

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

Absent: Mr. Compton.

Minutes for the Regular Meeting of May 20, 2019 were approved as received from the Clerk’s Office.

Clerk Block read the following appeals and petitions to the council who referred them to the Board of Zoning Appeals and the City Plan Commission for their recommendations.

APPEAL NO. 2019-23 Use Variance to permit Micro-blading Permanent Makeup-6501 N Grape Rd Suite 1205A

APPEAL NO. 2019-26 Use Variance to allow a 4-Day Recreational Vehicle RV Sales Event- 6501 N Grape Rd, Suite 334

PETITION NO. 2019-07 PUD Amendment to allow Microblading/Semi-Permanent Makeup-6910 N Main St Units 25 & 26

PETITION NO. 2019-08 Grandview PUD Amendment’s - W Side of North Gumwood South by W Cleveland Rd (SR23) and the East by Centennial Place Shopping Plaza

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

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)

Mr. Bellovich reported the Budget and Finance Committee recommended this proposed ordinance should be adopted. This is signed by a majority of the committee upon a second by Mr. Banicki motion carried.

Ken Witkowski, Police Chief said they were using money from their insurance policy from totaled vehicles. He continued to say they would like to purchase two kawasaki mules, a four-wheel motor vehicle similar to a golf cart but bigger. He said they would also like to buy the C.A.P volunteers a two-wheel drive model. Chief Witkowski went on to say \$4,919 would be used to purchase new gun holsters. He explained their current supplier Smith and Wesson would like to update the departments guns for no cost, the current holsters did not fit the new weapons.

Mr. Hixenbaugh commented the dollar amount in the letter did not match the dollar amount in the ordinance. He asked which numbers were correct. Rebecca Miller, City Controller explained the ordinances showed where the money was coming from but both totals equaled the amount of \$20,363. Mr. Hixenbaugh was curious as to how many holsters \$4900 would purchase. Chief Witkowski explained not every officer needed a new holster. He continued to explain there was a stress test which determined at 100 pounds of pressure someone could take an officer's gun out of their holster. He said some of the holsters the officers currently carried were at 99.9 pounds.. Chief Witkowski continued to say because of liability, they decided to buy new holsters the stress test would meet. Mr. Hixenbaugh questioned how many holsters would be purchased. Chief Witkowski said they would purchase around 50.

Mr. Mammolenti asked would they keep their current mule. Chief Witkowski replied yes, it was in good condition. He continued to say they would like to have two vehicles, especially with the new parks opening this summer and it would give further range for larger special events. Mr. Mammolenti asked would the park patrol increase based on an extra vehicle. Chief Witkowski said he could not promise, it depended on the man power. He said for certain events they had a certain number of officers, instead of having them walk or use golf carts, they would have their own vehicle. Mr. Mammolenti also asked was this the same program from a couple of years ago when they received free weapons and did the chief receive any feedback from the officers. Chief Witkowski replied yes, it was three years ago. He said officers would be required to carry the weapon on duty. Chief Witkowski said so far, he received positive feedback on improvements on the new weapons.

Mr. Bellovich questioned the size of the guns. Chief Witkowski replied they were 9-millimeter guns.

Question was called for at 7:12 P.M. for **PROPOSED ORDINANCE NO. 2019-13**  Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons. Thus, it becomes **ORDINANCE NO. 5657**

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)**

Mr. Hixenbaugh reported the Budget and Finance Committee recommended this proposed ordinance should be adopted. This is signed by a majority of the committee upon a second by Mr. Banicki motion carried

Rebecca Miller, City Controller explained this transfer was needed to meet the requirements for 50% of the MVH Funds to be used for street construction. She continued to say traditionally, the street construction and Local Road and Street were put into the CEDIT Fund. Ms. Miller said the transfers moved the funds into the MVH and the new MVH Restricted Fund.

Mr. Mammolenti asked was the gas, oil line item based on the Fuel Budgeting Program. Ms. Miller explained they were not reducing money in the line; the money was switched around between the funds.

Question was called for at 7:16:PM for **PROPOSED ORDINANCE NO. 2019-14**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.** Thus, it becomes **ORDINANCE NO. 5658**

PROPOSED 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)**

Mrs. Voelker reported the Land Use Planning Committee recommended this proposed ordinance should be adopted. This is signed by a majority of the committee upon a second by Mr. Banicki motion carried.

Ruth Sila represented KISO INC. She said the petitioner would like to rezone the old Jerrys Pub to R-2 Residential to be utilized for multifamily housing.

Mrs. Voelker asked did Ms. Sila own the property and would they remodel the property to look residential. Ms. Sila replied yes. She continued to say it was not in the plan to remodel, unless

required. Ms. Sila said they would remove the Jerry's Pub sign; most likely it would remain the same on the outside. Mrs. Voelker also asked did Ms. Sila have renters. Ms. Sila replied no, she was waiting for the rezoning to pass.

Mr. Mammolenti asked would Ms. Sila reside on the property. Ms. Sila replied no.

Mr. Tanner and Mr. Emmons asked did Ms. Sila own the parking lot adjacent to the proposed property. Ms. Sila replied no, she believed it was owned by the Canadian Railroad Company. She said the tenants would park on the street or in the detached two car garage behind the apartments. Ms. Sila said she would keep Mr. Emmons informed on the parking lot across the street.

Question was called for at 7:21 P.M. for **PROPOSED ORDINANCE NO. 2019-15**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons. Thus, it becomes **ORDINANCE NO. 5659**

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)

Mr. Tanner reported the Land Use Planning Committee recommended this proposed ordinance should be adopted. This is signed by a majority of the committee upon a second by Mr. Banicki motion carried.

Mike Huber, Abonmarche Consultants represented petitioners. He said in the fall they requested to amend the PUD to allow for their uses. Mr. Huber continued to say at that time the property to the south between their property and the street frontage was not controlled by his client. He said they have now secured access to the property and they were now planning to utilize the property to provide more parking and stormwater detention/retention to serve the project. Mr. Huber continued to say a retention pond would be a great amenity to the project. He mentioned they created a new site plan, which received approval from the City Plan Commission. Mr. Huber said they needed to add the parcel into the PUD.

Question was called for at 7:25 P.M. for **PROPOSED ORDINANCE NO. 2019-16**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons. Thus, it becomes **ORDINANCE NO. 5660**

PRIVILEGE OF THE FLOOR

Mayor Wood announced there would be a ribbon cutting for the new Central Park Event Stage on June 6, 2019 at 6:15 P.M. followed by a concert.

NEW BUSINESS

Mr. Emmons thanked all involved in the remodel of Mary Gibbard Park. He said the ribbon cutting was a great turnout and the park was a great addition to the area.

ADJOURNMENT 7:28 P.M.

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

Dale “Woody” Emmons /s/
Dale “Woody” Emmons, President