

AGENDA

Monday, September 16, 2019

**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, 2019

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendations from their September 10, 2019 meeting.

A letter from the City Plan Commission regarding recommendations from their September 10, 2019 meeting.

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

P.O. NO. 2019-24 Amend PUD to Allow Microblading as a Permitted Use 239 W. University Dr

8. Resolutions

R2019-22 Use Variance Outside storage & Developmental Variance to Permit Unpaved Area Within Outside Storage Area 3723 N. Home St. (CL Management & Leasing)

R2019-23 Use Variance to Permit Permanent Makeup Services (Microshading) & Cosmetology 605 W. Edison Rd, Unit L.

9. Ordinances on Second Reading

P.O. NO. 2019-21 Elected Officials Salary Ordinance for 2020 (Assigned to Budget and Finance Committee)

P.O. NO. 2019-22 City Employees Ordinance Salary Ordinance for 2020 (Assigned to Budget and Finance Committee)

P.O. NO. 2019-23 Civil City Budget and Tax Levy for 2020 **State Required Public Hearing - NO VOTE (Controller Requests Amendment)**

- 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

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
September 03, 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 September 03, 2019, at 7:00 p.m. The meeting was called to order by President Dale “Woody” 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.

Others Present: Clerk Block, Council Attorney Michael Trippel.

Minutes of the Regular Meeting of August 19, 2019 was approved as received from the Clerk’s Office.

Introduction and Swearing-in of Mayor Wood’s Youth Council

Mayor Dave Wood said the opportunity to swear-in the youth council for the year was one of the best days of the year for him. He continued to say this was one of his most important programs where they would see leadership impact the City of Mishawaka. He said this was the 10th Mayor’s Youth Council and there was no other program in this area as broad at getting kids amerced in as much activity, leadership and in government. Mayor Wood continued to say this was the best program in the state of Indiana, it was copied and emulated around the Midwest. He said in his term, 164 Mishawka students participated in the program, 100 percent of students went to college with all type of interest such as athletes, salutatorians, valedictorians, theater drama, priest, students in all three Military Academy’s, EMS Firefighter and one student would be trying out for an Olympic team very soon. Mayor Wood went on to say this year he would be swearing-in a group made up of sophomores, Juniors and Seniors from three of Mishawaka High Schools and a Mishawaka resident from Adams High school. He expressed the importance of this program was to teach students about local government. Mayor Wood continued to say students seem to know more about federal and state government but this program would provide education to the students on the most important level of government, which had the most impact on the student lives and community. He said this program was hands on to see public service operate, it was a leadership program, the students would embrace and excel. Mayor Wood mentioned every other year the students participated in a leadership project or a mock council meeting, this year would be leadership project and they would throw out new topics to the students. He mentioned the last youth council group held a mock council meeting with the help of Clerk Block, council members and others. Mayor Wood continued to say the students were exceling at being representatives, their approach and professionalism was outstanding dealing with real city issues. He also mentioned the students would participate in community service, each year they did a youth council thanksgiving food drive. Mayor Wood said their food drive served over 1,000 thanksgiving meals to Mishawaka’s neediest families. He said in this program they also tried to introduce the students to community leaders, they’ve had the opportunity to meet State Representatives, Governors, Lieutenant Governors, as well as local business leaders. Mayor Wood went on to say this year they had unique opportunities, they had several students who served two-year commitments already, they liked the program so much they wanted to continue to be a part of it to serve as mentors. He said the mentors would lead project My

Community, My Vision or they would come up with a project idea unique to Mishawaka to present it to the Indiana Housing & Community Development Authority to receive 5,000 dollars to help fund the project. Mayor Wood said they would also have the opportunity to take the students to Youth Council Legislative Day in Indianapolis to see state government in action and an opportunity to go to Bloomington to attend a conference for local youth council programs. He said the program was provided by and for the citizens of Mishawaka. Mayor Wood went on to say this program could not happen without the assistance of a lot of volunteers including parents, his wife Jamie Wood, and his staff Lou Ann Hazen and Debby Gregg. He said this year they would be swearing-in 30 students. Mayor Wood mentioned they received a lot of interest for the program this year, there was now a waiting list.

Clerk Block read a letter from the Board of Zoning Appeals regarding their recommendations from their August 13, 2019 meeting.

Appeal NO. 2019-37 Use Variance Outside Storage & Developmental Variance to Permit Unpaved Area Within Outside Storage Area 3723 N. Home St. (CL Management & Leasing)

Appeal NO. 2019-38 Use Variance to Permit Permanent Makeup Services (Microshading) & Cosmetology Services 605 W. Edison Rd, Unit L

Petition NO. 2019-10 Amend PUD to Allow Microblading As A Permit Use 239 W. University

Petition NO. 2019-11 Rezone From C-7 Auto Oriented Restaurant Com to C-4 Auto Oriented Com for a Car Wash Facility 410 W. McKinley

Clerk Block read the following proposed ordinances by title and was set for public hearing at the next meeting.

PROPOSED ORDINANCE NO. 2019-23

Civil City Budget 2020
(Assigned to Budget and Finance Committee)

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

RESOLUTION NO. 2019-21

**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:
228 West Edison Road, Suite 600, Mishawaka, Indiana
(Use Variance to Permit Micro-blading/permanent makeup)**

Lindsay Bowerman explained she has been in business for 3 years performing permanent make-up. She continued to say they offer permanent make-up to people who did not have eyebrows who were experiencing hair loss due to cancer and other different disorders.

Mr. Tanner said Ms. Bowerman mentioned she had been in business for 3 years, he asked was this business a new location. Ms. Bower replied yes.

Question was called for at 7:31 P.M. for **RESOLUTION NO. 2019-21**  **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 read the following proposed ordinance by title and were opened for public hearing.

PROPOSED ORDINANCE NO. 2019-21

**AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020
(Elected Officials Salary Ord)
(Assigned to the Budget and Finance Committee)**

Mr. Tanner made a motion to continue the public hearing for **PROPOSED ORDINANCE 2019-21** on September 16, 2019 same upon a second by Mr. Banicki motion carried.

PROPOSED ORDINANCE NO. 2019-22

**AN ORDINANCE 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, 2020.
(City Employee Salary Ord)
(Assigned to the Budget and Finance Committee)**

Mr. Tanner made a motion to continue the public hearing for **PROPOSED ORDINANCE 2019-22** on September 16, 2019 same upon a second by Mr. Banicki motion carried.

UNFINISHED BUSINESS

PROPOSED ORDINANCE NO. 2019-17

**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.
(Grandview PUD Amd- W. side of N. Gumwood, S. by Cleveland Rd. (SR23))**

(Assigned to the Land Use Planning Committee)

Clerk Block read a letter from Daryl Knip, Abonmarche Consultants INC., on the behalf of the portioners requesting withdrawal at this time.

Mr. Mammolenti made a motion to accept the petitioners request to withdraw **PROPOSED ORDINANCE NO. 2019-17** same upon a second by Mr. Compton motion carried.

Mr. Hixenbaugh made a few comments regarding the way the processed played out. He congratulated the neighbors who advocated against this, for their passion and the work they did to organize and speak their truth. Mr. Hixenbaugh went on to say there were some very impressive, kind, thoughtful people who contacted the council throughout the process but there were some who appeared before the council on too many occasion were insulted by the way they were addressed by the failure to follow rules and the lack of courtesy as they were the community and the council as the represented body of the community were shown. He continued to say he believed the council pride themselves to try to operate in an orderly fashion and to be very inclusive and listen to the perspectives of all. Mr. Hixenbaugh said he did not think it was too much to ask others for the same courtesy even when passions ran hot on issues close to home and their heart. He hoped in the future, as they strived to continue to be good neighbors and represent the concerns of the constituents, those who interact or appear before the council would show the same courtesies and work with them in a different compacity and fashion to try to address their concerns for a better outcome.

NEW BUSINESS

Ms. Petko-Reisdorf announced Twin Branch Neighborhood Watch meeting would be held on September 18, 2019 at 7:00PM. Speaker TBA.

Mr. Emmons announced 1st District Meeting would be held on September 19, 2019 at St. Bavo's Church at 7:00PM. Speaker would be K-9 Officer Beck and dog.

ADJOURNMENT 7:39 P.M.

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

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



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

September 11, 2019

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 11 2019

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
September 10, 2019, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above referenced date at which time the following Use Variances were considered:

APPEAL #19-37 An appeal submitted by Paul. A and Kathy F. Kitkowski requesting a Use Variance for **3723 North Home Street** to allow outside storage.

The Board, with a vote of 5-0, recommended approval subject to the following conditions:

1. An Administrative Site Plan shall be submitted.
2. Gravel area shall be limited to a screened outside storage area behind the building, identified on the site plan.
3. No vehicles shall be parked/stored on an unpaved surface; and
4. No known hazardous materials shall be stored on site.

APPEAL #19-38 An appeal submitted by EIG Edison Park Center, LLC, requesting a Use Variance for **605 West Edison Road, Unit L**, to permit permanent make-up services (microshading).

The Board, with a vote of 5-0, recommended approval.

Respectfully,

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Paul Kitkowski
LaSheen Taylor

STAFF REPORT

Location: 2723 N Home

Date: September 10, 2019

Appeal: 19 37

Prepared By: CH

GENERAL INFORMATION

Applicant: Paul & Kathy Kitkowski/CL Management & Leasing

Status: Property Owner / Contingent Purchaser

Request: Use Variance for outside storage area
Developmental Variances from hard surface to gravel in storage area

Zoning Classification: I-1 Light Industrial District

Lot Size: 2.81 acres

Applicable Regulations: Section 137-42 / (4) Board of Zoning Appeals – Use Variance;
Section 137-42 / (5) Board of Zoning Appeals – Developmental Variance;
Section 137-587 / I-1 District – Height, area and developmental regulations

SPECIAL INFORMATION

Area Development Pattern: North: I-1 Light Industrial and R Residential (Unincorporated St. Joseph County)
South: I-1 Light Industrial
East: C-4 Automobile Oriented Commercial
West: R Residential (Unincorporated St. Joseph County)

Thoroughfare: Home Street

School District: Penn-Harris-Madison

Township: Penn

Public Utilities: Available and Existing

Comprehensive Plan: Industrial (Manufacturing, Warehousing and Distribution)

ANALYSIS

The Appellant, has a contingent purchaser, dba Milestone Fence, looking to relocate their primary business operation to this site. The Use Variance being requested is for an outside storage area and a Developmental Variance from hard surface to gravel in the storage area, located behind the building.

The I-1 District Business related activities specifically states: *Outside storage of raw materials, finished products, or other incidental materials are prohibited.* Outside storage is only permitted as a conditional use in I-2 Heavy Industrial.

If the use and developmental variances are approved, an administrative site plan must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm water drainage, electric, gas, etc.), landscaping/screening, grading, erosion control, and any other required improvements.

All pertinent City departments have reviewed the requests.

The Fire Department requests the aggregate used in the storage area be large enough to support emergency vehicles.

The Engineering Department request any area where trucks will be driving be paved/hard surface. They have questions as to the intention of the storage area.

RECOMMENDATION

The Planning staff recommends approval of Appeal 19-37 to allow a Use Variance for outdoor storage and the Developmental Variance for a gravel storage area subject to the following conditions:

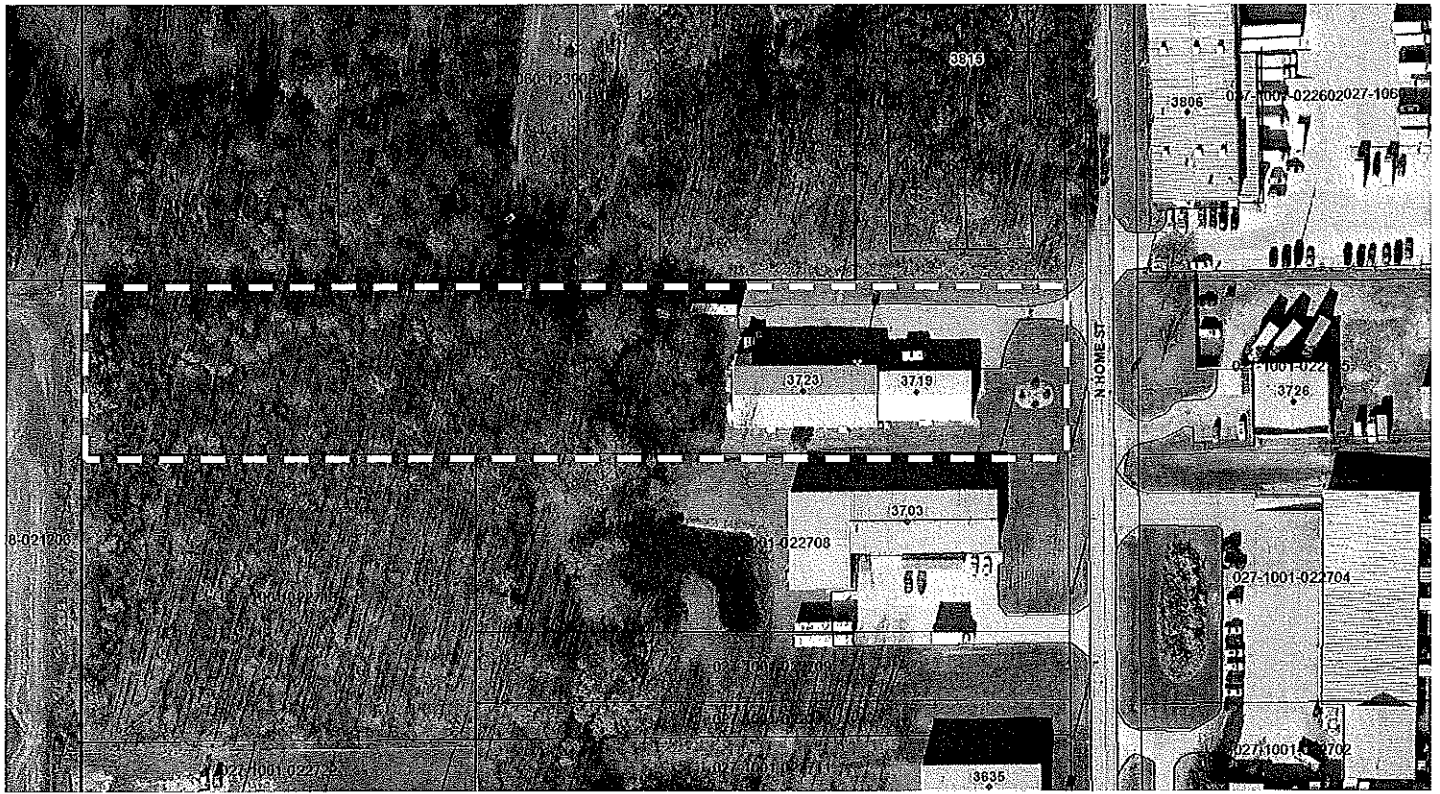
1. An administrative site plan shall be submitted.
2. Gravel area shall be limited to a screened outside storage area behind the building, identified on the site plan.
3. No vehicles shall be parked/stored on an unpaved surface; and
4. No known hazardous materials shall be stored on site.

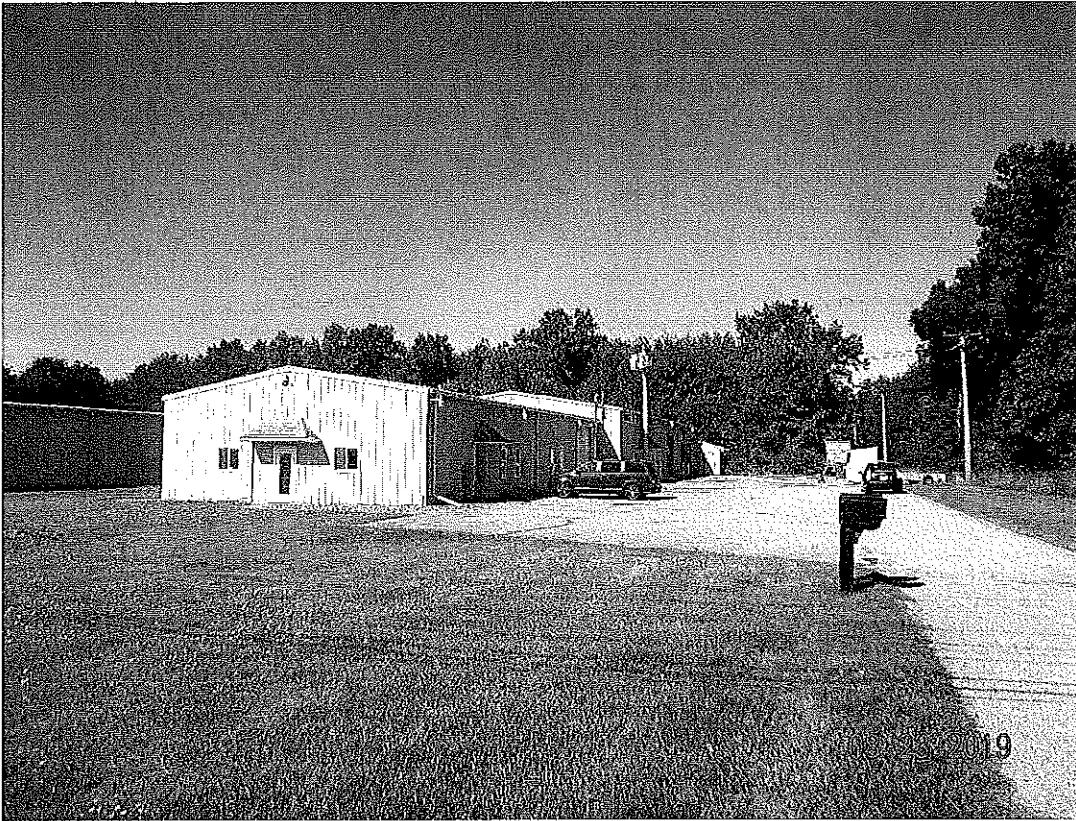
This recommendation is based upon the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the storage area will be over 300' from Home Street, behind the building;
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 the proposed use is consistent with the existing industrial properties within the area;
3. The need for the variance arises from some condition peculiar to the property in that the items to be stored would require a much larger building be constructed.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because although the use is allowed in the I-2 Heavy Industrial District, rezoning the property would allow the more intense uses of that district which may not be appropriate for this area.
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

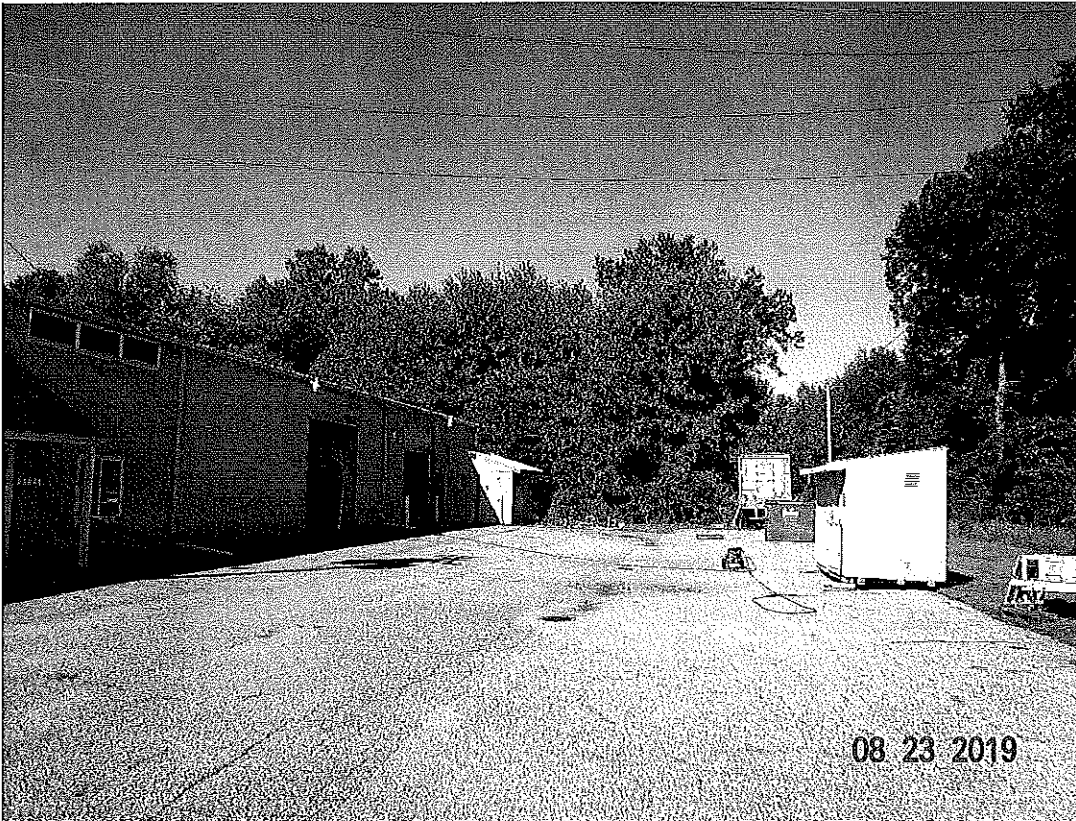
ATTACHMENTS

Aerial Photograph, Photographs, Appeal, Site Plan, Location Map





A view of the building from Home Street.



A view east of the proposed storage area (wooded area).

STAFF REPORT

Location: 605 W. Edison Road, Unit L

Date: Sept. 10, 2019

Appeal: 19 38

Prepared By: KM

GENERAL INFORMATION

Applicant: EIG Edison Park Center, LLC/Xclusive Beauty 'n BROWS
Status: Property Owner/Tenant
Request: Use Variance to allow microblading/semi-permanent make-up services
Zoning Classification: C-2 Shopping Center Commercial
Lot Size: Approximately 6.13 acres, more or less
Applicable Regulations: 137.42 Board of Zoning Appeals (4) Variance of Use

SPECIAL INFORMATION

Area Development Pattern: North: C-2 Shopping Center Commercial District
South: R-1 Single Family Residential District
East: C-4 Automobile Oriented Commercial District
West: C-2 Shopping Center Commercial District

Thoroughfare: Edison Road west of Grape Road

School District: Penn-Harris-Madison School Corporation

Public Utilities: All utilities are available or can be extended

Comprehensive Plan: General Commercial

ANALYSIS

The petitioners are requesting a Use Variance to allow for permanent makeup and microblading services within a new salon, Xclusive Beauty n' BROWS. Microblading is a form of semi-permanent makeup that provides a means to partially or fully camouflage missing eyebrow hair with the appearance of simulated hair using fine deposits of cosmetic tattoo pigments.

In the past year, we have received several requests for microblading. The latest request is inside a proposed salon in an existing commercial retail center.

It should be noted that while permanent makeup and microblading are services that can be found in a spa or beauty salon, it is a form of tattoo and not specifically permitted within the zoning district. The need for a Use Variance arises from the fact that a tattoo establishment is not an approved use within the C-2 zoning district.

All pertinent City departments have reviewed and approved of the request.

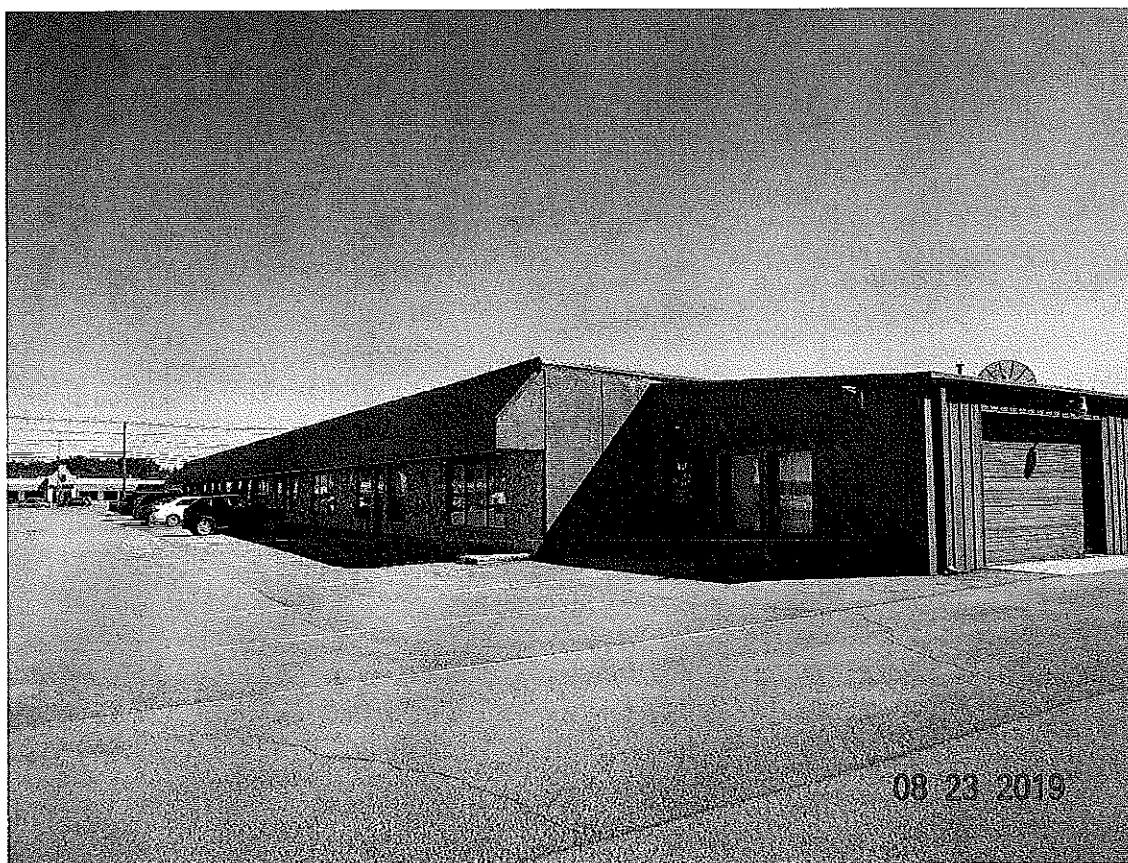
RECOMMENDATION (S)

Staff recommends in ***favor*** of Appeal #19-38 a Use Variance, to allow microblading services in Unit L at 605 W. Edison Road. This recommendation is based upon the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the existing business provides similar personal services/salon uses;
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 it is included in a large commercial development;
3. The need for the variance arises from some condition peculiar to the property involved in that the C-2 zoning does not permit a tattoo establishment, but does allow the salon where the process is taking place, thus requiring the Use Variance for the proposed use;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the nature of the business is similar to that of a salon and should not generate more traffic than any of the existing businesses within the development;
5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area for general commercial and the surrounding area is one of the largest consolidated retail areas in the State of Indiana.

ATTACHMENTS

Photographs, Aerial, Appeal, Location Map



View looking south from the unit



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

September 11, 2019

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
September 10, 2019, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

A regular meeting of the Mishawaka Plan Commission was held on the above referenced date at which time the following proposed ordinance was considered:

PETITION #19-10 A petition submitted by DF Properties LLP requesting to amend the Park Plus Planned Unit Development, **239 West University Drive, Granger**, to allow microblading as a permitted use.

The Commission, with a vote of 8-0, recommended approval.

Pursuant to I.C. 36-7-4-605 the Mishawaka Plan Commission hereby certifies to the Mishawaka Common Council the attached proposed ordinance regarding the above matters.

Respectfully,

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Aaron Slagel

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 11 2019

CITY CLERK
MISHAWAKA, IN

STAFF REPORT

Location: 239 W. University Drive

Date: Sept. 10, 2019

Petition: 19 10

Prepared By: KM

GENERAL INFORMATION

Applicant: DF Properties LLP/Blown Away Blow Dry Bar, Inc.

Status: Property Owner/Tenant

Request: Amend Park Plus PUD to allow microblading/semi-permanent make-up services

Zoning Classification: S-2 Planned Unit Development

Lot Size: Irregular

Applicable Regulations: Section 137-671 to 137-679 S-2 Planned Unit Development District
Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development
South: S-2 Planned Unit Development
East: S-2 Planned Unit Development
West: C-1 General Commercial

Thoroughfare: University Drive west of Main Street

School District: South Bend Community School Corporation

Township: Clay

Public Utilities: All utilities are available to the site

Comprehensive Plan: Service Commercial

ANALYSIS

The petitioners are requesting to amend the Park Plus Planned Unit Development to allow for microblading services within one of the units. Microblading is a form of semi-permanent makeup that provides a means to partially or fully camouflage missing eyebrow hair with the appearance of simulated hair using fine deposits of cosmetic tattoo pigments.

Park Plus PUD was established in 1994 as a professional and commercial development and the uses have generally followed the C-1 General Commercial District. The need to amend the PUD arises from the fact that a tattoo establishment is not an approved use within the C-1 zoning district.

It should be noted that while microblading is a service that can be found in a spa or beauty salon, it is a form of tattoo and not specifically permitted within the zoning district or the PUD as established.

All pertinent City Departments have reviewed this request and recommend approval.

RECOMMENDATION

Staff recommends in favor of Petition #19-10 to amend the Park Plus PUD to allow microblading services. This recommendation is based on the following findings of fact:

1. Existing Conditions – The use will be located near other buildings with similar personal services/salon uses.
2. Character of Buildings in Area - The character of the buildings located within this development and the surrounding area are professional and commercial.
3. The most desirable/highest and best use – Because of the parcel's location within the professional/commercial development, the most desirable use for the property is commercial/personal services.
4. Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the nature of the business is similar to that of a salon and should not generate more traffic than any of the existing businesses within the development.
5. Comprehensive Plan- The proposed amendment is consistent with the Comprehensive Plan identifying this area for service commercial uses.

ATTACHMENTS

Photographs, Petition, Aerial, Location Map



View of Blown Away Blow Dry Bar



View from entrance drive

SEP 11 2019

CITY CLERK
MISHAWAKA, IN

PETITION 19-10

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2019-24

ORDINANCE NO. _____

1st Reading 9-16-19
2nd Reading
Passed
Failed
Continued To

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, Clay Township, St. Joseph County, State of Indiana, to-wit:

Lot 5 being a parcel of land being a part of the Northeast Quarter of Section 28, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as commencing at the Southeast corner of the Northeast Quarter of said Section 28; thence North 0°-34'-41" East along East line of said Northeast quarter, a distance of 915.81 feet; thence South 89°-35'-28" West, a distance of 450.86 feet to the place of beginning also being the Southwest corner of a parcel of land conveyed to Midas Realty; thence continuing South 89°-35'-28" West, a distance of 523.88 feet; thence North 0°-24'-32" West, a distance of 91.89 feet to the South right-of-way line of University Drive, thence along a non-tangent curve to the left having a radius of 994.93 feet and a central angle of 14°-13'-25" and limited in length by a chord which bears North 66°-37'-58" East, a distance of 246.36 feet; thence North 59°-31'-13" East, a distance of 105.76 feet; thence along a curve to the right having a radius of 914.93 feet and a central angle of 14°-21'-05" and limited in length by a chord which bears North 66°-41'-44" East, a distance of 228.57 feet to the Northwest corner of said Midas Realty Parcel; thence South 0°-28'-44" West along the West line of said Midas parcel, a distance of 332.00 feet to the place of beginning containing 2.54 acres more or less. Located on the south side of University Drive approximately 415 feet west of North Main Street, Mishawaka, Indiana.

COMMON ADDRESS: 239 West University Drive, Granger

Proposed Ordinance No: 2019-24

Ordinance No: _____

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow microblading services.

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

1. Existing Conditions – The use will be located near other buildings with similar personal services/salon uses.
2. Character of Buildings in Area - The character of the buildings located within this development and the surrounding area are professional and commercial.
3. The most desirable/highest and best use – Because of the parcel's location within the professional/commercial development, the most desirable use for the property is commercial/personal services.
4. Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the nature of the business is similar to that of a salon and should not generate more traffic than any of the existing businesses within the development.
5. Comprehensive Plan- The proposed amendment is consistent with the Comprehensive Plan identifying this area for service commercial uses.

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 _____, 2019, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2019, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: 2019-24

Ordinance No: _____

APPROVED by me this _____ day of _____, 2019, at
_____ o'clock _____.M.

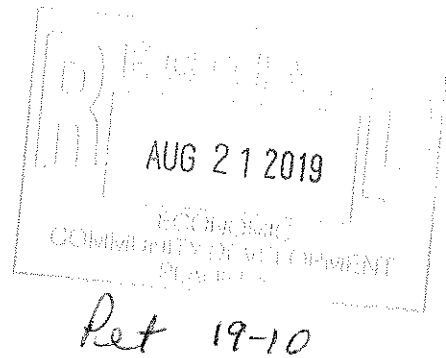
David A. Wood, Mayor

AUG 28 2019

August 13, 2019

CITY CLERK
MISHAWAKA, IN

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



RE: PETITION FOR PUD AGREEMENT

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

Lot 5 being a parcel of land being a part of the Northeast Quarter of Section 28, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as commencing at the Southeast corner of the Northeast Quarter of said Section 28; thence North 0°-34'-41" East along East line of said Northeast quarter, a distance of 915.81 feet; thence South 89°-35'-28" West, a distance of 450.86 feet to the place of beginning also being the Southwest corner of a parcel of land conveyed to Midas Realty; thence continuing South 89°-35'-28" West, a distance of 523.88 feet; thence North 0°-24'-32" West, a distance of 91.89 feet to the South right-of-way line of University Drive, thence along a non-tangent curve to the left having a radius of 994.93 feet and a central angle of 14°-13'-25" and limited in length by a chord which bears North 66°-37'-58" East, a distance of 246.36 feet; thence North 59°-31'-13" East, a distance of 105.76 feet; thence along a curve to the right having a radius of 914.93 feet and a central angle of 14°-21'-05" and limited in length by a chord which bears North 66°-41'-44" East, a distance of 228.57 feet to the Northwest corner of said Midas Realty Parcel; thence South 0°-28'-44" West along the West line of said Midas parcel, a distance of 332.00 feet to the place of beginning containing 2.54 acres more or less. Located on the south side of University Drive approximately 415 feet west of North Main Street, Mishawaka, Indiana.

Petitioner owns one hundred percent (100%) of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for commercial retail - salon services.

Petitioner desires said real estate to be amended to allow for the hair salon to add microblading services.

Wherefore, the petitioner prays and respectfully requests 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 amending the PUD of the above describe parcel of land located in the City of Mishawaka.

Gary Standiford, Managing Partner, DF Properties LLP

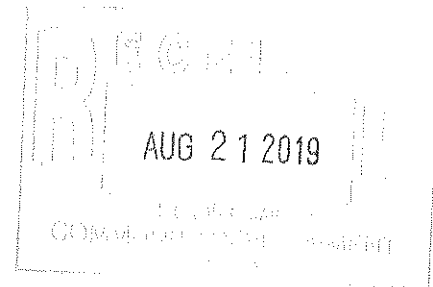
Contact Person: Aaron Slagel
1336 E. 510 S. Lafayette, IN 47909
phone: 765-412-4272 email: aaronslagel@msn.com

August 13, 2019

The undersigned, DF Properties – LLP, respectfully allows Kelly Reynolds, owner of “Blown Away Blow Dry Bar, Inc.” hair salon to appear and act on our behalf at the hearing of the amendment to the Planned Unit Development.



Gary Standiford, Managing Partner, DF Properties – LLP





C-1

N MAIN ST

S-2

S-2

S-1

W UNIVERSITY DR

PET 19-10

S-2

S-2

S-2

C-1

C-2

N MAIN ST

S-2

239 W UNIVERSITY

AMEND PUD TO ALLOW
MICROBLADING AS A
PERMITTED USE

S-2

S-2

Location Map

PET 19-10

SEP 11 2019

APPEAL #19-37

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2019- 22

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:

3723 North Home Street, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **3723 North Home Street, Mishawaka, Indiana**, more particularly known and described as follows:

A PART OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST (BEARING ASSUMED) ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2, 344.25 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 15 SECONDS WEST, 1.00 FOOT TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 03 MINUTES 15 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY LINE OF HOME STREET (60 FOOT RIGHT-OF-WAY), 150.00 FEET; THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST, 866.84 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 150.00 FEET; THENCE SOUTH 89 DEGREES 39 MINUTES 30 SECONDS EAST, 866.98 FEET TO THE POINT OF BEGINNING.

The Use Variance will allow outside storage in I-1 Light Industrial District subject to the following:

1. An Administrative Site Plan shall be submitted.
2. Gravel area shall be limited to a screened outside storage area behind the building, identified on the site plan.
3. No vehicles shall be parked/stored on an unpaved surface; and
4. No known hazardous materials shall be stored on site.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the storage area will be over 300' from Home Street, behind the building;
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 the proposed use is consistent with the existing industrial properties within the area;
3. The need for the variance arises from some condition peculiar to the property in that the items to be stored would require a much larger building be constructed;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because although the use is allowed in the I-2 Heavy Industrial District, rezoning the property would allow the more intense uses of that district which may not be appropriate for this area;
5. The recommendation is consistent, and/or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

RESOLUTION #2019- 22
3723 North Home Street
Page 3 of 3

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____
day of _____, 2019, at _____ o'clock ____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2019,
at _____ o'clock ____ .m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2019, at
_____ o'clock ____ .m.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 28 2019

CITY CLERK
MISHAWAKA, IN

DATE: August 10, 2019

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

1. I, Paul A Kitkowski & Kathy F Kitkowski, am the owner(s) of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

A 9,200 sq. ft. metal building located at 3723 n. Home Street on 3 (three) acres.

~~BEG 344/25' W OF N 1/4 CORNER OF SEC 2 150' N & S X 866.98' E & W CONT 3.80 AC MORE L~~
~~SEC 2 37 3E EX 1 FT N & 1 FT W 99-00 CORRECT 1 FT SPLIT~~ SEE ATTACHED
LEGAL DESCRIPTION

2. The above-described real estate presently has a zoning classification of I-1 Industrial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant proposes to occupy the above-described property in the following manner:

CL Management and Leasing is purchasing the property for the use of Milestone Fence LLC and Superior Access and Door LLC. Business operations will include use of trucks, equipment, outside storage for construction materials and office functions.

4. Appellant desires to:

As part of the business operations, CL Management and Leasing is proposing outside storage of materials and equipment necessary for the regular operation of the business. Additionally, CL Management and Leasing is seeking a developmental variance for relief from the required all-weather paved surface for off-street parking.

5. The Zoning Ordinance of the City of Mishawaka requires

General contractors with no outside storage are permitted uses under the I-1 Zoning District in Sec 137-586 of the City of Mishawaka Zoning ordinance, however, CL Management and Leasing is proposing to have outside storage of materials and equipment, bringing the need for the variance. Sec 137-587 requires off-street parking areas to be surfaced with all-weather paving material capable of carrying a wheel load of 4,000 pounds.

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.

The nature of the materials and equipment required for the operation of the business do not easily suit themselves for storage inside of buildings. The size and cost of constructing buildings to accommodate the storage of the materials and equipment would be cost prohibitive to the development of the proposed site location. Similarly, the

AP 19-37

cost of providing a paved surface to accommodate parking of equipment and storage of materials for the proposed use would be cost prohibitive for the development of this site.

The materials to be stored outside are predominantly:

- *Steel and galvanized pipe*
- *Steel and galvanized fence fabric*
- *Temporary fence panels*
- *Work trucks when not in use*
- *Trailers*

USE VARIANCE:

- (1) Will approval be injurious to the public health, safety, morals or general welfare of the community?

NO- Granting the use variance and allowing outside storage on the property will not impact the public health, safety, morals or general welfare of the community. The materials and equipment that will be stored do not pose any risks to public health.

- (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

NO. This property and surrounding properties are all in an industrial park. The properties to the south are zoned I-1 and I-2. Properties to the east are zoned I-1 and C-4. Properties to the north are zoned I-1. Other properties to the north and west are St. Joseph County agricultural and residential and are over 1000 ft away from the property at 3723 N. Home St.

- (3) Does the need for the variance arise from some condition peculiar to the property involved?

No. However, the parcel is long and narrow toward Home St. (150 ft of frontage). Adjacent properties are predominantly I-1 and I-2. Those that are not are in St. Joseph County either agricultural or residential and are at least 1000 ft away from the property at 3723 N. Home St.

- (4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?

YES- The nature of the materials and equipment required for the operation of the construction business do not easily suit themselves for storage inside of buildings. The size and cost of constructing buildings to accommodate the storage of the materials and equipment would be cost prohibitive to the development of the proposed site location.

- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?

NO- Then Mishawaka 2000 Comprehensive Plan calls for Industrial Development for the proposed property and the adjacent properties.

DEVELOPMENTAL VARIANCE

- (1) Will approval be injurious to the public health, safety, morals or general welfare of the community?

NO- Granting the use variance and allowing relief from the paved parking requirements will not have a negative impact to the public health, safety, morals or general welfare of the community.

- (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

No. The areas surrounding the property to the south-east and to the north are primary I-1 and I-2. The other areas are agricultural and vacant land. There will be more than adequate natural buffer.

- (3) Will strict application of the terms of this chapter result in practical difficulties in the use of the property?

YES- The cost of providing a paved surface to accommodate parking of equipment and storage of materials for the proposed use would be cost prohibitive for the development of the site.

WHEREOF, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.

Property Owner: Paul A. Kitkowski Second Property Owner: Kathy Kitkowski
Print Name: PAUL A. KITKOWSKI Print Name: KATHY F. KITKOWSKI

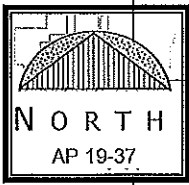
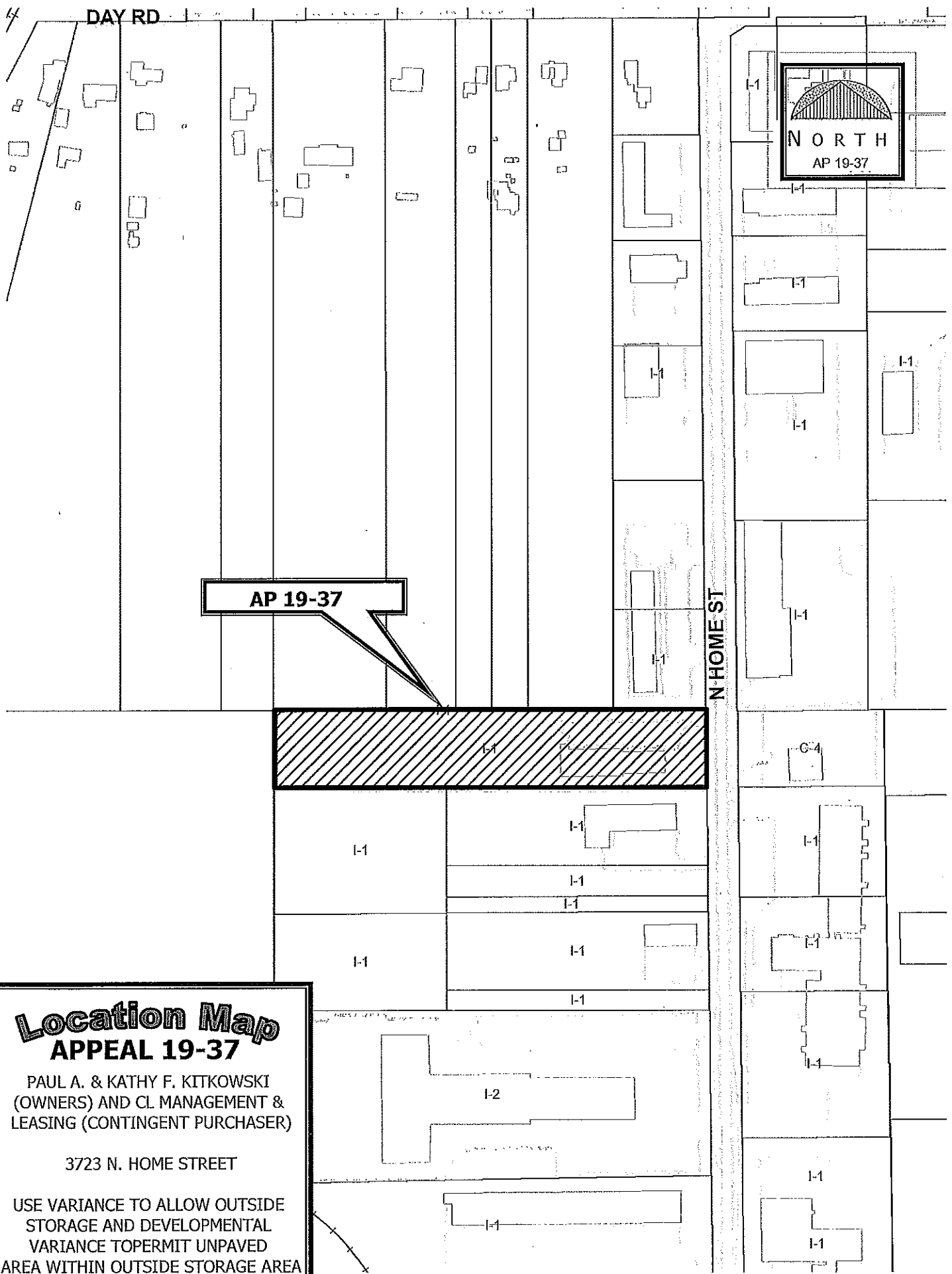
CONTACT PERSON

Name: PAUL A. KITKOWSKI
Address: 1121 E. Borley AVE., MISHAWAKA, IN 46545
Day Phone Number: 574-256-5911
Fax Number: 574-256-7123
Email: PROTOOLENG @ COMCAST.NET

LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST (BEARING ASSUMED) ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2, 344.25 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 15 SECONDS WEST, 1.00 FOOT TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 03 MINUTES 15 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY LINE OF HOME STREET (60 FOOT RIGHT-OF-WAY), 150.00 FEET; THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST, 866.84 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 150.00 FEET; THENCE SOUTH 89 DEGREES 39 MINUTES 30 SECONDS EAST, 866.98 FEET TO THE POINT OF BEGINNING.



AP 19-37

Location Map APPEAL 19-37

PAUL A. & KATHY F. KITKOWSKI
(OWNERS) AND CL MANAGEMENT &
LEASING (CONTINGENT PURCHASER)

3723 N. HOME STREET

USE VARIANCE TO ALLOW OUTSIDE
STORAGE AND DEVELOPMENTAL
VARIANCE TO PERMIT UNPAVED
AREA WITHIN OUTSIDE STORAGE AREA

SEP 11 2019

APPEAL #19-38

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2019- 23

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:

605 West Edison Road, Unit L, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **605 West Edison Road, Unit L, Mishawaka, Indiana**, more particularly known and described as follows:

Lot 2 of Edison Holdings subdivision as recorded under Instrument No. 2010-14775 in the office of Recorder of St. Joseph County, Indiana.

The Use Variance will allow microshading and/or permanent make up services within a multi-tenant commercial building.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the existing business provides similar personal services/salon uses;
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 it is included in a large commercial development;
3. The need for the variance arises from some condition peculiar to the property involved in that the C-2 zoning does not permit a tattoo establishment, but does allow the salon where the process is taking place, thus requiring the Use Variance for the proposed use;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the nature of the business is similar to that of a salon and should not generate more traffic than any of the existing businesses within the development;
5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area for general commercial and the surrounding area is one of the largest consolidated retail areas in the State of Indiana.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2019, at _____ o'clock _____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2019,
at _____ o'clock _____ m.

Deborah S. Block, IAMC, MMC, City Clerk

RESOLUTION #2019- 23
605 West Edison Road, Unit L
Page 3 of 3

APPROVED by me this _____ day of _____, 2019, at
_____ o'clock _____ m.

David A. Wood, Mayor

AP 19-38

August 7, 2019

RECEIVED
DEBORAH S. BLOCK, MMC

To: Board of Zoning Appeals
City of Mishawaka, Indiana

AUG 28 2019

CITY CLERK
MISHAWAKA, IN

The undersigned appellant respectfully submits to the Board the following to its knowledge:

1. I, EIG Edison Park Center, LLC, am the Owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana to wit:

Lot 2 of Edison Holdings subdivision as recorded under Instrument No.2010-14775 in the office of Recorder of St. Joseph County, Indiana – 605 W. Edison Road, Unit L, Mishawaka, IN 46545.

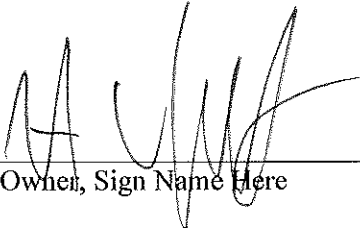
2. The above described real estate presently has a zoning classification of C-2 Shopping Center Commercial district under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above-described property in the following manner: Multi-Tenant Commercial Strip Development.
4. Appellant desires to rent tenant space to Xclusive Beauty n' BROWS which intends to provide permanent makeup services (microshading) and cosmetology services.
5. The Zoning Ordinance of the City of Mishawaka does not permit the proposed use in the C-2 Shopping Center Commercial District District (Section 137-326 (a)).
6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. The permitted uses in the C-2 District do not allow for the proposed use which is of a similar intensity and comparable to other permitted uses in the district.
7. 1.) Will approval be injurious to the public health, safety, morals or general welfare of the community?
No, we understand that LaSheen Taylor of Xclusive Beauty n' BROWS has had significant amounts of training and is also Bloodborne-Pathogen Certified to provide safe, professional services to the public.
2.) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?
No, Xclusive Beauty n' BROWS, once approved, will provide a service consistent with other tenants at the shopping center and further will be inspected by the Health Department to confirm code compliance.
3.) Does the need for the variance arise from some condition peculiar to the property involved?
Yes, Xclusive Beauty n' BROWS will provide a professional, safe and sanitary environment appropriate for the shopping center but not currently permitted by current codes.
4.) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?

Yes, strict adherence limits the opportunity to provide at the shopping center permanent makeup artists and licensed beauty professionals to perform the intended beauty services. Permanent makeup services have been known to provide individuals a multitude of benefits, including for example self-esteem, especially for cancer survivors.

5.) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?
No

WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grants the requested variance.

Robert C. Sutton
Property Owner, Print Name Here

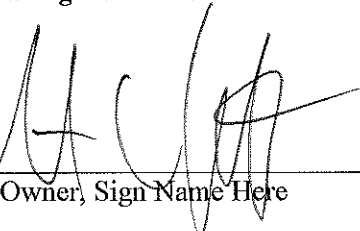

Property Owner, Sign Name Here

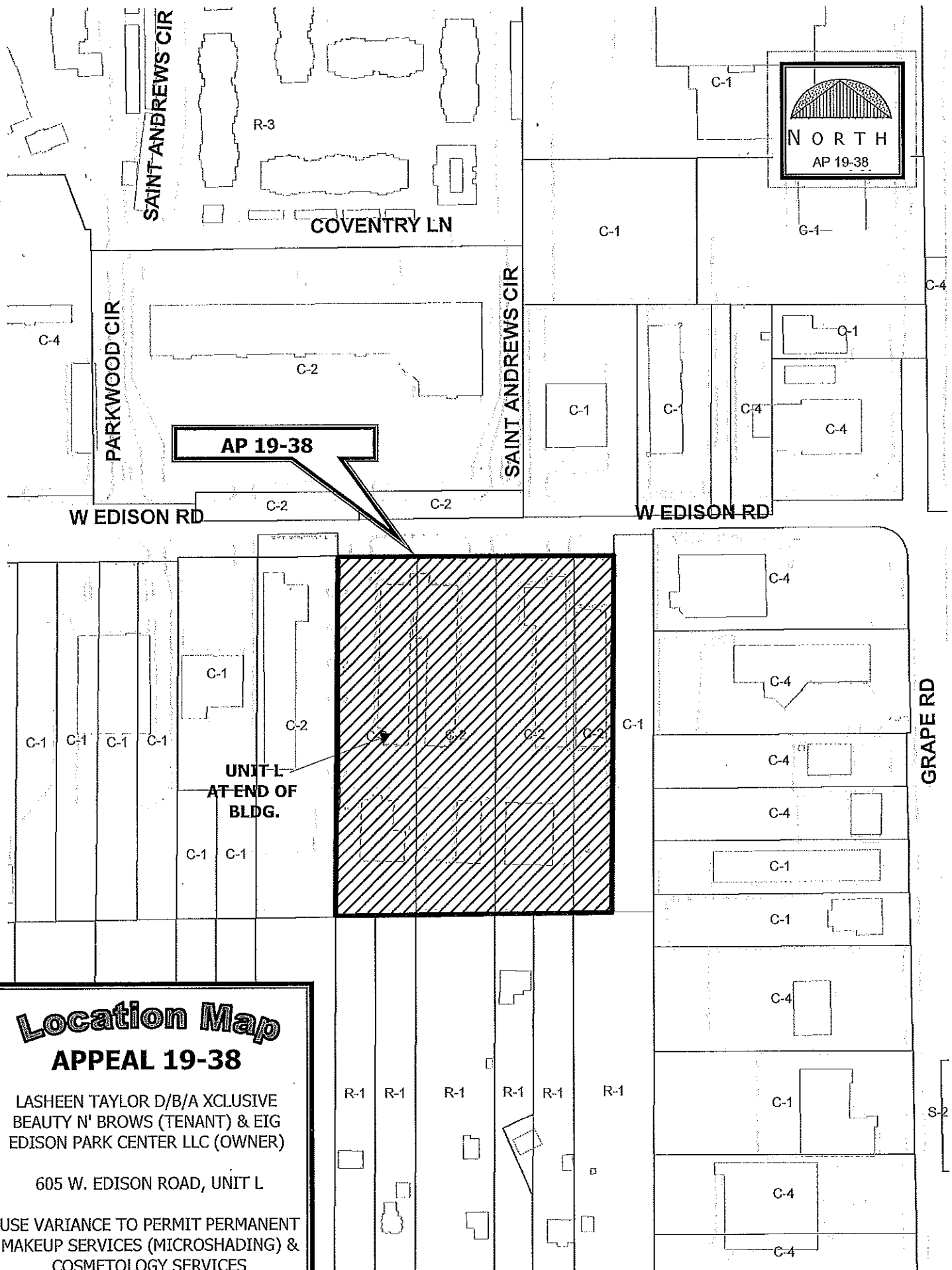
CONTACT PERSON:

LaSheen Taylor
797 Pulling Street, South Bend, IN 46614
P: 269-876-7856
F: 574-231-8267
E: lasheen.taylor@aol.com

I, EIG Edison Park Center, LLC, further understand and give my permission for LaSheen Taylor of Xclusive Beauty n' BROWS to attend the required public hearing dates on behalf of her company regarding the decision of this use variance.

Robert C. Sutton
Property Owner, Print Name Here


Property Owner, Sign Name Here



Location Map APPEAL 19-38

LASHEEN TAYLOR D/B/A XCLUSIVE
BEAUTY N' BROWS (TENANT) & EIG
EDISON PARK CENTER LLC (OWNER)

605 W. EDISON ROAD, UNIT L

USE VARIANCE TO PERMIT PERMANENT
MAKEUP SERVICES (MICROSHADING) &
COSMETOLOGY SERVICES



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurtis D. Vardaman, Deputy Controller

Date: August 15, 2019
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: City and Elected Officials salary ordinances

I am requesting first reading on these salary ordinances covering all employees except park and utilities.

All full-time employees will receive a 1 ½% increase and an additional \$500.

Please contact me with any questions.

c: David A. Wood, Mayor
Geoff Spiess, HR Director/Corporation Counsel

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 15 2019

CITY CLERK
MISHAWAKA, IN

AUG 15 2019

CITY CLERK
MISHAWAKA, IN

1st Reading 8-19-19
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2019-21

ORDINANCE NO. -

AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, THAT:

Section 1. The biweekly salaries of the following elected officials of the City of
Mishawaka, Indiana, for the fiscal year beginning January 1, 2020 shall be payable in
26 equal biweekly pay periods beginning January 10, 2020 in the following amounts:

	Biweekly salary
Mayor	\$ 3,103.62
Clerk	2,197.42
Council member	443.34

Section 2. Any prior ordinances in conflict herewith are hereby repealed.

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

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on
this ____ day of _____, 2019, at ____ o'clock, __.m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this _____ day of _____ 2019, at
_____ o'clock, ____m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2019, at _____ o'clock, ____m.

David A. Wood, Mayor

1st Reading 8-19-19
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 15 2019

PROPOSED ORDINANCE NO. 2019 - 22

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

AN ORDINANCE 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, 2020.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, THAT:

Section 1. The biweekly salaries of all employees of the City of Mishawaka except the Mishawaka Park Department, Elected Officials and the Mishawaka Utilities for the year beginning January 1, 2020 and shall be payable in 26 bi-weekly pay periods commencing on January 10, 2020.

BIWEEKLY SALARY

MAYOR'S ADMINISTRATIVE ASSISTANT	1,614.11
MAYOR'S EXECUTIVE SECRETARY	1,368.44
CONTROLLER	3,026.60
DEPUTY CONTROLLER	2,076.32
ACCOUNTANT	1,652.25
PAYROLL CLERK	1,506.36
BOOKKEEPER A	1,542.43
BOOKKEEPER B	1,339.28
BOOKKEEPER C	1,253.94
PURCHASING AGENT	1,558.48
CPA CERTIFICATION FT	192.31
CHIEF DEPUTY CLERK I	1,596.58
CHIEF DEPUTY CLERK II	1,548.56
HR DIRECTOR	2,221.39
ASST DIRECTOR	1,557.78
HR OFFICE MANAGER	1,357.20
HR CERTIFICATION	19.23
DIRECTOR OF IT	2,560.52
SYSTEM SPECIALIST IV	2,114.62
SYSTEM SPECIALIST III	1,796.65
SYSTEM SPECIALIST II	1,711.86
SYSTEM SPECIALIST I	1,580.77
CORPORATE COUNSEL/HR DIRECTOR	2,294.94
1 st DEPUTY CITY ATTORNEY	2,402.96
2 nd DEPUTY ASST CITY ATTORNEY	672.75
PART TIME SECRETARY	288.46
COUNCIL ATTORNEY	672.75
DIRECTOR OF ENGINEERING	3,026.60

ASSISTANT DIRECTOR	2,512.85
TRAFFIC MANAGER	2,076.79
PROJECT MANAGER	2,129.85
CONSTRUCTION COORDINATOR	1,867.74
TECHNICIAN	1,855.60
GIS COORDINATOR	2,077.10
PROJECT COORDINATOR	1,547.78
LOCATOR/INSPECTOR	1,588.30
OFFICE MANAGER	1,357.20
PE BONUS FT	192.31
IDEM REVIEW BOARD BONUS	153.85
DIRECTOR OF CODE ENFORCEMENT	2,287.87
OFFICE MANAGER	1,357.20
CODE ENF OFFICER A	1,862.98
CODE ENF OFFICER B	1,564.06
BUILDING COMMISSIONER	2,340.81
ASSISTANT BUILDING COMMISSIONER	2,206.09
OFFICE ADMINISTRATOR	1,376.87
OFFICE MANAGER	1,357.20
INSPECTOR A	2,242.90
INSPECTOR B	2,037.32
FIRE CHIEF	3,019.10
ASSISTANT CHIEF	2,802.83
CHIEF FIRE PREVENTION	2,457.22
BATTALION CHIEF	2,550.99
CAPTAINS	2,428.72
LIEUTENANT	2,362.94
FIRE INSPECTOR	2,362.94
DRIVER OPERATOR	2,298.61
1 st CLASS FIREFIGHTER	2,276.67
MASTER FIREFIGHTER	2,188.75
PROBATION - FF/EMT	1,993.21
FIRE EXECUTIVE SECRETARY	1,368.44
FIRE OFFICE MANAGER	1,357.20
POLICE CHIEF	3,036.86
ASSISTANT CHIEF	2,820.55
CAPTAIN	2,405.30
LIEUTENANT	2,360.13
SERGEANT	2,316.37
1 st CLASS OFFICER	2,286.55
2 nd CLASS OFFICER	Pre 01/01/18 hire: 2,206.52 Post: 2,064.26
PROBATION	Pre 01/01/18 hire: 2,009.80 Post: 1,875.18
2 ND SHIFT DIFFERENTIAL	13.46
3 RD SHIFT DIFFERENTIAL	26.92
POLICE RECRUIT	1,638.44
PROPERTY MANAGER	1,502.46
EXECUTIVE SECRETARY	1,368.44
ADMINISTRATIVE SECRETARY	1,357.20
SERVICES ADMINISTRATOR	1,550.94
PROPERTY CLERK	1,325.50
SECRETARY	1,339.43

PARKING PERSONNEL	1,339.43
CROSSING GUARDS	21 pays@ 359.04
CITY PLANNER	3,026.60
SENIOR PLANNER/ECON DEVEL SPLIST	2,067.15
SENIOR PLANNER	1,883.40
ASSOCIATE PLANNER	1,788.14
ADMINISTRATIVE PLANNER	1,596.89
OFFICE MANAGER	1,357.20
DIRECTOR COMMUNITY DEVELOPMENT	2,569.77
TIF CONSTRUCTION MANAGER	2,435.40
PROGRAM CONSTRUCTION MANAGER	2,211.01
PROGRAM COORDINATOR	1,566.21
GRANT MANAGER	2,027.60
GRANT SPECIALIST	1,381.83
CENTRAL SERVICES ASSISTANT	2,077.53
STREET COMMISSIONER	2,461.71
OFFICE ADMINISTRATOR	1,376.87
OFFICE MANAGER	1,357.20
SECRETARY	1,339.43

BIWEEKLY HOURLY

PART-TIME HELP	7.25-30.00
CENTRAL SERVICES: FLEET MAINTENANCE TECHNICIAN	21.66
CENTRAL SERVICES/MVH: GROUP 1	20.58
GROUP 2	19.52
GROUP 3	18.71
NIGHT BONUS/SHIFT DIFFERENTIAL	.55/.60
PROJECT COORDINATOR	1.00

ANNUAL/MISC

FIRE:		
SPECIALTY PAY:		
	<u>TIER1</u>	<u>TIER 2</u>
ADVANCED EMT	1,000	3,000
PARAMEDIC	2,000	4,000
LEAD PARAMEDIC	4,000	50/shift
WATER RESCUE/RECOVERY LEADER	1,050	
WATER DIVE/RESCUE TEAM		
MEMBER	950	
SELF-CONTAINED BREATHING		
APPARATUS TEAM TECHNICIAN	1,000	
MECHANIC	2,500	
INFORMATION TECHNOLOGY	1,500	
UNIFORM ALLOWANCE		1,250
POLICE:		
IDACS SPECIALIST		370
PARKING PERSONNEL CLOTHING		600
CROSSING GUARD SUBSTITUTE		20 per day

SUMMER SCHOOL CROSS GUARD	20 per day
UNIFORM ALLOWANCE	2,050
EQUIPMENT MAINT ALLOWANCE	680
PLAN COMMISSION	600
BZA MEMBER	375
INSURANCE STIPEND: ASST CITY ATTORNEY & COUNCIL ATTORNEY	500 per month

Section 2. The City will contribute the employee portion of 3% to the Public Employees Retirement fund for all employees eligible for participation in the Public Employees Retirement Fund.

Section 3. The City will contribute 3% of the employee portion to the 1977 Fire Pension for all employees eligible for participation in the 1977 Fire Pension Fund.

Section 4. The City will contribute 2% of the employee portion to the 1977 Police Pension for all employees eligible for participation in the 1977 Police Pension Fund.

Section 5. The City will contribute a match of 100% of the employee's contribution not to exceed 1% of the employee's base biweekly pay for all employees eligible for participation in the State's 457B plan. Employees under the FOP collective bargaining agreement are exempt from this match.

Section 6. Longevity Bonus will be provided annually to the Central Service and Motor Vehicle Highway Teamster employees (as amended). The Longevity Bonus will be offered to the employees as additional pay. The Longevity Bonus shall be payable annually on the first paycheck following each employee's anniversary date with the regular payroll. The annual Longevity Bonus will be based on the following schedule. Said schedule is based upon completed years of service.

<u>Years of Service</u>	<u>Annual Increments</u>	<u>Bonus</u>
5	0	150
6	75	225
7	75	300
8	75	375
9	75	450
10	75	525

An additional \$80.00 will be added for each year of service after the 10th year.

Section 7. The Administration may pay up to 15% less than annual salaries listed to new employees during the first twelve-month period, except for those public safety salaries which have been negotiated by the Common Council and all other salaries negotiated as part of a Collective Bargaining Agreement.

Section 8. This ordinance shall be in full force and effect from and after its signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on
this _____ day of _____ 2019, at _____ o'clock, _____.m.

Dale "Woody" Emmons, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this _____ day of _____ 2019, at _____ o'clock, _____.m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2019, at _____ o'clock, _____.m.

David A. Wood, Mayor

Deb Block

From: Rebecca Miller
Sent: Thursday, September 5, 2019 4:15 PM
To: Deb Block; Mary Ellen Hazen
Subject: Revised budget ordinance Form 4
Attachments: Form4_R2015_0117.pdf

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 11 2019

CITY CLERK
MISHAWAKA, IN

See attached.

The budget did not change, just the amount of tax levy and tax rate. Which is all just for publication.

Form 3 has been submitted which lists our dates for the public hearing and adoption.

Thank you,

Becky

Rebecca S. Miller

Controller
City of Mishawaka

600 E 3rd Street
Mishawaka, IN 46544
574-258-1622
574-258-1724 fax

www.mishawaka.in.gov

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4
Generated 9/5/2019 3:33:07 PM

Proposed Ordinance No. 2019-23

Ordinance / Resolution Number:

Be it ordained/resolved by the **Mishawaka Common Council** that for the expenses of **MISHAWAKA CIVIL CITY** for the year ending December 31, 2020 the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MISHAWAKA CIVIL CITY**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **Mishawaka Common Council**.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
Mishawaka Common Council	Common Council and Mayor	10/07/2019

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0101	GENERAL	\$35,154,175	\$30,559,860	2.6471
0254	LOCAL INCOME TAX	\$2,770,991	\$0	0.0000
0341	FIRE PENSION	\$2,072,000	\$0	0.0000
0342	POLICE PENSION	\$1,352,000	\$0	0.0000
0706	LOCAL ROAD & STREET	\$670,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$3,818,213	\$1,715,784	0.1486
1151	CONTINUING EDUCATION	\$100,000	\$0	0.0000
1301	PARK & RECREATION	\$3,821,649	\$4,527,227	0.3922
1310	PARK NONREVERTING - CAPITAL	\$250,000	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$60,000	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$650,000	\$1,989,730	0.1724
2411	ECONOMIC DEV INCOME TAX CREDIT	\$3,918,802	\$0	0.0000
6290	CUMULATIVE SEWER	\$500,000	\$0	0.0000
		\$55,137,830	\$38,792,601	3.3603

1st Reading 9-3-19
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 06 2019

CITY CLERK
MISHAWAKA, IN

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget Form No. 4
 Generated 9/5/2019 3:33:07 PM

Name		Signature
Ronald S. Banicki	Aye ☐ Nay ☐ Abstain ☐	
Michael A. Bellovich	Aye ☐ Nay ☐ Abstain ☐	
S. Michael Compton	Aye ☐ Nay ☐ Abstain ☐	
Dale E. Emmons	Aye ☐ Nay ☐ Abstain ☐	
Gregg A. Hixenbaugh	Aye ☐ Nay ☐ Abstain ☐	
Matthew T. Mammolenti	Aye ☐ Nay ☐ Abstain ☐	
Stacy Petko-Reisdorf	Aye ☐ Nay ☐ Abstain ☐	
Bryan J. Tanner	Aye ☐ Nay ☐ Abstain ☐	
Mary C. Willson	Aye ☐ Nay ☐ Abstain ☐	

ATTEST

Name	Title	Signature
Deborah S. Block	City Clerk	

MAYOR ACTION (For City use only)

Name		Signature	Date
David A. Wood	Approve ☐ Veto ☐		



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurt Vardaman, Deputy Controller

Date: August 29, 2019

To: Honorable Members of the Common Council

From: Rebecca Miller

rsM

RE: 2020 Budget

Attached, please find the new budget totals for 2020 and associated tax rates for publication.

I look forward to our budget meetings to discuss the 2020 budget.

I will also be sending out budget book drafts next week for your review.

Please contact me with any questions.

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 29 2019

CITY CLERK
MISHAWAKA, IN

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4
Generated 8/29/2019 1:33:18 PM

Ordinance Proposed Ordinance No 2019-23

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0706	LOCAL ROAD & STREET	\$670,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$3,818,213	\$5,201,898	0.4506
1151	CONTINUING EDUCATION	\$100,000	\$0	0.0000
1301	PARK & RECREATION	\$3,821,649	\$3,379,688	0.2928
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2411	ECONOMIC DEV INCOME TAX CREDIT	\$3,918,802	\$0	0.0000
6290	CUMULATIVE SEWER	\$500,000	\$0	0.0000
		\$55,137,830	\$42,461,123	3.6781

1st Reading 9-3-19
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 29 2019

CITY CLERK
MISHAWAKA, IN