

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

November 20, 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, November 20, 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 followed by a moment of silence for Rosalynn Carter, Former First Lady of the United States.

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

Minutes for the Regular Meeting on November 13, 2023 were approved as received from the Clerk's Office.

Clerk Block read a letter from the City Plan Commission regarding their recommendations from their November 14th meeting.

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

PROPOSED ORDINANCE NO. 2023-54

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 THE CITY OF MISHAWAKA, INDIANA

Rezone from I-2 Heavy Industrial to C-4 Automobile Oriented Commercial – 1213 E. Jefferson Blvd.

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2023-55

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 THE CITY OF
MISHAWAKA, INDIANA
Rezone from C-1 to C-9 Auto & Vehicle Sales for the expansion of Gage Auto – 3813
Lincolnway East
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2023-56

**AN ORDINANCE AMENDING ORDINANCE NO. 5867 FIXING THE SALARIES OF
ALL SWORN OFFICERS FOR THE CITY OF MISHAWAKA, INDIANA FOR THE
YEAR BEGINNING JANUARY 1, 2024**

**Amending Ordinance No. 5867 Fixing the Salaries of all Sworn Police Officers
(Requesting Second Reading)**

Mr. Hixenbaugh stated based on the request of the Administration at that time, the chair entertained a motion to suspend their regular council rules and hold first and second reading on **PROPOSED ORDINANCE NO. 2023-56** that evening. The motion was made by Mr. Banicki and seconded by Mr. Mammolenti and a voice vote was held that passed unanimously. The record reflected the fact that the motion had passed and with that, the Council moved into second reading and public hearing on **PROPOSED ORDINANCE NO. 2023-56**.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2023-56**. Mrs. Maguire stated she appreciated the Council suspending the rules for a typographical error. Mrs. Maguire stated this was amending Ordinance 5867 and the hour notation was added to the dollar amount, and it should not have been. Mrs. Maguire stated the dollar amount was under the correct section of bi-weekly salary. Mrs. Maguire stated they just wanted to remove any ambiguity.

Question was called for at 7:08PM for **PROPOSED ORDINANCE NO. 2023-49. Motion passed 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. 5871**.

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

RESOLUTION R2023-26

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A
WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE
PROPERTY LOCATED AT: VACANT LAND EAST SIDE OF FIR ROAD
APPROXIMATELY 200’ NORTH OF BEACON PARKWAY, GRANGER, IN 46530**

Fiscal Plan for Annexation of 13.55 Acres of NE Corner of Fir Road & Beacon Parkway

Ken Prince, Director of Planning and Community Development, spoke in favor of **RESOLUTION R2023-26**. Mr. Prince stated as was required by Indiana Code when they received an annexation request, they distributed it to all departments to identify if there were any capital improvements required for the annexation. Mr. Prince stated in this case, they distributed it to all departments and no capital improvements were requested that would not be provided by the developer's part of the development. Mr. Prince stated the annexation, by law, was required to be 12.5% contiguous to the city and the annexation was 50% contiguous to the city. Mr. Prince stated they were adding essentially 450 feet of responsibility on Fir Road. Mr. Prince stated all of the access except for emergency access for the proposed project came from Beacon which had all been designed appropriately. Mr. Prince stated at the hearing, they did hear concerns from the neighbors that lived along Fir regarding the condition of Fir Road but when you looked at the improvements that they did with Beacon, there was a section already that was improved in front of the proposed annexation site, roughly 100 feet, and then you had an additional 300 feet that was unimproved and then in the county in front of St. Pius you had a little less than 1,000 feet that needed to be improved and there upon hearing the concerns of the neighbors, they brought this up with St. Joseph County and they had an employee who was actually a parishioner at St. Pius who was going to talk to the leadership of the church regarding if there was a way they could better stage drop off at school to address the issues that were being incurred by the neighbors. Mr. Prince stated beyond that, he wanted to thank Councilwoman Voelker as she identified a couple of clerical errors specifically that they had referenced in the 2020 budget which were two reports where they actually meant to reference the 2023 budget. Mr. Prince thanked Mrs. Voelker for catching that, it had been corrected and he was happy to answer any questions regarding the fiscal plan.

Question was called for at 7:11PM for **RESOLUTION R2023-26. Motion passed 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.

RESOLUTION R2023-27

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MISHAWAKA, INDIANA AND SCHOOL CITY OF MISHAWAKA FOR THE EXPANSION OF SCHOOL RESOURCE OFFICER SERVICES

Approving Agreement Between the City of Mishawaka and School City of Mishawaka for expansion of School Resource Officer Services

Mayor Dave Wood spoke in favor of **RESOLUTION R2023-27**. Mayor Wood stated they had many great partnerships with School City and he could name off many that helped their community whether you were a student or a parent there not and all of their citizens benefited

from having a great school partner in School City but when he thought about the programs that they partnered on, there was none more important than school safety. Mayor Wood stated they had previously partnered in providing school resource officers that quite honestly were made for safer schools, especially in this day and age when that was becoming more and more in question around the country, and they had long discussed ways how they could even increase school resource officers or school safety within their schools. Mayor Wood stated as they knew, they were often limited by the number of officers that they had and with the budget that they had. Mayor Wood stated they were getting pretty used to looking at how they provided their services and coming up with some very unique and creative ways to provide services and as he said, public safety was job number one and that started in their police department and fire department. Mayor Wood stated as they knew, they had just recently come up with an entirely new staffing model at the Mishawaka Police Department and they got to renewing those discussions with School City of Mishawaka on how they could take a look at providing school resource officers in that public service. Mayor Wood stated discussions really culminated an exciting new approach that was pretty unique, and they were going to enter into an agreement, pending the Council's approval, that would continue on for the short term providing school resource officers as they had in the past with a little bit of a cost sharing model and they would continue that for the next couple of years and then at that point in time, School City of Mishawaka would take over the school resource program. Mayor Wood stated however, they would still be Mishawaka reserve police officers and there would be more of them with the goal being to have them in each Mishawaka school. Mayor Wood stated they would love to take advantage of officers who maybe were in the process of retiring in the near future to serve and they loved that idea, and they would have responsibilities laid out going forward as far as training and equipping some of their officers was concerned. Mayor Wood stated they would be hearing from Assistant Chief Alex Arndt that evening, as well as Dr. Stevens, the Superintendent for School City of Mishawaka. Mayor Wood stated he could not be more proud of the process and working with them to come up with this innovative new approach and he wanted to thank them for not only being great partners, but he could tell they had a lot in common and that started with serving their citizens and that really shined throughout the whole process. Mayor Wood also thanked Council President Hixenbaugh for lending them his expertise and guidance throughout the process as well. Mayor Wood urged the Council to support this, and he was very confident in saying that Mishawaka citizens would be better served, starting with their students in safer schools.

Mr. Hixenbaugh thanked Mayor Wood for his involvement in the process.

Dr. Theodore Stevens, Superintendent at School City of Mishawaka, spoke in favor of **RESOLUTION R2023-27**. Dr. Stevens stated last May, as they may recall, School City of Mishawaka went forward with an operating referendum that various members of the Council supported and thanked those who did for supporting that. Dr. Stevens stated one of the touchstones on their referendum was adding safety and security to all of their buildings as well as SRO coverage throughout the school corporation and as they likely knew, the referendum passed with a majority of community support and then the hard work began, because their School Board

was very interested in providing that safety and security aspect but really were not positioned in terms of having their own police department. Dr. Stevens stated they certainly wanted to utilize the expertise of the Mishawaka Police Department if at all possible and they reached out to, as Mayor Wood alluded to, Chief Alex Arndt and Mr. Hixenbaugh in trying to come up with a way that they could get reserve deputies and reserve officers in place that School City could compensate but still have a police power and authority through the City of Mishawaka. Dr. Stevens stated their School Board had passed both of the items that he believed were on the table for the Council to review that evening and they certainly were hoping that they would support that as well.

Mr. Hixenbaugh thanked Dr. Stevens for his work on this as well and asked him to pass that along to his administrative staff members as well.

Alex Arndt, Assistant Chief of the Mishawaka Police Department, spoke in favor of **RESOLUTION R2023-27**. Chief Arndt echoed the comments of the Superintendent and the Mayor regarding the school resource officer program that had been proposed moving forward. Chief Arndt stated they were in a day and age with police being able to provide police powers and coverage when they did not have the resources that they had in the past. Chief Arndt stated this plan they sat down at the table with School City discussing would allow them to provide the coverage for one of the most important things in school safety for their children and their community and also increase that coverage that could be provided. Chief Arndt stated they would continue this longstanding relationship providing school resource officers in the full-time manner that they had been over the next couple of years and then also start to work with School City to assist them in getting resource officers that would be trained and guided along by the police department to ensure they were getting the highest level of training, maintaining their certification and some guidance to School City that they may not have otherwise had in the realm of police implementation. Chief Arndt spoke in favor of the Council adopting this resolution moving forward and could answer any questions they had.

Mr. Emmons asked if currently they provided two officers, one at the high school and one at the middle school. Chief Arndt stated they actually provided three officers at that time with one at the high school, one at John Young and one that patrolled the elementary schools. Mr. Emmons stated according to the resolution, in two years they hoped to have a school resource officer in all of the elementary schools and if that were correct. Chief Arndt stated steadily, as they were able to implement the program and School City was able to get those resources and get them trained and ultimately start to fill all of the buildings in the school system, they would be able to bring back full-time officers to the police department to be used for patrol or other police duties.

Mr. Mammolenti asked if the ultimate plan was to bring the current three school resource officers back into their department once this was implemented. Chief Arndt stated that was correct and once this was fully implemented, those three school resource officers would come back to the police department to be used as resources there and then he believed that School City would like to see ten reserve officers, one for each school building in the system and those would

be reserves that the police department would continue to maintain training and certifications for with resources they had in-house as well as assisting them with equipment and anything else they would need in order to perform that duty of safety for the school buildings. Mr. Mammolenti asked if the plan was to provide those officers with a car as well. Chief Arndt stated there had been discussions about vehicles and that would be something they would have to work out as they moved forward.

Mrs. Voelker asked if the resource officers would be Mishawaka employees. Chief Arndt stated the current school resource officers there were City of Mishawaka employees and the ten reserve officers that were proposed would be School City of Mishawaka employees. Mrs. Voelker asked if the cost sharing plan in the resolution would be for the three current resource officers and if the ten reserve officers would be paid by School City of Mishawaka. Chief Arndt stated that was correct. Mrs. Voelker then asked if he had any feel if there was interest. Chief Arndt stated he believed there was some interest and he knew that other school systems had also been implementing similar programs that had generated interested and he believed there would be plenty of interest moving forward and there already had been names of some officers discussed for the positions. Mrs. Voelker asked if after two years, the three resource officers would also become School City of Mishawaka employees like the ten reserves are slated to be or if they stayed as City of Mishawaka employees. Chief Arndt stated once the three current City of Mishawaka employees were replaced by School City employees, then they would be absorbed back into the police department.

Mr. Hazen asked as a follow-up to Mrs. Voelker's questions if they were going to fill the seven positions first and those would automatically be School City employees and their three would still be there and once those seven were filled, they would start working on bringing the three back and if that was correct. Chief Arndt stated there was a plan to gradually work them back and it was not going to be where they staffed it with ten and then they started bringing back. Chief Arndt stated they talked over the next couple of school years, finishing out this school year and then into the next school year and if there was enough interest and they were starting to be able to fill those spots then they would bring back perhaps one officer with making sure that they were getting that minimum of three that they currently had but then if School City was able to start filling those positions and they agreed it was a good time to start bringing one officer back then they were able to get a couple more employees, bring another officer back and so forth. Mr. Hazen asked if the goal was to bring them back within a couple of years, but they were not going to leave School City high and dry for two years. Chief Arndt stated that was correct and if the interest was not there, school safety would still stress a high priority for the police department, and they would not leave them high and dry. Mr. Hazen asked if they had a maximum cost on this that the city was going to pay for. Chief Arndt stated in the discussions that they had with School City, the majority of the equipment cost was going to be absorbed by them and they would assist School City in certain things that were only available to law enforcement for purchase, for example if they chose tasers, body cameras or things like that, they had the resources to help them provide that but then they would reimburse for those type of costs and it would be the same thing with any kind of vehicles or things like that. Chief Arndt stated they had

discussed them handling the equipment cost and then they would have the shared salary cost of the three school resource officers that were currently inside of School City.

Mr. Hixenbaugh thanked Chief Arndt for his work on this and asked him to pass that along to Chief Witkowski as well. Mr. Hixenbaugh wanted to talk first about the three traditional SRO positions and asked if it was the case that there had always been with those three positions that were going to remain in place if this were approved, a cost sharing arrangement between School City and the civil city and if that was correct. Chief Arndt stated that was correct. Mr. Hixenbaugh asked as part of this agreement had it not been modified such that in year one of the new relationship, School City would continue to pay 100% of the school year cost, he called it, for the elementary school resource officer and then 50% of the cost for both the high school and middle school officer and if that was correct. Chief Arndt stated that was correct. Mr. Hixenbaugh asked and then in years two and three, School City would pay 60% of the school year cost of all three positions until such time as those three police officers returned to the department and if that was correct. Chief Arndt stated that was correct. Mr. Hixenbaugh asked then with regard to the ramp up of the reserve officers, they were actually not going to be employees of the City of Mishawaka and rather they were appointed by the city under the statute so that they then could be employed by School City in the capacity of a school resource officer and if that was correct. Chief Arndt stated that was correct. Mr. Hixenbaugh asked with regard to those police reserve officers, the City of Mishawaka was not responsible for any of their compensation, their equipment or their training but rather as part of the agreement, School City agreed to pick up the total cost of all of the above for the police reserve officers and if that were correct. Chief Arndt stated that was correct. Mr. Hixenbaugh asked with regard to the vehicles, he would agree with him that that remained a work in progress but right now as they sat, it was his understanding that School City would not be procuring vehicles for each police reserve officer at present but rather there was a mutual aid agreement between the Mishawaka Police Department and School City so that if those police reserve officers needed to transport anyone, the police department would provide assistance to the school corporation and those police reserve officers to handle that transportation piece and if that was correct. Chief Arndt stated that was correct and similar to the other things that they currently did with businesses for shoplifting or things like that where private security may have made detention and then they were used as transportation. Mr. Hixenbaugh asked in summary with regard to the three traditional positions, they would continue to be cost sharing as had always been the case and if that was correct. Chief Arndt stated that was correct. Mr. Hixenbaugh asked with regard to as many as ten police reserve officers if their compensation, equipment and training would all be subsidized and a sole cost to the school corporation and if that was correct. Chief Arndt stated that was correct. Mr. Hixenbaugh asked lastly moving forward, as they were ramping up their police staffing on the street in the wake of the move to 12-hour shifts, none of this would result in them having to remove any of their officers from street patrol as a result of this and they would be able to maintain the benefit of the move to 12-hour shifts while continuing the partnership with School City and assist them to move to more school resource officers in their buildings. Chief Arndt stated that was correct.

Mr. Mammolenti asked just to recap if it would not cost the civil city, City of Mishawaka, any additional money with the program and eventually maybe in year two or three perhaps, would provide a small cost savings and if that was correct. Chief Arndt stated absolutely, and nothing would change currently but no additional cost was going to come out of this. Chief Arndt stated any additional coverage of schools, and such would be subsidized by School City.

Mrs. Voelker stated as somebody who worked pretty closely with School City of Mishawaka during the referendum process, she just wanted to thank the Mishawaka Police Department, the Administration and of course the School City of Mishawaka for coming up with a creative plan that would keep their students, staff and administration safe in schools and also fulfill the promise that was made with the referendum that so many people supported.

Mr. Hazen thanked everybody involved, the Administration, the Superintendent and Mr. Hixenbaugh who put a lot of time into this with his expertise in the Police Department and how it functioned helped out quite a bit. Mr. Hazen stated he did think it was a sad day that they had to come to this measure, but he was glad that they did, and he was glad they would be putting a police officer in every school, and he would be voting in favor of it.

Question was called for at 7:33PM for **RESOLUTION R2023-27. Motion passed 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. 2023-35

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 (Requesting postponement indefinitely)

Based upon the request of the Administration, the chair entertained a motion to postpone indefinitely any further action on **PROPOSED ORDINANCE NO. 2023-35**. The motion was made by Mr. Banicki and seconded by Mrs. Voelker; thus a voice vote was held on the motion. The motion passed unanimously, and the matter was postponed indefinitely.

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 “THE PARKS AND RECREATION ORDINANCE” OF THE CITY OF MISHAWAKA, INDIANA

**Amending the Municipal Code Park and Recreation – DORA
(Requesting postponement indefinitely)**

Based upon the request of the Administration, the chair entertained a motion to postpone indefinitely any further action on **PROPOSED ORDINANCE NO. 2023-36**. The motion was made by Mr. Banicki and seconded by Mrs. Voelker; thus, a voice vote was held on the motion. The motion passed unanimously, and the matter was postponed indefinitely.

PROPOSED ORDINANCE NO. 2023-50

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

**Annexing Northern 13.55 Acres and Establish PUD & Amend PUD for Southern 6.88
Acres – Northwest corner of Fir Road and Beacon Parkway
VOTE ONLY**

Mr. Hixenbaugh stated as referenced by Clerk Block and pursuant to Indiana Law, on this proposed ordinance was held at their prior Council meeting and Mr. Emmons provided the committee report.

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

Question was called for at 7:38PM for **PROPOSED ORDINANCE NO. 2023-50. Motion passed 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. 5872**.

PROPOSED ORDINANCE NO. 2023-51

**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 THE CITY OF
MISHAWAKA, INDIANA**

**Amending the Municipal Code for Barber and Beauty Shops to add definitions for
Microblading and Permanent Makeup**

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.

Ken Prince, Director of Planning and Community Development, spoke in favor of **PROPOSED ORDINANCE NO. 2023-51**. Mr. Prince stated for reference, in 1966 when the zoning ordinance was adopted, it was adopted with provisions that identified tattooing, scarifying and basically injecting pigment into skin as a tattoo in their ordinance and at that time, there was no envisioning of a permanent makeup process and since 2018, they received 15 different requests for a use variance or an amendment to a PUD to allow this application of microblading and permanent makeup basically as an extension of a beauty salon. Mr. Prince stated the Council requested that they modify the ordinance and what they had done was come up with definitions that specifically identified microblading and permanent makeup as a different use that fell underneath the barbers and beauty shops rather than having it as a tattoo use and that would mean the 15 applicants that had filed since 2018 would no longer have to do that moving forward. Mr. Prince stated he was happy to answer any questions.

Mr. Compton thanked Mr. Prince for doing this as it was something they requested as a Council and he appreciated him doing the legwork and saving people the time and effort to come in and apply for this and also coming before the Council. Mr. Compton thanked Mr. Prince once again.

Question was called for at 7:42PM for **PROPOSED ORDINANCE NO. 2023-51. Motion passed 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. 5873**.

PROPOSED ORDINANCE NO. 2023-52

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2023

Transferring and Reappropriating Funds – Public Safety LIT Fund: Capital Outlays (2240-50-445-09 \$130,000.00) To: Debt Services (2240-50-438-01 \$124,000.00 2240-50-438-02 \$6,000.00)

Mr. Banicki reported the Committee of Budget and Finance recommended this proposed ordinance should be adopted. Upon a second by Mrs. Voelker, the motion carried.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2023-52**. Mrs. Maguire stated in 2021, the local bond bank approved a purchase of two firetrucks, and they did not expect them to take two years for delivery, so when budget preparation for 2023 began, the payments to the bond bank for the trucks were missed. Mrs. Maguire stated the bond payments were made on time and this was moving surplus money that they had in the vehicle line to the debt service line to cover these payments.

Mrs. Voelker asked for clarification if they were missed in 2023. Mrs. Maguire stated they were not put in the budget, but the payments were made. Mrs. Maguire stated in 2022 when they did the 2023 budget, the payments, which came up about in August and the trucks did not arrive until Spring. Mrs. Voelker asked, moving forward, if there would be additional payments to be made in 2024 for the vehicles and if she was correct. Mrs. Maguire stated yes, and it was a five-year payment plan. Mrs. Voelker asked if those were budgeted. Mrs. Maguire stated yes.

Question was called for at 7:46PM for **PROPOSED ORDINANCE NO. 2023-52. Motion passed 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. 5874.**

PROPOSED ORDINANCE NO. 2023-53

AN ORDINANCE AMENDING ORDINANCE 5641 OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING THE PARTICIPATION IN THE STATE OF INDIANA DEFERRED COMP MATCHING PLAN, ADOPTION AGREEMENT AND AMENDMENT 1

Amending Ordinance No. 5641 The Deferred Compensation Matching Plan, Adoption Agreement & Amendment 1

Mr. Compton reported the Committee of Budget and Finance recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2023-53.** Mrs. Maguire stated as the Council may recall, in their budget hearings and salary ordinance, they had increased the city's deferred compensation match from 1% to 2% and this ordinance amendment was required by the state. Mrs. Maguire stated as they were amending the adoption agreement to show the change to the 2%.

Question was called for at 7:48PM for **PROPOSED ORDINANCE NO. 2023-53. Motion passed 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. 5875.**

PRIVILEGE OF THE FLOOR

Haley Nice, 443 Ballard Avenue Mishawaka, IN, spoke under **PRIVILEGE OF THE FLOOR.** Ms. Nice read from a prepared document.

November 29th is International Day of Solidarity with the Palestinian People.

History is often written by the victors and as a society that values community and justice, we should look past the victors and tell the history (and be the history) that the victors want to hide. Israel would want you to not see the 75 years of terror and oppression it has inflicted on the Palestinians.

What happened on October 7th was tragic as any premature loss of life is, but it should not cloud our rational judgment of the situation. To understand even a fraction of the violence Israel commits on the daily, I will highlight a few key points. We must begin in the 1940s. Britain had over promised the land of Palestine to both the Palestinians, who had been living in that land since at least the times of the apostle Paul, and the Zionists, who were looking for a land to start their own settler colony due to Europe not wanting to deal with their antisemitism.

Zionism is a political ideology held by some Christian and Jewish nationalists. According to Jewish Voices for Peace, “[Zionism] is a false and failed answer to the desperately real question many [Jewish] ancestors faced of how to protect Jewish lives.” Today Zionism has turned towards settler colonialism. Zionists are in favor of an apartheid state, much like South Africa was before 1990, before Jewish people had more rights than others. Some Zionists even see African Jews as less superior than others. Ethiopian Jewish women were being sterilized against their will in 2013, according to The Guardian.

Before I go further, let me be clear, Zionism is not Judaism. Not all Zionists are Jewish, and certainly not all Jewish people are Zionists. The majority of Zionists are Christian.

In 1948, Zionist militias began terrorizing and mercilessly slaughtering Palestinians. This event was named the Nakba, which means “the catastrophe” in Arabic. Conservative estimates say 750,000 Palestinians were either killed or displaced. According to the UN, half of the multicultural and multi-ethnic Palestinians were displaced. Since 1948, the UN has held a right of return for Palestinians that Israel refuses to honor. Many smaller scale incidents of oppression have occurred since 1948. This comes in the form of dispossession and destruction of homes, displacement due to internationally recognized illegal Israeli settlements, military brutality and other acts of terror.

Israel has turned Gaza into an open-air prison, in the words of human rights watch. I call it a concentration camp, and I do not use that term lightly. Israel controls all access by land, air and sea. They destroyed Gaza’s only airport in 2002 and have built a wall completely around the region where Israel controls all things going in and out. They used drones to spy on, spray pesticides on gardens and shoot Palestinians. According to Al Jazeera, Israel uses their military technology on innocent Palestinians and then makes it around the world as “war tested”.

2.1 million people live in Gaza (an area roughly the size of Philadelphia). Since October 7th, 13,000+ Palestinians have died, but many thousands more are unaccounted for. By the best estimates, HMAS is only 1-1.5% of the population, or about 2,000 members. Israel as continued to bomb and attack innocent civilians since October 7th.

I want to ask the council to simply see Palestinians as equal to Israelis. If you choose to condemn Hamas, please also condemn Israel for their blatant and ongoing war crimes. Men, women and children shouldn't be losing entire bloodlines in the name of retaliation. Nelson Mandela said, "We know too well that our freedom is incomplete without the freedom of Palestinians." We need to have the moral clarity to identify oppression and concentration/internment camps wherever they appear. We must say no more. Please join in with Richmond City, California, to condemn Israel for its ethnic cleansing and ongoing genocide of Palestinians in Gaza and the West Bank.

Never again means never again for anyone. Thank you.

Mr. Hixenbaugh took the opportunity to wish everyone a Happy Thanksgiving to them as well as their families.

ADJOURNMENT 7:55PM

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

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