

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
April 01, 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 April 01, 2019, 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. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

Absent: Mr. Mammolenti.

Minutes for the Regular Meeting of March 18, 2019 were approved as received from the Clerk’s Office.

Appeal No. 2019-13 Use Variance for 175’ Monopole Communication Broadcasting Tower (cell tower) 2506 Grape Rd Humane Society

Petition No. 2019-04 Rezone from C-1 Commercial to R-2 Two Family Res. 1211 W. Sixth St. (former Jerry’s Pub)

Petition No. 2019-05 Rezone from R-1 Res. To I-1 Light Ind for Mini Storage Warehousing 215 & 217 S Elder.

Presentation of Tax Increment Finance Report 2018

**Presentation of Outstanding and unpaid checks for a period of 2 years
To be voided.**

Clerk Block stated the Tax Increment Finance report 2018 and outstanding and unpaid checks to be voided were available in the clerk’s office.

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

RESOLUTION NO. 2019-13

RESOLUTION OF THE CITY OF MISHAWAKA, INDIANA

**ADOPTING THE ST. JOSEPH COUNTY
MULTI-HAZARD MITIGATION PLAN**

John Antonucci, Director of St. Joseph County Emergency Management Agency asked for the council to approve and accept the Multi Hazard Mitigation Plan. He said right after 9/11 the Department of Homeland Security created 3,400 Agency’s across the United States. Mr. Antonucci said they believed disasters started and ended locally. He continued to say they were

charged with preparedness, planning, recovery and response. Mr. Antonucci said the FEMA set forth a frame work for all communities across the united states to be able to plan and prepare for disasters. He explained one plan was called the Comprehensive Emergency Management Plan, which the process started from FEMA passed to the State then to the county. Mr. Antonucci said the other portion of the plan was the Multi Hazard Mitigation Plan which gave the tools to be able to decide how the city wanted to handle or prevent disaster from happening in their community. He informed the council they put together all the information they could on the City of Mishawaka and identified threats and vulnerabilities. Mr. Antonucci said they created a template of the things the city could do to help prevent.

Mr. Compton questioned how the plan was developed for Mishawaka. Mr. Antonucci said the first task they took on was to assemble a group from the entire county. He continued to say they worked with Fire Chief Greg Hunt and 17 others that served on the committee. Mr. Antonucci said this was a county plan but a portion of the plan was site specific for Mishawaka. He stated they included every community in St. Joseph County.

Members of the council asked if the plan could be seen. Mr. Antonucci said there was a 116-page plan submitted. He said he would resubmit the plan clerk's office.

Mr. Bellovich asked how the plan was modified. Mr. Antonucci said this was a 5-year plan, the plan was reviewed every 2 years but at any time they could make necessary changes.

Mr. Hixenbaugh expressed he did not have any concerns about the process. He asked would postponing the resolution until they had a chance to view the plan harm the process. Mr. Antonucci replied not at all. Mr. Hixenbaugh also asked was there any concern in regard to distribution of the document and allowing direct access to the report. Mr. Antonucci replied no, there was nothing in the plan they identified as a risk or vulnerability that was not currently public.

Mr. Hixenbaugh made a motion to postpone **RESOLUTION NO. 2019-13** to a later date, date to be determined after the council had the opportunity to review the documents upon a second by Mrs. Voelker motion carried.

RESOLUTION NO. 2019-14

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A REPORT OF COMPLIANCE WITH STATEMENT OF BENEFITS FOR CERTAIN PROPERTY OWNERS AND WITHDRAWING A PREVIOUSLY APPROVED REAL PROPERTY TAX ABATEMENT FOR BAYER HEALTHCARE

Mr. Hixenbaugh moved to postpone **RESOLUTION NO. 2019-14** until April 15th to allow the Budget and Finance Committee and the rest of the council to meet with at least one or more of the tax abatement recipients upon a second by Mrs. Voelker motion carried.

Clerk Block read the following proposed ordinance by title and opened the public hearing.

PROPOSED ORDINANCE NO. 2019-07

**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.**

(Rez 1-2 to R-1 Vacant Property 13880 Scout Lane)
(Assigned to the Land Use Planning Committee)

Mrs. Voelker reported the Land Use Planning Committee recommended this proposed ordinance should be presented to the council as a whole. This is signed by the entire committee upon a second by Mr. Banicki motion carried.

Mike Finkler, At Home Realty Group represented James Cole owner of Scout Lane. He said Mr. Cole bought the property 20 years ago. Mr. Finkler said during the Capital Road project, Mr. Cole sold some of his frontage to the State of Indiana. He described the property as a beautiful wooded property with a fishing creek. Mr. Finkler mentioned Mr. Cole had a home on the property on a well and septic. He said the frontage the state took from the property included the septic, which they basically abandoned, they tore it out and found the septic system needed to be replaced. Mr. Finkler mentioned Mr. Cole had an approval from the city to have a new system put in but during that time vandals broke into the home and burned it down. He said Mr. Cole has done nothing to the property in the last 15 years. Mr. Finkler went on to say Mr. Cole contacted him to put the land on the market, they found out the property was zoned heavy industrial. He said there were other homes in the area, heavy industrial did not belong on the property. Mr. Finkler continued to say he did not believe it would be a problem to convert the property back to residential. He said he was unsure what Mr. Cole planned to do with the property but there was a neighbor interested in the property. Mr. Antonucci continued to say they needed the property rezoned to sell the property as residential.

Question was called for at 7:23P.M. for **PROPOSED ORDINANCE NO. 2019-07**  **Vote:**
Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons. Thus, it becomes **ORDINANCE NO. 5651**

PROPOSED ORDINANCE NO. 2019-08

**AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL
CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME
AMENDED, COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF
THE CITY OF MISHAWAKA, INDIANA.**

(PUD Amd Micro blading/semi-permanent Makeup University Gardens 6910 N. Main St.)
(Assigned to the Land Use Planning Committee)

Mr. Banicki reported the Land Use Planning Committee recommended this proposed ordinance should be presented to the council as a whole. This is signed by the entire committee upon a second by Mr. Tanner motion carried.

Danielle Rzepka, owner of Aesthetic Beauty Studio said she was requesting approval to perform microblading and semi-permanent makeup at her studio. She explained microblading was a semi-permanent procedure done by placing small strokes into the top layer of the skin, which is then filled with a pigment. Ms. Rzepka said it was primarily done on women and it was great for people who had certain health conditions causing brow lost such as thyroid, chemo therapy and other conditions. She continued to say the pigment lasted 18 months to 2 years. Ms. Rzepka said the procedure was being classified right now as tattooing because it was relatively new, but it was not exactly the same, the procedure did not go into the skin.

Mrs. Voelker questioned how Ms. Rzepka would get clients with health-related conditions. Ms. Rzepka said at this time she was not partnered with any health care providers. She continued to say her background personally and professionally was in dermatology. Ms. Rzepka said she was a dermatological nurse working in cosmetic and surgical dermatology, she also had other licensing in the beauty industry. She mentioned she has been in the industry for 12 years. Ms. Rzepka said her goal was to partner with organizations in the area. She went on to say at this time she was focusing on the cosmetic aspect, she was a free-lance makeup artist and she would continue to work with her current clientele. Ms. Voelker also questioned would she be using her office for her private clients and other services and would she be there fulltime. Mr. Rzepka said at this time she was concentrating on microblading. She said her business was opened 3 days a week.

Ms. Petko Reisdorf questioned the Health Department regulations or guidelines and were they in place. Ms. Rzepka replied she had to follow tattoo parlor Heath Department related requirements. She said she was up to code.

Mr. Emmons asked would she be the only employee doing the procedure and questioned the business hours. Ms. Rzepka replied yes, she would be the only person doing the procedure by appointment only.

Question was called for at 7:30 P.M. for **PROPOSED ORDINANCE NO. 2019-08**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons. Thus, it becomes **ORDINANCE NO. 5652**

UNFINISHED BUSINESS

RESOLUTION NO. 2019-08

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:

**Southeast Corner Front and Spring Streets, Mishawaka, Indiana
(Use Variance for Temporary Trailer)**

Catherine Desautels spoke on the behalf of Mishawaka Development Flaherty & Collins. She said they were requesting use variance for a temporary sales trailer to be used for pre-leasing for the Mill at Ironworks Plaza Apartments.

Mrs. Voelker questioned when they expected to begin the pre-leasing process and when they planned to open. Ms. Desautels said they were planning to open the trailer May 1st, 2019. She went on to say depending on if they get approval they may drop it mid-April then upfitted with furniture and marketing accessories. Ms. Desautels said they planned to have their first units delivered at the end of July. She mentioned July 26 they were schedule to have the first section of the building delivered. Ms. Desautels continued to say at that time the permanent amenity space, which would include the permanent leasing office would be open. She said they would then move out of the leasing trailer into their permanent leasing space and remove the trailer.

Mrs. Voelker expressed she would like to have the opportunity to tour the site. Ms. Desautels replied absolutely, they would schedule a tour with Clerk Block.

Question was called for at 7:35 P.M. for **RESOLUTION NO. 2019-08**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

NEW BUSINESS

Mr. Tanner announced the Oaks Neighborhood meeting would be April 10th at the Battell Center at 7 P.M. He said guest speaker would be a representative from CASA.

Ms. Petko Reisdorf announced the Twin branch neighborhood meeting would be April 17th at 7 P.M., speaker to be announced.

Mr. Emmons announced the 1st District Neighborhood meeting would be April 25th at 7 P.M. at St. Bavo's Church. He said speaker would be Mayor Wood to give State of the City.

ADJOURNMENT 7:37 P.M.

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

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