

AGENDA

September 16, 2013

**Meetings of Standing Committees
Council Conference Room
6:45 P.M.**

**REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00 P.M.**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of the Minutes of the Previous Regular Meeting**

September 03, 2013

5. Petitions, Communications, Remonstrance and Memorials

A Regular Meeting of the City Plan Commission regarding recommendations from their September 10, 2013 meeting

A Regular Meeting of the Board of Zoning Appeals regarding recommendations from their September 10, 2013 meeting.

- 6. Report of Special Committee**
- 7. Ordinances on First Reading**

P.O. NO. 2013-43 Transfer Funds - City Clerk's Office - \$3,000.00

P.O. NO. 2013-44 Amend the PUD to allow Single Family and Duplex Residential Units - 1607 E. Jefferson and vacant lot east

8. Resolutions

R2013-18 Confirming Resolution - Long Term Care Investments, LLC - 5815 Fir Rd & part of 5805 Fir Rd

R2013-19 Use Variance to allow auto repair, art/photo studio, and warehouse - 2020 West 6th Street

- 9. Ordinances on Second Reading**
- 10. Privilege of the Floor - Non-Agenda Items**
- 11. Unfinished Business**
- 12. New Business**
- 13. Adjournment**

At this time I know of no other business to come before the Council.
Deborah S. Block, IAMC, MMC, City Clerk

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

September 3, 2013

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Tuesday September 3, 2013 at 7:00 p.m. The meeting was called to order by President Michael Compton and all were asked to stand for the Pledge of Allegiance.

Clerk Block's roll call showed the following:



Roll Call.

Present: Mr. Reisdorf, Mr. Banicki, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Absent/Excused: Mrs. Voelker.

Others present; Mary Ellen Hazen Chief Deputy I, Linda Dotson Chief Deputy II, and Council Attorney Mike Trippel

The minutes from the August 19, 2013 meeting were approved as received from the Clerk's Office.

Clerk Block presented the following Petition to the Council, who referred them to the Plan Commission for their recommendation

Appeal No. 2013-34 Use Variance to allow auto repair, art/photo studio,
and warehouse – 2020 West 6th street

Petition No. 2013-32 Amend PUD to allow single family and duplex residential
units – 1607 E. Jefferson & vacant lot east.

The following proposed ordinances were given first reading, and assigned to committee, to be set for public hearing at the next regular meeting.

PROPOSED ORDINANCE NO. 2013-41

AN ORDINANCE FOR APPROPRIATIONS AND TAX RATE

(School City of Mishawaka 2014 Budget)

(Assigned to Budget and Finance Committee)

PROPOSED ORDINANCE NO. 2013-42

AN ORDINANCE FOR APPROPRIATIONS AND TAX RATE

(Civil City Budget and Tax Levy for 2014)

(Assigned to Budget and Finance Committee)

Clerk Block read **RESOLUTION NO. 2013-17** opening it for public hearing.

RESOLUTION 2013-17

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA, TO BE AN ECONOMIC REVITALIZATION AREA

**Long term Care Investments, LLC
5815 Fir Road, and Part of 5805 Fir Road**

DECLARATORY RESOLUTION

**(Declaratory Resolution – Long Term Care Investments, LLC
5815 Fir Road & part of 5805 Fir road)**

Anthony M. Zappia Attorney, 52582 State Road 933 South Bend, said he was representing Long Term Care Investments in their request for Tax Abatement. He said he knew this meeting was only the Declaratory Resolution and approving it would not mean abatement was approved but it would give the Council a couple of weeks to digest all the information. Mr. Zappia said they would come back on Sept 13 for the Confirmatory Resolution. Mr. Zappia said this was not a new facility they plan to put \$15 million dollars in renovation and another \$1.5 million in furniture and fixtures; they would have 84 beds and are requesting a 7 year tax abatement as it relates to their application.

Mr. Zappia stated they would be bringing in new positions and not bringing any positions from another location. He said they propose to hire 61 new full time employees at the general pay rate level, 13 skilled positions which would be RN's and LPN's at the rate of \$21.30 per hour, four skilled physical therapist at the rate of \$42.80 per hour, 22 semi-skilled assistance at the rate of \$10.50 per hour, 15 clinical support staff at the rate of \$12.50 per hour and seven department heads at the approximate rate of \$24.60 per hour, the annual payroll would be \$2.1 million dollars per year. He said it also should be noted they would have approximately 34 part time employees with an annual payroll of \$770,000 dollars per year, bringing the total annual salary to 2.8 to 2.9 million dollars in annual payroll. Mr. Zappia said these are real jobs that offer health insurance, dental insurance, vision insurance, sick pay, vacation pay and 401K contributions.

Mr. Zappia said this development would be a part of the North West TIF District and would not inhibit the district in anyway from moving forward with any other major projects that it may have.

Mr. Zappia stated that the taxes this facility would pay even with a 7 year abatement would be approximately \$605,000. He said without this abatement and if this property continues to lay dormant as it has for the last 7 to 8 years the taxes would be approximately \$13,000 in gross amount.

Mr. Bellovich said it was his understanding that Mr. Zappia's client previously had an abatement on a property and what he would like to see between now and the next meeting was the commitments that were made and where did he come in on meeting those

commitments on the stand point of jobs and payroll. Mr. Zappia asked what he could provide for Mr. Bellovich in specifics. Mr. Bellovich said he would like to know if the jobs that were actually targeted prior to the construction and where those jobs actually fell after the facility was up and running and also the same thing with payroll dollars. Mr. Zappia said that was a fair question.

Question was called for at 7:14 p.m. on **RESOLUTION NO. R2013-17** the  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Mr. Reisdorf, Mr. Banicki, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Absent: Mrs. Voelker.

Clerk Block read **PROPOSED ORDINANCE NO. 2013-37** opening it for public hearing.
PROPOSED ORDINANCE NO. 2013-37

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

Vacation of Public Right of Way – Second East-West Alley South of Stanley Street West of Sara Street approximately 151 feet and the First North-South Alley South of Stanley Street West of Sara Street approximately 120 feet.

Mr. Roggeman 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.

Ken Prince City Planner said the Alley vacation was L shaped and located just off to west of Sarah Street north of the Canadian National Railroad and part of the Main Street reconfiguration, this alley was deemed as excess and no longer needed to provide access to property.

Question was called for at 7:17 p.m. on **PROPOSED ORDINANCE NO. 2013-37** the  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Mr. Reisdorf, Mr. Banicki, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman. **Absent:** Mrs. Voelker. Thus it becomes:
ORDINANCE NO. 5414.

Clerk Block read **PROPOSED ORDINANCE NO. 2013-38** opening it for public service.
PROPOSED ORDINANCE NO. 2013-38

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

Amend the PUD for Heritage Square in the North East area of Gumwood Road and State Road 23 Proposed Hampton Inn and Suites Hotel.

Mr. Banicki reported the

Fire Chief Dale

Mr. Bellovich reported the Budget and Finance Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Banicki, motion carried.

Mayor Dave Wood said this was a continuation of the 2012 salary ordinance in which case the collective bargaining units negotiated 1½% for elected officials and the full time staff for 2013 budget and there are no changes from what they discussed last year.

Question was called for at 7:33 p.m. on **PROPOSED ORDINANCE NO. 2013-40** the 
Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mr. Reisdorf, Mr. Banicki, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman. **Absent:** Mrs. Voelker. Thus it becomes: **ORDINANCE NO. 5417**

NEW BUSINESS

President Compton said there was the matter of a Council Appointment to the Animal Control Board and at this time they would like to appoint Dr. Miria Covey a Veterinarian in the City of Mishawaka. Mr. Reisdorf said he would like to make a motion to appoint Dr. Miria Covey to the Animal Control Board with a second by Mr. Banicki the motion carried. Mr. Compton congratulated Dr. Covey and said her service was greatly appreciated.

President Compton recognized that the Youth Council was in the audience and he appreciated their attendance and was looking forward to their service to the city..

Mr. Emmons there would be no September Neighborhood Watch meeting for his district.

Mr. Mammolenti said there would be a Neighborhood Watch meeting on September 18th at 7 pm at Twin Branch School cafeteria.

There being no further business to come before the Council, President Compton adjourned the meeting at 7:36 p.m.

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

☐ ☐ S. Michael Compton
S. Michael Compton,
Presiding Officer



are proposed along Jefferson



2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because of the mixed commercial/industrial/residential nature of the area along the railroad tracks;
3. The need for a variance arises from the nature of the area, where property owners are very protective of the intensive zonings of their properties. A use variance would allow the proposed non-commercial automotive uses, and work space for artists, while still protecting the industrial zoning for future use and also protecting the residential users in the vicinity;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the current I-1 light Industrial zoning would not allow for the automotive oriented and professional art studio/gallery uses; and
5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies other surrounding areas as Commercial. The approval is consistent with the goals and objectives of the Comprehensive Plan.

ATTACHMENTS

APPEAL, PHOTOGRAPHS, AERIAL, LOCATION MAP

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this ____ day of _____, 2012 at ____
o'clock, ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ____ day of _____, 2013 at ____ o'clock,
____M.

David A. Wood, Mayor



ORDIN

RECEIVED

distance of 20.22 feet, thence South 81°27'20" West parallel with and 45.00 feet Southerly of the centerline of Jefferson Road, a distance of 154.65 feet to the West line of the Southwest 1/4 of said Section 11; thence North 00°00'00" East along said West line, a distance of 10.72 feet to the Point of Beginning and containing 0.067 acres, more or less.

Tax ID Number(s):

27-1001-0479

71-09-11-301-001.000-022

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