

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
June 17, 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 17, 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 lead by Ethan Ward, Boy Scout Troop 110.



Roll Call.

Present: Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

Absent: Mrs. Voelker, Mr. Compton.

Minutes for the Regular Meeting of June 03, 2019 were approved as received from the Clerk’s Office.

Clerk Block read the following letters from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their June 11, 2019 meeting.

APPEAL #19-23 An appeal submitted by Simon Properties and Spaceman Ventures LLC, dba Sola Salon, requesting a Use Variance for **6501 Grape Road, Unit 1205A**, to allow microblading and/or permanent make-up services within a salon.

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

APPEAL #19-26 An appeal submitted by University Park Mall LLC c/o Simon Property Group requesting a Use Variance for **6501 Grape Road** to permit a four (4) day RV show to be located in the JC Penney parking lot from June 27 to June 30, 2019.

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

USES:

- The event shall be limited to the display and sales of RVs during a 4 day period between June 27 and June 30, 2019.

SITE PLAN:

- A site plan/layout shall be submitted identifying the location of display areas, visitor parking, tents portable toilets, temporary lighting, and other related temporary improvements subject to staff review and approval. Written approval of the site plan/layout shall be required from University Park Mall, LLC.

ACCESS/TRAFFIC CONTROL REQUIREMENTS:

- Access to the event use shall be through existing mall entrances. Additional restrictions may be requested by the City of Mishawaka the Director of Engineering as deemed appropriate as part of the review of a site plan/layout. The City of Mishawaka Police

Department may also request any modifications to layout, parking, access, or attention devices during the event if it is deemed problematic to through traffic, or any safety issue is identified.

- **All mall service drives shall remain open at all times.**

SETBACKS:

- All tents, display/parking areas, and portable toilets shall be setback a minimum of 25 feet from any road right-of-way and 10 feet from any internal access drive.

SIGNAGE/ATTENTION DEVICES:

- A plan identifying the location and type of all signage/attention devices shall be submitted subject to staff review and approval. A maximum of two (2) temporary signs no larger than 4' X 8' shall be permitted on Grape Road. A maximum of two temporary signs shall be permitted along State Road 23. **No inflatable air balloons shall be permitted.** All signs and attention getting devices shall not flash or be animated where they are overtly distracting to the motoring public. Internal directional signs shall also be permitted as necessary provided they are not visible from surrounding major roadways.

PETITION #19-08 A petition submitted by Gumwood Acquisitions LLC, seeking approval of an amendment to the Grandview Planned Unit Development to permit outside storage and display as a use, preserve existing vegetation in lieu of landscaping requirements, construct 14' opaque fence to screen outside storage area, and provide driveway access throat length of 100' to property west for a proposed Menard's store.

The Commission, with a vote of 5-2, forwarded a favorable recommendation subject to the following conditions:

- Adding outdoor storage and display as a permitted use;
- *Utilizing a combination of colored split face block (concrete masonry units), treated lumber, and colored Belgian edgers on the north elevation of the storage/warehouse structure as shown on the provided elevation;*
- Preserving the existing vegetation in the 35' wide buffer along the west property lines abutting existing residential property;
- Providing a row of 8' high evergreen trees spaced 12' apart between the existing tree row and screening fence along the west property line abutting the existing residential property and along the north elevation of the storage/warehouse structure;
- *Allowing a composite, aluminum or CedarTone Premium pressure treated lumber fence, 14' in height, to screen the proposed outdoor storage and display areas;*
- *Providing foundation landscaping adjacent to the screening fence along the east side of the proposed outdoor storage and display area;*

Reduce the minimum on-site throat/stacking area from 200 lineal feet to 100 lineal feet for a cross access with the adjacent Centennial Place commercial center;

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. 2019-17

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 the following Resolutions by title and opened for public hearing.

RESOLUTION NO. 2019-17

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:

6501 Grape Road, Suite 1205A, Mishawaka, Indiana

Joe Gravit, property owner said his salon houses 27 private studios for salon professionals in the area. He continued to say they would like to have a special use permit to enable microblading. Mr. Gravit explained it was a high-end cosmetology service, which happened to fall under tattooing in the State of Indiana. He continued to explain microblading was a semi- permanent procedure used to replace eyebrows, primarily done on women dealing with hair loss from age or going through medical treatments such as chemo.

Mr. Banicki questioned the 27 studios in Mr. Gravit’s salon. Mr. Gravit explained they were private studios rented to cosmologist. He said 4 out of the 27 studios were used for esthetics and massage. Mr. Gravit continued to say there maybe 1 person out of the 27-studios preforming microblading. He said it was a specialized procedure which required certification and licensing. Mr. Gravit continued to say not a lot of salons do the procedure, but it was becoming more prevalent in high end salons. Mr. Banicki expressed he was not comfortable giving blanket coverage for the location. He asked would the professional need to be certified for microblading followed by Health Department regulations. Mr. Gravit explained not every studio would perform microblading, they were primarily cosmetology. He continued to say 23 of the studios were set up with shampoo bowls, and the others for esthetics. Mr. Gravit said the microblading Artist had to attend special schooling for their certification and they had to be licensed through the State of Indiana Health Department due to blood pathogens. He said each studio had to be inspected and analyzed by the State Board of Indiana. Mr. Gravit continued to say all stylist had to provide him with a license and the Microblade Artist had to provide him with the certification of authorization for microblading, license from the State Board of Indiana and insurance.

Ken Prince, City Planner said the nature of the request was similar to a tattoo parlor. He said a tattoo parlor required special approval from the council in order for it to go in. Mr. Prince said they recently had an approval for a business on Edison Lakes, which the women running the business presented to the council. He continued to say since that time there was at least one other request for a tattoo artist to be located in the facility. Mr. Prince explained as a part of their procedure requirements, not only did they need to be licensed through the state and the Board of Health, they also needed to be license through the Board of Public Works and Safety for the city to have record of who was practicing. He continued to explain each microblading artist had to be licensed separately and submit a separate license through the Board of Public Works and Safety. Mr. Prince continued to say yes, the council would give the location a blanket approval, but the requirements in terms of submission went beyond the council in terms of what was required to operate.

Ms. Petko Residorf made the comment there had been a significant increase in infection with microblading. She questioned the safety and sanitary procedure of microblading equipment. Mr. Gravit explained each artist would have to have their own set of tools and after each customers the small blade was disposed of. He continued to say each artist had their own locked studio, they did not share tools, they were their own business owner. Mr. Gravit said the County Health Department would have inspections to make sure they had the proper equipment and tools.

Mr. Mammolenti asked how often the Health Department would inspect at Mr. Gravits current locations. Mr. Gravit stated the State Board of Cosmetology inspects every year to the individual studios to renew licenses for Cosmetology and Esthetics. He said the Health Department would do yearly inspection as well. Mr. Gravit said his Granger location did not have microblading.

Question was called for at 7:16 P.M. for **RESOLUTION NO. 2019-17**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

RESOLUTION NO. 2019-18

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:

6501 Grape Road, Mishawaka, Indiana

Lily Tiuijian, Director of Marketing of University Park Mall said they were hoping for approval to host a RV sale June 27th through June 30th 2019. She mentioned they hosted the RV sale last year and hoped to do it again this year.

Mr. Mammolenti questioned the hours of operation for the sale and whether it was dealer or manufacture sale. Ms. Tiuijian said time was to be determined, but it would not be any more than 10A.M. to 9P.M which was the hours of the mall. She stated so far there were two dealers, D Showalter and Moore Custom Trailers.

Ms. Petko Reisdorf questioned the types of RV's and how many were sold last year. Ms. Tiuijian said she was not sure of the type of RV's. She said last year there were at least 11 units sold. Ms. Petko Reisdorf also question how many vehicles would be on the premises. Ms. Tiuijian explained they reached out to many dealers, so far, the confirmed dealers would bring 6 each.

Question was called for at 7:21 P.M. for **RESOLUTION NO. 2019-18**  Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).**Yes:** Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

NEW BUSINESS

Ethan Ward, Boy Scout Troop 110 explained he attended the meeting to recieve a Merit Badge towards his Eagle Scout Badge.

Ms. Petko Reisdorf and Mr. Emmons expressed they enjoyed the Mayors Youth Council Mock Meeting. They hoped the students would continue their interest in government. Mr. Emmons asked would Mock meeting be yearly event. Lou Ann Hazen, Mayors Assistant explained it would be every other year, next year they would do a leadership project.

ADJOURNMENT 7:24 P.M.

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

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