

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
January 21, 2019

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 January 21, 2019, at 7:00 p.m. The meeting was called to order by President Emmons all were asked to stand for the Pledge of Allegiance.



Roll Call.

Present: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

Minutes for the Regular Meeting of January 07, 2019 were approved as received from the Clerk's Office.

Clerk Block read letters from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their January 09, 2019 meeting.

APPEAL #18-45 An appeal submitted by Edison Lake View Associates, LLP, requesting a Conditional Use for a tattoo establishment at **236 W. Edison Road.**

The Board with a vote of 4-0, recommended approval subject to the following conditions:

1. The tattoo and body piercing studio must comply with all regulations and permitting requirements per Chapter 18 – Business Regulations, Article X – Tattoo and Body Piercing Establishments of the City of Mishawaka.
2. There shall be no loitering or disruptive behavior in or around the business. If problems are encountered as identified by the Mishawaka Police Department, and those problems are not corrected, the Conditional Use shall be revoked by default.
3. No one under the age of 18 shall be permitted to have artwork done to their body unless accompanied by their parent or legal guardian and proof of identification is showed. Identification must include a certified birth certificate.

PETITION #18-31 A petition submitted by FHS Investments, LLC, requesting to annex and zone property located at **53013 Fir Road** to C-6 Linear Office Commercial District.

The Commission, with a vote of 7-0, recommended approval.

PETITION #18-34 A petition submitted by Darin Hurn requesting to amend the Fir Road Athletic Club Planned Unit Development to allow a senior daycare at **6005 Fir Road.**

The Commission, with a vote of 7-0, recommended approval.

Clerk Block read the following proposed ordinances by title were assigned to a committee and set for public hearing at next the meeting.

PROPOSED ORDINANCE NO, 2019-02

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

(Annex & Zone C-6 Office 53013 Fir Rd.)
(Assigned to the Land Use Planning Committee)

PROPOSED ORDINANCE NO, 2019-03

**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 – add Senior Daycare 6005 N. Fir Rd.)
(Assigned to the Land Use Planning Committee)

PROPOSED ORDINANCE NO, 2019-04

**AN ORDINANCE AMENDING ORDINANCE 5642 THE FIXING THE SALARIES OF ALL
EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK
DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE
CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2019.**

(Petitioner requested second reading)

Mr. Compton made a motion to suspend council rules to allow second reading on **PROPOSED ORDINANCE NO. 2019-04** upon a second by Mr. Banicki motion carried.

Rebecca Miller, City Controller explained they were adding the Bi-weekly salaries for pre-hire from the current contract with the FOP for the 2nd class officer, probation, and recruits. She went on to say the current CBA changed 2nd class, probation and recruits hired after January 1st, 2018. Ms. Miller said when salaries were changed for everyone, they realized there were some 2nd class officers and probationary officers that were hired prior and received continued raises. She said this ordinance would amend it.

Question was called for at 7:08 P.M. for **PROPOSED ORDINANCE NO. 2019-04**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.** Thus, it becomes **ORDINANCE NO. 5647AA**

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

RESOLUTION NO. 2019-01

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:

236 West Edison Road, Mishawaka, Indiana

Amber Olsen said she has been a tattoo artist for 10 years. She said she currently worked in South Bend near the Niles, Michigan border, she was looking for a place closer to home.

Mrs. Voelker questioned the number of employees. Ms. Olsen said there was an artist of interest from St. Joe, Michigan. She said she would probably run the shop by herself for a little while.

Mr. Mammolenti asked did Ms. Olsen currently own the tattoo shop in South Bend. Ms. Olsen replied no, she rented a both. Mr. Mammolenti also asked how long she has been at the South Bend location. Ms. Olsen replied 10 years.

Question was called for at 7:11 P.M. for **RESOLUTION NO. 2019-01**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9) Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.**

Clerk Block asked for the council to amend the agenda to add **RESOLUTION NO. 2019-02**. Mr. Banicki made a motion to add **RESOLUTION NO. 2019-02** to the agenda upon a second by Mr. Tanner motion carried

Clerk Block read **RESOLUTION NO. 2019-02** in its entirety and opened for public hearing.

RESOLUTION NO. 2019-02

**RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA
HONORING ROSS DEAL
FOR SERVICE TO THE CITY OF
MISHAWAKA**

Mayor Wood congratulated Mr. Deal on a much deserved opportunity. He continued to say he was looking forward to working with Mr. Deal on a state level.

Members of the council also congratulated Mr. Deal on his opportunity. They also thanked Mr. Deal for his years of service.

Mr. Deal expressed he did not realize how much he would miss Mishawaka. He continued to say Indianapolis was not Washington; there were lots of great people on both sides. Mr. Deal said a number of State Representatives offered to help, support and work with him. He said he would always be a Mishawaka guy, it would never change. Mr. Deal continued to say if there was anything he could do on behalf of Mishawaka; he would do it to the best of his ability. He expressed his appreciation for the recognition and the opportunity to serve on the council.

Question was called for at 7:21 P.M. for **RESOLUTION NO. 2019-02**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

NEW BUSINESS

Mr. Compton made a motion to suspend the rules for Mayor Wood's State of the City on March 25th to be held at Battell Center upon a seconded by Mr. Tanner motion carried;

Mayor Wood announced they reached an agreement with Hazardous Waste Management to open the Mishawaka 5th Street location on March 01, 2019 through December 01, 2019. He said the board adopted a new property tax; it would apply to everyone in the county with an exception of the City of Mishawaka. Mayor Wood said the property tax would be nine dollars, the city's contribution was to provide the facilities and workers to accomplish a second site in Mishawaka. He continued to say they had a very successful year last year, although they were only opened for three months.

Mr. Compton thanked Mayor Wood and Mr. Emmons for keeping the Mishawaka location open.

Mrs. Voelker stated the manager of 5th Street did a great job.

ADJOURNMENT 7:32 P.M.

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

Dale "Woody" Emmons /s/
Dale "Woody" Emmons, President