

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

August 1, 2011

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday August 1, 2011 at 7:00 p.m. The meeting was called to order by President John Gleissner and all were asked to stand for the Pledge of Allegiance. Clerk Block's roll call showed the following;

Dale "Woody" Emmons 1<sup>st</sup> District Councilman – Present  
Mike Bellovich 2<sup>nd</sup> District Councilman – Present  
Ross Deal 3<sup>rd</sup> District Councilman - Present  
Marsha McClure 4<sup>th</sup> District Councilman – Absent  
Michael Compton 5<sup>th</sup> District Councilman - Present  
Ronald Banicki 6<sup>th</sup> District Councilman – Present  
John Gleissner, Councilman At Large – Present  
Gregg Hixenbaugh, Councilman At Large – Present  
John J. Roggeman, Councilman at Large – Absent  
A quorum was obtained.

Others present; Deborah S. Block, City Clerk; Mary Ellen Hazen Chief Deputy I Absent, Linda Dotson, Chief Deputy II, and Council Attorney Mike Trippel.

The minutes from the July 18, 2011 meeting were approved as received from the Clerk's Office.

Clerk Block read **RESOLUTION NO. R2011-11** opening it for public hearing

**RESOLUTION NO. 2011-11**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,  
INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING  
APPEALS FOR THE PROPERTY LOCATED AT:**

**301 North Cedar Street, Mishawaka, Indiana**

(Use Variance to allow residence for visiting families, doctors, and guests of the Center for Hospice Care 301 N. Cedar Street)

Mike Wargo, Chief Operating Officer for Hospice, offices at Edison Lakes, said they were looking at this area for a centralized Campus, Headquarters and Guest House for Hospice Foundation.

Mr. Gleissner asked if they was going to be all non for profit. Mr. Wargo stated it was. Mr. Deal questioned the condition of the home they were looking to use as the Guest house. Mr. Wargo stated they would be making improvements on the outside so that it would fit into the neighborhood façade and would be hiring an architect for a total interior rehab. He said they would be removing the privacy fence along the back yard and put in a park like setting.

Mr. Emmons asked how many people would be staying at the guest house at one time. Mr. Wargo said he couldn't answer that it would basically be used for families that need to get some rest while visiting a patient in care at Hospice House. He said there are family situations where there would be a dying patient whose family even with small children and they would sleep on the floor or couches at Hospice House so they would like to have a place to offer them. Mr. Wargo said in addition they would occasionally have contractors who are in town working on the technology system and would have need to put them up in a hotel overnight and they could if no one was staying in the house be able to offer that to them and would help with the cost standpoint.

Mr. Wargo stated they are working with Indiana University School of Medicine on a Palliative Care Fellowship Program. He said those physicians would be able to rotate through their program and actually get hands on practical experience with the patients at Hospice House. Mr. Wargo went on to say those physicians also would be able to stay at the guest house while they were there. He said their long term plan was to have a Hospice House on Madison Street along the River and a Palliative Care Center Directly across the Street where Edgewater Florist was presently located.

Mr. Emmons was concerned about the Fire Code and the number of people who would be housed in this home at any one given time. Mr. Wargo said he did not know the answer to that but could assure him they would definitely follow the Fire Code. Mr. Emmons asked Mr. Prince if he knew the answer to that question. Mr. Prince stated he knew that five unrelated people could not be housed in the same dwelling at same time, in order to be considered a single family home, but that has nothing to do with the building code. He went on to say it depends on the space of the home and living space and it was not uncommon to have to have 10 people in a house. Mr. Wargo said they do not anticipate high usage of this facility and the decision would be left to the judgment of the nurse on duty whose running Hospice House at the particular time to use his/her discretions to make the judgment call.

Mr. Gleissner said Mishawaka was becoming a Medical Mecca and if this should pass the Council vote he would like to welcome Hospice House as be a part of that.

Question was called for at 7:11 p.m. on **RESOLUTION NO. 2011-11** with the vote being 7 to 0 in favor.

Clerk Block read **ORDINANCE NO. 2011-12** opening it for public hearing.

### **ORDINANCE NO. 2011-12**

#### **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 R-1, C-1 & R-3 to C-3 City Center for a Hospice Facility  
West of Cedar Street North of St. Joseph River)**

Mr. Deal reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same, upon a second by Mr. Banicki, the motion carried.

Michael Wargo CEO of Hospice Foundation 320 Edison Lakes Parkway Suite 210 said they were very excited about the opportunity to create a Hospice Campus in a central place here in St. Joseph County. He said they have had an office in Roseland for 16 years, with a 7 bed in patient unit along with their corporate offices being located there, with 100 people working there on any one given day. He said they would be immediately relocating their Administrative Foundation Offices which are now located on the second floor of the Quality Dinning Building, to an Administrative Building on their new campus. Mr. Wargo said the second facility they lease space from in Mishawaka was located in the Cambridge Center Office Park where they have their bereavement services, which have been in operation for 7-8 years. He said having out grown that building they would be moving about a dozen people who would be relocating from there as well as additional staff into a separate building on the Mishawaka Campus.

Mr. Wargo said they are anticipating the construction to begin in Spring of 2012 with occupancy in early 2013 and along that time beginning the design for Phase II of the project which would include a Medical Office Building and also a Hospice House in 2015 – 2016 time frame, sooner if possible.

Mr. Banicki said in this economic time there are a lot of local people out of work, have they decided on a contractor for this project and what type of workforce they would be using. Mr. Wargo stated they always try to use the work force available to them in the County in which they are working, unless they need something specific that was not available locally. Mr. Wargo stated they have not made a decision on a general contractor yet, they consider themselves as a community Hospice and the fact they would be doing all of this construction work here in Mishawaka their primary focus would to work with trades, construction folks, vendors, greenhouses that are based here in St. Joseph County. Mr. Banicki thanked them for what they do and welcomed them.

Mr. Hixenbaugh said he wanted to echo his colleagues in welcoming them to Mishawaka and how much they appreciate the investment they are going to make in Mishawaka and more to the point the service you would be providing.

Mr. Hixenbaugh said the Staff Report the Council received made reference to a Memorandum of Understanding that Hospice entered into with the Redevelopment Commission and since the Council has not been provided with a copy of that document he has a couple questions. He said regarding the commitments the Redevelopment Commission made to them on the part of Mishawaka to help facilitate this project. Mr. Hixenbaugh asked if it was possible to quantify a dollar amount in terms of investment on the part of the Redevelopment Commission in projects connected with this development. Mr. Wargo said he was not in a position to answer that at this time he did not have numbers with him. Mr. Hixenbaugh said then without being caught up in the dollars and cents component could he describe for them what it was the City has committed to do, in general summary, in order to facilitate this development. Mr. Wargo said speaking about what they have done over the course of the last two years was to identify a number of parcels that go along Madison, Pine and Cedar Streets and entered into agreements to purchase Edgewater Florist, which would become a Palliative Care Center, and the Guest House located on Cedar Street. He said they have also entered into agreement with the Moose Lodge to purchase their vacant property along with the property the Lodge was located on, which they would be demolishing. He said they would also be purchasing three homes on the Pine and Madison Street corridor butting up against Central Park along with a separate lot located there.

Mr. Wargo said they have essentially entered into an agreement through the Memorandum of Understanding that the city would convey to them to facilitate their project a city owned property located at the corner of Pine Street and the Fish Ladder Driveway and a city lot between Central Park and what would become their property along with a city parcel that sits in between Edgewater Florist and the Moose Property. He said in turn would convey to the city the land along the river frontage that would enable the city to put in a Riverwalk from where it is now at Central Park all the way through to Cedar Street. Mr. Wargo went on to say they would come up with a calculation of how much area they would be conveying and how much the city would be conveying based upon the appraised value and depending on what the difference was, who would be paying who the difference. He said the other thing that has been agreed to in the Memorandum of Understanding was the need to straighten out Pine Street, it presently is at an odd angle and is very narrow and it was something the city has been interested in doing anyway so that would be apart of the work the city would be performing. Mr. Wargo further stated that the two buildings that have currently been demolished along Cedar Street a new street would be put in that would lead straight into the park with an access road into their campus. He said he believed it was the city's plan to develop the park even further in adding additional parking spaces along with an agreement they would be able to use those parking spaces for overflow purposes. Mr. Wargo explained Hospice House would have sufficient parking for the people that work on their campus everyday but they do have Grief Counseling and special events that do require more parking then they would need on a daily basis and would need to use the city parking lot for the spill over.

Mr. Hixenbaugh said he appreciated the detailed response and it does sound like a mutually beneficial partnership and they appreciate that. He said he wanted to echo Mr. Banicki's comments, because of the partnership that is in place they appreciate their commitment to amplify the agreement by the agreement to use local labor to help with the construction and the on going maintenance of the facility. Mr. Hixenbaugh stated in his mind it made him feel better about supporting this proposed ordinance with recognition that it would a benefit to the community on several different levels.

Mr. Emmons asked if the property that was just cleared on Cedar Street, by the city would be part of the Hospice Campus. Mr. Wargo stated it would not, it was owned by the city and he thinks the plan for that section was for future development for residential housing.

Earnie Culp 1605 Charlotte Street a former Mishawaka Councilman said he can tell his story of how it feels to having been served by Hospice. He said he lost his wife in June of 2011. Mr. Culp stated when the medical field could no longer do anything for his wife's cancer and kidney problems she needed tender loving care and they were introduced to Hospice. He said they were at his home up to four times a week and always at the end of the telephone if they were needed when eventually they needed to go to the Hospice House in South Bend and were there for five days to give his family a break from the extensive care. Mr. Culp stated the staff, RNs, and volunteers, did everything to make it easier for his wife and for them. He went on to say to have this campus located in Mishawaka would be a 5 Star situation. Mr. Culp said Hospice not only takes care of the patient but the family and they still call him and ask him how he was doing. Mr. Clup said he would appreciate and recommend a favorable unanimous favorable vote from the Council. Mr. Gleissner expressed the sympathy from the Council for his loss.

Mr. Hixenbaugh asked Mr. Prince if it was possible for him to quantify for the Council the investment the city would be making to help facilitate this development. Mr. Prince said not in dollars they have

not done the construction estimate. He said it depends on how the city would build the Riverwalk, if they would be putting in retaining walls, sidewalks, the road they need to put in and their ability to fit three first time buyer homes on the city property on Cedar Street. Mr. Prince said the engineering would dictate the cost to some degree but he would imagine the overall cost would be in the neighborhood of \$500,000 to a million dollars for all the improvements that are envisioned. He asked the Council to keep in mind those figures were not necessarily associated with Hospice, the most direct expense that would be associated with Hospice would be the expansion of the parking lot in Central Park, which the city envisions to help with large events the city would be having locally also. Mr. Prince said they wanted it to be a city owned lot because Hospice only needs it for occasional use so it would be a nice shared use. He said if the Hospice deal would fall through for some reason the city would still move forward to build the Riverwalk, along with the road connection from Cedar Street to the park, because it would be essential for the long term use of the park, this was just an opportunity to combine it for a comprehensive neighborhood redevelopment project.

Mr. Gleissner asked if the city was still in areas where the city could get some funds from DNR for the Riverwalk areas. Mr. Prince said the next filing for MACOG was in August and they were looking to file the section through Merrifield Park to relocate the drive to facilitate the Riverwalk how quickly that would come through he has no idea because of so many cuts in the Federal Funding.

Question was called for at 7:35 p.m. on **PROPOSED ORDINANCE NO. 2011-12** with the vote being 7 to 0 in favor.

### **UNFINISHED BUSINESS**

Clerk Block read **RESOLUTION NO. 2011-10** opening it for public hearing.

### **RESOLUTION NO. 2011-10**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,  
INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD  
OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:  
1753 East Twelfth Street, Mishawaka, Indiana  
(Use Variance to allow more than 2 tenants – 1753 East 12<sup>th</sup> Street)**

Charlene Rowe 412 North Grove Argos, Indiana said she brought the owner of this property to answer questions per the Council's request.

Mr. Gleissner stated several of the Council has been out to visit the site and saw the roof has actually collapsed and need to know from Mr. Zheng what his intentions are with repairs.

Mr. Wei Zheng 512 West Cleveland Road, Granger said they would follow city code and do what ever was required of them. He said they have already started working on the property and put in a new wall and have bought material to fix the roof, and would be working on the parking lot.

Mr. Emmons said he has been to the facility and at the last meeting it was stated the roof needed some repair, but there was no roof there it has completely collapsed into the building. He said in talking with

other people from the city they were concerned the entire building was not safe. Mr. Emmons asked how far he planned on going in his repair of this building.

Cory Wise 1715 Commonwealth Drive speaking for Mr. Zheng said he had the Building Inspector out and a masonry came out to bid the construction he did find on the back wall found several cracks down further and repaired and stated the building was sound as far as the structure. He said there was one main jack that holds the support up for the main support of the building that was bad and it has been replaced. Mr. Wise said there was a walk through for the permit to do the roof they were told what needed to be fixed and they plan to fix it all the way down.

Mr. Deal, Mr. Emmons and Mr. Bellovich all expressed concern regarding the amount of work needed to repair this building and the amount Mr. Wise stated it would cost.

Mr. Hixenbaugh stated he would feel more comfortable talking with the Building and Code before moving forward with this.

Mr. Emmons made a motion to postpone until the September 15, 2011 meeting with a second by Mr. Hixenbaugh the motion carried.

**NEW BUSINESS**

Mr. Gleissner reminded everyone of National Night Out to fight crime in Neighborhoods it will be on August 2, 2011 at 5:30 at Twin Branch Park and Hilis Hans Park there will be food and games.

Mr. Deal said he would be having his Neighborhood Watch meeting in conjunction with National Night Out At Twin Branch Park at 5:30 p.m..

Mr. Emmons announced his Neighborhood Watch meeting at St. Bavo School at 7:00 p.m. on August 18, 2011.

There being no further business to come before the Council, President Gleissner adjourned the meeting at 7:21 p.m.

Deborah S. Block, \_\_\_\_\_ /s/  
Deborah S. Block, MMC  
City Clerk

John P. Gleissner \_\_\_\_\_ /s/  
John P. Gleissner  
Presiding Officer