

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
June 04, 2018

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 June 04, 2018, at 7:00 p.m. The meeting was called to order by President Mammolenti all were asked to stand for the Pledge of Allegiance.

 Roll Call.

Present: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

Presentation of the D.A.R.E. City Champion Essays
Ava Atkinson Liberty Elementary
Tony Wang Queen of Peace

DA.R.E. Officer Lieutenant Williams was honored to present the two city champions for the Mishawaka D.A.R.E. Program who would represent the city in the state championship. He hoped one of them would be the 5th state champion.

Mayor Wood acknowledged DA.R.E. Officer Lieutenant Williams for his service. He continued to say in his 20 years of being in public service in Mishawaka; he never met anyone who had as big of an impact on the lives of Mishawaka youth as Lieutenant Williams. Mayor Wood said by the State of Indiana Lieutenant Williams was recognized as D.A.R.E Officer of the year. He continued to say Lieutenant Williams made Mishawaka and their future a better place.

Minutes of the Regular Meeting of May 21, 2018 were approved as received from the Clerk's Office.

Chief Deputy Clerk Hazen the following Appeal and Petitions to the council, who referred them to the Board of Zoning Appeals and City Plan Commission for their recommendations.

<u>APPEAL NO. 2018-15</u>	Developmental Variance for number of Parking Spaces for New Restaurant & Use Variance to Permit Residential Use in C-1 Commercial 426 E. Mishawaka Ave.
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<u>PETITION NO. 2018-16</u>	Rezone from C-1 Commercial to R-1 Residential For an Existing House 1028 S. Ironwood Dr.
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<u>PETITION NO. 2018-18</u>	PUD Amendment for Permitted Uses & Development Standards Part of Walker PUD & NW Capital-Toll Road PUD – NW corner of Capital Ave. and Beacon Parkway
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Chief Deputy Clerk Hazen read the following proposed ordinances by title and were set for public hearing at the next council meeting.

PROPOSED ORDINANCE NO. 2018-13

**AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2018**

(Add. Funds – CEDIT - Local Major Moves -Sidewalk & Curb repair)
(Assigned to Budget and Finance Committee)

Chief Deputy Clerk Hazen read the following resolution by title and was opened for public hearing.

RESOLUTION NO. 2018-12

**A RESOLUTION OF THE CITY OF MISHAWAKA COMMON COUNCIL
ESTABLISHING A MUNICIPAL RIVERFRONT DEVELOPMENT
PROJECT AREA WITHIN THE RECENTLY DESIGNATED
REDEVELOPMENT PROJECT AREA**

Geoff Spiess, Corporate Counsel stated the legal process was finished. He said if the council approved there would be a new expanded Riverfront District established. Mr. Spiess continued to say the boundaries were drawn to be expansive as possible under the state statute; they tried to include as many establishments as much as they could. He said realized at the previous meeting he made a mistake regarding the cost of the municipal permit, the permit was \$1,000 not \$5,000.

Mayor Wood encouraged councils support. He said there had been a result of hard work, years of effort and a lot of research from the Planning and Legal Department. Mayor Wood believed this was in the best interest of Mishawaka; this was a great opportunity for business to come in to the city. He said they have had and knew of developments opportunities missed because of the limitations the State of Indiana placed in an artificial market on obtaining a liquor license. Mayor Wood continued to say they felt this would be the opportunity to expand out to the full extent to make it more accessible for those who wish to open a business in Mishawaka. He said this has been before the council multiple times, the Plan Commission, and the Redevelopment Commission. Mayor Wood said the final step was going before the Board of Public Works on June 5th to establish guidelines for the liquor license. He thanked everyone for their patients and hard work in this process.

Mr. Deal thanked everyone involved in the process. He asked in regard to the states cap on the number of licenses based on population was there any move by the administration to address the issue of population based caps. Mayor Wood said the power of that issue rest on the legislator. He believed this year there would be a study committee to take a look at all of Indiana's liquor license requirements and guidelines, which he hoped they would make some recommendations to bring it to the 21st century, he felt the cap was stuck in the 19th century. Mayor Wood said

ultimately it would have to go before the General Assembly for their input and action. He said they were a little encourage because the state was looking at it holistically but at the end of the day he felt they needed to take the opportunity they had available. Mayor Wood continued to say if the state did not take action at all, he knew they were looking at restricting the definition of a river earlier this year. He said taking a look at Juday Creek, they question whether it was river or not, the definition was loosely defined by the state statue. Mayor Wood said there was an attempt to make sure all rivers were navigable by a boat of a three-foot draft. He continued to say he knew several rivers around the state with liquor license attached to those that did not fit the qualification. Mayor Wood said they think by doing this the state could not come to essentially legislate a business out of business. He went on to say they also hoped the state would comprehensively look at the full range of liquor incenses and bring Mishawaka in to what the neighboring states had and to make Mishawaka competitive.

Mr. Tanner asked were there any major guidelines for consideration. Mayor Wood replied yes, the three major guidelines were hours of operations to be limited to 1:00AM, dinning would be required and none smoking. He said this was specifically for the riverfront license. Mayor Wood said they would also have to pay the fine of \$1,000 for the permit and receive a letter of support from the Mayor's Office, which was required by the state.

Pat Perri, 914 Division Street spoke on behalf of the Diloreto Club. He expressed it was good to get to this point, he thanked everyone for all their efforts for bringing this back to the city. Mr. Perri said as a small a business this would mean a lot. He hoped the proposal would go well down state. Mr. Perri continued to say as the city grew and became more business friendly, this was good for the City of Mishawaka.

Questioned was called for at 7:31 P.M. for **RESOLUTION NO. 2018-12**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.**

Chief Deputy Clerk Hazen read the following proposed ordinances by title and were opened for public hearing.

PROPOSED ORDINANCE NO. 2018-10

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 I-1 to R-1 Single Family – 1111 Webster)
(Assigned to the Land Use Planning Committee)

Mr. Tanner 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 motion carried.

Brittany Conard, 3617 Vistula Road Mishawaka explained they were selling the property at 1111 Webster, the buyer wanted to occupy the property as a single-family residence. She said the bank would not lend a mortgage without the property being zoned R-1 Single Family.

Mrs. Voelker asked would the buyer live in the house. Mrs. Conard replied yes.

Questioned was called for at 7:34 P.M. for **PROPOSED ORDINANCE NO. 2018-10**,  **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti. Thus, it becomes **ORDINANCE NO. 5617**

PROPOSED ORDINANCE NO. 2018-11

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 C-1 to R-1 Single Family 421 & 501 S. Capital Ave.)
(Assigned to the Land Use Planning Committee)

Mr. Tanner 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 motion carried.

James Vance, 71093 Dawn Dr. Union Michigan represented his parents and two sisters. He said his parents recently passed, the property was a family business called Vance refrigeration which closed in 2005. Mr. Vance explained they were planning on selling the property. He said the property was zoned residential before the business, and they would like to rezone it back to R-1 Single family. Mr. Vance said there were two homes, with two stall garages and a shop on the properties. He continued to say since Elm Road came in, Capital Avenue turned into a dead-end street, the family felt there was no use in putting another commercial property.

Mr. Tanner asked were the two homes going to be sold as a package including the accessory buildings. Mr. Vance answered yes.

Questioned was called for at 7:38 P.M. for **PROPOSED ORDINANCE 2018-11**  **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti. Thus, it becomes **ORDINANCE NO. 5618**

PROPOSED ORDINANCE NO. 2018-12

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 C-1 to C-4 Auto Oriented Commercial for Car Was E. of 906 W. Edison)
(Assigned to the Land Use Planning Committee)

Chief Deputy Clerk Hazen read a letter from the petitioner requesting for **PROPOSED ORDINANCE NO.2018-12** to be tabled until the June 18, 2018 meeting.

Mr. Compton made a motion to table **PROPOSED ORDINANCE NO. 2018-12** until the June 18, 2018 meeting second by Mr. Banicki motion carried.

UNFINISHED BUSINESS

PROPOSED ORDINANCE NO. 2018-07

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.

(PUD Amend- Apartment Development S. of Vistula, E. of Bittersweet)
(Assigned to the Land Use Planning Committee)

Chief Deputy Clerk Hazen read a letter from the petitioner requesting to withdraw **PROPOSED ORDINANCE NO.2018-07**.

Mr. Compton made a motion to withdraw **PROPOSED ORDINANCE NO. 2018-07** June 04, second by Mr. Banicki motion carried.

NEW BUSINESS

Mrs. Voelker announced there would be a Historic District meeting on June 5th at 7:00PM at the Center for Hospice to explore options for the Edgewater, Park Ave., John St. & Cedar St. area.

Mr. Emmons announced the St. Bavos Neighborhood Meeting would be June 21st at 7:00PM. The speaker will be Ken Prince, City Planner speaking on the Beutter Park Development.

ADJOURNMENT 7:43 P.M.

Mary Ellen Hazen /s/
Mary Ellen Hazen, Chief Deputy Clerk

Matt Mammolenti /s/
Matt Mammolenti, President