

AGENDA

Monday, April 14, 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**

April 01, 2014

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

P.O. NO. 2014-05 Amending Taxicab Regulations

- 8. Resolutions**
- 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

April 1, 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 Tuesday, April 1, 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: John Reisdorf, Ron Banicki, Kate Voelker, John Roggeman, Woody Emmons, Dan Bilancio, Matt Mammolenti.

Absent/Excused: Mike Compton, Mike Bellovich.

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

The minutes from the March 17, 2014 meeting were approved as received from the City Clerk's Office.

Clerk Block read **PROPOSED ORDINANCE NO. 2014-04** 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)

Mr. Prince stated this proposed ordinance was for two existing narrow lots left over from the Main Street Underpass and inadvertently missed when redevelopment originally acquired these properties.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Dan Bilancio, John Reisdorf, John Roggeman, Kate Voelker, Matt Mammolenti, Ron Banicki, Woody Emmons, thus it becomes **ORDINANCE NO. 5438**.

NEW BUSINESS

Mr. Emmons said he would be changing his April 17th Neighborhood Watch meeting to April 16th at 7:00 p.m. St. Bavo's School and Senator John Broden would be the speaker.

Mr. Mammolenti said he would be holding his neighborhood watch meeting at Twin Branch School, 7:00 p.m. on April 16th.

Clerk Block said as a reminder the normal Council Meeting would be on April 21, 2014 and has been changed to April 14, 2014

There being no further business to come before the Council, President Mammolenti adjourned the meeting at 7:07 p.m.

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

Matt Mammolenti
Matt Mammolenti, Presiding Officer

1st Reading
2nd Reading
Passed
Failed
Continued To

CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2014-05
ORDINANCE NO. _____

RECEIVED
DEBORAH S. BLOCK, MMC

APR 10 2014

CITY CLERK
MISHAWAKA, IN

AS AMENDED

AN ORDINANCE AMENDING CHAPTER 18 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE "BUSINESS REGULATIONS ORDINANCE" OF THE CITY OF MISHAWAKA, INDIANA

WHEREAS, circumstances warrant changes to taxicab licensing rules and fees from time to time; and

WHEREAS, adding a visible decal to the exterior of taxicabs will facilitate enforcement of taxicab licenses by the Mishawaka Police Department; and

WHEREAS, the current fees for taxicab licenses have not increased since at least 1985; and

WHEREAS, an increase in fees will offset the cost of producing the decals; and

WHEREAS, a deadline coinciding with the end of the calendar year will improve administrative efficiency for both licensees and City administrative employees; and

WHEREAS, on April 1, 2014, the Mishawaka Board of Public Works and Safety approved Resolution Number 2014-01, approving the changes herein.

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

Section 1. Chapter 18, of the Municipal Code of the City of Mishawaka, commonly known as the "Business Regulations Ordinance," be, and the same is, hereby amended as follows:

Repeal Section 18-226 in its entirety and replace with the following:

18-226. Issuance.

For every vehicle so licensed, the city controller shall issue (a) a license certificate, fully identifying the licensed vehicle, which shall be conspicuously displayed in the licensed vehicle at all times, and (b) *a decal to be conspicuously displayed on the upper left side of the rearmost vertical exterior surface of the vehicle.*

Replace the fees in Section 18-227(a) as follows:

- (1) \$20.00 replaces \$15.00
- (2) \$25.00 replaces \$20.00
- (3) \$35.00 replaces \$30.00

Add the following language at the beginning of Section 18-227 (b):

“Beginning on January 1, 2015,”

In Section 18-227 (b), replace “April” with “January.”

In Section 18-227 (b), replace “March” with “December.”

Section 2. 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.

Matt Mammolenti
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 LAW

RECEIVED
DEBORAH S. BLOCK, MMC

April 10, 2014

APR 10 2014

Mishawaka Common Council
600 East Third Street
Mishawaka, Indiana 46544

CITY CLERK
MISHAWAKA, IN

Re: Taxicab Ordinance Amendment

Mr. President and Honorable Council Members:

I respectfully request your approval of the attached proposed amendment of the taxicab sections of the Business Regulations Ordinance.

The Mishawaka Police Department is requesting the requirement of an external decal in order to more effectively enforce the vehicle license requirement with less intrusion on the operation of taxicabs (with an external decal, officers could verify compliance without stopping the vehicle). In addition to requiring a decal, to be provided by the City Controller to taxicab owners upon renewal of their vehicle licenses, the proposed amendments include increasing the license fee by \$5.00 per vehicle to offset the cost of the decal, and changing the renewal deadline to the end of the calendar year.

By way of comparison, the cost of the vehicle license will remain lower than in neighboring South Bend (\$50.00 per vehicle, regardless of capacity), and the change of the deadline will simplify the process for taxicab owners, police officers and the administration.

I am available to discuss any questions or concerns you may have. Thank you in advance for your consideration.

Sincerely,

Geoff Spiess
Staff Attorney

John P. Gourley
Corporation Counsel
4100 Edison Lakes Parkway
Mishawaka, Indiana 46545
(574) 243-4100
fax: (574) 232-9789

Geoffrey D. Spiess
Staff Attorney
600 East Third Street
Mishawaka, Indiana 46544
(574) 258-1702
fax: (574) 254-0197

David V. Bent
Assistant City Attorney
320 West Fourth Street
Mishawaka, Indiana 46544
(574) 255-3680
fax: (574) 255-3969

Robert C. Beutter
Assistant City Attorney
4100 Edison Lakes Parkway
Mishawaka, Indiana 46545
(574) 243-4100
fax: (574) 232-9789

APR 10 2014

RESOLUTION NO. 2014-01

CITY CLERK
MISHAWAKA, IN

MISHAWAKA BOARD OF WORKS AND PUBLIC SAFETY

A RESOLUTION APPROVING THE REQUIREMENT OF AN EXTERIOR DECAL
FOR LICENSED TAXICABS IN THE CITY OF MISHAWAKA AND AN INCREASE
IN TAXICAB LICENSE FEES

WHEREAS, circumstances warrant changes to taxicab licensing rules and fees
from time to time; and

WHEREAS, adding a visible decal to the exterior of taxicabs will facilitate
enforcement of taxicab licenses by the Mishawaka Police Department; and

WHEREAS, the current fees for taxicab licenses have not increased since at least
1985; and

WHEREAS, a deadline coinciding with the end of the calendar year will improve
administrative efficiency for both licensees and City administrative employees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works and Safety of
the City of Mishawaka that:

Section 1. Chapter 18, of the Municipal Code of the City of Mishawaka,
commonly known as the "Business Regulations Ordinance," be, and the same is, hereby
amended as follows:

Repeal Section 18-226 in its entirety and replace with the following:

18-226. Issuance.

For every vehicle so licensed, the city controller shall issue (a) a license
certificate, fully identifying the licensed vehicle, which shall be conspicuously
displayed in the licensed vehicle at all times, and (b) *a decal to be conspicuously
displayed on the upper left side of the rearmost vertical exterior surface of the
vehicle.*

Replace the fees in Section 18-227(a) as follows:

- (1) \$20.00 replaces \$15.00;
- (2) \$25.00 replaces \$20.00;
- (3) \$35.00 replaces \$30.00.

Add the following language at the beginning of Section 18-227 (b):

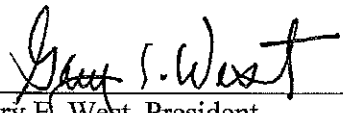
"Beginning on January 1, 2015,"

In Section 18-227 (b), replace "April" with "January."

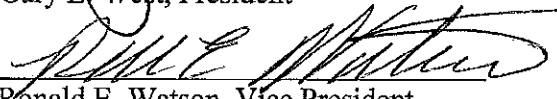
In Section 18-227 (b), replace "March" with "December."

Section 2. This Resolution shall be forwarded to the Mishawaka Common Council for its review and final action.

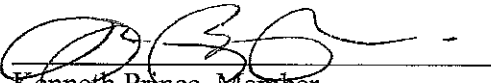
ADOPTED by the Board of ^{PUBLIC WORKS AND SAFETY} Utilities of the City of Mishawaka, on this 1st day of April, 2014.



Gary E. West, President



Ronald E. Watson, Vice President



Kenneth Prince, Member

ATTEST:



Kari Myers, Clerk of the Board