

AGENDA

Tuesday, April 1, 2014

**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**

March 17, 2014

- 5. Petitions, Communications, Remonstrance and Memorials**
- 6. Report of Special Committee**
- 7. Ordinances on First Reading**
- 8. Resolutions**
- 9. Ordinances on Second Reading**

P.O. NO. 2014-04 Rezone from C-5 Neighborhood Commercial to R-1 Single-Family Residential
Vacant Land West of 119 E. Donaldson Ave. (Assigned to Land Use Planning Committee)

- 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
March 17, 2014

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, March 17, 2014 at 7:00 p.m. The meeting was called to order by President Matt Mammolenti all were asked to stand for the Pledge of Allegiance.

Roll Call.

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

Absent/Excused: Mr. Emmons.

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

The minutes from March 3, 2014 meeting were approved as received from the City Clerk's Office.

Clerk Block read a letter from the City Plan Commission was read regarding recommendations from their March 11, 2014 meeting.

PETITION NO. 2014-03 A petition submitted by the City of Mishawaka Redevelopment Commission requesting to rezone vacant property west of 119 East Donaldson Avenue from C-5 Neighborhood Commercial to R-1 Single Family Residential.
RECOMMENDED APPROVAL

RESOLUTION 2014-01 A Resolution amending and consolidating existing City Tax Increment financing (TIF) Districts.
RECOMMENDED APPROVAL

Clerk Block read **PROPOSED ORDINANCE NO. 20114-04** opening it for public record.

PROPOSED ORDINANCE NO. 2014-04

**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 1966" OF
THE CITY OF MISHAWAKA, INDIANA**
(Rezone from C-5 Neighborhood Commercial to R-1 Single-Family Residential Vacant Land
East of 119 East Donaldson Avenue)
Assigned to Land Use Planning Committee

Clerk Block read **RESOLUTION NO. 2014-07** opening it for public hearing.

RESOLUTION NO. 2014-07

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, APPROVING AN ORDER OF THE CITY OF MISHAWAKA PLAN
COMMISSION APPROVING A CERTAIN DECLARATORY RESOLUTION, AN
AMENDMENT TO THE BOUNDARIES OF THE NORTHWEST AREA
IMPROVEMENT PROJECT, CONSOLIDATION OF THE SOUTHSIDE
ECONOMIC DEVELOPMENT AREA AND THE NORTHWEST IMPROVEMENT
PROJECT INTO ONE CONSOLIDATED AREA IMPROVEMENT PROJECT, AND
AN AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE
CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY THE CITY
OF MISHAWAKA REDEVELOPMENT COMMISSION**

(Changing TIF Boundaries)

Mayor Dave Wood said he was in support of this amendment to the TIF District, it was an important issue for the City Of Mishawaka as everyone knows TIF is a fairly complicated subject but one thing is sure TIF is the biggest Economic Development Tool that the City Of Mishawaka has. He said TIF is responsible for much of the improvements over the last couple of decades. Mayor Wood said TIF has been under sedge down state and the city was anticipating changes coming from the General Assembly. He explained while Mishawaka has looked at altering the TIF Boundaries for the past year they have really accelerated that especially knowing the TIF was going to be under closer scrutiny down state for various reasons. Mayor Wood stated without TIF Mishawaka would be a vastly different place., we would still have 57 Uniroyal buildings in the down town area, we possibly would only have two lanes of road way out by the mall, it also helps in keeping down the sewer rates for business and citizens because part of the improvements have been built into the TIF to the tune of about three million dollars per year, it has been responsible for good development and a quality of life issue for our city. Mayor Wood asked the Council for their support in this amendment and said it has been and would be used very responsibly, conservatively, and prudently.

Ken Prince, City Planner, said he would be speaking in support of this Proposed Resolution to consolidate the north side and south side TIF together. He said giving some background of the changes, they have started looking 20 years into the future of possible needs and direction fro the city. Mr. Prince said historically they have worked in five year increments, trying to take all the needs they have envisioned applying them to a map and see what would be appropriate. Mr. Prince said Mary Gibbard Park was one example of an area that there was no justification to pull a TIF to modify the boundaries to cover the park, that park would have to be improved by other means probably CEDIT, not everything can be done by TIF. He said they have included in the amendment only the most logical and prudent projects.

Mr. Prince said in the scope of 20 years out they have looked at both need as well as likely development trends, broke the projects into categories, public building projects, general and utility infrastructure, being a partner with INDOT and making improvements specifically in the Lincolnway Corridor, new road infrastructure, park projects, railroad separation and the associated projects that go with that, redevelopment projects, River Walk and the improvements that go with them, road and transportation enhancements and waste water long term control projects. He said taking all of this into account they found the long term needs identified within the proposed TIF boundaries exceed the projected revenue by about double.

Mr. Prince went on to explain if TIF goes away there would be a significant increase in utility rates.

Mr. Prince's presentation and map of the proposed amended TIF District is hereby incorporated by reference into these minutes, and are on file in the office of the City Clerk.

Ms. Voelker said residential tax money was not included in the TIF. Mr. Prince stated that was correct. He said when the original TIF areas were created anything built after that date the increase in the assessed value would go into the TIF. Mr. Prince stated one of the arguments the school system has they understood the commercial side but not the residential side of this equation; they still have to provide education to the children. He said over the last 10 years they have had multiple releases of assessed valuation, they worked with them on Wild Flower Cove, they then had a time when they were not monitoring the incremental changes in TIF and they ended up reimbursing them funds. Mr. Prince said the intent was not to capture the increase in residential assessed valuation so they wrote the auditor at the time and made a specific request for them (especially the Redevelopment Commission) not to collect any additional assessed valuation from those residential areas.

Ms. Voelker stated the residential areas within this new revised TIF District taxes would go to the schools. Mr. Prince said that was correct.

Mr. Mammolenti said when talking about the school districts obviously you have looked at releasing funds to help out the school districts you found it would not serve as much of a benefit actually it would be a contrast based on the utility rates. Mr. Prince said he did not feel it would be a contrast but he does think the value would be demonist and it goes back to PHM in the 10 million dollar release they would see only a potential of 35 thousand dollars but overall he believes that when the debt goes down the number would go down proportionate to the tax rates. He said he was talking about TIF in it's entirety that was where the utility rates would automatically go up.

Randy Rompola, Bakers and Daniels 202 South Michigan Street, South Bend said if the Council would approve this Declaratory Resolution the Plan Commission would have to adopt a Confirming Resolution at which time they would hold a public hearing for which notice would be given, not only to the public but the overlapping taxing units as well.

Kate stated the overlapping taxing units have already been notified correct. Mr. Rompola said in fact they have.

Robert Raz 10760 Kubitschek Drive, Osceola thanked the Council for allowing him to speak as he does not live in the Mishawaka. He also thanked Mr. Prince for such a great public servant. Mr. Raz said he wanted to speak against this amendment and asked if he could hand out a graph he made. He said he has only lived in Indiana for 10 years coming from Michigan it was difficult for him to understand Indiana's taxing process. Mr. Raz said he understands all the good things TIF has done and can do in the future in general his big beef was what a TIF represents and what it is, because it is a taking of taxes that was set up to do one specific thing and then taken and used for a completely different purpose. He said it started out small and was very incremental now it has been around for 30 years and you can see the big hit on some of these taxes and he was not sure if they

were aware they are TIF'ing themselves, if they would just TIF the city he would go away, but his tax base in Penn Twp was also being taxed.

Ms. Voelker thanked Mr. Raz for his e-mails and all his work on this topic.

Mr. Compton said appreciates the work Mr. Raz has done and understands his point he tends to agree with him on tax abatements more so then TIF but the results are so obvious like the Main Street Underpass, Uniroyal, the entire north side development, the connection from the toll road now into that development which enhances and improves lives for all of us not just the City of Mishawaka but those around us. He said he struggles with this also especially when he negotiates wages with the Fire and Police Departments but there is some validity to Mr. Compton said for the greater good and the future of the city he can say it has benefited Mishawaka and its citizens so would be supporting this Resolution.

Mr. Roggeman thanked Mr. Prince and staff and said in echoing what Mr. Compton said in a lot a ways, when people look at Mishawaka they see where TIF has worked and worked well, so he too would be supporting this Resolution. He thanked Mr. Raz and said that he has read all of his e-mails and Mr. Prince's responses, and he feels that was how government should work where you make a coherent argument and get response back whether or not your agree it is taken the right way. He said he would be supporting this Resolution and he was sure there would be more questions as they go along.

Mr. Mammolenti said he reiterated what the other Council members have said and to also extend his appreciation for the work done by the Mayor, and Mr. Prince. He also thanked Mr. Raz for the e-mails with healthy dialogue between him and Mr. Prince.

Question was called for at 7:48  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

NEW BUSINESS

Mr. Reisdorf thanked Mr. Schrader, Mishawaka Utilities, Mayor Wood and Utility Board on the work they did in formulating an option to assist the residents affected by the Polar Vortex Snow Storm along with the utility rate change which seem to hit simultaneously. He said there was good dialogue and good citizen participation with quick action of the Utility Board to come up with a payment option.

Mr. Reisdorf said MACOG was having their public input period from April 2 to May 2, relating to projects for 2015 to 2018 for Federal Funding of Federal, State, and local projects for the next four years. He said there would also be an open house at MACOG on April 16th, the public period for comments would be April 2, and to May 2, and information would be available at MACOG.com.

Mr. Mammolenti said he would be having a neighborhood watch meeting on Wednesday March 19th at Twin Branch School on May 19th at 7 p.m. everyone was invited. He said his guest speaker would be Mayor Wood who would be providing a mini state of the city presentation.

There being no further business to come before the Council, President Mammolenti adjourned the meeting at 7:51 p.m.

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

☐☐ Matt Mammolenti
Matt Mammolenti, Presiding Officer

MAR 12 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 3-17-14
2nd Reading
Passed
Failed
Continued To

PETITION 14-03

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-04

ORDINANCE NO. _____

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.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

Lots #79 and #80, Lowell Heights

COMMON ADDRESS: Vacant property west of 119 East Donaldson Avenue

which real estate is now classified as C-5 Neighborhood Commercial District shall hereafter be within and a part of that District known as R-1 Single Family Residential District and designated in "The Zoning Ordinance of 1966" as amended.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Given the property's close proximity to the existing residential uses, the R-1 Single Family Residential zoning classification would be compatible with the surrounding residential uses;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, staff feels that the most desirable use for this property is the R-1 Single Family Residential zoning classification;

Proposed Ordinance No: 2014-04

Ordinance No: _____

3. Because the parcels sizes are small and not appropriate for commercial and/or industrial development, the proposed R-1 Single Family Residential zoning classification is a desirable use for these properties;
4. The R-1 Single Family Residential zoning classifications will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by continuing the existing residential use within the area;
5. The proposed R-1 Single Family Residential zoning is consistent with the City's Comprehensive Plan which indicated Low Density Residential for this area. The proposed R-1 Single Family Residential zoning classification is consistent with the existing residential uses in the area.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2014, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2014, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2014, at _____ o'clock ____M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

February 24, 2014

Honorable Members of the Common Council
City of Mishawaka, Indiana and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: Petition Rezoning Classification

The undersigned City of Mishawaka Redevelopment Commission respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

Lot #79 & Lot #80 Lowell Heights, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

Commonly known vacant land west of 119 E. Donaldson Avenue

Petitioner(s) own one hundred (100%) percent of the above described parcels of land which carries a zoning classification as C-5 Neighborhood Commercial.

Petitioner(s) desire said real estate to be rezoned R-1 Single-Family Residential.

Wherefore, the petitioner pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Sincerely,

David Thomas
Director, Dept. of Community development
City of Mishawaka

RECEIVED
DEBORAH S. BLOCK, MMC

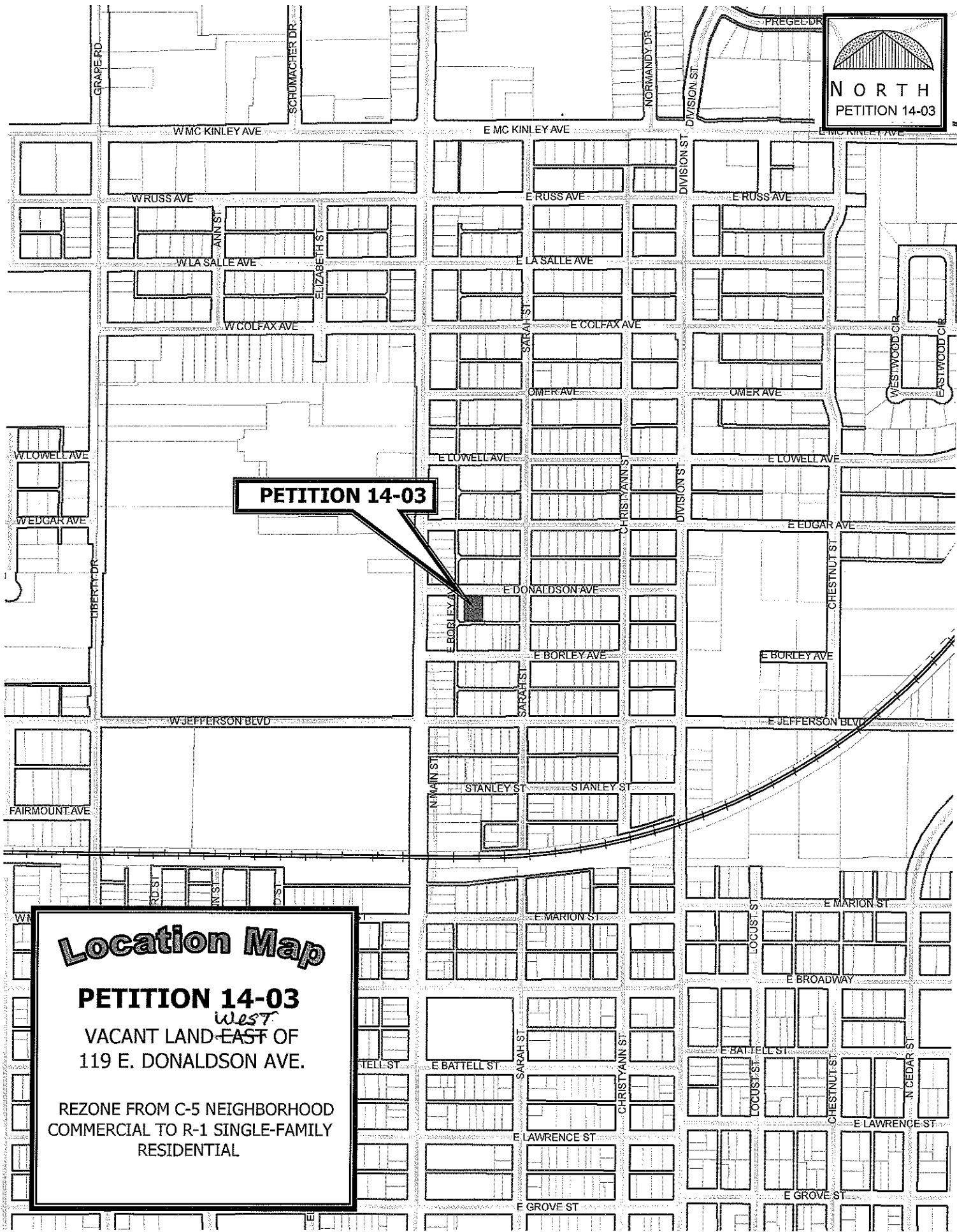
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CITY CLERK
MISHAWAKA, IN

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241
Building Phone: (574) 258-1607 Fax: (574) 968-6999
Community Development • Redevelopment • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999

Pet 1403



PETITION 14-03

Location Map

PETITION 14-03

West
VACANT LAND EAST OF
119 E. DONALDSON AVE.

REZONE FROM C-5 NEIGHBORHOOD
COMMERCIAL TO R-1 SINGLE-FAMILY
RESIDENTIAL