

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL  
May 4, 2011

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Wednesday, May 4, 2011 at 7:00 p.m. The meeting was called to order by the President John Gleissner and all were asked to stand for the Pledge of Allegiance.

Clerk Block's roll call showed the following;

Dale "Woody" Emmons 1<sup>st</sup> District Councilman – Present  
Mike Bellovich 2<sup>nd</sup> District Councilman – Present  
Ross Deal 3<sup>rd</sup> District Councilman - Present  
Marsha McClure 4<sup>th</sup> District Councilman - Present  
Michael Compton 5<sup>th</sup> District Councilman - Present  
Ronald Banicki 6<sup>th</sup> District Councilman – Present  
John Gleissner, Councilman At Large – Present  
Gregg Hixenbaugh, Councilman At Large – Absent  
John J. Roggeman, Councilman at Large – Present  
A quorum was obtained.

Others present; Deborah S. Block, City Clerk; Mary Ellen Hazen Chief Deputy I, Linda Dotson, Chief Deputy II Absent, and Council Attorney Mike Trippel.

The minutes from the April 18, 2011 meeting were approved as received from the Clerk's Office.

Clerk Block presented the following appeals and petitions to the Council, who referred them to the Plan Commission for their recommendation

**Appeal No. 2011-20** Use Variance to allow a drive-thru and parking  
Variance for ratio of 10 spaces per 1,000 square  
Foot – 4310 N. Main Street. Panera Bread

**Petition No. 2011-08** Rezone from C-1 General Commercial to R-1 Single  
Family Residential – 505 South Logan Street.

Clerk Block read **RESOLUTION NO. R2011-07** opening it for public hearing.

**RESOLUTION NO. R2011-07**

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF  
MISHAWAKA, INDIANA, DECLARINIG A CERTAIN AREA IN THE CITY OF  
MISHAWAKA, INDIANA, TO BE AN ECONOMIC REVITALIZATION AREA  
(JAMIL PACKAGING CORPORATION)**

Declaratory Resolution

Ken Prince City Planner said, Jamil was one of the local success stories, they increased from 53 employees in 2006 to 73 people at the present time. He said this tax abatement was for adding an Expert Folder Gluer at the cost of \$900,000.00 and is looking to add six new employees. Mr. Prince said it was his understanding that the tax abatement was pivotal as to whether or not they Jamil would be going forward. He said Dave Diroll was available to answer any questions the Council might have.

Mr. Prince said this would be a 3 year period for abatement resulting approximately \$54,000.00 to be abated, that was assuming the equipment was assessed at that value, usually the equipment comes in lower then actual cost and installation would be. He went on to say \$27,000.00 in taxes would be paid on that piece of equipment during that time.

David Diroll, Owner and Operator of Jamil Packaging Corporation, since 1994 said he moved the company to Mishawaka in 2002. He said they manufacture corrugated boxes and distribute packaging supplies. Mr. Diroll said this piece of equipment was called an Expert Fold Gluer which has computerized set up and was bigger then the one they currently have, and he feels it would add new markets to the products they can manufacture and he needs that to stay competitive and keep up with the competition.

Mr. Deal asked, assuming this was approved what would the time frame be. Mr. Diroll, said relatively soon, he has seen this machine work and was very impressed with its performance, beside the fact it was bigger and they definitely need that. Mr. Deal asked how soon there after would they be adding new jobs. Mr. Diroll, said they would start immediately hiring new trainees, and operators. It was a sophisticated piece of equipment so it would take a little time to find the right people. Mr. Deal asked about the pay scale. Mr. Diroll stated those types of jobs would be in the \$14.00 to \$15.00 per hour range, plus benefits which usually adds \$5.00 an hour; they have profit sharing and 401K Plan. Mr. Deal asked if they were a union shop. Mr. Diroll said they were not.

Mr. Bellovich asked what the average wage was for his shop. Mr. Diroll stated \$13.00, a trainee may hire in a little less then that, but they do have people that make more then that maybe as high as \$18.00 per hour.

Mr. Prince said he would like to add this was only the second step of a three step process the confirming resolution would be decided at the next regular Council Meeting.

Question was called for at 7:26 p.m. on **RESOLUTION NO. R2011-07** with the vote being 8 to 0 in favor.

### **PRIVILEGE OF THE FLOOR**

Pasqualli Rulli Jr., President of Mishawaka FOP 91 said on behalf of himself and FOP 91 they would like to invite the Council and the public to the Fallen Officer's Memorial on May 5, 2011 at 2:00 p.m. in front of the Mishawaka Police Station.

### **UNFINISHED BUSINESS**

Clerk Block read **RESOLUTION NO. R2011-04** opening it for public hearing.

**RESOLUTION NO. R2011-04**

**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:**

**1017 East Jefferson Boulevard, Mishawaka, Indiana**

(Use Variance to allow C-4 Automobile Oriented Commercial Use for Auto Repair and Sales)

Wyatt Mick, Attorney at Law 400 Lincolnway East, said he was representing Hellman Commercial Realty LLC, an Indiana Limited Liability Company who is the owner of the real estate at 1017 East Jefferson Boulevard. Mr. Mick stated David Luna of South Bend would be the lessee of the property. He said Mr. Luna has been in the car repair business for some time although this was his first business venture on his own, he has made a substantial investment in the things he needs to operate this business.

Mr. Ross said he was concerned about the oil separator, the Council was originally told there was not one and was now being told there was. Mr. Prince stated it was one of the conditions that one be installed, since then Mr. West has inspected the property and found there was one and it needed to be cleaned out, it would be inspected again before occupancy would be aloud to take place.

Mr. Compton, Mrs. McClure and Mr. Bellovich expressed the need for the Council to have Mr. Luna present so he may clarify some of the issues. They said they were told automobiles would be repaired inside the building with an occasional auto sale outside and their question was how many vehicles does he for see being on the lot at one time or another. Mr. Luna said probably 30 vehicles. Mr. Compton stated that was a significant amount, how many employees would he have. Mr. Luna stated two others beside himself. Mr. Compton asked if the Council would put a limit of 10 cars or less would that be a problem for him. Mr. Luna said it would he has to have at least 20. Mr. Compton asked about outside storage of vehicles being worked on, would there be enough room to store those vehicles inside so they are not outside in different stages of repair. Mr. Luna said they would keep vehicles they are working on inside.

Mrs. McClure said the Council was under the impression from the last meeting there would only be a couple of vehicles for sale. Mr. Compton asked just to clarify just how many cars would be on the lot that would be for sale at one time. Mr. Luna said maybe 15.

Mr. Bellovich asked what kind of repair he would be doing. Mr. Luna said it would be mechanical repair he doesn't know anything about bodywork, and there would be no painting.

Mrs. McClure said she wanted to be clear with Mr. Luna regarding the limit of 15 cars for sale on his lot. He said that would be fine.

Mr. Emmons, Mr. Banicki and Mr. Gleissner also expressed their concern regarding 17 parking spaces on the property and the request for up to 30 vehicles for sale. Mr. Banicki went on to say if 15 of the seventeen parking spaces were full where would employees and visiting customers park,

would there be parking on the gravel area. Dr. Hellman said no. Mr. Banicki asked if Mr. Luna was informed of the Mishawaka sign ordinance. Dr. Hellman said yes he was.

Mr. Compton made a motion to amend this resolution to state there would be a maximum of fifteen automobiles at any one time for sale on this lot, with a second by Mr. Deal the motion carried.

Mr. Emmons said he would be voting against this because 15 cars in his opinion would be way too many.

Question was called for at 7:29 p.m. on amending **RESOLUTION NO. R2011-04**, to read only 15 cars would be aloud on the site, with the vote being 7 to 1 with Mr. Emmons voting No. it passed in favor.

Mr. Deal said he did not feel it was anyone's fault in particular but was not happy with the way this resolution was presented. He said he would be supporting this because the properties on both sides of this were already a C-4.

Mr. Compton and Mr. Gleissner said they concurred with Mr. Deal.

Mr. Emmons said he would be voting no on this resolution and said he concurred with his constituents as to the presentation of this proposal and said he hoped this property would not become an eyesore.

Question was called for at 7:31 p.m. on **RESOLUTION NO. R2011AA** with the vote being 7 to 1 with Mr. Emmons voting No.

There being no further business to come before the Council, President Gleissner adjourned the meeting at 7:35 p.m.

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

John P. Gleissner /s/  
John P. Gleissner  
Presiding Officer