



City of Mentor-on-the-Lake

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MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE JUNE 13, 2017

The Regular Meeting of Council of June 13, 2017, for the City of Mentor-on-the-Lake, Ohio, was called to Order at 7:00 P.M. by Council President Desirea Thompson.

CALL TO ORDER: PLEDGE OF ALLEGIANCE

ROLL CALL:

Aye: At Large:	PRESTON WOLK, Vice President
Aye: Ward 3:	ROB JOHNSON
Aye: At Large:	KEVIN BITTNER
Aye: At Large:	JIM LUNDER
Aye: Ward 1:	DAVID CHABUT
Aye: Ward 2:	PAUL MORRIS
Aye: Ward 4:	DESIREA THOMPSON, President

7:01 P.M. PUBLIC HEARING:

RESOLUTION NO. 2017-R-11

(FIRST READING: May 23, 2017 / SECOND READING: JUNE 13, 2017)

A RESOLUTION APPROVING THE 2018 BUDGET

The Public Hearing on Resolution No. 2017-R-11 was called to order by Council President Desirea Thompson at 7:02 P.M.

Council President Thompson asked the Administrative Director, Mrs. Bartone, to provide a brief explanation of the Resolution.

Mrs. Bartone explained this Resolution for the 2018 Budget adopts and accepts the tax rates as established by the Lake County Auditor in years past.

Council President Thompson asked if anyone in the audience had questions regarding the Resolution. There were none.

Council President Thompson asked if anyone wished to speak in favor of the Resolution. There were none.

Council President Thompson asked if anyone wished to speak against the Resolution. There were none.

Council President Thompson asked if any members of Council wished to comment on the Resolution. There were no comments.

The Public Hearing on Resolution No. 2017-R-11 closed at 7:03 P.M.

READING OF MINUTES: Regular Meeting of Council – May 23, 2017

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Chabut, for Approval of the Minutes of the May 23, 2017, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Johnson, Bittner, Lunder, Morris, Thompson. Nays: None. Abstain: Council Member Wolk, Chabut.

MOTION CARRIED: 5/0/2

CORRESPONDENCE:

The Clerk stated everyone has received an email from Christa Parisi regarding the Meet the Teacher Ice Cream Social event from Jodi Poremba, Lake Elementary Principal, to be held on August 15, 2017, from 5:30 P.M. to 7:30 P.M.

The Clerk read an email from Noreen Bobusky in Warren, Ohio, which everyone has received, regarding the licensing of cats. She also attached a flyer.

The Clerk stated everyone has received an email from Peter J. Wolf, Cat Initiatives Analyst, Best Friends Animal Society, regarding effectively managing “free-roaming” cats in Mentor-on-the-Lake.

The Clerk stated everyone has also received a 4-page email from Thomas McCartney regarding a pit bull ban in Mentor-on-the-Lake.

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor and Safety Director – Mayor Eva

Mayor Eva advised all Council Members have received a Memo from Mrs. Bartone dated June 1, 2017, requesting passage of Resolution No. 2017-R-12 tonight.

Mayor Eva read a copy of the Fire Department Report for May, which has been forwarded to all Members of Council. There were a total of 110 calls for service during the month of May as follows: Service/Fire – 22 calls; Rescue/EMS – 79 calls; and Invalid Assist – 9 calls. The number of runs during May was 3 less than in April of this year, but 3 more than the Fire Department had last year. The total number of calls for the year as of May 31 is 530. Last year during the same period there were 443 calls to date. The Fire Department is 87 calls ahead of last year’s total. There were 9 calls during May that were handled by off-duty personnel responding from home because the on-duty crew was committed elsewhere. 5 calls were dispatched as person overdosed. The Fire Department had several residents tour the station along with two Kindergarten classes from Lake Elementary. A fire safety talk with the 1st Grade students at Lake Elementary was also given. The Fire Department along with the Police Department participated in the annual school safety assembly at Lake Elementary which highlighted safety issues which the students may confront during the summer and how to safely deal with the different situations.

Mayor Eva stated a nice letter was received from Commodore Doug Price at the Mentor Harbor Yacht Club thanking Chief Gielink, Officer O’Connor and Officer DeSapri for their participation in the Yacht Club Memorial Day Service.

Mayor Eva gave a copy of the Memo from the Ohio Development Services Agency to Council President Thompson dated May 30, 2017, advising the City has been approved for the CRA Program from the Ohio Development Services Agency. Some of the things the City has to work on is to establish a Community Reinvestment Area Housing Council. This will consist of two members appointed by the Mayor, two members appointed by Council, one member appointed by the Planning Commission, and the majority of the members will then appoint two additional members. A Tax Incentive Review Council also has to be established consisting of three representatives appointed by the County Commissioners Board, two representatives of the City appointed by the Mayor with Council approval, a representative appointed by the County Auditor, and a representative of each affected Board of Education. Mrs. Bartone is in the process of sending out memos to the County Commissioners, County Auditor, and the Mentor Board of Education.

Mayor Eva thanked everyone who participated in the car wash this past Saturday which raised well over \$450.00 for school supplies for Lake Elementary, including Council Members Bittner, Johnson, Parks & Recreation Board Members Jennifer Jakosh and Ryan Jakosh, Christa Parisi from City Hall, and members of Amvets Post 109 Hayley Howell, McKayla Meadows, Austin Lemr, Cathy Sraj and Zac Jakosh. Mayor Eva also thanked Council Member Chabut for his donation.

Administrative Director – Mrs. Bartone

Mrs. Bartone advised Resolution 2017-R-12 on the Agenda tonight, the Cafeteria Plan, makes the employee portion of the health care cost the City pays pre-tax which lowers the tax liability a little bit but this is something everyone did about fifteen years ago and was never done here. This needs to be passed to be audit compliant. Mrs. Bartone stated the letters on the CRA were sent this week to the School Board, the Auditor, and the County Commissioners.

Law Director – Mr. Lyons (No Report)

City Engineer – Mr. Sayles (Absent)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Council Member Wolk asked Mrs. Bartone if the Cafeteria Plan cost the City more money or will it save the City money. Mrs. Bartone stated it is exactly the same.

BOARD/COMMITTEE/COMMISSION REPORTS:

Safety Committee / May 24, 2017 / Mr. Morris

Council Member Morris stated the Safety Committee met on May 24, 2017, at 6:00 P.M. in the parking lot of Lake Elementary School to review the safety of the students walking to and from Lake Elementary. Present were Council Members Lunder, Bittner, Wolk, Council President Thompson, and residents Pat Lavigna, Nissa Sutton, and Michael Huelsman. The Committee met in the parking lot to see first hand the conditions of concern on Pinehurst Drive. During the meeting the Committee noticed several of the motorists appeared to be speeding down the street. The Committee discussed having the street made a school speed zone, if possible 15 mph, possibly widening the street, a parking ban on the street during school drop off and pickup, an increased police presence during drop off and pickup. During the meeting the Committee discussed the direction of travel. At this point three of the Council Members and one resident supported having the street one way only during drop off and pickup; two Council Members and two residents supported leaving it bi-directional. The Committee will look at that issue after the storm sewer project is completed. Council Member Morris stated the Committee agreed to have a resolution drawn up requesting the school speed zone, possible widening of the street, a parking ban on the street during drop off and pickup of students, and increased police presence during drop off and pickup. It was

noted that in the past forty-plus years there have been no students hit by cars and that Pinehurst was not one way until the early to mid-1980's. The meeting concluded at 6:50 P.M.

Parks & Recreation Board / May 25, 2017 / Mr. Johnson

Council Member Johnson stated he attended the meeting for Council Member Bittner. The Parks & Recreation Board met on May 25, 2017, at 7:00 P.M. The Parks & Recreation Board discussed the car wash and yard sale as well as an update on the Fall Festival. As we heard, the car wash went very well.

Ordinance Committee / May 30, 2017 / Mr. Lunder

Council Member Lunder advised the Ordinance Committee met on May 30, 2017, at 7:00 P.M. Present were Council Members Lunder, Bittner, Johnson, Morris, and Wolk. Also present were Cindy Valerio from Community Cats, and residents Kathy Clandy-Barcus, Kathy and Ron Dohnal, Brent and Michelle Moore, Josephine and Robert Bates, Jackie Childers, Nicholas Lorber. Council Member Lunder stated an open meeting was held with the residents on the feral cat Ordinance. The discussion went from licensing, putting on chips, and talking to apartment management about what guidelines they have in place for their residents leaving their cats behind. There were other discussions from the residents from not knowing their Council person in their Wards to putting street lights and sidewalks on all of the City streets, and discussion of lost State money in 2009. As Council Member Lunder had stated at the last Council meeting on May 23, 2017, because of all of the controversy of the Ordinance hitting the paper that morning he was going to change the Ordinance to feral and stray cats only. Residents were given a copy of the Ordinance that was in the paper for review and Council Member Lunder also read what he had written to change this Ordinance to feral and stray cats only, taking out all of the nuisance animal wording. Council Member Johnson spoke up and said that he proposed a new Ordinance and asked if Council Member Lunder had received the email he had sent to the Committee. Council Member Lunder said yes and told Council Member Johnson this is about feral and stray cats only and he was not going to listen to his proposal. Council Member Johnson got upset, and Council Member Lunder told him he did not like that Council Member Johnson had called him an idiot on Facebook along with other remarks. The residents then spoke and said it should only be for feral and stray cats. Council Member Lunder and Council Member Bittner agreed with the residents, and that is what Council Member Lunder is proposing at the next Committee meeting. It was also discussed that the cost for the vaccine is \$6.00 and the FVRCP \$5.00, there is also a \$20.00 voucher given for the spaying and neutering. There are a couple of things that need to be tweaked before we have a final version of the Ordinance. The meeting adjourned at 8:25 P.M.

Planning & Zoning Commission / June 5, 2017 / Mr. Johnson

Council Member Johnson stated the Planning & Zoning Commission met on June 5, 2017, at 7:00 P.M. Wing Stop was issued a conditional use permit for the sale and consumption of alcoholic beverages; Get Go was issued a conditional use permit for operating as a service station and a five-year permit plus propane exchange pending Council approval; and Anderson's was adding a rear patio to the outdoor entertainment and dining, and was issued a conditional use permit renewal for this and all of their other conditional uses. An agreement was finally reached with Yeager's on its conditional use permit setting a boat limit.

Finance Committee (Council as a Whole) / June 8, 2017 / Mrs. Thompson

Council President Thompson stated the Finance Committee met as Council as a Whole on June 8, 2017, to discuss the Budget Charter Amendment levies. They wanted to look at what the levies would look like with a 1% reduction, then a 1/3 reduction. They did not want to touch the road program as it was felt those funds needed to be there. They discussed what needs to be replaced in the Fire Department, turn-out gear, ambulances; what needs to be replaced in the Police Department, out-dated cars. They

discussed if they cut the levies what is going to replace those levies and where will the monies come from. The Administration was asked for some pictures from the 2014 Budget when the general levies were going into those, the Police, Fire, and road, and what it would look like now with the extra general funds going in there on top of the levies. This information was received and another meeting will be scheduled to look at everything and see where we are at right now.

OPEN TO THE PUBLIC TO SPEAK: 7:15 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 7:16 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2017-R-11 (SECOND READING)

A RESOLUTION APPROVING THE 2018 BUDGET

There was no Motion for Suspension of the Rules. Resolution No. 2017-R-11 is placed on Third Reading.

RESOLUTION NO. 2017-R-12

A RESOLUTION ADOPTING AN EMPLOYEE CAFETERIA BENEFIT PLAN THAT WILL BE EFFECTIVE JUNE 14, 2017 AND DECLARING AN EMERGENCY

Council Member Wolk asked, in passing this with suspension of the Rules, if there was a deadline on this Resolution. Mrs. Bartone advised it needs to be passed to be audit compliant in a more timely manner. Council Member Wolk asked if we were not currently audit compliant, would we get dinged on this. Mrs. Bartone said we can be. Mr. Lyons stated this provides a slightly better tax benefit to the employees sooner rather than later at no cost to the City.

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, for Suspension of the Rules. **ROLL CALL:** Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

MOTION MADE BY MR. MORRIS, Seconded by Mr. Bittner, for Passage. **ROLL CALL:** Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

RESOLUTION NO. 2017-R-13

A RESOLUTION EXPRESSING THE PREFERENCE OF COUNCIL REGARDING PINEHURST DRIVE IN THE CITY

Council Member Morris asked Mr. Lyons if it was possible to make the street 15 mph as opposed to 20 mph. Mr. Lyons said school zones throughout the State of Ohio are 20 mph. Speed limits, as he understands it, follow the State law unless the City goes through the process of having an engineer take a look and then this would go to the State Transportation Department for approval. If approved, the street would be 15 mph at all times, not just during school times.

Motion made by Council Member Lunder for Suspension of the Rules. There was no second. Resolution No. 2017-R-13 is placed on Second Reading.

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2017-O-17 (SECOND READING) (ASSIGNED TO COMMITTEE)

AN ORDINANCE AMENDING ZONING ORDINANCE 1242.03(b) IN ORDER TO ADD THE SALE AND/OR EXCHANGE OF PROPANE TANKS TO THE USES REQUIRING A CONDITIONAL USE PERMIT AND DECLARING AN EMERGENCY

Council Member Morris asked if this removed the conditional use permits. Council Member Lunder said yes, basically from what Mr. Lyons has said, if Council voted no on this and the repeal ordinance is passed, would void that one out and then anyone in the City can sell propane under the Fire Department Codes and their inspection. Mr. Lyons said this Ordinance creates a conditional use permit in order to sell propane. Currently there is no conditional use permit to allow the sale of propane, which is now allowed to be sold pursuant to Ordinance 660.20. This Ordinance was proposed to repeal 660.20 and to also provide the extra zoning protection of making it a conditional use permit. It is his understanding that the sale of propane tanks, where it can be located, and the exchange of propane tanks, was highly regulated by the State Fire Marshall and the State Fire Code. Council President Thompson asked if the Committee was recommending passage of this Ordinance. Council Member Lunder said they have not had a meeting on this. They were recommending this but once the repeal came up at the last meeting, he and Council Member Bittner voted for this, but if this is repealed anyone can automatically do this as long as they are under the Fire Code and the Fire Department has inspections on it, this leaves the Building Department out of it. Council President Thompson asked, since there is a Public Hearing on this at the next Council meeting, does this Ordinance have to be removed from Committee before the Public Hearing, or how does that work. Mr. Lyons said you can vote tonight if you decide you do not want the conditional use permit, and if someone does happen to show up for the Public Hearing, you can tell them the issue has been removed, or you can let the process play out. Leaving it in Committee will not affect anything for the Public Hearing. Mr. Lyons also stated Council can repeal 660.20 tonight and then if people come in with their business license to start the process before the conditional use was voted in, they would be grandfathered in and would not have to get a conditional use permit. There was discussion on the use of conditional use permits and enforcement by the Fire Department. Council President Thompson asked if the Committee would have another meeting before the next Council Meeting and Council Member Lunder said they would. Council Member Bittner asked Council's thoughts on the use of conditional use permits for propane. Council Member Morris said the conditional use permit adds an added expense and process, and the Fire Code is strong enough, if it is enforced, there should not be a problem. Council Member Wolk said what he does not like about conditional use permits in general is the inconvenience to the business owner to have to come back and ask for permission again. He sees certain circumstances where it is useful. Mr. Lyons said this is done a lot, especially with entertainment, but conditional use permits can be issued to a particular business location and continues without review. Council Member Wolk asked whether there had to be a time limit on a conditional use permit, and Mr. Lyons said no. Council Member Wolk said he did not see any value in having a conditional use permit for propane tanks. Council Member Lunder asked about repealing the ordinance tonight and taking this Ordinance out of Committee and this was discussed further. The scheduled Public Hearing was discussed as well as possibly hearing from the residents at tonight's meeting. Council Member Wolk said he had a problem with that as the Public Hearing has been advertised, and suggested Council hold off and have the Public Hearing at the next Council Meeting.

Council President Thompson advised Ordinance No. 2017-O-17 will remain in Committee.

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2017-O-19 (SECOND READING)

AN ORDINANCE REPEALING ORDINANCE 660.20 – STORAGE, SALE OR EXCHANGE OF PROPANE TANKS

There was no Motion for Suspension of the Rules. Ordinance No. 2017-O-19 is placed on Third Reading.

ORDINANCE NO. 2017-O-21 (SECOND READING) (ASSIGNED TO COMMITTEE)

AN ORDINANCE REGULATING THE FEEDING OF NUISANCE ANIMALS, DEFINING EXCEPTIONS; AND REQUIRING SECURE OUTDOOR STORAGE OF REFUSE OR WASTE

Council Member Lunder said he would like to keep this in Committee.

Council President Thompson advised Ordinance No. 2017-O-21 will remain in Committee.

ORDINANCE NO. 2017-O-22

AN ORDINANCE AMENDING ORDINANCE 452.03 OF THE CODIFIED ORDINANCES OF MENTOR ON THE LAKE, OHIO

There was no Motion for Suspension of the Rules. Ordinance No. 2017-O-22 is placed on Second Reading.

OLD BUSINESS: None

NEW BUSINESS:

Mayor Eva asked Council's thoughts on the CRA program, about putting this in a Committee or waiting until we hear from the County Commissioners, Auditor, and School Board for their appointments, and then we can do ours. Council was in agreement with waiting for these appointments before doing anything.

Council President Thompson asked for discussion on the Council Committees, and advised the proposed changes in the Service Committee, Ordinance Committee, and Zoning Committee. After some discussion, the proposed changes are: Service Committee - Jim Lunder, Chair, Paul Morris, and Kevin Bittner; Ordinance Committee - Paul Morris, Chair, Rob Johnson, and David Chabut; and Zoning Committee - Rob Johnson, Chair, Paul Morris, and Kevin Bittner.

MOTION MADE BY MR. MORRIS, Seconded by Mr. Johnson, to approve the Committee appointments as amended. **ROLL CALL:** Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

OPEN TO THE PUBLIC TO SPEAK: 7:44 P.M.

Nissa Sutton, 7617 Pinehurst. Ms. Sutton lives by the driveway to Lake Elementary. She sees the traffic every day now that traffic can go in both directions on Pinehurst. When she first moved into the neighborhood, Pinehurst was one-way, which she thought was a pain, but now understands why it was and should be now even just during drop-off and pick-up of students because it is such a small street. There is talk about widening the street. There are trash cans on trash days, garbage trucks, school buses, kids on bikes, kids walking, parents on their phone walking or driving, people going too fast, people not

being courteous to each other, etc. She knows Council Member Morris says this is really not too dangerous, but she sees it, even with the street being one way, it can be dangerous. She is in absolute favor of making Pinehurst one-way during drop off and pick-up of students, and during the rest of the day, make it two-way. She sees the students walking, riding their bikes, people not paying attention. Council Member Wolk asked what if at the school parking lot, it was made left turn only, because he can see if people are trying to turn left, other people are turning right, there is a lot of congestion there. Ms. Sutton was not sure if a left-hand turn only would work, especially with people coming from Beech. Council Member Wolk asked if there are a lot of traffic coming from Beech. Ms. Sutton said there is and there is a lot of congestion there, especially at the north side corner of Beech and Pinehurst. It is such a tight turn, you have kids standing there, the crossing guard stands and talks. The one at Lake and Pinehurst is not bad. Council President asked her opinion on a right-turn only. Ms. Sutton said left-turn only, yes. There are too many kids who do not pay attention, people on their cell phones not paying attention. Thankfully, nothing has happened.

Pat Lavigna, 7674 Pinehurst. Ms. Lavigna said she is at the corner of Beech and Pinehurst. Ms. Lavigna sees the kids. The crossing guard parks right at the intersection, which is a problem with traffic, and she stands in the middle of the intersection, which is another issue. She does not back off, and is there whether the kids are or not. The kids follow what she says when she is there, and when she is not paying attention, they will scatter all over because they are not paying attention. It is what the parents teach the kids, just like everybody says. It is not the crossing guard. Council Member Wolk asked if she was saying the crossing guards are not paying attention. Ms. Lavigna said it was basically Robin. The afternoon crossing guard pays attention all the time, but Robin sometimes does not pay attention, she is sometimes on her phone or talking to some driver of a car going by. Mayor Eva said there have been conversations about her. Ms. Lavigna said Robin does not wear her vest, and is now wearing her bright-colored sweatshirt. She never uses her stop sign. Mayor Eva said things will be different this school year. Ms. Lavigna said the traffic coming in and out of the school does not pay attention, and even the buses fly in and out, parents with their vans fly in and out, and not paying attention to the kids. The kids do not always stay on the side of the road. School time or not, kids ride their bikes in the middle of the road. At the meeting at Lake Elementary, flashing lights were suggested and lowering the speed limit. This would be a big help. As far as one way, she is not sure this will make a difference, lowering the speed limit will make a difference, and once the storm sewers are in, this will make help a lot as the kids will have more room to walk.

Council Member Wolk asked Mayor Eva if the appropriations will have to be changed to allow more room in the budget to put in flashing lights. Mayor Eva said, based on the estimates they have had, signs will cost about \$300.00. They would have to get an idea on the cost of flashing lights. Council President Thompson asked if there had been any thoughts about taking the flashing lights from Salida and moving them to Pinehurst and just put reduced speed limit signs in. Council Member Wolk thought moving them is most of the cost. Mr. Moore questioned where the electricity would come from. Council Member Morris suggested we go ahead with the signs as priced by Mr. Moore and there are grants available through a process known as safe routes to school. They fund all sorts of things, but his concern is Mrs. Bartone told him some of the grants require a safety survey which can cost more than the original project. There is time to look into solar lights or other lights, but we can at least plan on putting a school zone in there at the maximum speed limit allowed by law and start that. Council Member Wolk thought it should also be made one-way during drop off and pick-up as well. Council Member Wolk asked when the storm sewer project was expected to be completed. Mr. Moore said it has not started yet. Mayor Eva said at some point we may have to go to all drop off and pick-up on Salida. They will talk to Mentor Schools Transportation Department about that during a certain point when they are working on the bigger section of Pinehurst. This may be a solution for a couple of weeks. They also talked about moving the buses for drop off and pick-up on Pinehurst and cars use Salida. They tried that and the parents were not happy with that. Mayor Eva said he will let Ms. Poremba know as they heard back from school operations that

the City is responsible for school signs and lights, and sometime in early August will sit down with them when we have a better idea from Jim Sayles as to start and finish times for the storm sewer project.

CLOSED OPEN TO THE PUBLIC SECTION: 7:56 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Public Hearing on Ordinance No. 2017-O-17	Tuesday, June 27, 2017, at 7:00 P.M.
Board of Zoning Appeals	Monday, June 19, 2017, at 7:00 P.M.
Ordinance Committee	Thursday, June 22, 2017, at 6:30 P.M.
Parks & Recreation Board	Thursday, June 29, 2017, at 7:00 P.M.
Regular Agenda Meeting	Thursday, June 22, 2017, at 6:00 P.M.
Regular Council Meeting	Tuesday, June 27, 2017, at 7:00 P.M.

ADJOURNMENT:

MOTION MADE BY MR. MORRIS, Seconded by Mr. Johnson, for Adjournment. **ROLL CALL:**
Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Morris, Thompson. Nays: None.
MOTION CARRIED: 7/0

The Regular Meeting of Council adjourned at 8:00 P.M.

APPROVED:

June 27, 2017
Date

Desiree Thompson
DESIREA THOMPSON
President of Council

Attest: Joyce M. Saye
Clerk of Council