

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

December 4, 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, December 4, 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 (E), Mr. Banicki (P), Mr. Emmons (P), Mrs. DeMaegd (A), Mr. Compton (P), Mrs. Voelker (A), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Minutes for the Regular Meeting on November 20, 2023 were approved as received from the Clerk's Office.

Clerk Block read the following appeal and petitions by title.

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|---------------------------|---|
| Appeal No. 2023-29 | Use Variance to allow 4 Storage Containers – 5514 Grape Road (Hobby Lobby) |
| Appeal No. 2023-25 | Rezone from C-1 General Commercial to C-4 Automobile Oriented – 411 W. McKinley |
| Appeal No. 2023-26 | Rezone from C-1 General Commercial to R-1 Single Family Residential – 617 E. Grove Street |

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

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.**

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, and Clerk Block polled the Council on the Committee Report.

Motion passed by unanimous roll call vote (summary: Yes = 7).

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Compton, Mr. Hixenbaugh. The committee report passed 7-0.

Mr. Compton made a motion to postpone the second reading and public hearing on **PROPOSED ORDINANCE NO. 2023-54** to the next regularly scheduled council meeting to give the petitioner the opportunity to present. Mr. Banicki seconded the motion and Clerk Block polled the Council on the motion.

Motion passed by unanimous roll call vote (summary: Yes = 7).

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Compton, Mr. Hixenbaugh. The motion passed 7-0 and the second reading and public hearing on **PROPOSED ORDINANCE NO. 2023-54** was postponed to the next regularly scheduled council meeting on Monday November 18, 2023.

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**

Mr. Bellovich reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried, and Clerk Block polled the Council on the Committee Report.

Motion passed by unanimous roll call vote (summary: Yes = 7).

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Compton, Mr. Hixenbaugh. The committee report passed 7-0.

Angela Smith, Danch, Harner & Associates Inc., spoke in favor of **PROPOSED ORDINANCE NO. 2023-55**. Mrs. Smith stated their company had acquired the lot next door in order to expand Gage Auto further. She stated they would keep cars off the street and show more cars in this lot. She stated they would also be making improvements to the landscaping of the property.

Mr. Hixenbaugh asked if there was any reason to be concerned about issues that occurred in the past. Mrs. Smith stated there would be no issues.

Question was called for at 7:11PM for **PROPOSED ORDINANCE NO. 2023-55. Motion passed by unanimous roll call vote (summary: Yes = 7).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Compton, Mr. Hixenbaugh. The proposed ordinance passed 7-0, thus it became **ORDINANCE NO. 5876.**

NEW BUSINESS

Mr. Hixenbaugh announced that there would be changes to various meeting dates for the Mishawaka Common Council in 2024. Mr. Hixenbaugh stated those date changes would be January 2nd changed to January 8th, January 15th changed to January 22nd, April 1st changed to April 8th, April 15th changed to April 22nd, September 3rd changed to September 9th and September 16th changed to September 23rd if passed by the council. The chair entertained a motion to make those meeting date changes in 2024. Mr. Banicki made the motion and with a second from Mr. Banicki, Clerk Block polled the Council on the motion.

Motion passed by unanimous roll call vote (summary: Yes = 7).

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Compton, Mr. Hixenbaugh. The motion passed 7-0 and the meeting dates were changed.

Mr. Mammolenti made a reminder that there would be no Twin Branch Neighborhood Watch meeting in December and the first meeting of 2024 would be on January 17th.

ADJOURNMENT 7:14PM

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

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