

AGENDA

Monday, April 3, 2017

**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**

March 20, 2017

- 5. Petitions, Communications, Remonstrance and Memorials**
- 6. Report of Special Committee**
- 7. Ordinances on First Reading**

P.O. NO. 2017-13 Affirming the Establishment of a Five Member Mishawaka Economic Development Commission (Petitioner Requesting Second Reading)

- 8. Resolutions**
- 9. Ordinances on Second Reading**

P.O. NO. 2017-12 Amending the Tattoo Ordinance (Assigned to Public Health and Safety Committee)

- 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

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

March 20, 2017

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 March 20, 2017, at 7:00 p.m. The meeting was called to order by President Ross Deal all were asked to stand for the Pledge of Allegiance.

Roll Call.

Present: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.

Others present; Mike Trippel Council Attorney.

The minutes from the March 6, 2017 meeting were approved as received from the City Clerk's Office.

Clerk Block read letters from the Board of Zoning Appeals regarding recommendations from their March 14, 2017 meeting

The following ordinance was given first reading, assigned to committee and set for public hearing at next meeting.

PROPOSED ORDINANCE NO. 2017-12

AN ORDINANCE AMENDING CHAPTER 18 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA (Amending Tattoo Ordinance) (Assigned to the Public Health and Safety Committee)

Clerk Block read **RESOLUTION NO. 2017-05** by title.

RESOLUTION NO. 2017-04

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: 308 West Cleveland Road, Granger, Indiana (Biggby Coffee)

Mark Shea 466 S. Prospect Ave. Elmhurst, Illinois said he was the trustee for his parents who owned the proposed property. He mentioned the former tenant operated a dry cleaner for 23 years. Mr. Shea said they needed the use variance to operate the drive-thru for the restaurant.

Mrs. Voelker mentioned the letter from Mr. Zielenski, a resident that lives on the other side of the fence had concerns about lighting. Mr. Shea said the fence sits on a culvert/mound 18 to 20 feet high.

Mr. Compton asked could the light go through the fence. Mr. Shea replied no, it could not penetrate.

Mr. Compton questioned the business hours. Mr. Shea said 5AM to 6PM Monday through Friday and 6AM to 6PM Saturday and Sunday. He mentioned there would also be inside seating.

Mr. Mammolenti assumed the drive-thru would be in the same location as the previous owners. Mr. Shea said yes, enter and exit would stay the same and signing would be enhanced.

Mr. Canarecci asked would the drive through connect to the housing in back eventually. Mr. Shea said the U-turn would be used for now and it may change eventually.

Questioned was called for at 7:09 P.M. for **RESOLUTION NO. 2017-04**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**

Clerk Block read the following ordinance by title.

PROPOSED ORDINANCE NO. 2017-11

**AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2017
(Transfer Funds LOIT Special Distribution Fund \$7,500)**

Clerk Block read a letter from petitioner, petitioner requested withdrawal.

Mr. Tanner made a motion to withdraw **PROPOSED ORDINANCE NO. 2017-11** with a second by Mr. Banicki motion carried

ADJOURNMENT 7:11 P.M.

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

Ross Deal s/
Ross Deal, President

1st Reading 4-3-17
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2017-13

ORDINANCE NO. _____

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 28 2017

CITY CLERK
MISHAWAKA, IN

AN ORDINANCE AMENDING THE MUNICIPAL CODE, CHAPTER 2 BY
AFFIRMING THE ESTABLISHMENT OF A FIVE-MEMBER
MISHAWAKA ECONOMIC DEVELOPMENT COMMISSION

WHEREAS, the Common Council (the "Common Council") of the City of Mishawaka, Indiana (the "City"), has previously adopted Ordinance No. 1334 on July 19, 1965 (the "Original Ordinance") which Original Ordinance established the Mishawaka Economic Development Commission (the "Commission") pursuant to I.C. 36-7-11.9 and 12, as amended (the "Act"), as an economic development commission consisting of three (3) members; and

WHEREAS, at some time after the adoption of the Original Ordinance, the Commission was expanded to include five (5) members (the "Expansion Legislation"); and

WHEREAS, the Common Council desires to affirm the Expansion Legislation allowing for the Commission to consist of five (5) members.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, AS FOLLOWS:

SECTION 1. The Common Council hereby affirms, ratifies and approves the Expansion Legislation and declares that the Commission shall consist of five (5) members. In accordance with the Act, the members shall be appointed as follows: three (3) shall be appointed by the Mayor of the City, one (1) shall be appointed by the County Council of St. Joseph County, Indiana, and one (1) shall be appointed by the Common Council.

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

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on this
_____ day of April, 2017 at _____ o'clock, _____.M.

Ross Deal, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this _____ day of _____, 2017
at _____ o'clock, _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2017 at _____
o'clock, _____.M.

David A. Wood, Mayor

1st Reading 3-20-17
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 15 2017

PROPOSED ORDINANCE NO. 2017-__12

ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

**AN ORDINANCE AMENDING CHAPTER 18
OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA**

WHEREAS, the Common Council for the City of Mishawaka in 1998 established policies and procedures for licensing and regulation of Tattoo establishments in the City of Mishawaka in Ordinance 4248; and

WHEREAS, it is appropriate at this time to amend certain sections of Ordinance 4248.

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

Section 1. The following sentences in Section 18-522 (e) are hereby deleted. The remaining portions of the sections will not be changed.

18-522 (e) (1): Has been convicted of a felony.

18-522 (e) (2): Has been known to be a drug user or alcohol abuser; or

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Common Council, signature of the Mayor, attestation by the City Clerk and publication as required by law. Any payment made to an employee prior to the effective date of this ordinance that otherwise complies with its terms, is hereby ratified.

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

_____ day of _____ 2017, at _____ o' clock, P.M.

Presiding Officer, Ross Deal

ATTEST:

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2017, at _____

o'clock, __. .M.

Deborah S. Block, City Clerk

APPROVED by me this ____ day of _____, 2017, at _____ o'clock, __.M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF LAW

March 15, 2017

Mishawaka Common Council
600 E. Third Street
Mishawaka, IN 46544

Re: Proposed Amendment of Tattoo Ordinance

Honorable Members of the Council:

Per your request, attached for your consideration is a Proposed Ordinance that would amend the current Ordinance governing licensing and regulation of Tattoo establishments in the City of Mishawaka. The previous ordinance was passed in 1998. The amendments are consistent with the discussions we have had on the topic.

Should you have any questions, please contact me.

Sincerely,

John J. Roggeman
City Attorney

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