SB39. Mrs. Nice stated if they needed more information on LGBT issues and their needs in the city, to please reach out to the LGBT Center in South Bend. Mrs. Nice stated now was the time to step up. Mrs. Nice thanked the council for their time.

NEW BUSINESS

Mr. Hixenbaugh announced the need to make an appointment to the Transpo Board, which was an annual appointment they did as a council. The chair entertained a motion to appoint Ken Kahlenbeck from School City of Mishawaka to the Transpo Board of Trustees retroactive to June of 2022. The motion was made by Mr. Banicki and seconded by Mrs. Voelker and a voice vote was held. Mr. Kahlenbeck was appointed unanimously.

Mr. Hixenbaugh also announced in consultation with the Mayor and his office, a suggestion had been made that it would be in everyone and the community's best interest to hold the annual State of the City Address to the council in the Council Chambers on March 27th, 2023 at 6PM. The chair entertained a motion to that effect. Mrs. Voelker made the motion and seconded by Mr. Mammolenti and a voice vote was held. The motion passed and they would hear from his honor on March 27th.

ADJOURNMENT 7:17PM

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

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