REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

November 13, 2023

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the New Mishawaka City Hall and via telephone on Monday, November 13, 2023 at 7:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

Members attending virtually do so by WebEx. Public that attend can participate by WebEx or observe meetings by YouTube or Facebook live. The Council meetings are also streamed live on Michiana Access on Comcast/AT&T U-verse Channel 99.

Clerk Block called the roll.

Roll Call.

Present: Mr. Hazen (P), Mr. Bellovich (A), Mr. Mammolenti (E), Mr. Banicki (P), Mr. Emmons (A), Mrs. DeMaegd (P), Mr. Compton (P), Mrs. Voelker (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Minutes for the Regular Meeting on October 16, 2023 were approved as received from the Clerk's Office.

Clerk Block read the following petitions by title.

Petition No. 2023-22	Rezone from I-2 Heavy Industrial to C-4 Automobile Oriented Commercial – 1213 E. Jefferson Blvd.
Petition No. 2023-24	Rezone from C-1 to C-9 Auto & Vehicle Sales for the expansion of Gage Auto – 3813 Lincolnway East

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

<u>PROPOSED ORDINANCE NO. 2023-51</u>

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 THE CITY OF MISHAWAKA, INDIANA
Amending the Municipal Code for Barber and Beauty Shops to add definitions for Microblading and Permanent Makeup
(Assigned to Land Use Planning Committee)

<u>PROPOSED ORDINANCE NO. 2023-52</u>

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2023
Transferring and Reappropriating Funds – Public Safety LIT Fund: Capital Outlays (2240-50-445-09 $130,000.00) To: Debt Services (2240-50-438-01 $124,000.00 2240-50-438-02 $6,000.00)
(Assigned to Budget & Finance Committee)

<u>PROPOSED ORDINANCE NO. 2023-53</u>

AN ORDINANCE AMENDING ORDINANCE 5641 OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING THE PARTICIPATION IN THE STATE OF INDIANA DEFERRED COMP MATCHING PLAN, ADOPTION AGREEMENT AND AMENDMENT 1
Amending Ordinance No. 5641 The Deferred Compensation Matching Plan, Adoption Agreement & Amendment 1
(Assigned to Personnel Committee)

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

<u>RESOLUTION R2023-22</u>

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: 550 UNION STREET
Use Variance to allow Adult Daycare in I-2 Heavy Industrial District – 550 Union St.

George Lepeniotis, Attorney with Krieg DeVault with offices at 4101 Edison Lakes Parkway, spoke in favor of **RESOLUTION E2023-22** and was there on behalf of the petitioner for the variance on the use. Mr. Lepeniotis began by giving a little bit of a history with this item and stated the use variance went through the BZA with the favorable recommendation being unanimous and following the first reading at the meeting that evening, the Council had a public information session scheduled at an earlier date held on site at the old Troyer building at the address listed. Mr. Lepeniotis stated approximately 50 to 55 individuals showed up for that session and it lasted approximately an hour and a half. Mr. Lepeniotis stated most questions were answered and as an update to the questions that were had that night, his client wanted to reiterate everything that was said and that the proposed site was appropriate for the use variance and that the use variance would not be injurious to public health. The use variance would serve the community and not decease the property values in that area. Mr. Lepeniotis stated the use variance arose from the peculiar condition of the property and the property suited the use variance well, given its location and its geographic fencing but also his client wanted to mention that there would be other steps taken to provide security. Mr. Lepeniotis stated there was a question by one member of the public pertaining to security and his client had since contacted a security detail who would be there during all operating hours of the facility. Mr. Lepeniotis stated secondly, there was a question regarding the individuals and what had been done to help prevent violent episodes by individuals who were served at the facility and there were three steps that his client had taken to ensure that the individuals were better vetted and better treated. Mr. Lepeniotis stated the first step was a more in depth historical analysis of the individuals, the second was a more staff training to help identify violent tendencies even when they were not documented or they could potentially be first occurrence and the third step was more staff training for handling violent episodes if and when they happened. Mr. Lepeniotis stated he was joined that evening by the owner of Residential Options, Rueben Kangethe and as he mentioned, there were two parts to his business. Mr. Lepeniotis stated he earlier received a question from Councilwoman Voelker about whether this would be a consolidation of facilities throughout Mishawaka and it would be to use parking and other things that were available on site and help reduce congestion that they were experiencing at their existing facilities. Mr. Lepeniotis stated overall, the facility was nothing but a positive for his client, the people it served and ultimately, they believed for the city of Mishawaka.

Mr. Hixenbaugh thanked Mr. Lepeniotis for the effort he and his client made to host them at the facility and he found it to be very useful and he suspected others did as well and the information he shared was very helpful as they moved the process forward. Mr. Hixenbaugh stated one thing that they talked about that he believed bared mentioning in this setting was that as he understood it, the facility would be available not only to individuals who resided in one of the other homes operated by residential options but also to those individuals in the community who resided in a private residence but there was a need for them to be able to partake in the program and perhaps provide some respite for their caregivers and asked if Mr. Lepeniotis could touch on that. Mr. Lepeniotis stated the ultimate goal was to build a facility that would be able to service a number of individuals, whether they were part of the Residential Options care team or whether, as he mentioned, they had other residential arrangements made and were simply using it as a day facility. Mr. Lepeniotis stated the developmentally disabled individuals, like all of them, needed a point and purpose in life and this was an underserved part of their community. Mr. Lepeniotis stated even though there were a number of facilities in their community, they were all full. Mr. Lepeniotis stated his client had a ramp up period and they would not go from 0 to 100 in a year, as they heard in the information session and that process could take a number of years to get to their full capacity. Mr. Lepeniotis stated at capacity on that site really could serve as a destination for the individuals on a day-to-day basis whether they had residential options or not. Mr. Hixenbaugh him for that and asked if he could briefly touch on the demographic of the individuals who would be making use of the facility if it came to fruition. Mr. Lepeniotis stated the facility was most likely occupied by individuals receiving waiver services through Medicare and that waiver service was in fact a subsidized economic model where they could receive the services with some subsidy from Medicare for the services, so that did define some of the demographic but there was a complete broad-based demographic that they heard at the information session from parents who were of means and were just simply looking for options for their developmentally disabled children or relatives to have this type of outlet. Mr. Lepeniotis stated he thought it was very broad-based and he did not think there was just one social economic segment that the individual came from who would be partaking in the daycare center.

Mr. Mammolenti asked if he could just confirm that the individuals that would partake in the program that did not currently reside in one of the homes of residential options if they would also be sent through the same vetting process as he described earlier. Mr. Lepeniotis stated yes, they all had case managers assigned to them by the state of Indiana or if they happened to be Michigan residents, even though they did not anticipate that, they would receive the same treatment. Mr. Lepeniotis stated each of the individuals had a case manager and the intent was to apply the new procedures to every one of the individuals whether they were receiving daycare services or residential services. Mr. Mammolenti thanked him for that and also for the information he provided, as well as his time and information at the meeting on site. Mr. Lepeniotis thanked them all for being flexible and learning more about their proposal.

John Banes, 721 West 10th Street, spoke in favor of **RESOLUTION R2023-22**. Mr. Banes stated he had a lot of questions for everybody and questioned a lot of what could happen but after the meeting he was very impressed with these people. Mr. Banes stated their passion was infectious and it just made you want to jump in and join the team so he could not see any reason not to move forward with this.

Mr. Hazen thanked the neighbors who brought this to their attention and as always, they were on top of things that were happening in their neighborhood and throughout the city and they showed a willingness to meet and it was one of the best meetings he had sat in for a neighborhood meeting. Mr. Hazen stated he thought they did a great job.

Mr. Mammolenti echoed what Councilman Hazen mentioned and stated he felt much more comfortable having received the information that was provided to them that evening and the fact that this organization was under a tight microscope and oversight by that state. Mr. Mammolenti stated the strong need for this service in their area and overall immense passions that the folks running the program had for this wonderful service made the difference. Mr. Mammolenti thanked all that were involved and he would be voting in favor of it.

Mr. Hixenbaugh echoed his colleagues and thanked everyone again who had shared information with them and presented to them. Mr. Hixenbaugh stated clearly there was a need for this service in their community and he thought that was beyond dispute and the question always was whether it was the right location and whether this was the right provider to provide the service at that location. Mr. Hixenbaugh stated in his opinion, the answer to both of those questions was yes and he was very impressed by it and from what he heard and what he saw, he did think there was a need for the business model of residential options to continue to evolve not only with regard to this site but with regard to those services that they provided in other locations in Mishawaka to make sure that while the individuals would reside in the homes and receive services that they needed, the individuals who lived next door and their interests were also taken into account and he did not feel as though that was an impossible task to be accomplished. Mr. Hixenbaugh stated he thought this was the beginning of an ongoing dialogue between themselves, the community and residential options but he wished him well as they moved forward with this endeavor and he would also be voting in favor of it.

Question was called for at 7:18PM for **RESOLUTION R2023-24. Motion passed by unanimous roll call vote (summary: Yes = 7).**
Yes: Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 7-0.

RESOLUTION R2023-25

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AMENDING RESOLUTIONS R2022-10, R2022-22, R2023-03, AND R2023-12 WHICH ADOPTED A PLAN FOR DISTRIBUTION OF THE PROCEEDS OF THE CITY OF MISHAWAKA'S GRANT FROM THE AMERICAN RESCUE PLAN ACT OF 2021
Amending R2023-12 American Rescue Plan Act (ARPA)

Rebecca Maguire, City Controller, spoke in favor of **RESOLUTION R2023-25**. Mrs. Maguire stated this was an amendment to the ARPA plan and they had amended the plan a few times, as required. Mrs. Maguire stated the change that evening was moving the CSO-23 project of $900,000 from the revenue replacement use to water, sewer or broadband infrastructure use. Mrs. Maguire stated any amount of funds that they had received over $10 million must fit certain categories and this satisfied that requirement.

Mr. Hixenbaugh thanked Mrs. Maguire for her work on this and for the collaborative spirit between the Administration and the Council that had been in place throughout the process and they appreciated that.

Question was called for at 7:21PM for **RESOLUTION R2023-25. Motion passed by unanimous roll call vote (summary: Yes = 7).**
Yes: Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 7-0.

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

PROPOSED ORDINANCE NO. 2023-49

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2023
Transfer and Reappropriating Funds General Fund – From: Central Services (1101-22-422-02) - $20,000.00 To: Central Services (1101-22-436-01) - $20,000

Mr. Banicki reported the Committee of Budget and Finance recommended this proposed ordinance should be adopted. Upon a second by Mrs. Voelker, the motion carried. Clerk Block polled the Council on the committee report.

Motion passed by unanimous roll call vote (summary: Yes = 7).
Yes: Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The committee report passed 7-0.

Tim Ryan, Director of Central Services for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2023-49**. Mr. Ryan stated he was requesting their favorable vote to pass this and this would keep their repairs and maintenance line, which was primarily their outsourcing of vehicles and this case a majority of it being police vehicles, City Hall vehicles, Code Enforcement vehicles and such. Mr. Ryan stated this was for repair service they could not do and that should keep them healthy for the rest of the year.

Question was called for at 7:24PM for **PROPOSED ORDINANCE NO. 2023-49. Motion passed by unanimous roll call vote (summary: Yes = 7).**
Yes: Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 7-0, thus it became **ORDINANCE NO. 5870**.

PROPOSED ORDINANCE NO. 2023-50

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA AND PROVIDING ZONING CLASSIFICATION THEREFORE
Annexing Northern 13.55 Acres and Establish PUD & Amend PUD for Southern 6.88 Acres – Northwest corner of Fir Road and Beacon Parkway
Public Hearing – No Vote

Mr. Hixenbaugh stated consistent with the requirements of Indiana law, the chair opened the public hearing on **PROPOSED ORDINANCE NO. 2023-50**.

Jordan Tyken and Ben Walker, West 134 North 8675 Executive Parkway Menomonee Falls, Wisconsin, spoke in favor of **PROPOSED ORDINANCE NO. 2023-50**. Mr. Tyken stated he and Mr. Walker were present on behalf of Continental Properties, which was a multi-family developer based out of the Milwaukee, Wisconsin area. Mr. Tyken stated they were excited to present to them their proposed multi-family development within the city of Mishawaka that evening but he they first began by giving the Council an introduction to who they were at Continental Properties. Mr. Tyken stated Continental was founded in 1979 and had a strong legacy of developing retail, hospitality and multi-family assets. Mr. Tyken stated within the last two decades, Continental had focused primarily on multi-family development and to date, Continental had developed 125 multi-family apartment communities in 19 different states, equating to over 35,000 homes. Mr. Tyken stated Continental also had a strong Midwest presence as there were developments in southeast Wisconsin, the Chicagoland area, the western side of Michigan and they were hoping to pursue the Mishawaka area. Mr. Walker stated Continental had a substantial portfolio of apartments that they themselves owned and managed throughout the southern, western and eastern edges of Lake Michigan so the location in Mishawaka was a natural location for them to expand their portfolio of owned and managed multi-family communities. Mr. Walker stated furthermore, just looking at the data in the greater South Bend market area including the city of Mishawaka, had an apartment vacancy rate of between 2% to 3% depending on what source you looked at whereas they in the commercial real estate industry typically regarded a vacancy rate of closer to 5% to 6% as indicative that a given market area had an equilibrium of supply and demand. Mr. Walker started they could see that the apartment market was very tight and simultaneously, the Michiana region including South Bend and Mishawaka had done a fantastic job with economic development and creating new jobs for the region. Mr. Walker stated Continental was tracking over 3,000 new jobs that were planned to come to the area including the EV battery plant in New Carlisle, multiple health care provider expansions in and around Mishawaka and South Bend as well as a potential Amazon facility east of Mishawaka. Mr. Walker stated they had a tight apartment market today with a lot of new residents and jobs coming to the market, so they believed there was a strong need for additional high-quality market rate rental housing in the community. Mr. Walker stated there were a number of reasons why this location was really attractive to Continental with the first reason being the close proximity to I-80 and you could sort of hop on the interstate right from Beacon Parkway which itself was a beautiful road that drove really well and was well equipped to handle a large body of vehicles every day and there was a great access to the retail maybe a half mile to the west with the mall, the grocery store and all of the convenience retail that they liked to be close to when they developed new communities was all in very close proximity to the site. Mr. Walker stated in terms of jobs, the subject site was in easy driving distance of virtually all of South Bend and Mishawaka's largest employers. Mr. Tyken stated this would be a two parcel assemblage with the northern parcel being currently within St. Joseph County and that needed to be annexed into the city of Mishawaka, roughly 13.55 acres. Mr. Tyken stated the southern parcel was within the city of Mishawaka, but they were requesting an amendment to the zoning designation that would allow for the specifics in their development proposal. Mr. Tyken stated their request would create 20.43 acres within the city of Mishawaka with an S-2 PUD District zoning designation. Mr. Tyken stated in addition to that, they would be dedicating .39 acres of land to the city of Mishawaka for the right-of-way along Fir Road. Mr. Tyken showed a slide of the site plan and stated their site currently consisted of 14 residential buildings as well as a community clubhouse and the community would be gated with a combination of detached and attached parking options connected to the units. Mr. Tyken stated in addition to that, there would be ample green space for residents. Mr. Tyken stated the primary access point would be off of Beacon Parkway and access off of Fir Road would be for emergency vehicles only. Mr. Tyken showed a model of the front elevation and also pictures of the interior of the clubhouse as well as the exterior. Mr. Tyken showed a model of the front elevation of their residential building and there were differentiation in materials and different articulation within the facades to try to curb appeal as members of the community passed by. Mr. Tyken stated all of the homes were direct entry homes so each unit had a dedicated entry from the exterior of the building to the unit, which helped facilitate a community feel. Mr. Tyken reiterated that Continental owned and managed all of its communities so each community featured 24 hour on-site emergency maintenance as well as multiple full-time dedicated leasing staff members to help manage any type of issues on the properties and they were all employees of Continental Properties and they did not outsource any of their maintenance or property management work. Mr. Walker stated in terms of their proposed unit mix, they were still refining things but it was looking like they would have roughly a unit mix of 10% studio units, 40% one bedroom units, 40% two bedroom units and 10% three bedroom units and the idea there was really to facilitate a community that appealed to a wide variety of renters from single graduates from Notre Dame that may have a good paying job and they were looking for a place to live by themselves, they also had a larger format with the two and three bedroom unit types that catered more to perhaps a young family or empty nesters seeking more space, for example. Mr. Walker stated he could speak to the overall resident composition of their portfolio nationally and their largest resident segment within their portfolio was the ages 20 to 34 segment, so millennials made up about 46% of their resident base nationally across their portfolio and their second largest resident segment was the ages 35 to 49 segment which made up about 20% of their national portfolio. Mr. Walker stated as Jordan mentioned, they had an on-site 24 hour fitness center which was really popular with their residents and again, another one of their valued propositions was that townhome style feel where if you were on the first floor, you opened your front door directly into your unit and the second floor units had private stairwells that went directly into that unit so they had a lot of common spaces for resident interaction and community building, but their residents really liked the private townhome style feel. Mr. Walker stated their unit finishes were equipped with very high quality stainless appliances, in-unit washer and dryer, and granite countertops. Mr. Walker stated these were very high quality market rate apartments that would be a beautiful addition to the city of Mishawaka. Mr. Tyken stated with that, their requests that evening were for discussion on the annexation as well as the zoning changes that would pave the way for this future development.

Mrs. Voelker thanked them both for their very informative presentation and complimented them on their punctuality and the answers they provided that may not have always been provided when an item such as this came before the Council in the past.

Mr. Banicki asked from start to finish, what kind of build time they were looking at. Mr. Tyken stated if all went according to plan, they would be breaking ground the following summer and typically, they turned over the clubhouse and their first residential building 11 months after breaking ground and they had a building turning every month so total build time from shovel in ground to stabilization, their construction would be about 2 years' time. Mr. Banicki asked who they had buildings this and if they were going to use local folks from here who were making a living wage or would they be bringing in folks from out of town. Mr. Tyken stated they currently had a general contractor based out of Grand Rapids who they had worked with in the past and they spoke with them regarding subs and they liked to sub locally so they were going to put out a bid for offers and based on past job sites, they typically had both local as well as some that were within the larger region. Mr. Tyken stated it was really up to the general contractor with which subs they selected. Mr. Banicki asked for clarification that they were not asking for tax abatements or any assistance whatsoever as far as that was concerned and that this was full pay on their end and if that was correct. Mr. Tyken stated yes, this would be entirely financed by Continental Properties that included hookups to utility infrastructure and all of the improvements on their site. Mr. Walker added that they were not making a request for TIF dollars or anything and this would be funded entirely through private debt and equity sources. Mr. Banicki asked if they took one of their other properties currently, what was their average going rate to lease one of the units. Mr. Walker stated that was dependent on market and some market dynamics but as of right now they were targeting a weighted average overall rent figure of $1900 a month across all of the unit types so that translated to somewhere in the low $1500s for a studio unit, up to as high as $2400 or $2450 for their largest three bedroom units.

Mr. Compton stated he heard him say it was essentially up to the general contractor with the subs and the general contractor was from Grand Rapids and asked if that were correct. Mr. Tyken stated that was correct. Mr. Compton stated so they did not have a tie to the local community and he asked them to tell the general contractor that they wanted to use as many local contractors and people as possible, since they were the ones who hired the general contractor and were able to do that. Mr. Tyken stated they could certainly relay that message and that was where they would be getting into the specifics of the contract they carried with their general contractor, but they could certainly relay that message. Mr. Compton stated it was important to the Council and he was sure they heard it in other communities, but it was important to them that they used the skilled workforce that they had there locally as much as they could and he knew that was not always possible but it was important to their community. Mr. Walker stated they absolutely heard him on that and the contractor had stated to them that they preferred to use local subcontractors wherever possible as it was easier in terms of the construction of the apartments.

The public hearing on **PROPOSED ORDINANCE NO. 2023-50** was closed at 7:43PM. Mr. Hixenbaugh stated consistent with the requirements of Indiana law, the final action and vote on this proposed ordinance would take place at their next regularly scheduled council meeting which would take place on November 20th at 7PM in the Council Chambers.

PRIVILEGE OF THE FLOOR

President of the Mayor's Youth Council Nishorgo Proshun, Vice President of the Mayor's Youth Council Patricia Kirk and Treasurer of the Mayor's Youth Council Audrey Wandling spoke before the Council. Mr. Proshun thanked everyone from the Council for all of their donations they had received both in time and money. Mr. Proshun stated as a youth council, it amazed them how much they could accomplish with their support. Mr. Proshun stated they only needed a little more to reach their goal of helping 75 families that year. Mr. Proshun asked that donations be turned in by November 14th and in addition, all checks be made out to the City of Mishawaka. Mr. Proshun stated on behalf of the MYAC and the City of Mishawaka, they thanked the Council.

Mr. Hixenbaugh stated they did a very nice job and more importantly, this was a wonderful project that they had going on and they appreciated the work they did on behalf of not just the youth council, but the community as well and certainly they would encourage anyone that was so inclined to support this worthy endeavor. Mr. Hixenbaugh thanked them for sharing the information.

UNFINISHED BUSINESS

Reconsideration of RESOLUTION NO. 2023-24 for Amendment and a Use Variance to allow Mini Storage and Developmental Variances for Setback, Fencing, and Parking – NE Corner of E. McKinley and Maplehurst

Mr. Hixenbaugh stated that the record would reflect that they had received communication from the Planning Department indicating that there was a Scribner's error with regard to the original draftsmanship of this resolution such that the conditions of approval were not accurately stated in the document so at that point in time pursuant to Council Rule 19, the chair entertained a motion to reconsider **RESOLUTION NO. 2023-24**. Mr. Compton made the motion and with a second from Mr. Banicki, Clerk Block polled the Council on the motion to reconsider.

Motion passed by unanimous roll call vote (summary: Yes = 7).
Yes: Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The motion passed 7-0.

Mr. Hixenbaugh stated in order to accurately reflect the conditions of approval that had been proposed by the Planning Department. Mr. Hixenbaugh stated at that time, the chair would entertain a motion to delete **RESOLUTION NO. 2023-24** in its entirety and substitute the revised resolution that had been distributed to the Council, which contained the correct conditions of approval. Mr. Banicki made the motion and with a second from Mr. Compton, Clerk Block polled the Council on the motion to delete RESOLUTION NO. 2023-24 in its entirety and substitute in a revised resolution that accurately contained the conditions of approval.

Motion passed by unanimous roll call vote (summary: Yes = 7).
Yes: Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The motion passed 7-0.

Question was called for at 7:49PM for **RESOLUTION NO. 2023-24AA. Motion passed by unanimous roll call vote (summary: Yes = 7).**
Yes: Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The amended resolution passed 7-0.

ADJOURNMENT 7:50PM

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

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