#### CITY OF ROCKY RIVER

## November 27, 2017

The Regular Meeting of Council was called to order by Mr. Moran, President of Council, at 7:00 p.m. in the David J. Cook Council Chambers.

Council Members Present: Mr. Hunt, Mr. O'Donnell, Mr. Shepherd,

Mr. Furry, Mr. Sindelar, Mr. Klym, Mr. Moran

Administration: Mayor Bobst, Mrs. Costello, Mr. Thomas

Law Director: Mr. Bemer

The meeting was opened with the Pledge of Allegiance.

#### **MOTION:**

Moved by Mr. Moran, seconded by Mr. O'Donnell, that the reading of the minutes of the Legislative Meeting and Executive Session of November 13<sup>th</sup>, be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye Shepherd – abstain O'Donnell – aye Furry - aye

Sindelar – aye Klym – aye Moran - aye

6 ayes 1 abstain 0 nays **PASSED** 

Moved by Mr. Moran, seconded by Mr. Furry, that the reading of the minutes of the Special Meeting and the Committee-of-the-Whole Meetings of November 20<sup>th</sup> be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye Shepherd – aye O'Donnell – aye Furry - aye

Sindelar – aye Klym – aye Moran - aye

7 ayes 0 nays PASSED

## **MAYOR'S REPORT:**

The Mayor said that there was a meeting today with the F.A.A. regarding their Environmental Study for the new Metroplex Project that they are implementing at the airport. The City of Rocky River will be hosting a session next Monday at the Civic Center. The Mayor will have additional information regarding the new satellite technology being used for guidance of aircrafts and a more efficient use of airspace at the Council Meeting next week.

The Bradstreet's Landing Public Meeting is scheduled for this Thursday at the Civic Center beginning at 6:30 p.m. The Smith Group JJR has met with stakeholders and would like to share their information. Feedback will be welcomed.

R.I.T.A. has scheduled meetings dates on December 4<sup>th</sup>, 6<sup>th</sup>, and 18<sup>th</sup> to provide assistance with residents who have received letters from R.I.T.A.

The Annual Finance Meeting is scheduled for this Friday, December 1<sup>st</sup>, beginning at 8:00 a.m. to discuss the 2018 Budget. The Mayor said that the Directors are ready for the meeting.

This Friday is "All Aglow" beginning at 6:00 p.m. at the Gazebo. Magnificat's choir will perform along with a special visit from Santa. The Senior Center will have refreshments, crafts and photos with Santa after the lighting.

This Saturday is the Holiday Walk in downtown Rocky River. Special Events are posted on the Beachliff Market Square's website and a Ready Notify has been sent as well.

This Sunday will be the Holiday Home Tour in Rocky River featuring six homes in the community. The Mayor thanked the civic organizations, volunteers and sponsors that make this weekend possible. A special thank you to the city staff that have been busy cleaning Detroit Road and Old Detroit Road in preparation of the weekend.

## LAW DIRECTOR'S REPORT:

Law Director Bemer said that there is a Planning Commission Meeting tomorrow evening. Three projects are on the agenda: the Lake Road Project, the Hilliard Blvd. Residential Project and a new entry of a Taco Bell that is being proposed at Center Ridge and Plymouth.

**COMMITTEE REPORTS:** Mr. Moran said that Council has their first review of the Budget with the Directors beginning at 8:00 a.m.

## COMMUNICATIONS AND ANNOUNCEMENTS: NONE

Mr. Moran and Mr. Hunt mentioned that Ordinance No. 78-17 is being pulled from the Consent Agenda and placed on the regular agenda as the amendment was not passed by Council.

#### **PUBLIC COMMENT:**

Irene Szentkiralyi, 2871 Gasser Blvd. and lives next to an Airbnb with a hot tub since June 2016. Mrs. Szentkiralyi has been woken up in the middle of night numerous times and has called the police on several occasions for noise disturbance. She has spoken to the owner. She would like it on record that she is bothered and concerned by this.

<u>Chris Davies, 2861 Gasser Blvd.</u> and lives two doors down from this Airbnb. Mr. Davies is constantly calling the police regarding noise, parties in the hot tub, fireworks at Morely Park and bonfires in the backyard. This issue needs to be corrected.

### **UNFINISHED BUSINESS:**

ORDINANCE NO. 56-17

AN EMERGENCY ORDINANCE TO AMEND FIRE CODE CHAPTER 1501 BY MODIFYING SECTION 1501.01 ENTITLED ADOPTION, SECTION 1501.99 ENTITLED PENALTY, AND

# BY ADDING SECTION 1501.13 ENTITLED NUISANCE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER ON HOLD

Mr. Hunt announced that this ordinance would continue to be on hold. Mr. Hunt is still working through some language on this ordinance.

Mr. Hunt moved to amend Ordinance No. 78-17 for removal of the word "emergency' language, seconded by Mr. O'Donnell.

Vote: Hunt – aye Shepherd – aye O'Donnell – aye Furry - aye

Sindelar – aye Klym – aye Moran - aye

7 ayes 0 nays PASSED

AMENDED ORDINANCE NO. 78-17

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 351.03, ENTITLED "PROHIBITED STANDING OR PARKING PLACES", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" 3rd READING

Mr. Hunt stated that this has been discussed regarding prohibiting of parking in residential areas on the fire hydrant side of the streets throughout Rocky River.

- Mr. Sindelar asked how residents will know if a street is 30 feet wide? Discussion ensued.
- The Mayor suggested to leave the exhibit as it is and the city will place signs on the seven streets that are more than 30 feet wide. Notification will be sent out to those residents affected.

Mr. Hunt moved to pass this legislation, seconded by Mr. O'Donnell. Mr. O'Donnell said this has been a long time in coming and he is glad that everyone is on board with this legislation.

Vote: Hunt – aye Shepherd – aye O'Donnell – aye Furry - aye

Sindelar – aye Klym – aye Moran - aye

7 ayes 0 nays PASSED

ORDINANCE NO. 79-17

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 558.04 ENTITLED "SPECIFIC PROHIBITIONS, RESTRICTIONS AND EXEMPTIONS", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" 2nd READING

Mr. Shepherd said the first five of these ordinances were discussed in depth last week. He will go through these first five quickly and discuss the next five in depth.

Mr. Shepherd has received a lot of correspondence regarding this ordinance from Council but hasn't heard from everyone yet. The neighboring communities are all 8:00 a.m. to 9:00 p.m. Fairview Park has pushed back some of the times on the weekend.

Mr. Shepherd asked about construction constraints and if it affects the city crews as well as private construction. He is concerned that changing the hours would affect contracts the city has with employees in the Service Department. This will be discussed further at next week's meeting.

ORDINANCE NO. 80-17

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1107.03 OF THE DEVELOPMENT CODE ENTITLED "PRELIMINARY DESIGN PLAN", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" 2nd READING

This increases the time period from 7 days to 14 days for the application for approval of a preliminary design plan to be submitted. Mr. Shepherd has not heard any concerns regarding this ordinance.

ORDINANCE NO. 81-17

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1123.02 OF THE DEVELOPMENT CODE ENTITLED "DEFINITIONS", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

2nd READING

This has to do with the rental of rooms of a resident's home for peer-to-peer accommodations. Mr. Shepherd does have concerns about the concerns heard this evening from residents. More discussion is needed on this ordinance. Please share your thoughts with Mr. Shepherd. Mr. Furry said he has received complaints on another home regarding a similar situation.

The Mayor said that letters have been sent out to other Airbnb's because they need to register so they are inspected as a rental.

Mr. O'Donnell asked if other cities have prohibited this. The administration will check on this.

ORDINANCE NO. 82-17

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1371.01 OF THE BUILDING CODE ENTITLED "DEFINITION", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

2nd READING

This is a companion ordinance to 81-17. It defines a Bed and Breakfast establishment accommodation and a rental unit for a period of thirty days or more. Mr. Shepherd is still concerned that the title of a Bed and Breakfast is misleading with the definition saying that breakfast does not have to be served.

Mr. Moran thanked the residents for coming forward at this evening's meeting.

ORDINANCE NO. 83-17

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1125.03 OF THE DEVELOPMENT CODE ENTITLED "ZONING ADMINISTRATOR", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" 2nd READING

Mr. Shepherd is not in favor of this ordinance. Mr. Shepherd moved to have this ordinance postponed indefinitely, seconded by Mr. O'Donnell.

O'Donnell – aye Vote: Hunt – aye Shepherd – ave Furry - aye

Sindelar – aye Klym - ayeMoran - aye

7 ayes 0 nays **PASSED** 

**ORDINANCE NO. 84-17** 

BY: JOHN B. SHEPHERD AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, CHAPTER 1127 REGARDING DEVELOPMENT PLAN REVIEW PROCEDURES AS PROVIDED IN SECTION 1127.35 AND SECTION 1127.37, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBITS "A" AND

2<sup>nd</sup> READING

"B"

Mr. Shepherd said that this ordinance has two sections. The first section says that decisions by the Planning Commission granting or denying approval of detailed development plans shall be final. The second part is an equivalency position that allows the Planning Commission to make the variances but is very restrictive. Mr. Shepherd is fine with this but would insert the word "and" in section number 3 in the reference.

• Mr. Furry asked if this was initiated by the Planning Commission to give them some latitude. Mr. Bemer said that Planning Commission does detailed plan development and Board of Zoning Appeals does variances. It provided some separation between the two authorities. Mr. Shepherd feels it shifts authority to the Planning Commission giving them greater authority and discretion.

**ORDINANCE NO. 85-17** BY: JOHN B. SHEPHERD AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1129.09 ENTITLED CERTIFICATE PROTEST: REFERRAL TO BOARD OF APPEALS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" 2<sup>nd</sup> READING

This requires that grounds must be stated when filing a protest.

- Mr. O'Donnell asked if the grounds aren't stated, is it dismissed. Mr. Bemer said it goes to the Board of Zoning Appeals.
- Mr. Klym suggested providing a form for the purpose of protesting.

**ORDINANCE NO. 87-17** BY: JOHN B. SHEPHERD AN ORDINANCE AMENDING CHAPTER 1153 CAPTIONED SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT REGULATIONS OF THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, AND SPECIFICALLY SECTION 1153.03 ENTITLED USE REGULATIONS, SECTION 1153.07 ENTITLED SETBACK REQUIREMENTS, SECTION 1153.09 ENTITLED HEIGHT REQUIREMENTS,

SECTION 1153.13 ENTITLED PROJECTIONS INTO REQUIRED SETBACKS, AND SECTION 1153.15 ENTITLED ACCESSORY USES AND STRUCTURES, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBITS "A-E" 2nd READING

Mr. Shepherd said that this seeks to set the setback by the average between the houses on either side of your house. Mr. Shepherd feels this would be a fair solution.

- Mr. Klym asked if Commissioner Reich could attend next week's meeting to further discuss these changes.
- Mr. Bemer said he had already discussed with Mr. Reich about attending a work session meeting.

ORDINANCE NO. 88-17

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1167.01 ENTITLED "INTENT" REGARDING BUSINESS DISTRICT REGULATIONS, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" 2nd READING

This eliminates the vagueness of the intent between local and general business districts, which caused confusion in the Planning Commission's review of Whole Foods. It was a point of concern during the litigation regarding Whole Foods per Mr. Bemer. This will be discussed further with Commissioner Reich.

ORDINANCE NO. 89-17

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1169.11 OF THE DEVELOPMENT CODE ENTITLED "DEVELOPMENT STANDARDS AND CRITERIA" PERTAINING TO THE MIXED USE OVERLAY DISTRICT, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" 2nd READING

This reduces the 3 acres to 1 acre for a mixed use overlay. This will be discussed further with Commission Reich at next week's meeting.

ORDINANCE NO. 90-17

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1181.19 ENTITLED SOLAR REGULATIONS, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" 2nd READING

This will be discussed at the Committee-of-the-Whole Meeting with Commissioner Reich.

ORDINANCE NO. 91-17

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1301.01 ENTITLED ADOPTION AND SECTION 1303.01 ENTITLED

PURPOSE AND ADOPTION, PERTAINING TO THE OHIO BUILDING CODE AND THE OHIO RESIDENTIAL CODE, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBITS "A" AND "B"

2nd READING

This will be discussed at the Committee-of-the-Whole Meeting with Commissioner Reich.

ORDINANCE NO. 92-17

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1311.01 ENTITLED "DEFINITIONS" PERTAINING TO CONSTRUCTION SITE REGULATIONS, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" 2nd READING

This will be discussed at the Committee-of-the-Whole Meeting with Commissioner Reich.

ORDINANCE NO. 93-17

BY: JOHN B. SHEPHERD AN ORDINANCE AMENDING CHAPTERS 1151, 1155, 1157, 1163, 1165, 1169 AND 1171 OF THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER REGARDING WIRELESS TELECOMMUNICATION FACILITY USE WITHIN RESPECTIVE ZONING DISTRICTS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBITS "A-H" 2nd READING

This will be discussed at the Committee-of-the-Whole Meeting with Commissioner Reich.

ORDINANCE NO. 95-17

AN EMERGENCY ORDINANCE FIXING THE 2017 ANNUAL SALARIES AND HOURLY RATES FOR THE APPOINTED EMPLOYEES IN THE SEVERAL DIVISIONS AND DEPARTMENTS OF THE CITY OF ROCKY RIVER

2nd READING

Mr. Moran stated that this ordinance will fix the 2017 annual salaries and hourly rates for the appointed employees for the Wastewater Treatment Plant agreement and will be retroactive to the beginning of the year.

Mr. Moran moved that the rule requiring that Ordinance No. 95-17 be read on three separate days be suspended, seconded by Mr. O'Donnell.

Vote: Hunt – aye Shepherd – aye O'Donnell – aye Furry - aye

Sindelar – aye Klym – aye Moran - aye

7 ayes O nays PASSED

Mr. Moran moved for passage of Ordinance No. 95-17, seconded by Mr. Furry.

Vote: Hunt – aye Shepherd – aye O'Donnell – aye Furry - aye

 $Sindelar-aye \hspace{1cm} Klym-aye \hspace{1cm} Moran-aye$ 

7 ayes 0 nays

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**PASSED** 

ORDINANCE NO. 97-17

AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2018
2nd READING

Mr. Moran discussed the budget meetings in December. Mr. Moran is pleased that the budget is passed prior to the beginning of the year and temporary appropriations are not needed.

ORDINANCE NO. 98-17

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW A CONTRACT FOR VARIOUS INSURANCE COVERAGES FOR THE CITY OF ROCKY RIVER WITH MCGOWAN INSURANCE FOR THE YEAR 2018 AT A TOTAL COST OF \$196,832.00

2nd READING

Mr. Shepherd explained that this ordinance has the largest percentage of increases due to the loss/claim ratio was high. This contract will go out for bid next year.

ORDINANCE NO. 99-17

BY: JOHN B. SHEPHERD AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW A CONTRACT FOR VARIOUS INSURANCE COVERAGES FOR THE ROCKY RIVER MUNICIPAL COURT WITH JACKSON DIEKEN & ASSOCIATES FOR THE YEAR 2018 AT A TOTAL COST OF \$9,664.00

2nd READING

This renewable contract decreased, as the Municipal Court has had no claims.

ORDINANCE NO. 100-17

BY: JOHN B. SHEPHERD AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW A CONTRACT FOR VARIOUS INSURANCE COVERAGES FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT WITH MCGOWAN INSURANCE FOR THE YEAR 2018 AT A TOTAL COST OF \$68,175.00 2nd READING

This has an increase of 2% and Mr. Shepherd said this will go out for bid next year.

ORDINANCE NO. 101-17

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MACKAY ENGINEERING AND SURVEYING COMPANY FOR PROFESSIONAL CONSULTING AND ENGINEERING SERVICES FOR 2018 AND 2019 AS FURTHER DESCRIBED IN EXHIBIT "A" 2nd READING

MacKay Engineering has been the city engineer for atleast the last 10 years. They have a deep understanding of the city's needs. They will receive a 2.5% increase, which is the same as the city employees.

### **NEW BUSINESS:**

ORDINANCE NO. 102-17

BY: CHRISTOPHER J. KLYM
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR THE DIRECTOR
OF PUBLIC SAFETY SERVICE TO CONTRACT WITH AND PAY WESTLAND
HEATING/AIR CONDITIONING THE COST FOR REPLACING FOUR (4) HVAC ROOFTOP
UNITS AT THE HAMILTON ICE ARENA FOR AN AMOUNT NOT TO EXCEED \$235,580.00
1st READING

These are four additional units at the ice rink that are in disrepair and in need of replacement. Heat is being provided currently with temporary units. This looks to replace four units from Westland Heating/Air Conditioning. Mr. Mehling will be at Friday's meeting and this will be discussed more at that time.

RESOLUTION NO. 103-17

A RESOLUTION APPROVING THE ADOPTION OF THE CUYAHOGA COUNTY 2017-2022
ALL-HAZARDS MITIGATION PLAN AND DECLARING AN EMERGENCY
1st READING

Mr. Hunt said this will be discussed more next week. This would allow the city to participate in the County's program in case of a disaster.

ORDINANCE NO. 104-17

BY: JAMES W. MORAN
AN EMERGENCY ORDINANCE CREATING POSITIONS AND FIXING OR ESTABLISHING
THE ANNUAL SALARIES AND HOURLY RATES COMMENING JANUARY 1, 2018 FOR
THE APPOINTED EMPLOYEES IN THE SEVERAL DIVISIONS AND DEPARTMENTS OF
THE CITY OF ROCKY RIVER
1st READING

Mr. Moran said this is for the appointed positions at a 2.5% increase of salaries. This will be discussed more at this Friday's Finance Meeting.

## **CONSENT AGENDA:**

ORDINANCE NO. 75-17

BY: JOHN B. SHEPHERD AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY SERVICE DIRECTOR TO EXTEND THE AGREEMENT WITH FABRIZI TRUCKING & PAVING CO., INC. FOR THE EMERGENCY REPAIR OF STREETS AND STORM AND SANITARY SEWERS WITHIN THE CITY OF ROCKY RIVER AT A COST NOT TO EXCEED \$90,000.00 AS FURTHER DESCRIBED IN EXHIBIT "A" 3rd READING

Mr. Shepherd said that this is an emergency repair of streets and storm and sanitary sewers within the City of Rocky River. Fabrizi has held their costs since 2011.

ORDINANCE NO. 76-17

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE FERRIC CHLORIDE FOR THE WASTEWATER TREATMENT PLANT FROM PVS TECHNOLOGIES, INC., AT \$468.00 PER DRY TON FOR 2018

3rd READING

This ordinance is for the purchase of Ferric Chloride from PVS Technologies, Inc. The previous two years were locked in at \$438 and change. The previous year was \$336. The year prior was \$436 and the prior three years were \$297 so has always experienced pricing volatility. Plant Supt. Rosemark was expecting some price increases due to weather related events in their southern plants. Two bids were received from that bid with a range of \$468-\$524. PVS Technologies, the current supplier, was the lowest and best bidder.

ORDINANCE NO. 77-17

BY: DAVID W. FURRY AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE SODIUM HYPOCHLORITE FOR THE WASTEWATER TREATMENT PLANT FROM BONDED CHEMICALS, INC. AT \$0.689 PER GALLON FOR 2018

3rd READING

This ordinance is for the purchase of sodium hypochlorite. Only one bid was received with the current supplier, Bonded Chemicals of Columbus at a price per gallon of \$0.689/gallon. This product has also had some volatility as last years pricing was \$.616/gallon while the previous two years were at \$.715/gallon. Only one bid was received but is usually between Bonded Chemicals or JCI Jones Chemical.

Mr. Moran moved to approve the Consent Agenda, Ordinance No. 75-17, 76-17 and 77-17, seconded by Mr. Furry.

Vote: Hunt – aye Shepherd – aye O'Donnell – aye Furry - aye

Sindelar – aye Klym – aye Moran - aye

7 ayes O nays PASSED

MISCELLANEOUS BUSINESS: NONE

**PUBLIC COMMENT: NONE** 

President Moran thanked the audience for attending this evening's meeting.

As there was no further business by members of Council, the meeting was adjourned at 8:34 p.m.

James W. Moran

Susan G. Pease

President of Council

Clerk of Council