

Council Minutes
VILLAGE OF MADISON
Regular Council Meeting
March 7, 2016

RECORD OF PROCEEDINGS

Mayor Britton called the meeting to order at 6:33PM.

Mayor Britton invited all in attendance to join in the Pledge of Allegiance to the Flag. Mayor Britton requested that everyone observe a moment of silence. Council Members Mr. Frager, Mr. Hamercheck, Mr. Donaldson, Mr. Mabe, Mr. Takacs and Mr. Vest were in attendance. Also in attendance were Administrator Dwayne Bailey, Fiscal Officer Kristie Crockett, Police Chief Dawn Shannon, Law Director Mr. Szeman and Village Engineer Mr. Haibach.

MINUTES

Mayor Britton announced minutes to be approved for the Council Meeting held on February 16, 2016.

Motion for approval made by Mr. Vest, seconded by Mr. Frager.

Questions/Discussions – Mr. Hamercheck requested an amendment be made to page 8 identifying that he asked whether the budget could be amended once submitted to the state was based on Mr. Takacs stating that there was a time constraint on the police legislation so the budget could be submitted on time.

Roll call on approval as amended, 6 yeas. Motion carried.

PAY ORDINANCE

Mayor Britton presented Pay Ordinance No. 2341: \$53,120.65 for payroll and \$57,517.02 for current and upcoming expenses, for a total of \$110,637.67.

Motion for approval made by Mr. Takacs, seconded by Mr. Frager.

Questions/Discussions – Mr. Mabe inquired as to the reason for the large number of overtime for the police department personnel. He added that there was a lot of overtime last year in the department and Council has requested that this be addressed. Chief Shannon stated that there was a holiday within this pay period which identifies some of the time in question. She stated that there are often times that a full time officer fills in for a shift that needs to be filled due to a call off or the fact that a part time officer did not pick up that shift. Mr. Mabe asked if there are requirements of the part time officers to work a minimum number of hours per month. Chief confirmed and stated that all part time officers are required to work sixteen (16) hours per month. Mr. Mabe asked if there are currently part time officers employed by the Village that are not fulfilling that requirement. Chief Shannon confirmed. Mr. Mabe inquired as to whether any disciplinary action has been taken in those instances. Chief Shannon stated there have not been any disciplinary actions taken. Mr. Mabe cited costs for clothing allowances, range qualifications, equipment and continuing education for part time officers and stated that unless the Chief provides documentation of disciplinary actions taken of part time officers that are not working their required number of hours; he will not approve a pay ordinance for the overtime paid to full time officers covering open shifts.

Roll call on approval, 6 yeas. Motion carried.

VISITORS COMMENTS (Agenda items Only): Mayor Britton stated that questions/comments on Ordinances 7 & 8-2016 will be heard during the second visitor's comment section of the meeting.

OLD BUSINESS

ORDINANCE 3-2016: - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR VILLAGE INSURANCE WITH GLATFELTER PUBLIC PRACTICE INSURANCE COMPANY AND DECLARING AN EMERGENCY.

(3rd Reading)

Motion for approval made by Mr. Vest, seconded by Mr. Donaldson.

Questions/Discussions – None

Roll call on approval, 6 yeas. Motion carried.

ORDINANCE 4-2016: AN ORDINANCE MAKING PERMANENT APPROPRIATIONS FOR THE CURRENT EXPENSES AND FOR OTHER EXPENDITURES OF THE VILLAGE OF MADISON, STATE OF OHIO, FOR THE PERIOD BEGINNING JANUARY 1, 2016 TO AND INCLUDING DECEMBER 31, 2016 AND DECLARING AN EMERGENCY. (3rd Reading)

Motion for approval made by Mr. Frager, seconded by Mr. Donaldson.

Questions/Discussions – None

Roll call on approval, 6 yeas. Motion carried.

ORDINANCE 5-2016: AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO VARIOUS OTHER FUNDS AS PREVIOUSLY BUDGETED, AND DECLARING AN EMERGENCY. (3rd Reading)

Motion for approval made by Mr. Vest, seconded by Mr. Mabe.

Questions/Discussions – None

Roll call on approval, 6 yeas. Motion carried.

ORDINANCE 7-2016 - AN ORDINANCE DISSOLVING THE VILLAGE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY. (2nd Reading)

Questions/Discussions – Mr. Mabe stated that the members of the Safety Advisory Group met on February 10, 2016 and reviewed the proposal from the Madison Township Police Department and made the decision that the proposal needed to come before Council and into the public view. He added that this was not brought forward because the group supported the dissolving of the police department as some have been lead to believe but rather that it was too important of an issue not to be discussed by all of Council and in the public. He added that while this contract may not be the right option at the right time for the Village, we need to work on finding a way to provide police service that the community needs at a rate that we can afford. He stated that the police budget makes up that largest portion of the total budget of the Village and there have been a lot of questions about Council reducing the amount of money that is taken from the general fund for the police department after the levy passed. Mr. Mabe stated that Council did reduce the amount of funds taken from the general fund but added that it was reduced by less than the amount of the levy. Those funds were used to continue other services to the community such as plowing of the streets, storm water management and road repairs. The contract being presented to Council for discussion (inaudible due to crowd noise) is how the process should work. The community should not have been 'worked up' the way it was. He added that certain members and individuals, for personal or political reasons, decided that they would use this opportunity to

convince the public that the Mayor and certain members of Council were doing something behind their backs. He added that the public is and has been present during the discussions (the rest of the sentence was inaudible due to crowd noise). Mr. Mabe stated that what everyone needs to remember is that if this contract does not go through, there still needs to be discussion as to how to staff our police department more effectively and more affordably. He stated that the large amount of overtime must come to an end and there must be accountability in the staffing process. Mr. Frager stated that he has spoken with a number of people over the past few weeks that both support and oppose the dissolving of the police department. He thanked everyone for their valuable input. He added that this is how the process works. He added that attempts to hijack a process, both last year and now, via running to the media or into a court room, in his opinion for political self promoting gain(s), are disappointing. He added that those attempts have not made him waiver from seeking the right path for this community. He stated that after all of the statements and press conferences and yelling goes away, we still have a problem that the adults on both sides of this issue have to deal with. To that, Mr. Frager stated that he acknowledges that an artificial deadline has been put in motion by the introduction to this proposed legislation. He stated that the process needs the proper amount of time to craft the best solutions for a number of related fronts. At this time, Mr. Frager made a motion to suspend the third reading at vote this evening on this proposal. He stated that it is his intention to vote no but he still wants to follow the process.

Motion for suspension made by Mr. Frager, seconded by Mr. Hamercheck.

Questions/Discussions – Mayor Britton stated that it would take five (5) votes to suspend the third reading.

Roll call on suspension, 6 yeas. Ordinance suspended.

Motion for approval made by Mr. Frager, seconded by Mr. Donaldson.

Questions/Discussions – Mayor Britton stated that Mr. Takacs and Mr. Vest were assigned to all committees in January 2015. Mr. Hamercheck stated that the minutes from the January 5, 2015 meeting indicate that several committees would meet on an ‘as needed’ basis and that the President and Vice President of Council would be the first two committee members selected to those groups when needed. Mr. Hamercheck referred to the fact that a meeting of the Safety Advisory Group had taken place in 2015 and directed Mayor Britton to research this option but added that there was no indication of minutes from that meeting or committee reports or discussions to that effect. Mayor Britton stated that he is unsure if the request came up in the course of a meeting or in conversation with the members of the Safety Advisory Group.

Mr. Bob Lee spoke from the audience and said that Mayor Britton stated earlier in the meeting that there would be no public comments heard on this ordinance as well as the following ordinance until the second visitor’s portion of the meeting. He added that the Mayor and Council are suspending the third reading and voting without giving the public a chance to speak. He spoke in regards to the people having a right to speak/listen to these issues in three successive readings. (Inaudible due to crowd noise) Mr. Takacs stated that at the last meeting he expressed his preference to have the legislation complete the three reading rule process in addition to a public hearing being held. He added that he is not the individual running this meeting.

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Mr. Szeman stated that the motion to approve can be withdrawn to allow for public comment. Mr. Takacs stated that he would respectfully ask the Council members that made the motion and second to approve, temporarily withdraw those motions to allow for public comment.

Motion to approve withdrawn to allow public comments. Suspension stands.

Bob Lee (W. Main St.) Stated that he is neither for nor against the disbanding of the police department. He stated that he feels that the 2016 budget indicates that the Village can afford to keep the Village police department this year but that does not appear to be the case moving forward without some 'belt tightening'. Mr. Lee stated that only two Lake County communities have a 1% income tax rate and support their own police force. The balance of the municipalities in Lake County that have income tax have a 2-2.5% income tax rate. He stated that the people of the community and the Council, Mayor and the administration need to come together to work on a solution. He added that there has not been an increase in the income tax rate in the Village since the early 1980's. Mr. Lee stated that the fact of life is that the community will need to pass an income tax rate increase or an additional police levy to continue funding the police department.

Jerry Brownage (no address provided) Stated that he voted for the last police levy with the understanding that it would provide us with new vehicles and three (3) officers. He encouraged a levy being placed on the November ballot. (Inaudible due to crowd noise).

Linda Whipple (37 Safford Street) Thanked the Police Chief, the Mayor, Council, the Administration and the public. She stated that she is unsure of the purpose of the proposed recall of the Mayor. She agrees with Mr. Lee that funding of the police department needs to be addressed. She stated that the state representatives have put us in this financial position. She stated that the news media did a disservice in their coverage of this issue.

Jim Kopscak (378 Hyder Drive) Stated he feels protected in the Village. He appreciates the police presence in the Village. He suggested a road levy or another levy be considered instead of or in addition to a police levy. He asked Mrs. Crockett the amount that the 1% income tax generates. Mrs. Crockett replied approximately \$700,000.00. He stated that the roads are in poor condition and we have other issues that need to be addressed.

Charles DeWalt (427 Hyder Drive) Stated that he hopes that Council reconsiders dissolving the police department. He stated that, heaven forbid we have an active shooter in the community that he wants Chief Shannon to be the one to 'bust through the door'. (Inaudible due to crowd noise). He stated that he is reassured by Chief Shannon and the SRO officer's presence at South Elementary School. Mr. DeWalt spoke to Mr. Hamercheck and stated "the Lake County residents want to know; when things don't go your way, are you going to sue the County?". Mr. Hamercheck responded "Interesting question, thank you sir.". Mr. DeWalt asked Mr. Hamercheck if he was going to answer the question and Mr. Hamercheck stated that he didn't quite know how to answer him.

Jack Lading (603 W. Main Street) Spoke in favor of the police department.

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Donna Kopscak (378 Hyder Drive) Stated that she hopes Council reconsiders dissolving the police department. She stated that more people would be attending tonight's meeting if it was held in a larger venue. She asked how the Safety Advisory Group consists of three (3) councilmen and the Mayor. She inquired as to how there can be four (4) of six (6) potential voters all on one committee. Mayor Britton clarified that it takes four (4) votes to make a quorum and he does not vote nor can he break a tie per the Village Charter. She encouraged each member of Council to vote the way they feel they should vote and not based on the votes of others. She stated that there needs to be confidence in Council before a levy can be successful. She asked when the 2016 budget will be available.

David Strunk (77 Square Drive) Spoke in regards to the police levy funds and whether it is possible to use the levy dollars to fund the contracted police services. Mr. Szeman stated that he is not able to comment on this issue based on threats of litigation that have been made.

Margo Strunk (77 Square Drive) Asked Mr. Szeman if the Village Charter requires that the Village have their own police department. Mr. Szeman stated no.

Tammy Boyer (987 Abbey Drive) Asked Council to reconsider dissolving the police department.

Rex Killian (25 Saxton St.) Stated that he does not think that the Village has a budgetary issue. He asked for better communication on this and other issues. He stated that it appears that this is political maneuvering behind the scenes to get rid of people that they cannot control. (Inaudible due to crowd noise)

MaryAnn Froebe (from Madison Township) Asked Mayor Britton for confirmation that Council is suspending the third reading of the legislation so that Council can vote to keep the police department. Mayor Britton confirmed.

Rick Fike (66 South Lake St.) Stated that the Township and the Village police departments have good reputations. He spoke in favor of the Village police department. Mr. Fike inquired as to the amount of money Mayor's Court generates. Mayor Britton stated that it typically 'breaks even'. Mr. Szeman stated that the Township officers would have the authority to enforce the Village criminal and traffic ordinances. Mr. Fike asked what we are losing versus what we are gaining with this agreement.

Donna Vanio (219 Wellington Court) Spoke in regards to the police levy, income tax and water rates. She stated that she does not feel that the Village is following the Charter and the Ohio Revised Code.

Mark Brozek (from Madison Township) Asked if there is a hidden cost to train another entity for Village laws/codes. Also asked if there would be dedicated officers. Mayor Britton confirmed that the officer would be a full time officer and the MTPD has confirmed that all officers will know the Villages laws/codes.

Alesa Slepsky (151 Hyder Drive) Spoke in favor of the police department.

Mike Wickham (declined to provide address) Stated that by dissolving the police department we are inviting crime into our neighborhoods.

Tony Bruno (563 W. Parkway) Stated that if Council votes to disband the police department that he requests that the Village refund all paid levy dollars for the police levy to the residents beginning with 2015.

Tod Baker (no address given) Asked if this could have been discussed in the Council of the Whole without legislation being drafted. He added that he understands the reasons for cost cutting due to funding reductions from the state. He spoke of regionalization, surrendering our rights and the transfer of equipment. He questioned if all levy dollars go toward funding the police department or if part of those dollars are placed into the general fund.

Chris Knox (W. Main St.) Asked if costs have been researched as to the possibility of reinstating the police department in the future. Mr. Takacs stated that this is the fourth time in nine years that this possibility has been considered. Prior to now, all proposals were not cost effective to consider. He added that this is the first instance that there was a substantial savings to be considered. He added that several different individuals have served as Mayor and as Council through these discussions. He added that this is a systemic problem and stated that this conversation will occur again in approximately three years unless the problem is solved. He added that there have been good solutions mentioned and stated that is exact reason for engaging the public in the discussion. Mr. Takacs stated that the idea of trying to save money should not be offensive to anyone.

Mike Russo (215 W. Parkway) Spoke in regards to response time and recent heroin overdoses in the Madison area. Mayor Britton explained that the police coverage will be the same as what is currently in place; one officer per shift. School Resource Officers were discussed.

Barbara Loxterman (Lavender Lane) Dispatching officers was discussed. Mayor Britton clarified that the Township officer would be assigned to the Village and would have a substation in the police garage on N. Lake St.

Adam DeMarco (6342 Ledge Road) Spoke in regards to Tony Long's bond. Mr. Szeman stated that a claim against a bond can only be filed for misappropriation of funds or a theft in office. He added that audits have been completed and improprieties have come to light. Mr. Szeman stated that he prosecuted Tony Long that 'the book is closed' relating to Mr. Long. Mr. DeMarco asked if all of Council had the opportunity to view the quote from the Lake County Sherriff's Dept. for police services and why Council is choosing the Township's proposal over the one from the Sherriff's dept. Mayor Britton stated that the quote from the Sherriff's department was available to all of Council and added that it was more expensive that the proposal from the Township. Mr. DeMarco asked for confirmation that the Charter does not state that the Village must have its own police department. Mr. Szeman confirmed. Mr. DeMarco question if it was a conflict of interest when two vehicles were sold at an auction that Mayor Britton worked at. Mr. Szeman stated that there was no conflict of interest since Mayor Britton had no financial stake whatsoever in those transactions. Mr. Szeman stated that Mayor Britton was not paid relative to those transactions nor is he an employee of that auction house.

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Mr. Szeman stated that the Village utilizes govdeals.com for auctioning Village equipment. Mayor Britton stated that he does work for Barry Densmore but is paid on the items that he sells.

Motion for approval made by Mr. Frager, seconded by Mr. Donaldson.

Questions/Discussions – None

Roll call on approval as amended, 6 nays. Ordinance defeated.

ORDINANCE 8-2016 - AN ORDINANCE ACCEPTING AN AGREEMENT WITH THE TOWNSHIP OF MADISON TO PROVIDE POLICE PROTECTION SERVICES TO THE VILLAGE, AND DECLARING AN EMERGENCY. (2nd Reading)

Motion for suspension made by Mr. Vest, seconded by Mr. Mabe.

Questions/Discussions – None

Roll call on suspension, 6 yeas. Ordinance suspended.

Motion for approval made by Mr. Takacs, seconded by Mr. Frager.

Questions/Discussions – None

Roll call on approval, 6 nays. Ordinance defeated.

NEW BUSINESS

ORDINANCE 10-2016 - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS PURSUANT TO THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM FOR SUMMER AND WINTER SALT PURCHASES, AND DECLARING AN EMERGENCY. (1st Reading)

Motion for suspension made by Mr. Donaldson, seconded by Mr. Mabe.

Questions/Discussions – Mr. Hamercheck asked if the suspension was being requested by the Administrator. Mayor Britton confirmed.

Roll call on suspension, 6 yeas. Ordinance suspended.

Motion for approval made by Mr. Vest, seconded by Mr. Frager.

Questions/Discussions – None

Roll call on approval, 6 yeas. Motion approved.

RESOLUTION 7-2016 – A RESOLUTION RECOGNIZING APRIL AS CHILD ABUSE PREVENTION MONTH. (1st Reading)

Motion for approval made by Mr. Vest, seconded by Mr. Frager.

Questions/Discussions – None

Roll call on approval, 6 yeas. Motion approved.

GENERAL REQUESTS - None

VISITORS COMMENT – Paul Goda (431 W. Main Street) Questioned if Ordinances 38 & 39-2015 were advertized as required. He added that he has checked with the News Herald, the Star Beacon and the Tribune and they have no record of the publication. He questioned if those items can be on the ballot. Mr. Szeman stated that we will look into it. Someone from the audience stated that they viewed the publication in the Gazette.

Kathy Lynn (209 W. Main Street) Thanked everyone in attendance and stated that there has been a great deal of miscommunication going on and she encouraged people to attend the Council meetings more regularly and not just when they are mad about something.

Rick Fike (66 South Lake St.) Asked for clarification that the legislation regarding the police department was defeated. Mayor Britton confirmed and stated that we will be move forward working with our police department. Mr. Fike asked what the procedure is to make an amendment to the Charter. Mr. Szeman stated that there are three (3) options. Circulate an initiative petition, Council initiated, or every five (5) years there is a Charter Review Commission formed. Mr. Szeman added that the Charter Review Commission just completed its task so it will be another five (5) years before it is formed again.

Tony Bruno (563 W. Parkway) Stated that Council needs to better communicate with the public.

Jeff Savage (former resident of the Village, currently resides in the Township) Stated that it was not proper for Mr. Mabe to question the police chief regarding disciplinary actions of officers in a public meeting. (Inaudible due to crowd noise) He said that would be better suited one on one in the Chief's office.

STAFF REPORTS

Engineer (given by Mr. Haibach) – Mr. Haibach stated that there will be a bid opening for the Main Street storm water project on Friday. There are currently three (3) plan holders and he anticipates receiving competitive bids.

Fiscal Officer – Mrs. Crockett stated that our 2014-15 audit is currently underway through Charles Harris & Assoc. She added that they are conducting their field work at Village Hall and they are expecting to have a report available in the next few weeks. Mrs. Crockett stated that she provided Council with a report from RITA with a price quote to move forward with changing to RITA from CCA for income tax collection services in 2017. She added that we must act upon this prior to June 1, 2016 to provide CCA with the required cancellation notification. She added that we will save approximately \$30,000.00 per year by switching to RITA. April 2, 2016 will be Taxpayer Assistance Day at Village Hall for residents needing help filing their local income tax returns. It will be from 9:00am – Noon on a first come, first served basis. Mr. Takacs asked if there is an update regarding the issues with CCA. Mrs. Crockett stated that, to the best of her knowledge all issues have been addressed. She added that Mr. Szeman has e-mailed Council regarding several abatement requests. Mrs. Crockett stated that appointments to the tax review committee need to be completed and offered anyone in the audience an opportunity to volunteer if they would like to participate.

Police Chief – Chief Shannon thanked everyone for their support. (Inaudible due to crowd noise)

Administration Report: - Mr. Bailey stated that Stick pick up will be May 2nd and Village Junk Day will be Saturday, May 14th. Mr. Bailey announced details for Junk Day and stated that this information will be on the Village website and FaceBook page. Mr. Bailey announced that Lake

County Solid Waste District has two (2) Hazardous Waste Collections this summer at the Lake County Fairgrounds in Painesville and that information can also be found on our FaceBook page. Mr. Bailey stated that at the last meeting Council authorized Mr. Bailey to enter into a fixed electric price program with NOPEC. That change will provide us with savings of approximately \$8,200.00 per year on street lights and municipal usage.

Misc. Reports/Comments: - Mr. Hamercheck directed to Mr. Szeman and referred to the Charter Section 4.8 and quoted “all meetings of Council and its committees shall comply with the state open meetings laws”. Mr. Szeman confirmed. Mr. Hamercheck asked how the executive sessions referred to in Ordinance 2-2016 comply. Mr. Szeman stated that executive sessions are not open to the public.

Mr. Hamercheck stated, “moving onto the Safety Advisory Group, that timeline going backwards; I thought it would be more appropriate to mention this now. There was a somewhat extensive report on how to do what we just did and done at our last attempt at this and it goes into a great deal of detail; the comparisons, the whole liability, how to do things, this process, the contractual relationships, recommendations. It even talks about how the Charter needs to be addressed. I don’t know if you folks actually took the time to read that, I hope you did but the way this unfolded...it doesn’t square with the previous work product and the claims that the current contract was superior to the last. The last contracts were deemed inferior and they actually covered everything from giving our employees an opportunity to be hired...just the whole transition process and community buy in...I certainly hope that we don’t ever have to go through this but I would hope that the meeting minutes reflect that there was this document that exists that tells you what you need to do. I personally would have hoped that we would have had the discussion about the levy money and that it was actually okay to move it so that we don’t have to cloak over and call it a legal privilege that we cannot discuss. At the end of the day we do need to take ownership of what’s going on here....this can’t just be a take a step back and go. And quite frankly when we did the levy...I and many others thought this was a dead issue. We were going to keep a police department and we were going to make things work. So to have this come forward was a shock; and again, not compliant with the recommendations of how to do it. Again, rather thick document, available; I am just not sure why it wasn’t even considered, but those are my comments, thank you, all”.

Mr. Frager reiterated that while the police legislation was voted down, there are still issues that need to be dealt with. He added that there were some very good suggestions brought up and both sides have a lot of work to do. Mr. Frager stated that he hopes the same amount of enthusiasm comes forward throughout the year as discussion continues. He thanked Lakeland for allowing us to host this meeting at their location.

Mr. Vest reported that the Fire Board meeting will be Wednesday, March 9th at 7:00pm at station #3. It is listed as a special meeting because it is being held on a different date than a regularly scheduled meeting. The purpose of this meeting is to pass the permanent appropriations.

Mayor’s Report: - Mayor Britton announced that Mr. Bob Lee is going to sit on the Senior Board in the position vacated by Mr. Jerry Gardner and Mrs. Linda Reed will also sit on the Senior Board in the position vacated by Mrs. Cheryl Swackhamer.

Mayor Britton stated that the Legion Post 112 is requesting use of Village Square Park on Monday, May 30 from 8:00am – 2:00pm for their annual Memorial Day parade.

Motion for approval made by Mr. Frager, seconded by Mr. Vest.

Questions/Discussions – None

Roll call on approval, 6 years. Motion approved.

Upcoming dates:

Mon.	Mar. 14 th	Planning & Zoning Meeting 7:00pm
Wed.	Mar. 16 th	Fire Board Meeting at Station #3 7:00pm
Mon.	Mar. 21 st	Committee of the Whole Meeting 6:30pm
Mon.	Mar. 21 st	Regular Council Meeting 7:30pm
Fri.	Mar. 25 th	Village Hall closed for Good Friday

Motion to adjourn at 8:29pm made by Mr. Vest, seconded by Mr. Takacs.

Roll call on adjournment, 6 years. Meeting adjourned.



Sam Britton Jr., Mayor



Kenneth D. Takacs, Council President

3/21/16
DATE

Attested:



Kristie M. Crockett, Fiscal Officer

3-21-2016
DATE