

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

April 24, 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, April 17, 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.

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.

Clerk Block called the roll.

Roll Call.

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

Others Present: Clerk Block, Mike Trippel, Council Attorney

Minutes for the Regular Meetings of April 17, 2023 were approved as received from the Clerk's Office.

Clerk Block read the following appeal and petitions by title from the Board of Zoning Appeals and City Plan Commission meetings on April 11th, 2023.

Appeal No. 2023-07	An appeal submitted by Sonic Automotive requesting a Use Variance for 4325 Grape Road, Mishawaka, Indiana, to allow give (5) temporary sales trailers through the end of 2023.
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The Board, with a vote of 5-0, recommended approval.

Petition No. 2023-05	A petition by All Secure Storage-County Road 17 requesting to annex and rezone property at 17018 State Road 23 to C-1 General Commercial District.
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The Commission, with a vote of 9-0, recommended approval.

Petition No. 2023-07	A petition by Zolman Tire, Inc requesting to annex and rezone property east of an adjacent to 2014 E McKinley as I-1 Light Industrial.
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The Commission, with a vote of 9-0, recommended approval.

Petition No. 2023-08 A petition by Jessica Bucher requesting to rezone property at 2009 W. Sixth Street from C-1 General Commercial District to R-1 Single Residential District.

The Commission, with a vote of 9-0, sends the petition to the Council without a recommendation.

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

PROPOSED ORDINANCE NO. 2023-13

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

**Annexing and Establishing Zoning as C-1 General Commercial District – 17018 State Rd. 23 (West of 5996 State Rd. 23)
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2023-14

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

**Annex and Rezone portions of I-1 Light Industrial – Property East of 2014 E. McKinley
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2023-14

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 to R-1 Single Family Residential – 2009 W. Sixth St.
(Assigned to Land Use Planning Committee)**

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

RESOLUTION R2023-07

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: 4325 GRAPE ROAD, MISHAWAKA INDIANA

Use Variance to allow Five Temporary Sales Trailers through October 2023 – 4326 Grape Rd.

Bennett Ratliff, representative with Sonic Automotive, spoke in favor of **RESOLUTION R2023-07**. Mr. Hixenbaugh asked if Mr. Ratliff could give them a thumbnail sketch of the proposal and how he planned to make use of the Use Variance. Mr. Ratliff stated they were in the process of remodeling the Jordan Lexus store to bring it up to current image program standards and they were moving the sales staff out into the trailer so they could continue to provide service to their customers and potential customers out there in the trailer as they remodeled the facility. Mr. Ratliff stated they should be complete in October and at that point, the trailers would be removed from the site.

Mr. Hixenbaugh asked if he had already started to make use of the trailers or if he was waiting for the approval that he hoped to obtain that evening. Mr. Ratliff stated they had at that point already started to use them and they did not start to use them until after the Board of Adjustments hearing two weeks ago and had not planned on moving in until after the hearing in the prior week, but yes they had moved in and were certainly hoping for approval. Mr. Hixenbaugh stated they made sense but it was always their preference to wait until after this stage in the process, but sometimes life did not work that neatly. Mr. Hixenbaugh appreciated the clarification.

Mr. Hixenbaugh thanked Jordan Lexus for the work they had done and he had been on the Council long enough to remember when they first came to them with the original rezoning and it was a matter of some controversy on the part of the Council and at that time it was Jordan Lexus of South Bend and their good friend and former colleague John Gleissner advocated for it to be in Mishawaka and he always smiled when he drove by that sign. Mr. Hixenbaugh thanked all involved for making it happen.

Question was called for at 7:09PM for **RESOLUTION R2023-07 Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed resolution passed 9-0.

RESOLUTION R2023-08

A Resolution of the Common Council, City Clerk, and Mayor of the City of Mishawaka Commemorating the Fiftieth School Year Anniversary of Walt Disney Elementary School

Clerk Block continued to read the Resolution in full.

WHEREAS, Walt Disney Elementary School (“Walt Disney”) is located within the City of Mishawaka at 4015 Filbert Road, as part of the Penn Harris Madison School Corporation (“PHM”) ; and

WHEREAS, Walt Disney opened for the 1972-1973 school year on August 31, 1972, with the capacity to serve the educational needs of as many as six hundred fifty (650) students; and

WHEREAS, Walt Disney was constructed as an open concept building that would prioritize individualized learning for all students, and be a source of professional learning for all educators; and

WHEREAS, under the leadership of PHM Superintendent Dr. Jerry Thacker and Principal Ryan Towner, Walt Disney, while holding to rigorous state standards for achievement, continues to individualize student instruction and promote academic excellence, as evidenced by: (a) ranking in the top seven percent (7%) in terms of academic achievement when compared to similar schools throughout the State of Indiana, (b) earning an “A” rating with respect to English as a New Language (“ENL”) instruction that is provided to approximately thirty (30) different native language speaking groups represented among its ENL student population, (c) hosting an annual Culture Night that has received national acclaim, and (d) surpassing state averages for all students on the IREAD-3 mandatory state reading assessment, as well as surpassing minority student achievement scores by a great variance; and

WHEREAS, Walt Disney continues to serve an important role in the development of educators by: (a) maintaining robust partnerships with local universities and hosting pre-service teachers for field service or student teaching opportunities, (b) permitting faculty to provide countless seminars to pre-service teachers and serve on committees at local Schools of Education, and (c) implementing a research-based tiered instructional framework that serves as a best practices model for other schools at the state and local level.

NOW, THEREFORE, BE IT RESOLVED by the Common Council, the City Clerk, and the Mayor of the City of Mishawaka that the tireless efforts on the part of countless Walt Disney administrators, faculty, staff, students, and families (both past and present) to achieve academic excellence are deserving of recognition and commendation, and as such we hereby declare April 27, 2023, to be:

WALT DISNEY ELEMENTARY SCHOOL DAY

in the City of Mishawaka, and we call upon all citizens to join us in congratulating, saluting, and thanking all of those who are or have been a part of this school community for their commitment to their school and the City of Mishawaka.

Ryan Towner, 28858 Redfield Street Niles, Michigan and Walt Disney Elementary School Principal, spoke in favor of **RESOLUTION R2023-08**.

Mr. Hixenbaugh thanked Mr. Towner for being there that evening and thanked him for the work he and his staff and faculty do every day on behalf of students in Mishawaka. Mr. Hixenbaugh stated he knew, since he had the privilege of speaking with him the other day that they had an event coming up to commemorate their 50th anniversary and believed it would be that Thursday. Mr. Towner stated that was correct and shared more about that. Mr. Towner stated they were thrilled that year with Disney opening in 1972-1973 and to be in their 50th year of operation. Mr. Towner stated throughout the year, they had done a lot of themed events around the 50 years trying to build excitement amongst their students and staff members. Mr. Towner stated it was simple things like doing school spirit wear with updated 50th year logos, building some of that energy in the marketing within their community for their students who did a really fun event called the Dance of the Decades. Mr. Towner stated students picked the decade of interest to them and studied about some of the different decades and applied what they

learned to the dance where they were dressed up in that way. Mr. Towner stated what was particularly important to them was occurring that Thursday where they would be doing a recognition dinner and it was kind of the idea that a school community built on so many people over so many years recognize those individuals and get as many staff, current staff and faculty along with past staff and faculty, as possible to join them in an event where they could celebrate what the school was, what it had become as well as all of the people who had contributed to that. Mr. Towner stated it was looking like they would have about 115 attendees, with about 40 former teachers coming back to join them Thursday. Mr. Towner stated they received sponsorship for the event from May Oberfell Lorber and they were having it catered by Mission BBQ, a local business that was operated by a family whose child attended Walt Disney Elementary School. Mr. Towner stated part of the evening, included reflections from current leadership from Superintendent Thacker and himself and then they had the dinner and then they would have some games and there also would be a Disney alum who was a nationally traveling magician who would reflect on his experience at Disney, which was his favorite school he ever attended as well as putting on a magic show. Mr. Towner stated more than anything, the goal was just to recognize the collective impact of all of the people who had made the school what it was. Mr. Towner stated it was a highlight for their school community and he thanked all of the Council for their consideration with the resolution and it certainly affirmed the important work that their educators did. Mr. Towner stated they knew a significant number of their students remained within Mishawka and stayed residents of the area and they just wanted them to have an incredible time at their school and to learn skills that would serve them for life so they could continue and be major contributors and make a positive impact in the community. Mr. Towner expressed his gratitude for their consideration of the resolution and he understood they would all be busy Thursday night around 6PM with Mayor Wood giving his State of the City Address, but with the passing of the resolution their intent would be to have their School Board President, Chris Riley, read and share it with the faculty who were present on that evening. Mr. Towner stated he was happy to answer any questions they had.

Mr. Compton congratulated Mr. Towner and stated he remembered when the school was built, but really his memory of the school was that was where his oldest grandchild went to school and he remembered taking her over there as a kindergartener and watching her enthusiastically run into school. Mr. Compton stated it seemed like it was the next day when there was this young lady walking out as a 6th grader and it was quite a place and it would be quite a memory for himself, her and her family. Mr. Compton thanked Mr. Towner for what he did there and congratulated him once again.

Mr. Mammolenti thanked Mr. Towner for being there that evening and for all that he did for the students and staff. Mr. Mammolenti stated it was of no surprise knowing his father and they both came from a great bloodline and had a tremendous gift to lead staff and children. Mr. Mammolenti stated they were both held in the highest regard from his standpoint as educators and he wanted to thank them. Mr. Mammolenti stated they truly had a gift and thanked them for genuinely giving that gift to other students and staff and to keep up the great work and they were proud of him.

Mr. Banicki thanked Mr. Towner and everyone else who had taught at Walt Disney as both of his children graduated from there. Mr. Banicki stated his son started there in about 1993 and both of his children learned a lot and they had both done very well coming through there. Mr. Banicki stated he drove by there and just to see all of the cars and buses and happy people was a beautiful thing. Mr. Banicki stated they were doing great things over there and it was great when you did not hear a lot of negative things in the news. Mr. Banicki thanked Mr. Towner once again.

Mr. Hixenbaugh thanked Mr. Towner and wished him good luck with the event on Thursday and the Council had a prior commitment with the Mayor's State of the City Address, but he was sure they would have a great event and asked if he could pass along his regards to his father, Dan, his former colleague at School City of Mishawaka. Mr. Towner thanked President Hixenbaugh and stated he gladly would.

Shelli Treely, 429 Calhoun Street, spoke in favor of **RESOLUTION R2023-08**. Mrs. Treely stated in 1986, the year that Mr. Towner was born, there was Shelli Johnson who got her first teaching job in Penn-Harris Madison with Herb Sloan who brought her up from Purdue University and she started in Walt Disney Elementary as a kindergarten teacher and back in the day, kindergarten was part time. Mrs. Treely stated she was at Walt Disney in the morning and she went to Moran Elementary in the afternoon and over the years, she was there when it was open concept and they saw the walls being built and they talked through many fads in education and now, with Mr. Towner's leadership, they were teaching with the science of reading and she could not be more proud of him as they may be aware of his accolades. Mrs. Treely stated Mr. Towner was a Milken Award winner and that was equivalent in education to the Oscars. Mrs. Treely stated that was a very proud day for Penn-Harris Madison and they were so excited about 50 years. Mrs. Treely stated she went back to Walt Disney and spent all of her career in Title One schools and she had been in and out of that building a couple of times and now she was back at Moran and she could tell them that without question that the resolution was in the best interest of their city and the school. Mrs. Treely thanked the Council.

Question was called for at 7:22PM for **RESOLUTION R2023-08 Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed resolution passed 9-0.

NEW BUSINESS

Mr. Hixenbaugh made a reminder to the public that the Mayor's State of the City Address would be delivered to the Council Thursday, April 27th at 6PM in the Council Chambers.

Mr. Hixenbaugh announced for those who viewed or were present for the last Council meeting, the Council had set a public hearing on the Wellness Pet tax abatement that would take place during the course of their regularly scheduled Council meeting on Monday, May 8th at 7PM also in the Council Chambers.

ADJOURNMENT 7:24PM

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

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