

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

March 4, 2024

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, March 4, 2024, at 6:00PM. 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 attends 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.

Dale “Woody” Emmons 1st District
Matt Carroll 2nd District
Lou Ann Hazen 3rd District
Kate Voelker 4th District
Anthony “Tony” Violi 5th District
Ron Banicki 6th District
Gregg A. Hixenbaugh At-Large
Matt Mammolenti At -Large
Lacy Hahn At-Large

Clerk Block called the roll.

Present: Mrs. Hazen (P), Mrs. Voelker (P), Mr. Carroll (P), Mr. Banicki (P), Mr. Emmons (P), Ms. Hahn (A), Mr. Mammolenti (P), Mr. Violi (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Minutes for the Regular Meeting on February 5, 2024, were approved as received from the Clerk’s Office.

Clerk Block read the following petitions by title.

Petition No. 2024-01	Annex 1.5 Acres (crosshatch) & Establish Zoning as S-2 PUD & Amend existing Douglas Common PUD to allow for storage units – 16963 Douglas Rd & Adjacent property.
Petition No. 2024-02	Annex 30.64 Acres & Establish Zoning as S-2 PUD – NW corner Capital Ave. & Cleveland Rd.
Petition No. 2024-03	Annex & Zone to S-2 PUD for Residential Subdivision – SE corner of Bremen Hwy & Dragoon Tr.

Petition No. 2024-04

PUD Amendment for reduced building & parking setbacks for interior lot lines – Lot 1 & 2 of the Enclave at Grandview Minor Subdivision

PRESENTATION OF VOIDED CHECKS

Mr. Hixenbaugh stated the record would reflect that they had received info from the Controller's Office with regard to two-year-old checks.

PRIVILEGE OF THE FLOOR

Chelsea Modlin, 511 Forest Avenue, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Modlin stated she was requesting for consideration a change in the ordinance or code where they currently had a 300-foot radius for public notice, and she wanted it extended to something more inclusive with the DNR where they required about a quarter mile radius for public notice of projects and things of that nature.

Mr. Hixenbaugh thanked Mrs. Modlin for sharing that with them and stated that with that type of request, he would consult with their Council and the Administration as well, but that distance component was driven by state statute, and it was not as much of a function of local government as it was state law, and they would have to look at it in that context. Mr. Hixenbaugh promised her that he would follow up with those entities and they would be getting back to her with an answer on what their options were.

Kay Green, 1807 E Jefferson Boulevard, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Green provided an update on her and her husband's situation and stated that semis down her street got better for a short period of time and now they were worse. Mrs. Green wanted to know if anyone from the city had contacted ENDOT to try to get the sign back up in the median on Capital Avenue so the trucks would not turn onto their road. Mrs. Green stated she had not heard from anyone, so she was wondering if that had been addressed.

Mr. Hixenbaugh stated it was good to see her again and thanked her for being there that evening. Mr. Hixenbaugh stated they would certainly follow up with the Administration but as they discussed prior when she came to see them in the past, in his opinion this still fell within the jurisdiction of a combination of their Police Chief, their Legal Department and their Engineering Department. Mr. Hixenbaugh stated one way or another, they would try to pin down what kind of conversations had taken place, not taken place and could take place in the future. Mrs. Green began discussing another issue and stated she went into the Walgreens on McKinley and Main Street a few days ago and she noticed part of the shelves were empty and asked one of the clerks if they did not have enough people to stock their shelves and the clerk responded saying there were shoplifters walking off with their inventory and they were not allowed to stop them, because they could lose their jobs if they did. Mrs. Green stated she then asked how they were addressing it and the clerk stated they ordered more lock boxes to put the merchandise. Mrs. Green stated if a line was not drawn, it would not stop and could get much worse. Mrs. Green

asked if there was any kind of plan at all that Mishawaka had planned to do, if that be hiring off duty policemen to be at the store or something similar to that. Mrs. Green stated the stores she talked to, Dollar Tree, Kohl's, and Walgreens, had this occur frequently and were having the same problems. Mrs. Green stated unless something was done, it would continue to get bigger and bigger and bigger, and she did not want that to happen in this town. Mrs. Green stated she believed there needed to be some kind of a plan with a deterrent, so this did not keep going on and on. Mr. Hixenbaugh stated he agreed with her, but this sounded like a series of decisions made at the corporate level that they both would find troubling and he was confident in telling her that he believed that they had made historic investments in public safety and their police department in particular within the recent year and they had more police officers ready to serve the needs of the citizens of Mishawaka on a daily basis on their streets than they ever had in the history of Mishawaka before. Mr. Hixenbaugh stated if there was a breakdown between what the corporate entities were doing to take advantage of those services and what they were able to provide, he would agree with her that that was a problem. Mr. Hixenbaugh stated he appreciated her bringing up the point and he was sure all of the Council appreciated it, but he believed they were ready to address each one of those situations that occurred in those retail stores, but they just had to be asked by the stores to enforce the laws. Mrs. Green stated maybe there could just be letters of encouragement sent to the corporations or to the managers of the stores so they could be notified of the resources available, and they would like to help them keep it under control. Mr. Hixenbaugh stated he agreed, and they would certainly pass the issue along to the police department and the legal department so they could look at whatever remedies they had to address this.

Mr. Mammolenti thanked Mrs. Green for coming that evening and stated he fondly remembered the conversation they had at the first meeting when this topic was brought up. Mr. Mammolenti stated he noticed an email was sent out to them when going through his files by Matt Lentsch who was the Executive Director of Development and Governmental Affairs and maybe he could resend that to them. Mr. Mammolenti stated it explained some of the purpose behind the traffic flow. Mrs. Green stated she did get a map letting her know what the traffic flow was supposed to be and so on and they had been fighting this ever since they closed the intersection of McKinley for a while, and they were sending them all down Jefferson and now they had more car carriers coming down delivering cars and it was a very unsafe situation. Mr. Mammolenti stated he agreed, and he just wanted to clarify that and address her first comments.

Larry Green, 1807 E Jefferson Boulevard, spoke under **PRIVILEGE OF THE FLOOR**. Mr. Green stated he counted 11 trucks in one day in front of his house and turning onto Clover and on average, it was 3 to 4 a day. Mr. Green stated he straightened his mailbox again because when those trucks came out and made their turn, they would continuously hit the mailbox. Mr. Green stated this was an issue and it was important to the people on Jefferson. Mr. Green concluded by asking Mrs. Hazen how Tony Hazen was doing. Mrs. Hazen stated he was doing very well and thanked Mr. Green.

Krista Neighbour, 2002 Miniature Rows Lane, Mishawaka, IN and Assistant Adult Coordinator for the Mayor's Youth Council, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Neighbour

stated she wanted to make an introduction of themselves and as many of them were familiar, they would be doing their Mock Council Meeting that year as their leadership project that year. Mrs. Neighbour stated they just wanted to introduce themselves and were there to observe the Council and all of the wonderful things they were doing. Mrs. Neighbour thanked them for what they did and for being role models for their students. Mr. Hixenbaugh stated they appreciated the work she and the youth council did and that evening was not really reflective of what typically went on during council meetings, as it was about the shortest agenda that they possibly could've seen work through but they looked forward to seeing how they would do the meeting and thanked her again for everything they were doing.

Acceptance of Conflict-of-Interest form - Lou Ann Hazen, 3rd District Council

The chair entertained a motion to approve the receipt of Conflict-of-Interest form from Mrs. Hazen. Mr. Banicki made the motion and with a second from Mr. Mammolenti, a voice vote was held. The motion passed unanimously.

ADJOURNMENT 6:17PM

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

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