

City of Freeport
REGULAR COUNCIL MEETING MINUTES
July 14, 2015 Agenda

I. Meeting Called to Order

The July 14, 2015 City Council Regular Meeting was called to order by Mayor Russ Barley at 7:00 pm. in the Council Chambers of Freeport City Hall.

Council members present: Councilman Eddie Farris, Councilwoman Kasey Cuchens, Councilwoman Janice McLean, Mayor Russ Barley, Councilwoman Elizabeth Brannon and Councilwoman Jennifer Laird.

Staff present: City Attorney Clayton Adkinson, City Clerk Gary Mattison, City Planner Latilda Hughes-Neel, Parks Director Dana Weiler, City Engineer Anna Hudson, City Engineer Cliff Knauer and City Water Supervisor Larry Tuggle.

II. Invocation and Pledge of Allegiance

The invocation was given by Councilman Farris, followed by the Pledge of Allegiance to the American Flag.

III. Recognition of Guests

Mayor Barley called city employee Jurgen Kellenbach to the podium and recognized his achievement of Certified Water Operator Class C. Kellenbach was given a round of applause.

IV. Approval of Past Minutes (Action Requested)

- 6/25/15 FCC Workshop Minutes
- 6/25/15 FCC Regular Council Meeting Minutes
- 7/7/15 FCC Special Meeting

Council Action: Councilman Farris motioned to approve the minutes as presented. Councilwoman McLean seconded the motion. All ayes; motion carried.

V. Consideration of Additions/Deletions to Agenda

ADDITONS:

Councilman Farris: Security Cameras/ Laird Park

Councilwoman Cuchens: FRDAP Grant under Engineering/RESTORE
applications after 331 Partners presentation under Planning

Mayor Barley: Movie Night

City Clerk Mattison: Resignation of Employee/Advertisement of Position

City Planner Hughes-Neel: RAO Designation/Local Mitigation Strategy Plan

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Resolution/ Building Permits Report

DELETIONS: none

VI. Approval of Agenda with Additions/Deletions

Council Action: Councilwoman Cuchens motioned to approve the additions to the Agenda. Councilwoman McLean seconded the motion. All ayes; motion carried.

VII. Staff Reports

A. Planning & Zoning Dept.

1. 331 Partners Presentation (Information Only)

City Planner Hughes-Neel asked Mr. Jay Odom to introduce the project and the partners present.

Jay Odom, 331 Partners partner and local developer introduced the 331 Partners group present and gave a brief overview of their preliminary project.

Gus Andrews appeared before the Council as a member of 331 Partners and discussed the value to the community associated with their project.

Robert Kohn appeared before the Council to present their gateway project and discussed meetings and work with the City Planner which led up to the presentation. He praised their partnership with Gus Andrews, the mentorship of Jay Odom and the assistance and guidance of City Planner Hughes-Neel in making the decision to develop what is the largest piece of undeveloped land in the City of Freeport. Kohn stated that the partners were looking forward to bringing the Council responsible growth for the future of Freeport; not to develop willy-nilly but to consider the needs of the City. Kohn mentioned that they had been approached about selling a portion of their property for a borrow pit, but had turned down the offer, as it was not, in their opinion, an appropriate use for the gateway property. Kohn stated that in most cases, local governments are reticent to embrace anything new. Kohn stated that City Planner Hughes-Neel had guided the group and made them comfortable enough with the city's regulations and processes for the 331 Partners to spend the money necessary to develop the 1700-acre project.

Jose Martinez presented a PowerPoint introducing The Preserve at Lafayette Creek (attached). Martinez stated that the land controlled by 331 Partners is very beautiful, in terms of topography and is being planned to work around Lafayette Creek.

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Martinez stressed that everything they were presenting is open to comment; they are not developers who intend to come in and impose their will on the community; they want input so that the product they present will be acceptable to the City. Martinez emphasized that the concept were very “30,000 feet”. Martinez mentioned that a MC Davis parcel is one of the properties included. He discussed the two existing PDPs within the project area, Freeport Marketplace Commercial PDP and Ashton Park/Freeport Residential PDP, which are vested as they were originally approved by the City Council. Martinez discussed the layout of the proposal; the east zone and west zone. He discussed the landscaping, the street definitions and streetscapes, bringing architectural elements into the lighting and design accents. The properties as sold will have restrictions on how it can be developed, to be in keeping with the design and overall development plan. Martinez mentioned how they had turned down a proposal from a potential buyer who wanted to develop a borrow pit because it would not be consistent with their overall plan for the property; not the highest and best use. Martinez explained how they intend to thoughtfully separate uses within the development and build in flexibility. In the master plan with flexible zoning they are designing, access is a huge consideration; to provide intelligent transportation systems. Martinez stated that the most exciting thing he had to talk about is that they have been courting and talking to a potential project within the development and that project is Veteran’s Lodge on over 200 acres of the project acreage, with nature trails, and other amenities.

The audience applauded the presentation.

Gus Andrews talked to the Council about the proposed Veterans Lodge, and facility that would offer lodging for veterans and their families while the veteran was receiving treatment for PTSD and re-training for employment post-military service. Potential employment training by Boeing and Motorola, This property is a natural fit due to being next door to Eglin. The residential uses would be split between the veterans lodging and a retirement community. Andrews stated that in his opinion, veterans were short-changed in services provided after discharge and this proposal would give them much needed assistance.

Council Discussion:

Mayor Barley and Councilwoman Cuchens thanked everyone for the presentation.

Councilwoman Cuchens said that she thinks it’s a beautiful concept with great ideas for a project perfect for Freeport. Cuchens went on to say that the project fits exactly in what the community wants to see happening in that area. Cuchens addressed the presenters and told them she hopes that they will do whatever they can do to bring business to Freeport, that the Council is more than willing to work with them; this is a beautiful opportunity for the City.

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Councilwoman Brannon stated that she also thinks it's phenomenal; she spoke of her son who had been deployed in Iraq and Afghanistan and the issues many of his military peers have suffered. Brannon stated that it was just fantastic and she thanked the presenters.

Councilwoman McLean encouraged the group to let the Council know if they needed any help.

City Planner Hughes-Neel stated that she had everyone's contact information in case a question comes up later or if there was some issue that wasn't addressed. Hughes-Neel noted that the time-frame for the project was fast approaching; they hope to submit by August. Hughes-Neel noted that this is an economic development project and that they are hoping for a 60/90-day turnaround. Hughes-Neel stated that this is a good opportunity to masterplan and to see development that you can be proud of in the years to come.

2. RAO Designation

City Planner Hughes-Neel announced that Executive Order 15-133 (attached) had been issued by the Office of the Governor Rick Scott which specifically names and designates the City of Freeport as a "Rural Area of Opportunity" (RAO). The Order was signed on July 8, 2015. The designation will be in effect for five years and will expire on July 8, 2020, but shall be reviewed by the Rural Economic Development Initiative annually and has the potential to be renewed.

3. RESTORE (Action Item)

Councilwoman Cuchens presented Anna Hudson and Cameron Morris of Preble-Rish who have been working with Councilwoman Cuchens on the City's RESTORE opportunities and have narrowed down the applications to two:

- 1) Stormwater Master Plan/Capital Improvements Strategy Plan
- 2) Water Quality Improvements

These are mini-grants of \$100,000 each. These grants will be tied to the Capital Improvements Plan (CIP). Councilwoman Cuchens informed the Council that a \$10K match was needed for each application.

Council Action: Councilwoman Cuchens motioned for the City to provide a 10K match for each of the two mini-grants specified. Councilwoman Brannon seconded the motion. All ayes; motion carried.

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4. Medallion Holdings – Proposed Lot Split (Action Item)

City Planner Hughes-Neel presented a Lot Split/Replat proposal received from Medallion Holdings.

Project summary: Medallion Holdings, owner of Parcel 15-1S-19-23040-023-0070 located at the NE corner of CR 83-A East and Polk Street, proposed to split/replat Lots 7 & 8 Block 23 Town of Freeport into three (3) single-family lots. The parcel consists of .85 acres and was the site of a previously approved 12-unit townhouse development known as Cog Hill Townhomes. The development approval for Cog Hill has expired. Hughes-Neel informed the Council that the proposal met all the dimensional requirements of the R-3 zoning category and the Planning Board had recommended approval.

Council Action: Councilwoman Cuchens motioned to approve the lot split/replat of Lots 7 & 8 Block 23 Town of Freeport, for three (3) single-family lots. Councilwoman McLean seconded the motion. All ayes; motion carried.

5. Medallion Holdings –Lot Split Parcel water/sewer taps (Action Item)

Jay Odom of Medallion Holdings asked the Council to consider establishing a process for water/sewer tap transfer. He has nine (9) surplus water/sewer taps tied to the lot split/replat parcel subject to the previous action and would like to transfer the surplus taps to the Hammock Bay tap bank.

City Attorney Adkinson stated that the council needed to look at any type of transfer process very carefully in order not to conflict with previous decisions.

City Planner Hughes-Neel will forward draft language to the city attorney to review.

Council Action: none

6. Owls Head LP LSA - 1st Reading (Action Item)

City Planner Hughes-Neel presented the large scale amendment proposal to the Council.

Project summary: Owl's Head LP has submitted a large scale amendment application for the east half of Parcel 36-1N-19-17000-002-0000, in order to change the Future Land Use designation from UD/ Urban Development to I /Industrial. The property is located approximately 2500 feet east of the 331 Bypass, 3 miles north of Highway 20 and is immediately south and adjacent to the CW Roberts sand borrow pit. The

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owner intends to utilize the property as a borrow pit.

Hughes-Neel drew the Council's attention to several attachments she had provided as clarifying information; the Planning Report which reviewed the application for compliance with statutory requirements for land use amendments; the descriptions of light, general and heavy industrial from the Land Development Code, the definitions of Excavation and Mining from the Land Development Code and the Land Use Table from the Land Development Code. Hughes- Neel stated that the project meets the statutory requirements for large scale land use amendments and that the Freeport Planning Board voted to recommend approval on July 1, 2015.

City Attorney Adkinson asked of their plan was to open a borrow pit. Hughes- Neel stated that a development application has been submitted for a borrow pit which is contingent on the action taken pertaining to the large-scale amendment/rezoning.

Jamie Eubanks of Jenkins Engineering appeared before the Council to answer questions regarding the large-scale amendment. Eubanks pointed out that Mr. Chandler (Owls Head LP owner) had confined the proposal to the back portion of the property, 2500 feet away from the 331 Bypass. The owner intends to develop a commercial project along 331. Eubanks also pointed out that Mr. Chandler was the property owner to the north and south of the subject property.

Councilwoman Brannon asked Hughes-Neel where borrow pits are defined in the Land Development Code and where were they in terms of land use. Hughes-Neel stated that the least intensive category which allows excavation and mining is the I-2 zoning category, which can only be located in the I Industrial Future Land Use category. Hughes-Neel stated that a borrow pit is an Excavation and Mining activity, and pointed out the definitions attached in the council packet.

Councilwoman Cuchens stated she could not find the term borrow pit in the Land Development Code. Hughes Neel stated that the description of borrow pit was in the definitions "Excavation" and "Mining".

Councilwoman Cuchens addressed Mr. Eddie Chandler and asked if his intent was to establish a borrow pit. Mr. Chandler confirmed that was his intention.

Councilwoman Brannon asked Mr. Chandler if he was going to sell the dirt. Mr. Chandler said that he would sell the dirt. Councilwoman Brannon responded, "That's mining." Councilwoman Brannon said that her understanding of a borrow pit as an agricultural use was that dirt would be moved from one site to another on the same piece of property. Councilwoman Brannon stated that her experience was that borrow pits often turn into landfills; a lot of people will sell the dirt and who monitors the hole after that? There's no one that's going to monitor it.

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Eubanks (Jenkins Engineering) addressed Councilwoman Brannon, stating that the city's code expressly prohibits landfills.

Councilwoman Brannon stated, "We know that, but we have people doing it every day." I think the Council needs to clarify borrow pit, before they do anything else. I'm looking at it and borrow pit isn't stated specifically."

Attorney Adkinson asked about the property immediately to the south; what it is zoned. Hughes-Neel stated that it was in the county and designated large-scale agriculture.

Councilwoman Brannon asked if the property banded up to Nokuse (Wildlife Management Area). Hughes- Neel stated that it did. Councilwoman Brannon questioned allowing a borrow pit so near a preservation area.

Councilwoman Cuchens asked the Council to look at the Future Land Use Map from the proposal. Councilwoman Cuchens identified the CW Roberts property shown as Industrial and that underneath that was the proposed site. Councilwoman Cuchens stated that everything in blue is Urban Development, which is what we (the council) from years and years ago intended for Freeport to develop as. Councilwoman Cuchens referenced Owls Head as an example of the kind of development they want to see. Councilwoman Cuchens stated that this isn't anything against a previous council. She stated that when they agreed to approve the CW Roberts site for the development of 331 (the 4-laning project); that dirt was in such great demand. Councilwoman Cuchens stated that her concern was that when the Council approves a site like the one shown, and the one next to it as well, then they would change the entire look of the corridor. Councilwoman Cuchens reminded the Council that they have talked repeatedly about precedence; that the Council sets a precedent every time they approve anything; it lends itself to someone else coming in and doing the same thing. Councilwoman Cuchens said if you look at the location and you look at the presentation earlier in the meeting, it is completely different than a borrow pit; it is the exact opposite of a borrow pit, and it (the masterplan, not the borrow pit) is what she would like to see come into the City.

Councilwoman Brannon stated that she agrees with Councilwoman Cuchens. Councilwoman Brannon stated that she was on the Council when the CW Roberts project was done. CW Roberts came to the Council, hat in hand, and said they had the contract and had to have dirt. They approved it under the conditions that never would never be any type of fill going in there, land clearing, construction debris or household garbage. Councilwoman Brannon spoke of her efforts to clean up the Coyote Landfill on Highway 20 and stated that the last thing the Council needs in a garbage dump on 331. Councilwoman Brannon stated that the land use currently in place needs to stay like it is and that maybe the Council needs to put a moratorium on

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borrow pits until they are actually listed by name and a term for what we consider a borrow pit.

City Attorney Adkinson stated that a motion would need to be made to approve or deny the request as presented.

Councilwoman Cuchens made one additional point; she pointed out property owned by the Northwest Florida Water Management District in conjunction with the Nokuse Plantation in proximity of the request.

Hughes-Neel stated “The City Attorney has advised me to inform you that a code enforcement action has begun against CW Roberts, the owner and operator of the sand borrow pit north and adjacent to this property. A complaint was filed on Monday afternoon (July 13th). The nature of the complaint was that CW Roberts was bringing in concrete rubble and crushing it and that trees/debris were being trucked in, burned and buried on-site. The complaint was immediately turned over to the Walton County Code Enforcement for investigation. Code Enforcement staff investigated the site this morning and reported that materials were being brought in and processed. I turned over a copy of the development order file for CW Roberts to Code Enforcement and copies of our Land Development Code language which prohibit landfills, which essentially was the complaint; that CW Roberts was conducting landfill activities in addition to removing sand from the approved borrow pit. A Stop-Work order was placed on-site prohibiting any materials being brought in to the property.”

Councilwoman Brannon stated that you (the Council) can't police them.

City Attorney Adkins stated that the Council's issue was to approve or deny the application presented.

Owner/Applicant Eddie Chandler addressed the Council. He stated for the record that the property would be used for sale of fill dirt; a lot of development activity was going on and fill dirt would be needed. Chandler said he was staunchly against any kind of dumping or landfill activity. When he was finished removing the fill dirt, he would have a lake where the pit was; it would be landscaped with grassed slopes. Chandler stated that the project was completely buffered from the highway. Chandler stated that he would be very responsible; that he had been a good neighbor and friend to the community.

Council Action: Councilwoman Cuchens motioned to deny the Owl's Head LP LSA application. Councilwoman Brannon seconded the motion. All ayes; motion carried.

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7. Owls Head LP Re-Zoning – 1st Reading (Action Item)

Project summary: This proposed amendment to the Zoning Map reflects the owner's request to change the zoning category for the east portion of Parcel 36-1N-19-17000-002-0000, 72.96 acres of property located 3 miles north of Highway 20 and 2500 feet east of the 331 Bypass. The current zoning is I-1 Light Industrial. The requested zoning is I-2 General Industrial. There is a proposed borrow pit development plan for the property which is being reviewed subject to the outcome of this proposal. The Freeport Planning Board voted to recommend approval on July 1, 2015.

Council Action: Councilwoman Brannon motioned to deny Owl's Head LP Zoning application. Councilwoman Cuchens seconded the motion. All ayes; motion carried.

8. Local Mitigation Strategy Plan Resolution (Action Item)

City Planner Hughes-Neel presented a draft resolution for the City of Freeport to adopt the Local Mitigation Strategy Update. The City of Freeport partners with Walton County, DeFuniak Springs and Paxton in developing and adopting the Walton County Local Mitigation Strategy Plan updates as required by Statute.

Council Action: Councilwoman Brannon motioned to approve Resolution 2015-08 Adoption of the Walton County Local Mitigation Strategy Update. Councilwoman Laird seconded the motion. All ayes; motion carried.

9. Building Permits Report (Information Only)

City Planner Hughes-Neel updated the Council with a report on building permit reviews for 2015 January –June:

Residential: 73	Commercial: 4	Total: 77
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Activity within platted subdivisions:

Mallard Creek:	1
Canopies:	4
LaGrange Landing Phase I:	4
Hammock Bay:	59

B. City Clerk Matters

1. Resignation of Employee

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City Clerk Mattison presented the resignation letter of former City Bookkeeper Floyd McKenzie. Mattison asked to a motion to accept McKenzie's resignation.

Council Action: Councilman Farris motioned to accept Floyd McKenzie's resignation. Councilwoman Brannon seconded the motion. All ayes; motion carried.

2. Advertisement of Position

City Clerk Mattison requested a vote authorizing the posting of the Fiscal Services Clerk/Bookkeeper position. Mattison recommend that this be an exempt position with a salary in the 35-40K range, in charge of payroll, accounts payable, and supervision of the Billing Department.

Council Action: Councilwoman Brannon motioned to approve the advertising of the Fiscal Services Clerk with the description as recommended by Mattison. Councilwoman Laird seconded the motion. All ayes; motion carried.

3. Expenditures (Information Only)

City Clerk Mattison stated that the expenditure date would be available later in the week

4. Pay All Bills in Order (Action Item)

Council Action: none.

5. Proposed Letter to the DeFuniak Herald – Correction to Article (Action Requested)

City Clerk Mattison presented a draft letter to the Herald Breeze for retraction of the article written about a discussion with DeFuniak Springs.

Council Action: Councilwoman Brannon motioned to send the retraction letter to the Herald-Breeze. Councilwoman McLean seconded the motion. All ayes; motion carried.

6. Recognition of Employee Jurgen Kellenbach -Water Operator License (Information Item) *was presented under "Recognition of Guests"*

7. Recommendation – Hourly Rate Increase – Jurgen Kellenbach (Action Requested)

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City Clerk Mattison recommended a that Jurgen Kellenbach be promoted from Maintenance Technician to Water Operator and that he be given a 15% pay increase from \$12.60 to \$14.49 hourly wage.

Council Action: Councilwoman McLean motioned to approve the promotion and salary adjustment for Jurgen Kellenbach. Councilwoman Cuchens seconded the motion. All ayes; motion carried.

8. City Planner Salary Recommendation (Action Requested)

City Clerk Mattison presented a recommendation for the City Planner position to be re-classified from non-exempt to exempt status with a salary adjustment of \$54,000 annual salary.

Council Action: Councilwoman Brannon motioned to make the City Planner position exempt with a salary adjustment to \$54,000. Councilman Farris seconded the motion. All ayes; motion carried.

9. Request for CHELCO to conduct Energy Use Survey for City of Freeport (Action Requested)

City Clerk Mattison requested permission to have CHELCO conduct an energy audit survey of city facilities to determine where the city could realize energy savings.

Council Action: Councilwoman Brannon motioned to approve the CHELCO energy audit. Councilwoman Cuchens seconded the motion. All ayes; motion carried.

C. Legal Matters/none

D. Parks Dept. / none

E. Engineering

1. FRDAP Grant

Anna Hudson /Preble-Rish presented information regarding a FRDAP grant for the city pool. Hudson gave a list of items which need to be completed for the grant application:

- Publicly advertised meeting to discuss project
- Discussed at a Planning Board meeting
- Public opinion survey

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Council Discussion:

Councilwoman Cuchens stated that the subject of the pool repair as a project for a FRDAP grant had come up the previous week while Councilwoman Laird was out of town of vacation. Since time was so short, she had worked with staff to put together as much of the application material as possible.

Councilwoman McLean: the pool is our greatest need right now.

Councilwoman Cuchens: we can approach the county for financial assistance if they see we are doing our part to fund the pool.

Council Action: Councilwoman Cuchens motioned to apply to FRDAP for the City Pool repairs. Councilwoman Brannon seconded the motion. All ayes; motion carried.

Council Action: Councilwoman Cuchens motioned to hold a special meeting on July 23 at 6:45 pm to discussion the FRDAP application for the pool. Councilwoman McLean seconded the motion. All ayes; motion carried.

Council Action: Councilwoman Cuchens motioned to use the presented draft public opinion survey for the grant application. Councilwoman Laird seconded the motion. All ayes; motion carried.

F. Water Dept./ none

G. Sewer Dept./none

VIII. Old Business

Councilwoman Cuchens discussed the potential Community Center renovations. She asked Councilman Farris if Preble-Rish could review the figures again and see if they could be reduced further. Councilman Farris stated that they were at bare bones now. He had discussed the pricing with several local contractors and they stated that the prices were about as low as could be expected. Mayor Barley stated that they had enough money in unanticipated revenues to go ahead and do the renovation. Councilwoman Cuchens stated that the unanticipated revenues look like extra money but the unanticipated expenditures were greater. Councilwoman McLean stated that they needed to look at it in the budget. Councilman Farris stated that the Community Center represents Freeport and it needs to be upgraded. Councilwoman Cuchens stated that the renovations are needed but there are other things the City needs more. Mayor Barley asked why go

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after money for the pool instead of the community center.

Councilwoman Cuchens suggested that rather than spend the money outright, they should consider using that money as match funds for grants in order to grow the amount of money which could be used for the renovation and fund other city projects. City Engineer Knauer commented that using the \$250,000 as match funds could gain the City several million dollars in grant funds.

Council Action: none.

IX. New Business

A. Mayor Russ Barley

1. Movie Night

Mayor Barley stated that he had been approached by Pastor Tom Birke of Freeport Assembly about holding a Movie Night on a trial basis.

Council Action: Councilman Farris motioned to allow Freeport Assembly to hold a Movie Night behind City Hall on a trial basis. Councilwoman McLean seconded the motion. All ayes; motion carried.

B. Councilwoman Brannon

1. Legislative Matters/ none

C. Councilwoman Cuchens

1. Community Center *presented under Old Business*

2. RESTORE projects *presented under Planning*

D. Councilman Farris

1. Security Cameras/ Laird Park

Councilman Farris asked the Council to consider installing cameras at Laird Park so the Sheriff can monitor activities in the park. Lt. Hogeboom stated that the cameras need to be night/day vision cameras. Councilman Farris will check with the Sheriff's Dept., to see what they recommend for cameras.

E. Councilwoman Laird/none

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F. Councilwoman McLean/none

X. **Public Comment**/none

XI. Adjournment

Mayor Barley called for a motion to adjourn. Councilwoman McLean motioned to adjourn. The meeting adjourned at 8:40 pm.

FREEPORT CITY COUNCIL

Mayor

Council President

ATTEST:

City Clerk