

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

March 18, 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 18, 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.

Clerk Block called the roll.

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

Minutes for the Regular Meeting on March 4, 2024, were approved as received from the Clerk's Office.

Clerk Block read a letter from the City Plan Commission regarding their recommendations from their March 12, 2024 meeting.

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

PROPOSED ORDINANCE NO. 2024-04

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

**PUD amendment for reduced building & parking setbacks for interior lot lines – Lot 1 & 2 of the Enclave at Grandview Minor Subdivision
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2024-05

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

Annex 1.5 Acres (crosshatch) & Establish Zoning as S-2 PUD & Amend existing Douglas Common PUD to allow for storage units – 1693 Douglas Rd & Adjacent property

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2024-06

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

**Annex 30.64 Acres & Establish Zoning as S-2 PUD – NW corner of Capital Ave. &
Cleveland Rd.**

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2024-07

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

**Annex & Zone to S-2 PUD for Residential Subdivision – SE Corner of Bremen Hwy &
Dragoon Tr.**

(Assigned to Land Use Planning Committee)

PRIVILEGE OF THE FLOOR

Eric Hiatt, 2332 North Main Street and President of Firefighters Union Local 360, spoke under **PRIVILEGE OF THE FLOOR**. Mr. Hiatt stated he wanted to bring up that in their wage negotiations in 2022, they chose a higher percentage of wages rather than the \$1,000 stipend to each member and early in 2023, he got a call from former Councilman Mike Compton stating it had been decided that the \$116,000 would come back to the Fire Department but not to them individually and they would have to agree on what to buy with that money. Mr. Hiatt stated over the time of 2023, they had broken it down to a couple of treadmills, some EMS night pants for everyone and ultrasound diagnostic tests for each member and with the ultrasound stuff, the Chiefs asked them to get the quotes for them and they received those quotes as well as the invoices and those got forwarded to the city. Mr. Hiatt stated they got scheduled for March and ultimately did not get paid and their appointment ended up being cancelled. Mr. Hiatt stated Vice President Higgins had been working on it and said in September they could get back in there, but he just wanted to bring this to the Council's attention. Mr. Hiatt stated he had been working with Mr. Hixenbaugh on this and the members were continuously asking about this issue, and he did not have any answers for them. Mr. Hiatt stated he did not know who handled what money and how it got put into what line or who did what, but he knew it was not them. Mr. Hiatt stated he just wanted to bring that before the Council and they did not have to discuss it at length, but he asked them if they could work on that please and get with them to try to get this moving and still get the ultrasound diagnostic test done hopefully in September.

Mr. Hixenbaugh appreciated him bringing that to their attention and stated they had spoken about this before. Mr. Hixenbaugh stated that Mr. Hiatt's recollection of the outcome from the last negotiation was the same as his and with regards to the facts and what was agreed to at the table, he would agree with Mr. Hiatt on that. Mr. Hixenbaugh stated as they had both discussed, he had a conversation with Mayor Wood about this and his recollection was the same as theirs and at that point in time, in terms of who needed to push the issue forward, he believed it to be the Administration. Mr. Hixenbaugh stated their role concluded when they consummated the outcome of a bargain with them and approved that and then also approved the budget. Mr. Hixenbaugh stated so at that point in time, he had every reason to believe that it would be handled but asked him to stay in communication with the Council because they wanted Mr. Hiatt and those who he represented to receive what they had committed to, and he believed the Administration shared that goal as well. Mr. Hixenbaugh asked him to keep communicating with all the involved parties and to let them know if he did not have any tangible reason to believe it would be resolved any time soon and they would certainly try to help. Mr. Hiatt hoped they would have it resolved before they actually got to negotiations so that would be one less thing, they would have to discuss there. Mr. Hixenbaugh stated they agreed with him.

UNFINISHED BUSINESS

Revised Council Committee Assignments

Mr. Hixenbaugh stated the Council had in front of them a list of revised Council Committee Assignments, mainly because they had a new councilmember that had joined them recently, so they needed to adjust and fill in some blanks regarding their committee assignments. Mr. Hixenbaugh stated the committee assignments were reflected in the document and at that time, the chair entertained a motion to approve the revised Council Committee Assignments for 2024 as reflected on the document distributed by the Clerk's Office. The motion was moved by Mr. Violi and seconded by Mr. Mammolenti; thus, a voice vote was held, and the matter passed unanimously.

NEW BUSINESS

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

RESOLUTION R2024-02

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA HONORING ANTHONY "TONY" HAZEN FOR SERVICE TO THE CITY OF MISHAWAKA

WHEREAS, the Honorable Anthony "Tony" Hazen was duly elected to the Common Council of the City of Mishawaka, and

WHEREAS, the Honorable Anthony “Tony” Hazen has faithfully discharged his duties as Councilman for the 3rd District,

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA THAT:

1. The Council, Mayor and Clerk gratefully acknowledge the past four years of service rendered by Mr. Hazen on the Common Council.
2. The Council, Mayor and Clerk publicly commend Mr. Hazen for his dedicated interest in the welfare of the City of Mishawaka and its citizens.
3. The Council, Mayor and Clerk wish Mr. Hazen well as he leaves the Mishawaka Common Council and encourage him to continue serving our community in the years ahead.

Mr. Mammolenti thanked Mr. Hazen for his many years of service and, more importantly, thanked him for his love for the city of Mishawaka and always putting the city first. Mr. Mammolenti stated he knew he asked a lot of tough questions depending on what topic it was, and it did not matter who he was asking, so he truly had Mishawaka’s best interest. Mr. Mammolenti stated he looked forward to him representing them and Mishawaka in his new role as well and he looked forward to seeing him at some future Mishawaka Cavemen sporting events. Mr. Mammolenti wished Mr. Hazen the best of luck and thanked him for everything.

Mr. Violi thanked Mr. Hazen for all his guidance leading up to today, with regards to his campaign and he really appreciated it. Mr. Violi stated he was excited about Mr. Hazen’s new role and looked forward to working with him any way they could and thanked him for his love of Mishawaka that was displayed.

Mr. Emmons stated it was his pleasure to work with Mr. Hazen on a number of issues while he sat on the Council, and he provided good advice as he was a former Chief of Police, and he was valuable when working on the negotiation side of things. Mr. Emmons appreciated all the input, advice, and courtesy he extended to him. Mr. Emmons wished him the best as the County Commissioner and thanked him for serving on the Mishawaka Common Council.

Mr. Hixenbaugh stated it had been a pleasure working with Mr. Hazen on a number of different capacities even way back before either of them had joined the Council. Mr. Hixenbaugh stated he enjoyed serving with Mr. Hazen as a councilmember and as was mentioned, he definitely added to their ability to navigate through certain issues relating to Public Safety. Mr. Hixenbaugh stated he was sorry to see him go but it most definitely made him feel better that they had him in place continuing to work on behalf of Mishawaka in a different capacity. Mr. Hixenbaugh wished him well as he continued his work in county government, but they did appreciate everything he did in his years of service for the city of Mishawaka. Mr. Hixenbaugh thanked Mr. Hazen once again.

Question was called for at 6:18PM for **RESOLUTION R2024-02 Motion passed by unanimous roll call vote (summary: Yes = 7).**

Yes: Mrs. Hazen, Mr. Carroll, Mr. Emmons, Mrs. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 7-0.

The Mishawaka Common Council provided Mr. Hazen with a plaque for his years of service.

Mr. Hazen stated it was a pleasure working with all of them and it was not just about the professionalism they showed each other up there, but the friendship you gained over the years of working together. Mr. Hazen stated the reason he wanted to join this body was that there was never anyone up there that had been working for themselves and it had always been for the community and that continued to happen to that very day, and he was very proud of that as well as proud to say he was from Mishawaka. Mr. Hazen stated he totally enjoyed what he was doing now and was happy there, but sometimes he did miss sitting on the Mishawaka Common Council. Mr. Hazen stated God bless all of them and he appreciated their friendship.

Mr. Emmons announced the West End meeting would be Thursday, March 21st at 7PM at St. Bavos and the guest speaker would be Ken Cotter, St. Joseph County Prosecutor. Mr. Emmons stated all were welcome and as usual, West End Bakery would be served. Mr. Emmons looked forward to seeing everyone there.

Mr. Mammolenti made a reminder of the Twin Branch Neighborhood Watch meeting and this month's meeting would be March 20th at 7PM at Fire Station #4 on Harrison Road and the guest speaker would be George Lepeniotis from Kreig Devault representing his client and to give a presentation for the proposed Jimmy John's on Bittersweet Road as well as answer any questions or address concerns from anybody in the city, particularly the residents nearby. Mr. Mammolenti stated all were welcome.

Ms. Hahn stated the West End Neighborhood Watch meeting would be held tomorrow, March 19th at St. Bavos in the community room with Bruce Faltynski there to answer any questions and all were welcome.

ADJOURNMENT 6:21PM

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

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

These minutes are a summary of actions taken at the Mishawaka Common Council meeting. The full video archive of the meeting is available for viewing at www.youtube.com/@cityofmishawaka635 for as long as this media is supported.