

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

July 10, 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, July 10, 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 Meeting on June 19, 2023 were approved as received from the Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals regarding their recommendation regarding property east and adjacent to 2014 E. McKinley.

Appeal No. 2023-08	Use variance to allow automobile repair in the I-1 Light Industrial District on property east of and adjacent to 2014 E. McKinley Avenue
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Clerk Block read the following petitions by title.

Petition No. 2023-15	Right-of-way vacation for first East/West Alley N. of E. Marion St., starting at Christyann St. Then to the west 110' for the first North/South Alley
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Petition No. 2023-16	Right-of-way vacation for part of Front St. (Not improved) between the East Side of Church/Main St. connector and the St. Joseph River Raceway
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Petition No. 2023-17

Rezone from C-1 General Commercial to C-6 Linear Office
Commercial to permit a Residential Unit – 1644 Lincolnway East

Clerk Block read the following resolution by title.

RESOLUTION R 2023-15

**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: EAST OF AND ADJACENT TO 2014
E MCKINLEY AVE, MISHAWAKA, INDIANA**

**Use Variance to allow automobile repair in I-1 Light Industrial District – property E. of
and adjacent to 2014 E. McKinley**

Steve Ruby, Abonmarche Consulting, spoke in favor of **RESOLUTION R2023-15**. Mr. Ruby stated he was speaking on behalf of the petitioner to allow for the automobile repair in the I-1 Light Industrial District there. Mr. Ruby stated this was currently a similar use that was adjacent to the property that they currently had, so they were just asking for that same use to be extended to the property to the east of them.

Question was called for at 7:05PM for **RESOLUTION R2023-15**. **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 resolution passed 9-0.

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

PROPOSED ORDINANCE NO. 2023-24

**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 R-1 Single Family Residential to R-2 Two Family Residential to match
existing use as a duplex – 712 Division St.**

Mr. Mammolenti reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Mr. Compton made a motion to postpone the public hearing on **PROPOSED ORDINANCE NO. 2023-24** until the next regularly scheduled council meeting so they could get in contact with the developer and give them another opportunity. The motion was seconded by Mr. Banicki and a voice vote was held. The matter was postponed until the next regularly scheduled council meeting on Monday July 17th.

PROPOSED ORDINANCE NO. 2023-25

**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 S-1 Extensive Open Space to C-3 City Center Commercial – Northeast corner
of Cedar & E. Third St.**

(Petitioner requesting postponement)

Mr. Compton made a motion to honor the petitioner’s request to postpone further public hearing for **PROPOSED ORDINANCE NO. 2023-25** until their regularly scheduled council meeting of August 7th, 2023. With a second from Mr. Banicki, a voice vote was held. The motion passed unanimously and the matter was postponed.

PROPOSED ORDINANCE NO. 2023-26

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

**Annex and Zone to I-1 Light Industrial District for proposed Self Storage – Vacant land
south of 1505 S. Byrkit
Public Hearing – No Vote**

Tom Fitzpatrick, Vice President of Development with Storage of America, spoke in favor of **PROPOSED ORDINANCE NO. 2023-26**. Mr. Fitzpatrick stated they were looking at turning this site into their 30th site within their portfolio into storage. Mr. Fitzpatrick stated they would like to have this annexed in and then rezoned to the industrial zoning for storage. Mr. Fitzpatrick stated they needed to extend water main to the site for fire safety and of course have some electrical utilities there too. Mr. Fitzpatrick stated he would answer any questions.

Mr. Compton asked what kind of city utilities or city services would be required. Mr. Fitzpatrick stated electric and water for fire protection. Mr. Fitzpatrick stated this site would be monitored by a kiosk site, so there would be a small building on site with two television cameras and as soon as somebody walked in, a remote individual would enter in, would welcome them in and would assist them in getting the site set up. Mr. Fitzpatrick stated on a periodic basis, probably about two or three times a week, they would have maintenance people come through, do their maintenance duties, which would involve property maintenance. Mr. Fitzpatrick stated this would be completely enclosed within fences with cameras inside and also in the kiosk itself only for security purposes and it would be monitored 24/7 for breaches and potential thievery. Mr. Fitzpatrick stated they recently went to that model because that was what their competition was doing with the remote type of customer service. Mr. Fitzpatrick stated to answer Mr. Compton’s question, it was really just electrical and water service for emergency services.

Mrs. Voelker asked if he could tell them a little bit more about his company and where the majority of their sites were. Mr. Fitzpatrick stated this year was their 20th anniversary as a company providing self-storage in the Midwest and they started in a small remodeling facility in Novi, Michigan right outside of Detroit. Mr. Fitzpatrick stated they almost remodeled facilities in and around Indianapolis. Mr. Fitzpatrick stated they were also now in Dayton, Ohio, Akron, Ohio as well as moving into Youngstown, Ohio, Freemont, Ohio, Bay City, Michigan, Saginaw, Michigan, Flint, Michigan, Port Huron, Michigan, Benton Harbor, Michigan Aurora, Illinois, Joliet, Illinois, Saint Louis, Missouri, as well as two sites in Merrillville and one in South Bend that they were looking at. Mr. Fitzpatrick stated they had grown quite well in the Midwest in the last 5 years and it had been an extreme challenge but also it was the greatest position he ever had working for a company. Mrs. Voelker asked if they had a site in South Bend or if they were looking at a site in South Bend. Mr. Fitzpatrick stated they had a site in South Bend out by Renewable Energy Drive that was currently being considered for construction. Mr. Fitzpatrick had a question about Fir Road and why the road seemed to change names a lot. Mrs. Voelker stated she imagined if it was Fir Road now, it would stay Fir Road.

Mr. Banicki asked if he used local builders to build this or if he brought in groups outside and also if he used local materials. Mr. Fitzpatrick stated in Indiana, they used a lot material and companies from Indiana. Mr. Fitzpatrick stated they used Graber Post who were west of Indianapolis, who supplied their steel and they also used another company out of Wisconsin on occasion, but most of it came from Graber Post. Mr. Fitzpatrick stated they had three contractors, with one being Better Indy Rehabs out of Indianapolis, Indiana and they kind of jumped around to different sites and they were finishing up with the Dayton project that they had going on, which was an outdoor facility. Mr. Fitzpatrick stated they did not have a lot of contacts around and these were going to be the first two sites in the area and they had been looking in the South Bend/Mishawaka area for about three to four years and they had not found the right fit for them but things had changed because of the market. Mr. Fitzpatrick stated they used to refurbish retail stores such as Kmart, Target and Macy's but that market dried up because there were a lot of people doing it at that time, so they were primarily focusing in on ground up projects. Mr. Banicki asked if the contractor would be using some local people to build this. Mr. Fitzpatrick stated it would go out to bid for various trades, such as underground construction and both of the sites in South Bend and Mishawaka had a borrow area because the sites had a thick amount of topsoil on them and they wanted to bring that up. Mr. Fitzpatrick stated it was always cheaper to have local contractors do the work. Mr. Fitzpatrick stated they needed to be competitive and they had erectors and specifically with Better Indy, wherever they went, they would hire five or six people to do work on their site, because they've got to get that 10,000 square foot per week of construction going.

Mr. Mammolenti asked for Mr. Fitzpatrick to explain the unit and if you walked in and then were able to access all of the individual units and if they were all outdoor. Mr. Fitzpatrick stated they were outdoor and they were all individual units. Mr. Fitzpatrick stated you walked into the kiosk and you would get greeted by a remote manager and if you desired to rent a unit, they would give you a key or a lock and a gate code. Mr. Fitzpatrick stated the units were not climate controlled

so it was not they were not inside of a building. Mr. Mammolenti asked if the renters had to go into the kiosk building every single time. Mr. Fitzpatrick stated it would be only generally once, because they were a cashless business and everything would be paid online through either credit or debit card. Mr. Fitzpatrick stated everyone would have a key and the operation was only operational between 6AM and 11PM and sometimes they would cut that down to 9PM or 10PM depending on the type of customers that seemed to be there. Mr. Fitzpatrick stated there would be someone always greeting them between the hours of 8AM and 5:30PM. Mr. Mammolenti asked if he allowed outdoor storage such as RVs, boats, etc. Mr. Fitzpatrick stated in this first phase, they were not seeking that. Mr. Fitzpatrick stated in a future phase, there may be but if they did they would come to the city to ask for that use.

Mrs. DeMaegd asked how many units would be on the 20 acre parcel of land. Mr. Fitzpatrick stated the first phase was around 70,000 square feet which would probably be about 700 units, maybe a little less than that. Mr. Fitzpatrick stated it was about 140 square feet per unit on average so if you had 250,000 square feet it was somewhere under 2,000 units all together including future phases, which could take up to five years to build more.

Mr. Hixenbaugh followed up on the question with Mrs. Voelker regarding the name of the street and stated that was not a matter that was within the jurisdiction of the council with respect to the ordinance that they were being asked to pass and directed him to two departments within the administration. Mr. Hixenbaugh stated first, he should start with the Planning Department to pose that same question to them, although it had always been his understanding that the Engineering Department had some role with regard to the establishment of street addresses once property was annexed into the city and zoning was established. Mr. Hixenbaugh stated whatever he could work out with those departments, he wished him well.

The public hearing on **PROPOSED ORDINANCE NO. 2023-26** was closed at 7:25PM. Mr. Hixenbaugh stated pursuant to state law, they would not be voting on this matter that evening but they would be voting on it at their next regularly scheduled council meeting on July 17th.

PROPOSED ORDINANCE NO. 2023-27

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

**Annex and Rezone to C-4 Automobile Oriented Commercial – 100' north of the Northeast
corner of E. McKinley & Maplehurst**

Bernie Feeney, Registered Land Surveyor with Wightman & Associates, spoke in favor of **PROPOSED ORDINANCE NO. 2023-27**. Mr. Feeney stated they were located at 1405 North Michigan Street in Plymouth, Indiana and he was present that evening on behalf of 1500 McKinley LLC which was effectively the owner of Cars2You, located immediately next door to the petitioned property. Mr. Feeney stated this petitioned property was the old Swifty gas station

located at the corner of Maplehurst and McKinley and they were on advice of the Plan Commission staff seeking to rezone this to C-4 along with the annexation, since all of the property surrounding it and all of the property across on the south side of McKinley was also zoned C-4. Mr. Feeney stated this piece of property was identical in size to the Cars2You piece of property located immediately west. Mr. Feeney stated the proposal was to build five storage units on the property, which was nowhere near the scope of the item they just had reviewed previously. Mr. Feeney stated they had been in touch with Utilities and the only comment that was received was that another hydrant would need to be placed there on McKinley at the owner's expense. Mr. Feeney stated they had discussed this with the Engineering Department and the Plan Commission staff and comments from both of them had been observed in the layout of the site plan. Mr. Feeney stated variances had been secured for the property in previous meetings and earlier that day, they filed a plat as requested by Engineering to allow the City of Mishawaka to secure additional right of way along McKinley there for upcoming projects. Mr. Feeney stated he would be happy to answer any questions the council had.

Mrs. Voelker asked about any tanks that may be in the ground and if they were removed. Mr. Feeney stated that had been a question at all of the hearings he had attended and the tanks were removed under supervision of IDEM. Mr. Feeney stated he corresponded with IDEM via Email and he had explained to the person who was in charge of the site that they were planning on storage buildings at this location and the operation of the storage buildings and his response was provided that there was no continuous occupancy of any buildings out there that this particular proposition would be acceptable to IDEM. Mr. Feeney stated to answer her direct question, the tanks had been removed and the monitoring wells were currently in place and he would contact IDEM as far as whether the monitoring wells had to be preserved or if they could be removed. Mrs. Voelker asked if there would be a retention pond that they would have to put into place. Mr. Feeney stated they would not be putting a new retention pond in place but they had spoken to Engineering about the use of retention pond on the north side of Cars2You and they could pipe all of the drainage on that site and there was room to add additional retention storage on the Cars2You retention basin. Mr. Feeney stated since it was a common owner, there would be an easement required.

Mr. Banicki asked if it would be more logical to use the Maplehurst Street and come in from the side entrance and limit the amount of access points on McKinley, especially since they were going to be widening that section within the next 10 to 15 years. Mr. Feeney stated he understood Mr. Banicki's concern and in talking with Engineering, they were told that they would need to close up the Maplehurst and McKinley entrances located right there at the corner of Maplehurst and McKinley and they were asked to provide a central access point on the frontage there. Mr. Feeney stated it was about 300 feet of frontage and that was about where the current central curb cut was that was the kind of slant entrance off of McKinley, so that one would remain and probably be replaced by new concrete and used for the storage units. Mr. Feeney stated when putting this plan together, one of the overriding concerns was security and the used cars he stored and had on display on his lot had undergone considerable theft of the convertors and he was told the number of convertors stolen would amount to about \$20,000

worth of replacement costs for the owner on a given weekend. Mr. Feeney stated the owner at this point, was trying to provide as much stopping power as he could along Maplehurst which was where some of the entrance was gained for the used cars and the access to the used cars. Mr. Feeney stated the buildings would provide some security for the used car lot but that was why the building had been oriented north, south and as close to Maplehurst property line as they could make it. Mr. Feeney stated fences would be tied in to the fence to the north along the south line of Mishawaka Auto Auction and there would be fences that would limit access along the east line. Mr. Feeney stated there would be a joint access between the storage buildings and the Cars2You site as required by Mishawaka Engineering.

Mr. Compton asked if there was going to be an office there or would it be operated together out of the one existing building and this would be just storage. Mr. Feeney stated the buildings that he saw on the preliminary plan would be the buildings that would be constructed, five buildings and there would be no office on site. Mr. Feeney stated all business would be transacted through the website, generally the Cars2You website or a brand new website set up. Mr. Feeney stated the access would be similar to what Mr. Fitzpatrick listed and you would not be dealing with an individual on site, but would be getting codes given out through their website. Mr. Feeney stated they discussed with IDEM that this was a unique situation in that the storage buildings would not be occupied even 8 hours a day and the buildings were more in and out and used at random times and random frequency.

The public hearing on **PROPOSED ORDINANCE NO. 2023-27** was closed at 7:35PM. Mr. Hixenbaugh stated pursuant to state law, they would not be voting on this matter that evening but they would be voting on it at their next regularly scheduled council meeting on July 17th.

PROPOSED ORDINANCE NO. 2023-29

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 to R-3 Multi-Family Residential – 2406 Schumacher Dr. and adjacent property (Petitioner requesting postponement)

Mr. Compton made a motion to honor the petitioner’s request to postpone further public hearing for **PROPOSED ORDINANCE NO. 2023-29** until their regularly scheduled council meeting of August 21st, 2023. With a second from Mr. Banicki, a voice vote was held. The motion passed unanimously and the matter was postponed.

PROPOSED ORDINANCE NO. 2023-30

AN ORDINANCE TO ESTABLISH 124 SOUTH RACE STREET AS A LOCAL HISTORIC LANDMARK WITHIN THE CITY OF MISHAWAKA, INDIANA

Mr. Emmons reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Robert Sullivan, 124 South Race Street, spoke in favor of **PROPOSED ORDINANCE NO. 2023-30**. Mr. Sullivan stated they had presented a proposal to have their house registered historical. Mr. Sullivan stated he and his wife bought it in 2012 and they drove back and forth for three and a half years every weekend and holiday when he was working in Ohio to restore the house, inside and out. Mr. Sullivan stated it was in very poor condition and had been businesses, lawyer's offices, doctor's offices, apartments and probably had not been residential for 60 or 70 years. Mr. Sullivan stated every room in the house had been completely redone by them as well as the hardwood flooring, windows, roof, furnace, heating, plumbing and electricity. Mr. Sullivan stated they took a shell of an 1892 home and built a new house inside of it and they put an iron fence around it, did some landscaping that was not there previously and they put all of their heart and soul into it and one of their dreams was to eventually be able to get it registered. Mr. Sullivan stated they appreciated their votes.

Mrs. Voelker thanked Mr. Sullivan and his wife Faye for all of the work, effort and love that they had put into the house over the years and they took something that was undesirable and created a gem and brought something back that was likely beautiful when it was initially built, but had become an eyesore. Mrs. Voelker also thanked him for wanting to landmark it and the houses like his home were part of the historical thread of the city of Mishawaka and it was important that they preserved what they could. Mrs. Voelker thanked him very much for doing what he had done and for agreeing to landmark it. Mr. Sullivan stated they also ran a tea parlor out of it for about six years before his wife passed away and he was sure some of their wives had been there and they had more than 5,000 people come through without any advertising. Mr. Sullivan stated it was very Victorian and they made a lot of people happy doing it. Mr. Sullivan stated it had been a real pleasure living there, being there and it was nice to be downtown.

Mrs. DeMaegd stated she was sure his wife Faye was looking down and was so pleased. Mrs. DeMaegd stated she was so happy for him and she knew they both put so much hard work into the house and she was thrilled.

Question was called for at 7:42PM for **PROPOSED ORDINANCE NO. 2023-30. 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 ordinance passed 9-0, thus it became **ORDINANCE NO. 5849**.

PRIVILEGE OF THE FLOOR

Jack Walker, 1313 Iowa Street, spoke under **PRIVILEGE OF THE FLOOR**. Mr. Walker wished to speak to the council on the current fireworks ordinance. Mr. Walker wanted to state that he was not there as an ex City employee, but just strictly as a citizen of the city of Mishawaka where he grew up and lived through high school, moved away for 25 years and moved back in 2000 and this was his hometown he dearly loved. Mr. Walker also wanted to mention he was a dog volunteer with a rescue organization and he was good with dogs and was strictly involved with the dog parts of rescue, rehabilitation and adoption. Mr. Walker stated he was going to speak about the effects of fireworks on dogs and it used to be, as they were well aware, that people could set off fireworks mainly any time of the year and he lived on 12th and Merrifield where there was a lot of traffic and some fireworks would go off and he would have to put his dog back in the house when this occurred nearly every night, all summer long. Mr. Walker stated at the time, it was decided to pass a new ordinance to limit the amount of days and hours people could set off fireworks and the fireworks ordinance, as he now understood it, was 5 days before the Fourth of July, five days after and he was not sure about New Year's Eve if it was the same five-day period or not. Mr. Walker stated that seemed to be the good solution and it allowed people to still set off their fireworks while still limiting it and everyone seemed to be happy, but that was then and this was now. Mr. Walker stated one of the things he saw regularly on the news was items about animal cruelty in and around the city and it had been in the news a lot and had been on a lot of people's minds. Mr. Walker stated as part of the rescue agency, he kind of had his finger on the pulse of what went on with dogs around town and during COVID, there were a lot of people adopting dogs because they were stuck in their house and wanted to have a dog but now that the COVID restrictions were over and individuals had gone back to work, a lot of them returned the dogs and now every facility where a dog was taken, found or not chipped was taken to the Humane Society or one of those places who were all completely full. Mr. Walker stated his agency would get a phone call saying if someone did not come and get the dog, it would be put down. Mr. Walker stated he had been involved in transporting dogs since he retired and keeping dogs from being put down. Mr. Walker stated regarding when fireworks started happening, you really did not know what you were up against when you owned a dog and to solve it you would need some prescription tranquilizers on hand. Mr. Walker stated there were a lot of people that adopted a new dog or were fostering a dog and they had no idea how the dog would react to fireworks. Mr. Walker stated statistically, over 50% of dogs had a very negative reaction to fireworks and only 14% of dogs who run off due to fireworks were returning to their owners, whether they were run over by cars or lost and put into a system and there were not many facilities who would take a single lost dog due to a surplus of dogs, which meant a lot of them being put down. Mr. Walker stated he had a small emotional support dog by his nature, not registered as such, but was a very sensitive little dog and was good at making people feel better. Mr. Walker stated he was able to communicate well with dogs and calm them down, but he had some tranquilizers on hand to give to his dog but with the 10-day period where people were setting off fireworks, it was hard for him to gauge when to give his dog the tranquilizers to calm him down. Mr. Walker stated the problem he saw was when the city passed an ordinance to countermand the noise control ordinance that they had, it created a citizen's free reign and gave individuals the sense that they could make all of the noise they wanted until midnight and if it bothered people, that was just too bad. Mr. Walker stated what happened in this particular 10-day period in his case, there were four nights, Saturday, Sunday, Monday and Tuesday from 9PM to midnight, where he did not have the freedom to celebrate the Fourth of July

because he had to stay in his home and hold on to his dog the whole time because he was shaking from the fireworks and it went on for four nights. Mr. Walker stated it upset his dog and upset him greatly and he had only given him one tranquilizer at 8PM on the Fourth of July and that did help because on the Fourth of July from 9PM to midnight, there were loud percussive fireworks going on all over the city to the point where it was compared to a war zone. Mr. Walker stated citizens on Facebook were commenting about it on there about the fireworks and how loud it was from their homes as well. Mr. Walker stated the first thought that came to his mind was that veterans who were suffering from PTSD would probably not appreciate having to deal with something like that and dealing with the extended amount of noise. Mr. Walker stated this had been his experience and he thought at the time of current firework laws being put in place, it seemed like a good idea but as he stated earlier, that was then and this was now and what they were seeing now were so many percussive fireworks going off at the same time day after day and it started to wear on a dog owner, in his case. Mr. Walker asked the council people to maybe discuss what people's attitudes were for this issue and for him, he described it as inhumane treatment of dogs and cruelty to animals, which was essentially sanctioned by the city of Mishawaka. Mr. Walker stated he thought it was time to revisit the fireworks laws they had on the books right now and look into the restrictions. Mr. Walker stated personally, he would like to have no fireworks ever to go off because he had been a dog owner most of his life and he could not really enjoy them and he did understand people wanted to celebrate, but the city passed laws so person A or group A could not just do any old thing they wanted at the expense of group B or person B. Mr. Walker stated you had a massive amount of people day after day, probably mostly young people, who did not recognize the significance of July 4th and what it represented in the independence of their country and they just were having fun shooting off loud fireworks, so he asked the City Council to consider further restrictions on fireworks, especially on the number of days and the percussive fireworks. Mr. Walker stated it was a very difficult Fourth of July period for him and he thought the restrictions needed to be looked at. Mr. Walker stated that was his petition and he would like for them to reconsider at the time changing the fireworks ordinance to be more restrictive to help dogs as well as other pets.

Mr. Hixenbaugh thanked him for what he shared with them, although his experience undoubtedly was not a unique one and he was sure others shared it and he personally had a cat in his own and what he described was fairly similar to his experience as well. Mr. Hixenbaugh stated it had been a while since he looked at it, but his recollection was that there was an underlying statute that dealt with the authority of municipalities to act in the area of fireworks and any ordinances that they would pass, but he did believe his comments were timely in that he referenced their noise ordinance previously and it was his understanding that the city's Corporation Counsel, Mr. Pat Hinkle, was working with the Police Department to look at their noise ordinance and it may be time for them to revisit their fireworks ordinance as well. Mr. Hixenbaugh stated between Corporation Counsel, their Council Attorney, along with himself and others would take a look at it and the big question in his mind would be with what they were going to do, how they could enforce it because Mr. Walker was right in that it was a very pervasive problem not only in Mishawaka, but across the nation. Mr. Hixenbaugh asked rhetorically what were they going to do that would make a positive impact on people's life if anything but they would look into it and see if there was anything that made sense for the good of the community to try to address this and thanked Mr. Walker for bringing it to the Council's attention. Mr. Walker stated that just because something was hard to enforce, does not mean they should not pass it. Mr. Hixenbaugh agreed with him wholeheartedly.

NEW BUSINESS

Mr. Emmons announced that the next West End Neighborhood meeting would be on July 20th with their featured speaker being Mayor Wood, who would be giving a shortened version of the State of the City that evening at St. Bavo's at 7PM. Mr. Emmons stated as usual, West End Bakery goods would be provided. Mr. Emmons stated he looked forward to seeing everyone there.

Mr. Hixenbaugh announced that this coming Thursday July 13th at 6PM, the Council would be conducting an informational session in the Council Chambers in order to hear more about the proposal for the Mill Phase II and the proposal with regard to expanding and developing another phase of the Mill. Mr. Hixenbaugh stated they would be live streaming the meeting as well.

ADJOURNMENT 8:01PM

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

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