

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

February 17, 2020

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, February 17, 2020 at 7:00PM. The meeting was called to order by President Gregg Hixenbaugh all were asked to stand for the Pledge of Allegiance.



Roll Call.

Present: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

Absent: Mr. Emmons.

Others present; Mike Trippel, Council Attorney, Mary Ellen Hazen Chief Deputy

Minutes for the Regular meeting of February 3, 2020 were approved as received from the Clerk's Office.

Clerk Block read the following joint resolution honoring the league of women voters.

Joint Resolution Honoring the League of Women Voters

Clerk Block read letters from the City Plan Commission and the Board of Zoning Appeals regarding their recommendations from the February 11th meeting.

APPEAL NO. 2020-01 An appeal submitted by James Clardy and Theresa Clardy requesting a Use Variance for 4416 Lincolnway East to allow a contractor's office in the R-1 Single Family Residential District.

The Board, with a vote of 4-0, recommended approval.

PETITION NO. 2019-19 A petition submitted by KLT Properties LLC requesting to amend the Gateway Plaza PUD to modify landscaping requirements.

The Commission, with a vote of 7-0, recommended approval.

PETITION NO. 2020-01 A petition submitted by James W Clardy and Theresa Clardy requesting to rezone 4416 Lincolnway East from C-1 General Commercial District to R-1 Single Family Residential District.

The Commission, with a vote of 7-0, recommended approval.

PETITION NO. 2020-02 A petition by School City of Mishawaka requesting the vacation of various street and alley rights-of-way west of 1202 Lincolnway East, (Mishawaka High School).

The Commission, with a vote of 7-0, recommended approval.

PETITION NO. 2020-03 AN ORDINANCE AMENDING CHAPTER 105, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE DESIGN REVIEW DEVELOPMENT PLAN ORDINANCE” OF THE CITY OF MISHAWAKA, INDIANA. The City is seeking to amend the following: Section 105-174. – Signage size limitations. To increase the following size of logos, letters, and to limit where signs may be placed along a wall. Section 105-175. – Signage quality. - To permit signage based on individual businesses or storefronts rather than per building and to allow projecting signs and awnings in addition to wall signs. Section 105-176. - Signage Clutter. – To allow directory signs with an unlimited number of letters three inches in height or less.

The Commission, with a vote of 7-0, recommended approval.

Clerk Block read the following proposed ordinances by title and were set for public hearing at the next meeting.

PROPOSED ORDINANCE NO. 2020-05

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 Amendment for reduction of Landscaping Requirements Vacant Land S. of 3729 Bremen Hwy. & N. of the US 20 Bypass

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2020-06

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.

Rezoning from C-1 Commercial to R-1 Residential for existing house and Contractors Business (Pending Ap20-01) 4416 LWE

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2020-07

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.

**Vacating areas of N Wenger Ave between LWE and Homewood – The East 63’ of the East/West alley North of LWE – all alleys bounded by Homewood on the North Indiana on the West and Wenger on the East – Mishawaka High School
(Assigned to Land Use Planning Committee)**

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

RESOLUTION NO. 2020-01

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR THE ANNEXATION FOR THE PROPERTY LOCATED AT:

Part of 54655 Fir Road, Mishawaka, IN 46545.

Ken Prince, City Planner stated the property was 1.26 acres contiguous to the city and all departments indicated they could serve this property.

Question was called for at 7:15PM for **RESOLUTION NO. 2020-01**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

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

PROPOSED ORDINANCE NO. 2020-01

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

Annex and Zone C-1 54655 Fir Rd for future expansion and additional parking for its adjacent office development The Plaza at Day Rd and Fir Rd.

NO VOTE

Tibby Mihalache, one of the owners stated the added parking would help with traffic issues on Day Road with access on Fir Road.

The public hearing on **PROPOSED ORDINANCE NO. 2020-01** was closed at 7:19 PM. A vote would take place at the March 2nd meeting, where the committee report would also be received.

PROPOSED ORDINANCE NO. 2020-04

AN ORDINANCE AMENDING CHAPTER 105, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE “DESIGN REVIEW DEVELOPMENT PLAN ORDINANCE” OF THE CITY OF MISHAWAKA, INDIANA.

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

Ken Prince, City Planner stated the design review development plan was created in 1999 to create a design standard and pallet to encourage high quality development for the downtown area. He also stated there have been multiple amendments made to the plan since it was created, one being the allowance of sandwich boards in 2013. Mr. Prince used Flaherty & Collins as an example of amendments made to the plan. He said the amendments consisted of signage size limitations, signs closer than 24” to the building, signage quantity, and signage clutter.

Mr. Hazen asked how this would affect existing signs. Mr. Prince answered saying all existing signs up were grandfathered in, but if a new sign was to be put up, they would have to meet the new criteria.

Question was called for at 7:28PM for **PROPOSED ORDINANCE NO. 2020-04**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

NEW BUSINESS

Mr. Mammolenti announced his monthly neighborhood watch meeting with Mr. Hazen would be held on February 19th at Twin Branch School starting at 7PM. The speaker of the event would be Mr. Phil Blasko discussing and answering questions on the next phase of improvements to Twin Branch Park.

Mr. Hixenbaugh announced the Mishawaka Fire Department achieved ISO Public Protection Classification rating of Class 2, meaning they have been placed in the top 2% of all fire departments in the United States for ISO rating. Mr. Hixenbaugh congratulated the Mishawaka Fire Department for the fine work they’ve done to obtain this recognition.

ADJOURNMENT 7:30PM

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

Gregg A. Hixenbaugh /s/
Gregg A. Hixenbaugh, President