

City of Springdale Council

April 5, 2023

President of Council Vanover called Council to order on April 5, 2023.

The governmental body and those in attendance recited the Pledge of Allegiance.

Mrs. McNear took roll call. Council members Anderson, Ghantous, Hawkins, Jacobs, Ramirez, Sullivan-Wisecup, and Vanover were present.

The minutes of the March 15, 2023 meeting were considered. Mrs. Ghantous made a motion to accept the minutes; Mr. Hawkins seconded. The minutes were approved with seven affirmative votes.

Communications - None

Communications from the Audience - None

Mayor Webster: I have a proclamation I'd like to read tonight if you don't mind.

President Vanover: Sure, go ahead.

Mayor Webster: Mr. Clayton, would you step forward here. He's accommodating me because I can't walk down the steps. This is National Public Health Week, and, as we always do, we honor our local health department with a proclamation and that's what I'm about to do now.

WHEREAS, started in 1985, National Public Health Week takes place each year during the first week of April to recognize the important contributions public health has made to our nation. National Public Health Week also highlights issues that are important to creating a healthy future; and

WHEREAS, the Springdale Health Department works to prevent disease and promote good health within the City of Springdale, Ohio; and

WHEREAS, since 1974, the Springdale Health Department has created and supported a strong public health system that engages residents and community partners to foster a healthier community; and

WHEREAS, a hallmark of the City of Springdale's Health Department is extensive collaboration among a wide range of public and private sector partners; and

WHEREAS, this year's theme of National Public Health Week 2023 is Centering and Celebrating Cultures in Health; and

WHEREAS, in April, the nation celebrates National Public Health Week to recognize the important role that public health departments play in sustaining and improving community health to create a brighter future; and

WHEREAS, the Springdale Health Department is committed to ensuring that Springdale families are healthy and its collaborative efforts with individuals, families, community partners, and policy makers will promote good health among future Springdale generations.

NOW THEREFORE, I DOYLE H. WEBSTER, Mayor of the City of Springdale, do hereby proclaim April 3rd through 9th, 2023 as

NATIONAL PUBLIC HEALTH WEEK

In the City of Springdale and commend this observance to our citizens.

Mayor Webster: Along with that, I would be remiss if I didn't show appreciation to Matt (Clayton) the job we do in our Public Health Department here in the City. They're outstanding, and they're very much appreciated. (Applause)

City of Springdale Council

April 5, 2023

Mr. Clayton: Mayor (Webster), thank you for your warm comments and the support of the Health Department. I would like to say that along the lines of appreciation, I note that during the course of the pandemic, Mayor, you never missed a single Board of Health meeting. You were at every meeting as our Board President, and it was very much appreciated. Speaking about appreciation, I really am proud of our department for all the things that we did during the course of the pandemic. I feel that it was an outstanding response, and I don't take credit for that. I give that credit to our community health division, and to every member of our team who worked so hard, but, we certainly would not have had the response that we had, had it not been for the support of this body. So, to the members of the City Council, thank you all so much for your support, and of our City government who supported us during the course of (the pandemic), Mr. Jones, Mr. Uhl; your support was very much appreciated, very much needed, and pivotal. Mayor (Webster), I just cannot say how much we appreciated you during the pandemic, sir. As everyone knows, the emergency measures are ending in May, so, next month, we will technically see the end of the emergency measures. On March 31st, last Friday, the Ohio Hospital Association indicated that there were only 70 people in the entire southwest region hospitalized with COVID. So, the numbers are very low, and, while we celebrate this end of the pandemic, and these great numbers, we also remember the many people who have suffered during the course of this pandemic. But, I think that the lives lost, and the suffering in this community was lessened by the partnership across the culture of our City Government, and, also with the help of every City agency; the Police Department, the Fire Department, our Parks and Recreation Department, our Public Works Department, our Finance Department, our Building Department, Economic Development. It really was a team effort. So, thank you all so much for every bit of support that you gave us; it's truly appreciated. Mayor (Webster), thank you so much for this award. (Applause)

President Vanover: Thank you.

Ordinances and Resolutions

Ordinance No. 16-2023

AN ORDINANCE AUTHORIZING THE SALE, DISPOSAL, OR TRANSFER OF PERSONAL PROPERTY FROM THE CITY OF SPRINGDALE

Mrs. Ghantous made a motion to adopt Ordinance No. 16-2023; Mrs. Sullivan-Wisecup seconded.

Ordinance No. 16-2023 passes with seven affirmative votes.

Public Hearing

Ordinance No. 18-2023

AN ORDINANCE APPROVING A MAJOR MODIFICATION TO THE COSTCO PLANNED UNIT DEVELOPMENT FOR THE PROPERTY LOCATED AT 1100 EAST KEMPER ROAD

President Vanover: Alright, Council, you've heard the reading. At this point, we'll open a public hearing, and invite anybody either for or against. I understand we have a presentation.

Mr. Lamping: The information I have presented up on the board includes the information provided to Planning Commission, and, so, I know it was all in your packets, and I know that some of the members have seen it already, but, I just thought I would go over a little bit of the plan to convert the existing Costco building into a bakery. Essentially, from this drawing, the dark gray that you see here (pointing to a display presented at the meeting) in this block, is the existing Costco. The current plans are to add to the, this is the south side that faces Kemper; add an addition here, add some chemical tanks here on the corner, tucked back off to the east. Add in office space here in a future phase, and this blue is an addition for a freezer/refrigerator, and, the initial addition. And, this teal is a future phased addition. This project has loading docks facing west, and the existing loading docks are on the north side, which there is no changes; these are existing. The current fuel center, which is out here, it will be demolished and removed. And, there's an existing driveway access in this area, that will be removed. You can see the dash lines. So, there's significant grading to try to, I don't want

City of Springdale Council

April 5, 2023

Mr. Lamping (continued): to say “hide”, but, screen the loading docks, and, I think significant effort has been made to keep the street appeal of this building. In a very positive light. I think this presentation shows the building from Kemper very adequately. You’ve got the tanks off to the east that they’re doing their best to screen all the mechanical equipment down below, and, on top, so, there’s two levels of screening on these tanks. The front addition is this section here, which, I’ll be honest, I look at this and I couldn’t even tell it was still Costco. And then, this is a future addition and the refrigerators that are tall buildings off to the west. With that, as a simple presentation, if there’s any specific questions, I’d be more than happy to try and answer them. I know the developers are here, if anyone has any questions for them, they can answer as well.

Mr. Anderson: I love that the pretzel business is expanding. I’m of German heritage. I’m a fan. I have one question about the perimeter of the property.

Mr. Lamping: The perimeter?

Mr. Anderson: The perimeter.

Mr. Lamping: Yes sir.

Mr. Anderson: So, when we, at one point we had to make variances for the plant across the street, the meat processing plant, and they required extensive fencing after the fact, and, at the time, it cited federal regulations for food processing. I’m not seeing that fencing here. It’s a different set of regulations for bakery, I’m assuming and we wouldn’t expect a change later to add chain link fencing.

Mr. Lamping: Currently the difference between this property and that property that you’re speaking of is this is a Planned Unit Development, so, this would have to come in front of Planning Commission, number one. Number two, the Final Development Plan might show fencing. I don’t know if they’re proposing it at all, but they still have to come in front of Planning Commission with a Final Development Plan which will show, I expect the plan to show that level of detail if they plan to have a fence, or anything else. And then, if it doesn’t, and they have to add a fence later, like the meat processing plant had to, since it’s a PUD, it would have to come back in front of Planning Commission. I understand the process. The visual that you showed from Kemper looked more appealing than you would expect for a large food processing, or bakery. I just wanted to make sure that’s what we should expect based on...

Mr. Lamping: The current site they have right now does not have fencing around it.

Mr. Anderson: I’m seeing people nod in the background that are “in the know”. I assume the federal requirements wouldn’t have changed. You would know that by now. Thank you.

Mr. Ramirez: Is the approval here dependent on whether or not they go forward with the purchase of the property, looking at what they had in the Enquirer, it lead us to believe it wasn’t a done deal yet.

Mr. Lamping: So, with all development projects, you end up with a purchase contract, usually there’s covenants that they have to obtain approvals from different organizations. The City is one of those. So, yes, this is dependent on the future sale; the closing. There are other issues that might happen, but, this is a step along the way to have the project approved. And, then construction documents, and it’s one of many steps, and any of those steps could trip it up, and they’d have to stop. It’s not a construction plan. It’s a step along the way to develop a piece of property like this.

Mr. Ramirez: Thank you.

Mayor Webster: I’d like for the developer to step forward for a minute. Could you talk about the number of jobs you’re going to be creating here, and what you have on Northland (Boulevard),

City of Springdale Council

April 5, 2023

because, the beautiful part about this development is they're not going to close their current facility on Northland (Boulevard), as a matter of fact, they, long-term wise, hopefully going to expand also, but, anyway, could you talk a bit about the job growth and so forth?

Mr. Schroeder?: Yes, we are here with this major request to change a PUD as the next step in the growth of Ditz USA, and, just to take you back, Ditz started in 2018 at Northland Boulevard with seven employees. Today, we have 161, most of them coming from within ten miles of the plant. With this new development, we're really expanding. We're not moving from Northland (Boulevard) to this place; we're just expanding our footprint significantly. In the first phase, we will have about 200 new jobs here, and it could go up to 300+, but this is a future development. The first phase we are representing here in this chart here displayed, is about 200, and out of this 200, we have quite a mix of entry level workers, mid-level up to engineering. This is an industrial bakery. This means we have high tech lines in there. From the beginning, we start with two master bake lines that would create about 12,000 pretzels an hour; imagine how fast that goes. And, you need a lot of engineering knowledge in there. So, the plan here, again, we present this as growth and opportunity for the people of the City. We like it. We want to stay here. And, this is a wonderful opportunity to go and stay and this was one of our key decision points to find something very close to our existing plant because we wanted to leverage our knowledge and this phase and this plant is big enough to have up to six and even more lines. So, we see the growth potential that we can gain with this property.

Mayor Webster: Thank you.

Mrs. Sullivan-Wisecup made a motion to adopt Ordinance No. 18-2023; Mrs. Ghantous seconded.

Ordinance No. 18-2023 passes with seven affirmative votes.

President Vanover: Congratulations gentlemen.

Mr. Schroeder?: Thank you.

Ordinance No. 19-2023

AN ORDINANCE AMENDING SECTION 95.03 OF THE SPRINGDALE CODE OF ORDINANCES GOVERNING ILLEGAL STORMWATER DISCHARGES AND ILLICIT CONNECTIONS TO THE STORMWATER SYSTEM IN THE CITY OF SPRINGDALE

President Vanover: Alright Council you've heard the reading of Ordinance No. 19-2023. It is a first reading. Do you have any discussion this evening?

Mr. Braun: Just for the benefit of members of Council. Mr. Agricola worked on this along with the consultant for the City, and I wanted to let you know that this, along with the next two ordinances, are a package of regulations that relate to storm water runoff, storm water management, and illicit connections and overflows. These are required. We are required when they come up with these updates to essentially modify our Code to address these. And, that's what's been prepared for you, and, I would tell you that I can answer your questions, but I really can't because these are things that are essentially given to us from on high, and we have to implement them into our Code in order to be in compliance. So, what I will tell you is each of my communities that operate their storm water districts, and their plants have had to adopt these, and, so, they're all very similar, but what's been prepared for you in each section, each one address just a slightly different topic. And, when I drafted the legislation, I tried to delineate between the three what they are. Thank you.

President Vanover: We'll see Ordinance No. 19-2023 again at our next meeting.

Ordinance No. 20-2023

City of Springdale Council

April 5, 2023

AN ORDINANCE AMENDING CHAPTER 150 OF THE SPRINGDALE CODE OF ORDINANCES GOVERNING STORMWATER AND STORMWATER RUNOFF MANAGEMENT IN THE CITY OF SPRINGDALE

President Vanover: As Mr. Braun outlined, this is part of a triple header, and it is a first reading. Do I have any discussion this evening? (None) We'll see this again next meeting.

Ordinance No. 21-2023

AN ORDINANCE AMENDING CHAPTER 151 OF THE SPRINGDALE CODE OF ORDINANCES GOVERNING STORMWATER MANAGEMENT IN THE CITY OF SPRINGDALE

President Vanover: Again, it's a first reading. Do we have any discussion on this this evening? (None) We will revisit this again.

Ordinance No. 22-2023

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT FOR THE PURCHASE OF ELECTRICITY FOR THE CITY'S ELECTRICITY AGGREGATION PROGRAM AND DECLARING AN EMERGENCY

Mrs. Ghantous made a motion to adopt Ordinance No. 22-2023; Mr. Hawkins seconded.

Mr. Anderson: Our last contract, the last three-year contract had considerations and requirements for renewables at 100%. There is nothing in here about that. Is that going to be part of the consideration when you evaluate the contracts that come before you. The other part of it is, this contract that we currently have is with Energy Harbor, which was implicated in the House Bill 6 scandal with the nuclear bailout. Is there going to be any consideration for corporate behavior when you evaluate these contracts?

Mr. Jones: We obviously have entered into an agreement with a different broker than what we had previously, but, also, we will be looking at their recommendations on how to proceed and how to move forward as far as rates, and all that. So, yes, we will be evaluating as much as we can with them and look for their advice and guidance on that moving forward.

Mr. Anderson: So, renewable percentage and corporate behavior will be part of what you consider when you look at the contracts?

Mr. Jones: I apologize. I didn't hear that.

Mr. Anderson: Renewable rates, so right now, renewable energy is part of the contract that's in our electric contract that it's 100% renewable-sourced energy to cover it. That's our last three year contract has had that. I just wanted to know if that's part of the consideration that you're going to use this time since it wasn't included in the criteria that's in this ordinance.

Mr. Jones: I think that's accurate. Excuse me just a second. Again, we were just confirming that that will be part of what we do with our broker moving forward. Yes.

Mr. Anderson: And I just wanted to make sure. People were proud of the fact that our last contract included that. It just wasn't in the consideration. I just wanted to make sure you heard that and when you evaluate it, you look at that. If you look online as an individual right now, for electric suppliers, there's options for an individual to get about six point eight cents per kilowatt hour at a 30 year rate with no "gotchas", no changing rates, no termination fees, opt-in/opt-out. So, I would hope that our aggregate program would be able to do better than an individual would be able to do on the market. The other question I have is, were you going to evaluate gas suppliers as well. In the last contract term three years ago, we could not find a more competitive rate as an aggregate than we could have as individuals, so the City didn't offer a gas aggregate supplier. Is gas aggregation being looked again, or is that just off the table completely at renewal time?

Mr. Jones: It is being looked at as well.

City of Springdale Council

April 5, 2023

Anderson: Great. I'm glad it is. I would hope we could do better than individuals out there, so, thank you.

Mayor Webster: What was the rate of the last contract three years ago? Now, we're saying not to exceed .08 kilowatts per hour. Do you know what the "not to exceed rate" was in the last contract?

Mr. Anderson: It's less than four. It's less than four; it's 3.8.

Mayor Webster: Less than four?

Mr. Anderson: Yes. Our current contract is amazing, but it started three years ago before all the spikes. It's less than four I believe. I think it's 3.8 if I remember right.

Mr. Uhl: Just on a side note, I had some general conversation today with our broker. Current rates today are hovering around 065 and 068, and those rates, the reason we brought this forward is because those rates are only good for a few hours. So, you have to act on them very soon if the rates get to a certain point where they're worth jumping on. That was current date pricing as far as this morning is concerned. Just to give you an idea. So, things are going up. We unfortunately, probably won't get close to what we have currently, but, we're going to try and get that as low as possible, with both brown and green energy.

Mr. Jacobs: This is really just a question for clarification. I don't know if Mr. Anderson can answer it, because I wasn't here three years ago. Are you saying that three years ago the renewable expectation was written in to the ordinance, or it was an expectation that we wanted in the contract?

Mr. Anderson: We actually had the contract last time.

Mr. Jacobs: We had it to vote on, because there wasn't the time constraint that we have this time. Okay. Thank you.

President Vanover: Well, and the energy horizon has changed. There are fewer and fewer companies involved in generation, which is playing an effect on all of us, and then the other is transmission and distribution which we're familiar with Duke, our heavily still in those, but the power generation, the numbers are dropping rapidly. And, it's that's just the horizon that we're dealing with right now. Any further discussion?

Mr. Jones: I apologize Mr. President. I just wanted to share that Energy Alliance provided us with a listing of communities that, just a quick count, it looks like it exceeds about 50+. I'd be happy to share that with anybody, or pass it down just some of the various jurisdictions that are currently utilizing this program.

Mr. Anderson: To be clear, I wasn't speaking of the contract or the consultant we used last time when I was saying that they were involved in the House Bill issues. I was talking about the actual energy supplier that the consultant recommended to us. Energy Harbors was the one that we're buying energy from that's part of that issues that are frocking the Ohio State House. It's not the consultant that I had concerns with. It's who the consultants would be recommending, since you'll be the one that, if this passes, be making that decision. I just wanted to make sure you had those thoughts in your mind when you look at the options, right? The renewable content and who it is that we're buying energy from as a community. The current contract reflects very well on Springdale up until Energy Harbor was implicated. So, I just want to see if we can do better this time.

Ordinance No. 22-2023 passed with seven affirmative votes.

City of Springdale Council

April 5, 2023

Old Business - None

New Business

Mrs. McNear: We have a couple of liquor license items. They are both, well, they're not really new liquor licenses or transfers. They are really stock ownership changes. The first one I have is for 11305 Princeton Pike and that is for Dos Amigos. The second one is 11700 Princeton Pike and that is for Mi Cozumel. My understanding is that they're owned by the same people, so, like I said, these are merely a stock ownership change. Do we have any issues with either of these items? (None) I will take care of filing the paperwork.

Mr. Ramirez: Will Mi Cozumel be moving? Will they need another change of address?

Mrs. McNear: That is not reflected here. My understanding is that everything in the mall has to move.

Mayor Webster: The one is Dos Amigos. Mi Cozumel and Dos Amigos are under the same ownership and that's the two addresses she's got there.

Mrs. McNear: Mr. Ramirez asked the question, "Does Mi Cozumel have to move out of the mall?"

Mayor Webster: I don't think anybody can answer that at this point. I've heard so many theories on it that I wouldn't begin to answer that.

Mr. Ramirez: The question is what we're approving is for the current location, correct?

Mrs. McNear: Right.

President Vanover: Right.

Mr. Ramirez: If they do move, will we have to come back and revisit this?

Mayor Webster: I would assume so, yes.

Mrs. McNear: Well, this is just for a stock ownership change, so it's just a change of ownership. So, it doesn't have anything to do with the physical location. So, at this point, it's still assigned to 11700 Princeton Pike, but they're just changing who owns it at this point.

Mr. Ramirez: Okay. Thank you.

Mr. Braun: I wanted to reach out to Council. I'm not one that can bind the City, but, I do give you advice, as you know, on a host of issues. However, tonight, I was going to ask Council to entertain the idea of passing a motion that would authorize me to commit the City as it relates to some of the opioid litigation settlements that are floating around. Similar to your aggregation programs where you have a very limited window to commit to those. I've spoken to Mr. (John) Jones, but, more importantly, both of our inboxes have spoken to us. We've been getting multiple emails over the last few weeks. I've got six potential opioid litigation settlements that have been proposed in the last few weeks. All of which are very similar. There are slight variations in each one of them, and obviously there's recommendations that are coming down from everyone from the Municipal League to the Attorney General's Office on whether they think they're fair and reasonable. However, one of the reasons that I would ask for a motion tonight authorizing the Law Director to evaluate those settlements and at least commit the City to participate in them, ultimately you'll approve the final settlements and our payouts, and you'll have to create a fund to put those in. Just like we did with the one Ohio settlement. They have a very narrow window at which time we can commit to being involved in those. And, also, there's multiples that are often very similar and I think if you would authorize me and staff to evaluate those, and at least initially commit us to those, we can be counted among the other communities that are going to participate. The reason that they do such a narrow window for time is because they usually are trying to determine how much money they're going to put forward with the settlement and then your

City of Springdale Council

April 5, 2023

Mr. Braun (continued): next question is going to be, "Well, how much money will we get?" Or, "How much have we been getting?" Well, the answer to that is it varies based on the number of communities that are participating. And, it also varies because some of these settlements include cities and villages. Some include counties, townships, even school districts. And, so, I wanted to let you know that. John (Jones) is indicating that one of them right now, we have an April 18th deadline to get us in on for instance, and that involved multiple parties. So, all I'm seeking tonight is because I never act independent of Council, I simply advise you, I'm asking you to give me the authority to evaluate these, along with City staff, and make an initial determination on whether the City will participate, understanding that ultimately they'll be approved by Council.

Mr. Hawkins: Do you need a formal motion, or are you just looking for acquiescence or dissent?

Mr. Braun: I would like to do a verbal motion just so I have authority because I contract with you, I don't have the ability to bind the City unless you give me that authority. Again, the understanding is that ultimately you'll be approving the final settlements. I just don't like to act on my own.

Mr. Hawkins: I move to allow Mr. Braun and Administration to be able to review and evaluate the potential opioid settlements. Is that sufficient?

Mrs. Sullivan-Wisecup: Second.

Mr. Anderson: We're just talking about for opioid-related settlements. This wouldn't give you anything beyond that. It's just for this topic.

Mr. Braun: That's correct. And, so far, we've seen these against, I mean, the most recent ones include both distributors, and manufacturers. There's TIVA, Alegran, CVS, Walgreens, Wal-Mart have all been floated around. There have been a couple of others that have circulated against some of the manufacturers. But, yes, it's just opioid.

Mr. Anderson: Thank you.

Motion to allow Mr. Braun and Administration to be able to review and evaluate potential opioid settlements passes with seven affirmative votes.

President Vanover: You have your directive. (addressing Mr. Braun)

Meetings and Announcements

Mr. Jacobs: The Springdale Board of Health will meet on the 13th of April, adjacent to these chambers.

Mrs. Sullivan-Wisecup: Planning Commission will meet on April 11th in these chambers at 7:00 p.m.

Mr. Uhl: Civil Service will meet tomorrow, Thursday, April 6th at 2:00 p.m. in the Council Conference Room.

Mr. Jones: A couple of announcements from Mr. Wilson, our Director of Parks and Rec; Shred Day reminder Saturday, April 8th 9:30 a.m. until 12:30 p.m. at the Springdale Community Center parking lot. Jaycees Easter Egg Hunt Saturday, April 8th at noon at Ross Park. Need to be ten and under to participate. The Community Center will be closed on Sunday, April 9th, in observance of Easter. And then, Arbor Day schedule is the 28th of April, and it will be at Heritage Hill Elementary at 9:30, and Springdale Elementary at 2:30. Thank you.

Communications from the Audience

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None

City of Springdale Council

April 5, 2023

Mr. Hawkins: As you review your Internal Memorandums, Item Number I was addressed with Ordinance No. 18-2023; An Ordinance Approving a Major Modification to the Costco Planned Unit Development for the Property Located at 1100 East Kemper Road. That passed with a 7-0 vote. Item Number II was addressed with Ordinance No. 16-2023; An Ordinance Authorizing the Sale, Disposal, or Transfer of Personal Property from the City of Springdale. That passed with a 7-0 vote. Item Number III was addressed with Ordinance No. 22-2023; An Ordinance Authorizing the City Administrator to Execute an Agreement for the Purchase of Electricity for the City's Electricity Aggregation Program and Declaring an Emergency. That passed with a 7-0 vote. Item Number IV was addressing Ordinances No. 19-2023, 20-2023, and 21-2023. Three Separate Ordinances Amending Chapter 95.03, Chapter 150, and Chapter 151 of the Springdale Code of Ordinances Related to Storm water Regulations. That was a first reading. Item Number V is forthcoming.

Recap of legislative items requested for next Council meeting

Mr. Hawkins: We will have another reading for Ordinances No. 19-2023, 20-2023, and 21-2023; Three Separate Ordinances Amending Chapter 95.03, Chapter 150, and Chapter 151 of the Springdale Code of Ordinances Related to Storm water Regulations. A Resolution Authorizing the City Administrator to File an Application with the Southwest Ohio Regional Transit Authority (SORTA) for Transit Infrastructure Funds Related to the Northland Boulevard Reconstruction Project and Authorizing the Mayor and Clerk of Council/Finance Director to Execute All Contracts and Other Documents Related to the Project. That's it, unless there's anything else from Council or the Administration.

President Vanover: Before we move to Item 14, I would just like to wish everybody in Springdale a blessed Passover season, and a blessed Easter coming up.

Adjournment

Mr. Hawkins made a motion to adjourn; Mrs. Sullivan-Wisecup seconded. Meeting adjourned at 7:47 p.m.

Respectfully submitted,

Kathy McNear
Clerk of Council/Finance Director

Minutes Approved:
Tom Vanover, President of Council

_____, 2023