

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

August 21, 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, August 21, 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 (E), 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, Mike Trippel, Council Attorney.

Minutes for the Regular Meeting on August 7, 2023 were approved as received from the Clerk's Office.

Clerk Block read the following appeal by title and read a letter from the City Plan Commission regarding their recommendation from their August 8, 2023 meeting.

**Appeal No. 2023-18 Use Variance to allow Mini Storage and Developmental
Variances for Setback, Fencing, and Parking – Northeast
corner of E. McKinley and Maplehurst**

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

PROPOSED ORDINANCE NO. 2023-37

**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**

**Right-of-Way Vacation of unimproved alley – N/S alley bounded by W. Front St., N.
Spring St., W. 1st St., and N. Mill St.**

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2023-38

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 Microblading in Unit 14 – 6910 N. Main St.
(Assigned to Land Use Planning Committee)**

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

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 until September 11th meeting)

Mr. Compton made a motion to honor the request of the petitioner. The motion was seconded by Mr. Banicki and Clerk Block polled the council on the motion to postpone.

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 postponement passed 8-0.

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

Mr. Bellovich reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, Clerk Block polled the council on the committee report.

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 committee report passed 8-0.

Terry Lang, Wightman Office at 1402 Mishawaka Avenue, spoke in favor of **PROPOSED ORDINANCE NO. 2023-29** and represented the petitioner. Mr. Lang stated the petition before them was a property that was split zoned in the city of Mishawaka. Mr. Lang stated the front portion of it was zoned C-1 General Commercial use and the back portion of it was zoned R-3 immediately adjacent to the Town and Country Estates neighborhood. Mr. Lang stated the Fried family was looking to rezone it to all R-3, so they could build a series of buildings which would be townhomes to set up in a fashion with duplexes and quadplexes. Mr. Lang stated they met with the neighborhood association multiple times with regards to revisions they would like to see and adopted almost 99% of the things they asked for on the site plan to create the duplexes. Mr. Lang stated the site plan with regard to the building portion of it immediately adjacent to the Town and Country Estates neighborhood was set up for duplexes and a green space area among the north side. Mr. Lang stated all of the units in the Town and Country Estates neighborhood were all zoned R-3 and identical with what they were asking for the use. Mr. Lang stated the southern portion of it, adjacent to the C-1 General Commercial, was set up for quadplexes there and the units would be set up on individual lots as the owner had developed them over time and if the owner so desired to sell them, they could be sold as individual lots or individual buildings. Mr. Lang stated this left options open for the developer at the time if they desired to exit and move on. Mr. Lang stated the surrounding neighborhood, Town and Country Estates, to the north was R-3 and immediately to the west was a Light Industrial factory, to the east was a R-1 neighborhood, in the Normain Heights area, and then to the south was the Michiana Chrysler Jeep in that car dealership, a C-9 automotive use. Mr. Lang stated in making multiple revisions to the site plan, they had counted the number of units they were asking to put on the property and met with the Planning Department and their staff as well as the Plan Commission to look at the site plan and the ultimate master plan for the city of Mishawaka was the property to either be the Commercial use or R-3. Mr. Lang stated at the Plan Commission stage when meeting with the members, discussion took place as to making this more palpable for the council and the Plan Commission members so they put together a series of bullet point items of commitments that needed to be made and they were willing to stick with those commitments for the property. Mr. Lang stated one of the items that was a concern of the residents of the Town and Country Estates was that they were worried there would be an absentee owner of the property with rental units being unattended, but the Frieds were intending to live onsite in one of the duplex units as an assurance that there would be someone onsite actively watching the property to make sure they were being maintained in an orderly fashion and that there was not anything obtrusive going on to the neighborhood around them. Mr. Lang stated they also had communicated with the Engineering Department with regard to the capacity to handle sewer, water and electric uses on the site with which all of them came back favorable and that the city had the capacity to add the six additional buildings they were looking to put onsite there. Mr. Lang stated the residential use was the highest and best use of the property. Mr. Lang stated concerns with regard to them not being ownership units and were instead rental units and also traffic going in and out of the area

were brought up at a couple of the meetings with residents. Mr. Lang stated with the owners planning to live onsite, they ensured the residents in the neighborhood that construction would not be impactful on the area, as it would be controlled when contractors would be onsite and the hours of operation would be from 7AM to 5PM. Mr. Lang stated construction hours were sometimes determined by the weather and in certain cases, you had to work when you could to get things done scheduling wise, but they were looking to be a good neighborhood and put a fence up along the northern side to minimize the fact that the units would be next door to the neighborhood. Mr. Lang stated with the use of the property being residential, they wanted to be a good neighbor. Mr. Lang stated one of the key things the council needed to be aware of was that a split zone piece was something that should not have happened that way, but it did and he could relate because he had a property in the east of Mishawaka that was split zoned identically to this property. Mr. Lang stated he thought this would be the best approach, as well as the least impactful approach to the area and it allowed the developer to put in the residential development, given the fact that there was a shortage of homes and townhomes in the area. Mr. Lang stated he would be happy to answer any questions.

Mrs. Voelker thanked him for his work and asked if he could remind her how many units in total the plan called for. Mr. Lang stated the north side would have 3 units of duplexes and on the south side would be the quadplexes up against the commercial zoned area and he believed there would be 3 or 4 units of those there. Mrs. Voelker asked for clarification if he was saying there would be 18 units in total. Mr. Lang stated that was correct.

Mr. Compton asked if he could tell him how much of the property was zoned R-2. Mr. Lang stated about 25% of it.

Dixie Mason, 329 Imus Court, spoke in opposition of **PROPOSED ORDINANCE NO. 2023-29**. Mrs. Mason stated rezoning the property on Schumacher was something that just did not seem to fit for them and safety was one of the biggest issues. Mrs. Mason stated the city could help do anything with their safety issues they had in the past but nothing could be done in the future, she had been told. Mrs. Mason stated mailboxes had been ran over and replaced, yards had been repaired from traffic running through them and they had more young families moving in that had kids riding bikes or scooters and the parents walking with smaller kids in strollers as well as senior citizens walking very regularly. Mrs. Mason stated if the property stayed zoned as was, most of the businesses had to use McKinley to enter and exit off of McKinley, because they were prohibited from using Imus and Leyte. Mrs. Mason stated market value sounded good but they had concerns with that. Mrs. Mason stated they already had some rentals on Main Street and also a few rentals in their neighborhood which showed no accountability for ownership and you could tell the rentals from the houses that were owned, as they were not well maintained but were market value rentals. Mrs. Mason stated by adding additional rental properties to the neighborhood, they would be facing possible market value changes. Mrs. Mason stated as longtime homeowners, the concern was real of the addition changing the demographics even more. Mrs. Mason stated they loved their neighborhood and yes changes happened, but they embraced positive changes that enhanced the surrounding homes. Mrs. Mason stated their

representatives, the Council, were being entrusted that they keep the vision of the neighborhood that showed pride and respect of ownership. Mrs. Mason stated they would like to see the area remained commercial and that section was already set up for commercial and there had been no problems with the neighbors. Mrs. Mason stated yes, there was noise and they were aware of what might go into the area concern and they would rather have ownership in the area, if not it remaining commercial. Mrs. Mason stated commercial tax development could create more in property tax revenue, depending on the business that would go in that, and that was good for the city and she concluded asking the council to vote no.

Mrs. Voelker asked about her statement on prohibited traffic. Mrs. Mason clarified that those were trucks. Mrs. Voelker asked if any other car or vehicle that was visiting a business along Schumacher was welcome to travel through. Mrs. Mason stated that was correct, but they did not get a lot of that. Mrs. Voelker asked about renting versus ownership and if the units being built were built as homeowner occupied units, if she would have the same concerns as she did with rental units. Mrs. Mason stated they were totally against rentals and home ownership would be preferred.

Marjorie White, 115 Redwood Court, spoke in opposition of **PROPOSED ORDINANCE NO. 2023-29**. Mrs. White stated she was there on behalf of their president, who was in California. Mrs. White stated although there had been some concessions made on the part of the developer to ease some concerns, it just was not enough to sway the people in favor. Mrs. White stated all of the residents on Leyte were extremely opposed to the development and Nick, the president, had been communicating their opinions concerns throughout the entire process and their opinions were being weighed. Mrs. White stated everyone felt the current use was the best use of the property rather than having rentals. Mrs. White stated they had a recent meeting with the developer and they provided them with clarification on several issues but they were just too far apart with what the residents felt comfortable with. Mrs. White stated ultimately, they believed the homeowners of the neighborhood would agree to properties for sale and not for rent.

Nancy Zawaki, 2709 Schumacher Drive, spoke in opposition of **PROPOSED ORDINANCE NO. 2023-29**. Mrs. Zawaki stated she had lived on Schumacher Drive for 22 years. Mrs. Zawaki stated she hoped everyone on the Council had an opportunity to physically look at the property in question, because it was a pretty unique situation and hopefully they did that before casting their vote that evening. Mrs. Zawaki stated their neighborhood consisted of single family homes and duplexes which were in Town and Country. Mrs. Zawaki stated there were three streets in Town and Country, Schumacher, Imus and Lenson, and they were all owned homes. Mrs. Zawaki no more apartments were needed in the area and less than a mile from where they were proposing this, there were four apartment complexes currently with three on Main Street, the Addison Apartments, Williamsburg Apartments and Remington Court, and one on Grape Road, Runaway Bay. Mrs. Zawaki stated that amounted to a total of 1,208 apartments less than a mile from where they were. Mrs. Zawaki stated their neighborhood was built in the 1960s and Mayor Wood talked about preserving historic areas in Mishawaka and she was not saying that 1960 homes were historic, but she felt it was worth preserving as it was. Mrs. Zawaki stated in the 22

years she had lived there, she had not ever had any problems whatsoever. Mrs. Zawaki stated the single family homes on the three streets she referenced earlier would be impacted by the apartment development. Mrs. Zawaki asked rhetorically why one person wanting to develop on the property at 2406 Schumacher Drive overtake all of the people that lived there and the homeowners on Schumacher Drive. Mrs. Zawaki stated it was pretty obvious the residents in the neighborhood were against this development and she was as well.

Gordy Corm, 2739 Lenson Drive, spoke in opposition of **PROPOSED ORDINANCE NO. 2023-29**. Mr. Corm stated they all wanted it to be homes for sale and not for rent in their area. Mr. Corm stated people would be more inclined to keep up their homes rather than keep up their rental properties. Mr. Corm stated if it was individually owned, you would be more likely to keep up the property with the amount of money you would be putting into it. Mr. Corm stated it was a great neighborhood and they would like to leave it the way it was the best they could.

Mr. Compton thanked the neighbors for coming out that evening to speak and stated there was a concerted effort. Mr. Compton stated he had been on the council 17 years and he had not gotten as many phone calls on any other issue. Mr. Compton stated he was disappointed and felt this was the perfect scenario for the property and thought it was a perfect buffer between commercial and residential. Mr. Compton stated he thought there was a number of rentals in the neighborhood they lived in and if this were an issue of making a decision for the greater good of Mishawaka as opposed to an opinion or desire of the citizens, he would vote for it but it was not. Mr. Compton stated he would vote against it but he did know there was a new landowner there and he knew the property had sat vacant for a long time and it would not continue to stay vacant. Mr. Compton stated he hoped this would be a situation where the people who lived the closest, the Town and Country Estate folks, who would really be impacted by this would not be disappointed. Mr. Compton stated it could be much more disruptive in their lives, in safety, in traffic than what an apartment building would be and they needed apartments. Mr. Compton stated he knew there were a lot of them, but they were in huge demand. Mr. Compton stated he just wanted to express his opinion and in this case, he would follow the lead of the citizens and their requests and he appreciated them making their voices heard.

Mr. Mammolenti asked Mrs. Mason if she and all of the other residents were fully aware of the several different businesses or different types of companies that could come to that location. Mrs. Mason stated they were and they were given a list at one time and did look them over. Mr. Mammolenti stated he just wanted to make sure, because there were some rare choices that could be a possibility.

Mr. Lang addressed the council once again and stated in sending out the notices to everybody within 300 feet, according to the guidelines, he had the pleasure of pulling the names of everybody in the Town and Country Estates and about 25% lived outside of the area with addresses out of the state or out of the city, so there were rentals there. Mr. Lang stated with regard to rental of homes or townhomes as Mrs. Voelker had asked, his daughter was currently looking for a home to rent and one of the local real estate companies that rented a lot of homes,

Realty Plus on Grape Road, had a waiting list for home rentals of 150 families for the same type of townhome they were looking for at that time. Mr. Lang stated nobody liked development next door to them and he went through it himself but you had to weigh the pros and the cons of those things that could go there.

Mr. Mammolenti thanked Mr. Compton specifically and the other folks who had taken a lot of their time to meet with the constituents as well as meeting with the developer and residents. Mr. Mammolenti thanked the neighbors for their tireless efforts throughout the process and their efforts were duly noted and he thought as they sat in the position there as the council, they were put in a tough situation, as Mr. Compton mentioned, where it came down to the greater good of the city but also involved listening to the citizen's opinions too and this was a tough call. Mr. Mammolenti stated this was what government was all about and he appreciated their efforts and their concerns and he wanted them to be aware of what potentially could go in the area if this were to be turned down that evening. Mr. Mammolenti stated he felt this development was best for the city in that area, but he was going to listen to the residents and their passion and would not be in favor that evening.

Mr. Bellovich stated he had lived in Blair Hills for 41 years and he was on the board of Blair Hills for 10 years and it was great to see all of the citizens come out they were that evening, but he heard some comments about rentals and he just wanted to advise the group that they had a department that if something was not right and if structure was deteriorating or if grass was too high, he would ask them to pick up the phone and call Code Enforcement. Mr. Bellovich stated they were very responsive and they would come out if they called and they had five people who were full time in that department and were very dedicated, so he asked them to utilize Code Enforcement.

Mrs. Voelker stated she was going back and forth about this a lot and she thought when someone purchased a property, they wanted to do their best and develop something that seemed to be good business for them and what would be a good situation for the community surrounding them. Mrs. Voelker stated she sympathized and supported development in Mishawaka but she had to say looking at the current zoning and looking at the factory across the street from the proposed area and looking at the list of things that could go in there, she thought the zoning was appropriate and she was not in favor of this.

Mr. Banicki asked Mr. Trippel for clarification, this were voted down that evening if there was a one-year period before they could bring it back to the Council as the same ordinance. Mr. Trippel stated that was correct. Mr. Hixenbaugh stated he believed the phrase was it could not be substantially the same proposal, but Mr. Banicki did accurately state the timeframe. Mr. Hixenbaugh if in fact there was a no vote by a majority of the Council that evening, the 12 month period started to click that night before the same project could be brought back through the process.

Ken Prince, Director of Planning and Community Development, wanted to let everyone know the procedure of how things happened and stated this was a hearing item before the Council because of the requested change in zoning. Mr. Prince stated but for example, by right they could put a hotel in the property (even though Mr. Prince did not think a hotel would go on this property) and it would not come before the Council and only come before the Plan Commission. Mr. Prince stated if they had somebody interested in building a hotel and this got turned down that evening, they could apply and build a hotel with no hearing, no notice, no public meeting and it would only be a matter of submitting the site plan before the Plan Commission if it met their ordinance requirements and if it were approved. Mr. Prince stated he just wanted to make clear how the process worked.

Mr. Compton asked Mr. Prince, with this being split zoned, if a commercial business were wanting to come in there if they had to rezone to make the property completely commercial. Mr. Prince stated only if they were going to use all of the property as commercial and they could very easily use the current residentially zoned property for a retention pond or that type of thing to fit it under the current zoning. Mr. Prince stated he needed to look at the rules relative to that split zoning but that was his understanding. Mr. Compton stated his concern was that whatever might be planned to be there, a whole different group of neighbors would come out and be opposed to a business, so it kind of locked this property into nothing. Mr. Prince stated that residentially zoned property was actually part of the wooded area and then the current proposal he believed with a good portion of it, if not all of it, was going to be proposed as remaining open space because of the location. Mr. Prince stated it was a difficult area to get to so he did not think it had much viability whatsoever in terms of commercial use. Mr. Prince stated there was very little potential for development and as the current design had it laid out, it was very logical in terms of the approach of the two different zonings of property. Mr. Prince stated the retention pond in the area that kind of bled up to the northeast was the area that was zoned residential.

Mrs. DeMaegd stated in the last couple of months, she had been through both neighborhoods, the Town and Country Estates and the neighborhood directly to the west of them. Mrs. DeMaegd stated she had knocked on every door and spoke to as many residents there in each community she could and appreciated them taking the time to talk to her and have their feelings, worries, concerns and hopes for the property told to her. Mrs. DeMaegd stated as a person who was strong on the rights of property owners, she thought this was a hard choice for her as well as it was for Mrs. Voelker but she was going to be voicing her opinion for the residents because they had taken the time, given the effort and had such passion for their neighborhoods and it was a good thing. Mrs. DeMaegd stated she was told by several neighbors that there was nothing they could do but now they knew that was not always the truth and that was not always the way things worked. Mrs. DeMaegd stated they had a voice and she appreciated them letting the Council know.

Mr. Hixenbaugh added that he would also be voting no that evening. Mr. Hixenbaugh also acknowledged the significant effort the developer made to not only put together the written commitments but to meet and to try to address the concerns of the surrounding neighborhood.

Mr. Hixenbaugh stated he wished that would have happened sooner in the process and perhaps they would be looking at a different outcome, but however they got to that point, they were at that point. Mr. Hixenbaugh stated he, like others, saw some value in the proposal and the underlying landowner at some point in time had to be allowed the opportunity to build something there and he suspected the vast majority of them would agree with that. Mr. Hixenbaugh stated whether this was the right project or not was the question before them, but at some point in time something had to be allowed to be developed and built there. Mr. Hixenbaugh congratulated those of the residents who worked the neighborhood and shared information with their neighbors. Mr. Hixenbaugh stated he was not sure he received the most phone calls he ever had on one issue in this case, but it certainly was right up there with regard to their outreach to the Council directly. Mr. Hixenbaugh stated more to the point, these type of matters in his mind did not always simply boil down to a show of hands and a preference on the part of the neighborhood even though that was important and a piece of the puzzle, but they also had to look at what was in the best interest of the community as a whole and that was where he saw some value in the proposal. Mr. Hixenbaugh stated however, in this instance, the fact that those buildings that lied on Schumacher were solely commercial and industrial in nature, led him to believe that this was the highest and best use of the property to remain commercial. Mr. Hixenbaugh stated for the here and now based on the proposal, he was going to be voting against it but that was with the understanding that at some point in time, the developer needed to have the ability to receive some return on their investment and they would see what the future held.

Question was called for at 7:50PM for **PROPOSED ORDINANCE NO. 2023-29. Motion failed by unanimous roll call vote (summary: No = 8).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance failed 8-0.

PROPOSED ORDINANCE NO. 2023-31

AN ORDINANCE TO ESTABLISH 1202 EAST MISHAWAKA AVENUE AS A LOCAL HISTORIC LANDMARK WITHIN THE CITY OF MISHAWAKA, INDIANA.

Establishing 1202 E. Mishawaka Ave. a Historic Landmark

Mr. Mammolenti reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, Clerk Block polled the council on the committee report.

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 committee report passed 8-0.

Krista Hill, Senior Planner with the Department of Planning and Community Development, spoke in favor of **PROPOSED ORDINANCE NO. 2023-31.** Mrs. Hill stated her role that

evening was as the Secretary of the Historic Preservation Commission. Mrs. Hill stated the Historic Preservation Commission heard this in their July meeting and they recommended unanimously in a favorable recommendation to the Council, so she just wanted to say thank you to Mrs. Lou Ann Welsh and Mr. Brent Spring, the owners, and also Frankie Spring who was participating via WebEx and the amount of time and effort that went into putting the petition together. Mrs. Hill thanked them for wanting to preserve their home.

Lou Ann Welsh, Married to Brent Spring who was the owner of 1202 E. Mishawaka Avenue, spoke in favor of **PROPOSED ORDINANCE NO. 2023-31**. Mrs. Welsh stated the exterior of the house had changed very little since it was built in 1928 and it was a good example of colonial revival architecture. Mrs. Welsh stated no additions had been made to the structure and the most significant change was the replacement of the original green tile roof to a shingled roof in the 1960s due to a fire that was contained to an upstairs bedroom and the attic. Mrs. Welsh stated pictures obtained of the house in the late 30s and early 40s showed the façade of the house the same even down to the knocker on the front door. Mrs. Welsh stated beginning with the first owner in 1928, the house had been owned by some hardworking and remarkable Mishawaka citizens. Mrs. Welsh stated four of the six previous owners were business people with businesses located in Mishawaka with the fifth being Principal of Mishawaka High School and if that was not enough, the Gates family confirmed what many neighbors had told them for years that Billy Graham performed his first wedding ceremony in their home. Mrs. Welsh stated the neighborhood where 1202 E. Mishawaka Avenue was located was an old neighborhood filled with charming and well cared for properties. Mrs. Welsh stated it was important to preserve the history and architecture of these old houses for future generations. Mrs. Welsh stated they would not be the first house in the area to be designated as a historic landmark and if they agreed to confirm the designation, she was confident that it would not be the last. Mrs. Welsh thanked the Council for their consideration.

Mr. Mammolenti commended both Mrs. Welsh and Mr. Spring on all of the years of extreme hard work and every time he drove by, they were doing some sort of yard work and hard work to maintain the property to near perfection. Mr. Mammolenti congratulated them both.

Brent Spring, owner of 1202 E. Mishawaka Avenue, spoke in favor of **PROPOSED ORDINANCE NO. 2023-31**. Mr. Spring stated since they first walked into the house just prior to their wedding, they walked in and Mrs. Welsh walked up the staircase and said that they did not need to look any further and she had done most of the pushing and working and encouraging him to do all of the things to keep it the way it was and they were in the process currently of redoing the front porch. Mr. Spring stated the next process was having the windows restored because they had original windows in all of the house except for the room where the fire was. Mr. Spring appreciated their consideration.

Mrs. Voelker stated the sweat equity they put into the house with all of the hard work over the years really showed and with talking about rental properties with the last matter that came before them, pride of homeownership really showed and pride of Mishawaka history really showed and it was important they as a community and as individuals recognized the history in their community and take care of their properties so they could remain the wonderful city that they

were. Mrs. Voelker stated the history sometimes seemed not as important with so many other things that were seen as bigger than that but when it came to walking a neighborhood and seeing a beautiful home, you were maintaining your property and recognizing and honoring the historic nature of the property, not just the architecture of the property but also the many prominent families that had lived there in the past and upheld your neighborhood as well. Mrs. Voelker thanked Mr. Spring and Mrs. Welsh for being willing to do that and Frankie for the hard work in putting the document together so they could get to that point.

Frankie Spring, daughter of Brent and Lou Ann, spoke in favor of **PROPOSED ORDINANCE NO. 2023-31** and also prepared the application. Ms. Spring stated she thought her mom said most of the things regarding the history of the house but she wanted to add that it was a fun experience to prepare the application and it taught her a lot of new things about the history of the house. Ms. Spring was happy to provide her expertise to help this application happen.

Mrs. Voelker thanked Mrs. Hill for everything she did for the Historic Preservation Commission and putting together the documentation that was required for designating a historic landmark was meticulous and to her, would be daunting and mind boggling so she really appreciated the work she had done on this one and the work she did on the landmark they had recently and all of the meticulous work she did for Historic Preservation Commission.

Question was called for at 8:01PM for **PROPOSED ORDINANCE NO. 2023-31. Motion passed 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. 5856.**

PROPOSED ORDINANCE NO. 2023-35

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA
Establishing a Designated Outdoor Refreshment Area - DORA
(Assigned to Public Health & Safety Committee)
(Requesting postponement to September 11th)**

Mrs. Voelker made a motion that the Council grant the petitioner's request. With a second from Mrs. DeMaegd, Clerk Block polled the Council on the motion to postpone.

Motion passed 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 postponement passed 8-0.

PROPOSED ORDINANCE NO. 2023-36

**AN ORDINANCE AMENDING CHAPTER 50, OF THE MUNICIPAL CODE OF THE
CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED,
COMMONLY KNOWN AS “PARKS AND RECREATION ORDINANCE” OF THE
CITY OF MISHAWAKA, INDIANA.**

**Amending the Municipal Code Park and Recreation – DORA
(Requesting postponement to September 11th)**

Mrs. Voelker made a motion that the Council grant the petitioner’s request. With a second from Mrs. DeMaegd, Clerk Block polled the Council on the motion to postpone.

Motion passed 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 postponement passed 8-0.

PRIVILEGE OF THE FLOOR

Jeffrey Miller, 321 W 7th Street, announced the West End Neighborhood Watch would be meeting on Wednesday September 6th at 7PM at City Hall and their guest speaker would be Judge John Broden of St. Joseph County Circuit Court. Mr. Miller stated all Mishawaka residents were welcome to attend.

ADJOURNMENT 8:05PM

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

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