

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
May 20, 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 May 20, 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. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Emmons.

Absent: Mr. Compton, Mr. Hixenbaugh.

Minutes for the Regular Meeting of May 08, 2019 were approved as received from the Clerk’s Office.

Clerk Block read letters from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their May 14, 2019 meeting.

APPEAL #19-13 An appeal submitted by the Humane Society of St. Joseph County requesting a Use Variance for **2506 Grape Road** to permit a 175’ monopole communication broadcasting tower (cell tower).

The Board, with a vote of 4-0, recommended approval subject to the following conditions:

- 1) The monopole tower shall not exceed more than 180-feet in height (does not include height of attached lighting rod).
- 2) An opaque fence of no higher than 8-foot will be allowed around the base of the tower and equipment building.
- 3) An Administrative Site Plan shall be submitted for the property. The site plan shall be consistent with the schematic site plan submitted.
- 4) A double row of evergreens shall be planted between Grape Road and the fenced compound and shown on the Administrative site plan.
- 5) The entire access drive shall be paved. This includes the approximately 10’ between the existing paved drive and the leased compound area. The access shall utilize an existing curb cut of the Humane society. A storm water management system shall be provided for all new impervious surface area.
- 6) The monopole tower shall not be located any closer to Grape Road than the existing Humane Society main building to the north. This will require the tower be offset on the east side of the proposed compound area.

PETITION #19-04 A petition submitted by KISO INC. requesting to rezone **1211 West Sixth Street** from C-1 General Commercial District to R-2 Two-Family Residential District.

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

PETITION #19-06 A petition submitted by John Coussens and Cressy Land Investment LLC requesting to amend the Coussens-Golden Corral PUD for addition of property for parking and stormwater management for proposed multi-family housing development.

The Commission, with a vote of 8-0, recommended approval subject to the attached

Clerk Block read the following proposed ordinance by title, assigned to a committee and set for public hearing at the next meeting.

PROPOSED ORDINANCE NO. 2019-13

**AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2019**

(Add. Funds – Police Dept. \$16,063/ Public Safety \$4,300)

(Assigned to the Budget and Finance Committee)

PROPOSED ORDINANCE NO. 2019-14

**AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2019**

(Trans Funds MVH -CEDIT \$694,000 / Local Road & Street \$394,000)

(Assigned to the Budget and Finance Committee)

PROPSOED ORDINANCE NO. 2019-15

**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 C-1 to R-2 1211 W. 6th Street)

(Assigned to the Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2019-16

**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 N. of Edison Lakes Pkwy & Holy Cross Pkwy Intersection)
(Assigned to the Land Use Planning Committee)

Clerk Block read Resolution 2019-15 IN its entirety and was opened for public hearing.

RESOLUTION NO. 2019-15

National Safe Boating Week

Timothy Bishop, Local Commander for the Local Coast Guard Auxiliary said they have been in Mishawaka since 1985, they started in New Buffalo Michigan in 1980. He continued to say the National Organization had 26,000 members. Mr. Bishop said their purpose was to support the active duty coast guards by working with the boating public by promoting boating safety. He said this proclamation was a part of that effort. Mr. Bishop thanked the council for taking the time to recognize their efforts.

Question was called for at 7:10 P.M. for **RESOLUTION NO. 2019-15**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Emmons.

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

RESOLUTION NO. 2019-16

**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:**

2506 Grape Road, Mishawaka, Indiana

Anthony Fitz, Mastec Network Solutions spoke on behalf of AT&T. He said they were requesting approval for the permanent construction of a new telecommunications facility at 2506 Grape Road. He went on to say AT&T was proposing to construct a 175' foot monopole with 40x50 fencing ground compound. Mr. Fitz continued to say the tower would be able to accommodate an additional three antennas. He thanked the Planning staff and the Board of Zoning Appeals for their recommendation for approval. Mr. Fitz said they read the staff report and they agreed to all conditions. He mentioned they worked closely with the Planning Department to find a suitable location for the tower. Mr. Fitz expressed they felt the proposed site would benefit the surrounding residence and businesses with the availability of the new state of the art wireless network. He continued to say this would also benefit the Humane Society by creating revenue stream and help with gaps in the area.

Mrs. Voelker asked what Mr. Fitz meant by using the term “new network.” Mr. Fitz explained AT&T had a gap in coverage in the proposed area for AT&T users. He continued to say they would provide a state-of-the-art coverage in the area.

Mr. Tanner questioned the determination for the height for the proposed pole. Mr. Fitz explained it did not require lighting.

Mr. Mammolenti questioned the number of towers located in Mishawaka. Mr. Fitz said currently they did not have any towers in the Mishawaka. He said they could have co-located on towers, but they were too far out of the area. Mr. Fitz said they had towers in the South Bend area.

Question was called for at 7:18 P.M. for **RESOLUTION NO 2019-16**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 7). Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Emmons.**

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

PROPOSED ORDINANCE NO. 2019-12

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE

(Correction to Ordinance No. 5594 Annex of 16839 Douglas Rd. by Scrivener’s Error)
(Assigned to the Land Use Planning Committee)

Mr. Tanner 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.

Ken Prince, City Planner explained this property was proposed by the NRP Group for Senior Apartments by Douglas Road by the Uniroyal Pond on the northside of the road. He continued to say the apartments have not yet been constructed, they applied for tax credits they have not yet received. Mr. Prince said in their hurry to put the application together, they worked with NRP to put the legal description together, but they failed to put the correct legal description in the ordinance properly. He said this would fix the error, it would not change the property at all.

Question was called for at 7:21 P.M. for **PROPOSED ORDINANCE 2019-12**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 7). Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Emmons.** Thus, it becomes **ORDINANCE NO. 5656**

NEW BUSINESS

Mr. Tanner announced the Summer Concert Series would begin June 03, 2019 in the Mishawaka Parks.

Mr. Mammolenti thanked the Mayor, the Administration, Captain Reppert and the Police Department for their outstanding Police Memorial last week. He expressed it was great to see officers remembered.

Mr. Emmons announced the Mishawaka Memorial Day Parade would be Monday at 9:30AM.

ADJOURNMENT 7:24 P.M.

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

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