

AGENDA

Monday, June 16, 2014

**Meetings of Standing Committees
Council Conference Room
6:45 P.M.**

**REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00 P.M.**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of the Minutes of the Previous Regular Meeting**

June 02, 2014

- 5. Petitions, Communications, Remonstrance and Memorials**

Mayor Wood's Youth Council Leadership Presentation

- 6. Report of Special Committee**
- 7. Ordinances on First Reading**

P.O. NO. 2014-12 Reduction in the Budget - \$12,000.00

P.O. NO. 2014-13 State Reduction in the Budget - \$101,570.00

- 8. Resolutions**

R2014-13 Appointment to Historic Review Board - Non-voting Member

- 9. Ordinances on Second Reading**
- 10. Privilege of the Floor - Non-Agenda Items**
- 11. Unfinished Business**
- 12. New Business**
- 13. Adjournment**

At this time I know of no other business to come before the Council.
Deborah S. Block, IAMC, MMC, City Clerk

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
June 2, 2014

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 2, 2014 at 7:00 p.m. The meeting was called to order by President Mammolenti all were asked to stand for the Pledge of Allegiance.



Roll Call.

Present: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Others present; Mary Ellen Hazen Chief Deputy I, Linda Dotson Chief Deputy II, and Council Attorney Mike Trippel

Clerk Block read **PROPOSED ORDINANCE NO. 2014-06** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-06

**AN ORDINANCE AMENDING CHAPTER 18 OF THE MUNICIPAL CODE OF THE
CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED,
COMMONLY KNOWN AS THE “BUSINESS REGULATIONS ORDINANCE”
OF THE CITY OF MISHAWAKA, INDIANA
(Amending Business Regulations - LeadsOnline)**

Mr. Compton reported the Public Health and Safety Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Banicki the motion carried.

Dan Gebo, Assistant Chief, Investigative Bureau said Leads Online would be a great benefit to the Police Department as tool to track thieves through a data base. He said implementing this system in second hand stores, and pawn shops would help in finding stolen items faster. He went on to explain there would be no costs to the stores, this service goes through the National Criminal Intel Center and tries to find matches to stolen items.

Alex Spsychalski, General Manager of Cash Generators LLC, located 512 West Edison Road, said one of the major things for them was the fact that it costs them nothing for this service and the time it takes, it is easy you get the person's name, driver's license and the serial number and description of the product they want to sell you and it integrates with a lot of the modern software. Mr. Spsychalski stated they have used this system for several months and their issue with stolen items has dropped dramatically. He said this system is nationwide, when someone comes into the store and says they had an item stolen and are looking for it the store can check it out on LeadsOnline. Mr. Spsychalski said by using this system he could tell if the seller has repeatedly taken stolen goods to other stores, before this there was no way of telling if someone was selling stolen items, although there were times he was suspicious but had no real way of checking or tracking.

Ms. Voelker asked how LeadsOnline works. Mr. Spychalski said he starts with the rules of the second hand store taking your license, your thumb print, and getting your signature, as they enter this into their computer it integrates with the LeadsOnline it uploads pictures of the item with their serial numbers and Driver's License number of the person pawning the item. He went on to explain this data base was shared nationwide and helps to detect stolen items and repeated offenders.

Rudy Begh 106 S. Merrifield said he owns two pawn shops and feels that LeadsOnline was the way to go. He said in the old system it took months for the Police to track down stolen goods and get them back to their rightful owners. Mr. Begh stated with this new system you put anything from serial numbers to a driver's license number in the system and it synchronizes it throughout the data base. He said he was totally in favor of this new system it was good for everyone.

Ms. Voelker asked when someone brought something into the store and this information was entered in would the broker know at the time that it was a stolen item. Mr. Begh said no, however it would come up that this particular person was a repeat offender, and at that time can put them in a block list that will be seen throughout the system.

Mr. Mammolenti said so at that time you have already paid this person for the item. Mr. Begh said yes, that was the unfortunate side the store would at that point notify the Police and would have lost the money they paid out to that person. He said he feels Leadsonline definitely helps.

Question was called for at 7:15 on **PROPOSED ORDINANCE NO. 2014-06**



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5440.**

Clerk Block read **PROPOSED ORDINANCE NO. 2014-07** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-07

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

(Walker PUD Amendment West Side of Capital Avenue Side of Grande Vista Parkway)

Mr. Compton said **PROPOSED ORDINANCE NO. 2014-07** was deleted in its entirety and replaced with an amended version with a second by Mr. Banicki the motion carried.

Mr. Roggeman reported the Land Use Planning Committee recommended this proposed ordinance as amended should be adopted and moved for acceptance of same upon a second by Mr. Reisdorf the motion carried.

Mr. Hixenbaugh Attorney at Law 559 Webster Street said he was representing the petitioner Capital Avenue Properties and John Becker. He said, Daryl Knip with Abonmarche and Associates was present to answer any questions from an engineering standpoint. Mr. Hixenbaugh stated the request for the amendment to the Walker PUD NW focuses on the portion of the PUD at the North West Corner of the property, which is a smaller parcel at 0.79 acres that lies at the Corner of Capital Avenue and Grandvista Parkway. He said the ultimate intent was to develop this parcel to include a higher end coffee shop, with a small sandwich shop and would have less of intensive use then the term restaurant might indicate, that was basically the reason for the amendment. Mr. Hixenbaugh said in addition to having the drive-thru be a part of this parcel and the overall PUD they wanted the record to reflect the fact the petitioner has no objections on conditions 1 thru 3 but there was a concern to condition number 4 and Mr. Prince worked that out with them and they felt it was a fair compromise. He said for the record Mr. Becker was very open to be part of any discussions considering proposals with regard to connectivity between the parcels as development moves forward and particularly as development occurs on the adjacent property and was asking for the record to reflect that fact.

Mr. Hixenbaugh stated at this time they do not have a specific end user that he could share with the Council they certainly believe if approved it would enhance their ability to market the property and bring in a user that everyone would be comfortable with.

Question called for at 7:22  **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 9). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5441AA.**

Clerk Block read **PROPOSED ORDINANCE NO. 2014-08** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-08

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

(Rezone from I-1 Industrial to C-9 Auto Detailing Facility – 2340 Schumacher Drive)

Mr. Banicki reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Emmons the motion carried.

Jeff Ballard, Danch, Harner, and Associates 1643 Commerce Drive, South Bend said he was representing Lawrence and Susanne Silverman and Diane Gaughan as they request a zoning change for property located at 2340 Schumacher Drive in Mishawaka. He said currently at the site of the project the property contains a commercial building of 17,142 square feet with minimal landscaping and minimal parking. Mr. Ballard stated as a contingent purchaser which is Michiana Dodge Chrysler Jeep wants to turn that property into an automobile

detailing facility to augment their business. He said the surrounding zoning is compatible , they intend to put in 220 parking spaces, they would manage the storm water, add landscaping, and would play close attention to the residential neighborhood to the east of them that they butt up against and have committed to go above and beyond for the buffer and landscaping. Mr. Ballard said he respectfully asked for the Council's consideration on this rezoning.

Mr. Emmons asked if there would be steam cleaning of engines where there would be oil or grease residue. Mr. Ballard said no.

Question was called for at 7:27 p.m.  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5442.**

Clerk Block read **PROPOSED ORDINANCE NO. 2014-09** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-09

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
(Vacation of Public Right of Way and Underlying Utility Easement Rights – Evergreen Road, I-80/90 Toll Road and Capital Avenue)

Mr. Banicki reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Ms. Volker the motion carried.

Daryl Knipp, Abonmarche Consultants, 750 Lincolnway East, South Bend said he was representing the petitioners and property owners in their request for vacation of the Evergreen right-of-way. He said this was a paper right-of-way unimproved and they are try to clean it up for future development.

Question was called for at 7:29  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5443.**

Clerk Block read **PROPOSED ORDINANCE NO. 2014-10** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-10

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**
(Rezone I-2 Heavy Industrial to R-1 Single Family – 1709 Elder Road)

Kate Voelker reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Banicki the motion carried.

Mark Skinbinski 1709 Elder Road said he has no storage and wants to build a garage. He said his back yard is 230 feet deep he needs storage for toys and lawnmowers etc.

Mr. Prince said this is only for a change in zoning from industrial to single family zoning.

Question was called for at 7:33  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5444**

Clerk Block read **PROPOSED ORDINANCE NO. 2014-11** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-11

**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**
(Vacation of Public Right of Way – Main Street Underpass
at Grand Trunk Western Railroad)

Mr. Roggeman reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Banicki the motion carried.

Ken Prince City Planner, said this proposed ordinance addresses the issue on a vacation is a result of the movement of the road to the East creating a triangular piece at the cemetery and moving it into the cemetery, utilities in the old corridor will remain in the easement.

Kate asked if they could put anything on that property, like a monument.

Mr. Prince stated they could place a flower garden or something like that knowing that it was a utility easement and could be obstructed or torn out if utilities needed to access that ground.

Question was called for at 7:37  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5445.**

NEW BUSINESS

Mr. Emmons said he would like to remind everyone of his neighborhood meeting at St. Bavo on Thursday June 19th at 7 pm and on July 17, 2014 Metro Homicide Department will be there at 7:00 p.m. with their command vehicle.

Mr. Compton said the Mishawaka Memorial Parade was fantastic and he wanted to thank Mr. Mason for the great float of the lost 74 in the Viet Nam War when their ship sank and 74 men were never recovered.

Mr. Mammolenti said Twin Branch would not have a meeting June, or July, Their next meeting would be August Night out. He said he would also like to commend one of Mishawaka's City employees, Mike Carpenter, Code Enforcement saved his neighbor by breaking down the front door of her burning home and carrying her to safety.

There being no further business to come before the Council, Vice President Emmons adjourned the meeting at 7:40 pm

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

Matt Mammolenti
Matt Mammolenti, Presiding Officer

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 12 2014

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2014-12

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE REDUCTION OF FUNDS FOR THE YEAR ENDING DECEMBER 31, 2014

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA INDIANA, THAT:

Section 1. An emergency exists which requires the reduction of funds for the fiscal year ending December 31, 2014 as set out in detail in the published budget.

Section 3. There is hereby reduced from the General Fund of the City of Mishawaka the sum of \$12,000.00 for assignment as follows:

General Fund

Reduction:

Controller

Personal Services

101.02.413.05 Employee Health Insurance \$12,000.00

Section 3. This Ordinance shall be in full force and effect from and after its passage, signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana

on this _____ day of _____, 2014 at _____

o'clock, ____ M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana
on this _____ day of _____, 2014 at _____
o'clock, _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2014 at
_____ o'clock, _____.M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Misti D. Horvath, Deputy Controller

Date: June 12, 2014
To: Members of the Common Council
From: Becky Miller
Re: Reduction of funds

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 12 2014

CITY CLERK
MISHAWAKA, IN

For the June 16th packet I am presenting two ordinances for budget reductions. Due to the Circuit Breaker loss number recently received from the State, we are required to reduce the General fund, the Cumulative Capital fund, and the Municipal Bond fund for budget year 2014. The second reduction ordinance is due to a \$12,000 additional that was done earlier this year. It now must be processed as a reduction of a different line in the General Fund.

Please contact me with any questions. I will be at pre council to answer any questions.

c: Mayor David A. Wood

JUN 12 2014

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2014-13

ORDINANCE NO. _____

AN ORDINANCE DECLARING AND
DETERMINING THE REDUCTION OF BUDGETED
APPROPRIATIONS FOR THE YEAR ENDING DECEMBER 31, 2014

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA
INDIANA, THAT:

Section 1. The appropriation of funds for the fiscal year ending December 31,
2014 set out in detail in the published budget will be reduced as follows:

General Fund

Controller Department

Services Personal

101.02.413.05 Employee Health Insurance \$ 68,240.00

Cumulative Capital Development

Capital Outlay

417.50.445.11 Computer Equipment/Software 31,329.00

Municipal Bond Redemption

Other Services and Charges

301.50.438.03 Registrar Fee 2,001.00

Total \$101,570.00

Section 2. This Ordinance shall be in full force and effect from and after its
passage, signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana

on this _____ day of _____, 2014 at _____ o'clock, _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this _____ day of _____, 2014 at _____ o'clock, _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2014 at
_____ o'clock, _____.M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Misti D. Horvath, Deputy Controller

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 12 2014

CITY CLERK
MISHAWAKA, IN

Date: June 12, 2014
To: Members of the Common Council
From: Becky Miller
Re: Reduction of funds

For the June 16th packet I am presenting two ordinances for budget reductions. Due to the Circuit Breaker loss number recently received from the State, we are required to reduce the General fund, the Cumulative Capital fund, and the Municipal Bond fund for budget year 2014. The second reduction ordinance is due to a \$12,000 additional that was done earlier this year. It now must be processed as a reduction of a different line in the General Fund.

Please contact me with any questions. I will be at pre council to answer any questions.

c: Mayor David A. Wood

JUN 12 2014

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. R2014-12

**A RESOLUTION APPROVING APPOINTMENTS
TO THE HISTORIC PRESERVATION COMMISSION
OF THE CITY OF MISHAWAKA, INDIANA**

WHEREAS, Indiana statute permits the Common Council of a city to establish a Historic Preservation Commission; and

WHEREAS, the Mishawaka Common Council adopted Ordinance No. 3444 on November 19, 1990 creating a nine-member Historic Preservation Commission with a five-member Advisory Board; and

WHEREAS, Ordinance No. 3444 provides that eight voting members of the Historic Preservation Commission shall be appointed by the Mayor subject to Common Council approval and that the Mayor may appoint non-voting Advisory Board Members subject to Common Council approval; and

WHEREAS, subject to Council approval, the Mayor has appointed Shirley A. McAlister to serve as a non-voting advisory member of the Mishawaka Historic Preservation Commission through December 31, 2015;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mishawaka that it hereby approves the Mayor's appointment of a non-voting member to the Mishawaka Historic Preservation Commission Advisory Board.

PASSED by the Common Council of the City of Mishawaka, Indiana, this 16th day of June, 2014, at ____ o'clock p.m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ____ day of ____ 2014, at ____ o'clock ____ M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ____ day of ____ 2014, at ____ o'clock ____ M.

David A. Wood, Mayor