FRUITLAND PARK CITY COMMISSION REGULAR MEETING MINUTES August 25, 2022

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, August 25, 2022 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter Jr., Commissioners Chris Bell, Patrick DeGrave, and John Mobilian.

Also present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce, Officer Anthony Buehler, Police Department; Public Works Director Robb Dicus; Mr. Michael "Mike" Rankin, LPG Urban Regional Planners Inc. (consultant retained by the city) and Interim Community Development Director; Planning and Zoning Board Member Fred Collins; Seat 1 Board of Supervisors District 11 Janice Collins, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order, Pastor Chuck Padgett, Trinity Assemblyof God, gave the invocation and Chief Luce led in the pledge of allegiance to the flag.ACTION:6:01.23 p.m. No action was taken.

2. ROLL CALL

Mayor Cheshire requested that Ms. Coulson call the roll and a quorum was declared present. Mayor Cheshire announced the agenda change under Regular Agenda Item 6. (i), Ordinance 2022-016 Rezoning – The Reserve at Spring Lake Cove LLC and referred to the addendum, (highlighted site plan and proposed diagram).**fa**

ACTION: 6:02.59 p.m. By unanimous consent, the city commission accepted the change to this evening's agenda as previously cited.

3. SPECIAL PRESENTATIONS

(a) **Proclamation – Memoriam Pastor Jim Keegan**

On behalf of the city commission, Mayor Cheshire read into the record a proclamation recognizing Thursday, August 25, 2022 as "*REVEREND JAMES E. KEEGAN DAY in the City of Fruitland Park*" in recognition of his dedication and devotion to the many lives he impacted and the privilege of calling him "our friend, colleague, and pastor". He will be dearly missed by his family, congregation, and the community who loved him.

ACTION: 6:03.33 p.m. After Ms. Wanda Keegan accepted the proclamation with much gratitude, members of the Connection Point Church (formerly known as "New Life Church" and known as "New Life Presbyterian Church") briefly expressed words of gratitude and fond memories of the late Pastor Keegan.

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Upon Mayor Cheshire's suggestion and by unanimous consent, the city commission recessed its meeting at 6:07 p.m. and reconvened at 6:08 p.m.

(b) Public Safety Complex

Mr. Michael "Mike" Latham, GatorSktch, Corporation, gave a status update report on the proposed public safety complex; described the process involved, and addressed his intent to present the plans (floor and elevations) to the city commission at its next meeting before the procurement of same.

Later in the meeting, Mr. La Venia suggested procuring the construction management at-risk on the floor plans and elevations, if acceptable by the city commission, to which Mr. Latham gave reasons why he intends to allow GatorSktch's cost estimators to bid the schematics (which is excluded from GatorSktch's scope of services).

ACTION: 6:07.07 p.m., 6:08:05 p.m., 6:14:16 p.m. and 6:36:09 p.m. By unanimous consent and upon Mayor Cheshire's announcement, the city commission agreed to continue its discussions on the public safety complex and determined not to recess its meeting until the conclusion of the subject item.

After discussion and by unanimous consent, the city commission agreed with the city manager's suggestion to provide more information on costs and presentation on the public safety complex and public works building at the next meeting.

4. **RECESS TO THE COMMUNITY REDEVELOPMENT AGENCY** On or before 6:15 p.m., recess to the CRA.

ACTION: 6:14:22 p.m. and 6:37:14 p.m. By unanimous consent, the city commission recessed its meeting at 6:10 p.m. to the Community Redevelopment Agency and reconvened at 6:43 p.m.

5. CONSENT AGENDA

The city commission considered its action to approve the following consent agenda items:

(a) Approval of Minutes July 28, 2022 regular meeting.

(b) Resolution 2022-033 P&Z Board Chair and Vice Chair Selection

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PLANNING AND ZONING BOARD CHAIR AND VICE-CHAIR SELECTION FOR FISCAL YEAR 2022/2023; PROVIDING FOR AN EFFECTIVE DATE. Page **3** of **12** August 25, 2022 regular meeting

> (c) Resolution 2022-037 Lake County CDBG Grant Program FY 2021-22 – Patricia Avenue 6" Water Line - Sub-Recipient Contract A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE LAKE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM SUB-RECIPIENT CONTRACT; AUTHORIZING THE MAYOR TO EXECUTE THE SUB-RECIPIENT

CONTRACT IN THE AMOUNT OF \$140,400 TO FUND ENGINEERING AND CONSTRUCTION OF A NEW 6" WATER LINE ON PATRICIA AVENUE; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:40:31 p.m. On motion of Commissioner DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission approved the previously cited consent agenda.

6. **REGULAR AGENDA**

(a) Resolution 2022-039 Establish Recreation Fund to General Fund Ms. Geraci-Carver read into the record proposed Resolution 2022-039, the substance of which is as follows:

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, MOVING THE RECREATION FUND INTO THE GENERAL FUND AND DISSOLVING THE RECREATION FUND; PROVIDING FOR DIRECTIONS AND FUNDING; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:44:09 p.m. After discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2022-039 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(b) Concrete Bollards – City Hall, Library, and Community Center Discussion Mr. La Venia discussed the concrete bollards for city hall, library and the community center.

ACTION: 6:46:38 p.m. After discussion, and on motion of Commissioner DeGrave, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the CRA's recommendation of approval on Bay to Bay Construction proposal dated May 10, 2022 not to exceed \$18,000.

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(c) ITB 2022-01 Public Works Building WWTP Discussion

Mr. La Venia discussed Invitation to Bid 2022-01 Public Works Building Wastewater Treatment Plant site on Spring Lake Road.

Earlier in the meeting, Mr. Latham gave a report on the ITB process and outlined the responses received from bidders Mar-Con Construction LLC (dba Marbek Construction Company), \$3,283,800 and GSB Construction & Development Inc., \$3,234,000.

ACTION: 6:11.10 p.m., 6:14:16 p.m., and 6:47:36 p.m. After extensive discussion, the city commission, by unanimous consent, accepted Commissioner DeGrave's suggestion for staff to review available funding sources for the proposed public works building water wastewater treatment plant; determine whether said project is within the Community Redevelopment District, and after staff conducts due diligence on the previously cited vendors' submitted Invitation to Bid 2022-01, include him as part of the evaluation process.

Later in the meeting and on motion of Commissioner Bell, seconded by Commissioner DeGrave and unanimously carried, the city commission accepted the city manager's recommendation and postponed consideration of Invitation to Bid 2022-01 as previously cited to the September 8, 2022 regular meeting.

(d) RFQ 2022-01 Professional Engineering Surveying Discussion The city manager discussed Request for Qualification 2022-01 for professional engineering surveying services.

Earlier in the meeting, Mr. La Venia gave examples of conflicts of interest on engineering projects.

Later in the meeting, Mr. La Venia pointed out the proposals received from Forefront Architecture and Engineering from Clermont and Wright-Pierce Engineering and Better Environment from Maitland and expressed preference for local companies to which Mr. Rankin recognized the potential of conflicts with same.

After further discussion, Mr. La Venia suggested inviting the aforementioned bidders to submit presentations before the city commission at its September 8, 2022 regular meeting.

ACTION: 6:15:47 p.m. and 6:48:07 p.m. No action was taken.

By unanimous consent, Mayor Cheshire opened the public hearings.

PUBLIC HEARING

(e) First Reading and Public Hearing – Ordinance 2022-017 Urick Street Force Main Extension - Clean Water SRF Construction Loan Agreement WW350821 (Grant Agreement SG350822) After Ms. Geraci-Carver read into the record the title of proposed Ordinance 2022-017, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

> AN ORDINANCE OF CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; APPROVING THE CLEAN WATER STATE REVOLVING FUND CONSTRUCTION LOAN AGREEMENT WITH A 20-YEAR LOAN IN THE AMOUNT OF \$1,859,724 AT A ZERO PERCENT INTEREST RATE AND A **GRANT IN THE AMOUNT OF \$908,229 FOR CONSTRUCTION** OF THE URICK STREET FORCE MAIN EXTENSION; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED **REPRESENTATIVES;** PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE. (The second reading will be held on September 8, 2022.)

Later in the meeting, and in response to a question posed by Ms. Memori A. Clayton, City of Fruitland Park resident, Mr. Dicus described the location of the subject proposed construction project.

ACTION: 6:57:10 p.m. After discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner Bell that the city commission approve Ordinance 2022-017 as previously cited.

By unanimous consent, Mayor Cheshire closed the public hearing.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(f) First Reading and Public Hearing – Ordinance 2022-018 Fund Balance Policy After Ms. Geraci-Carver read into the record the title of proposed Ordinance 2022-018, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

> AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; CREATING SECTIONS 33.55 THROUGH 33.58 IN CHAPTER 33 OF THE CODE OF ORDINANCES OF THE CITY OF FRUITLAND PARK, FLORIDA, WHICH SETS FORTH A FUND

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> BALANCE/RETAINED EARNINGS POLICY; ESTABLISHING A FUND BALANCE/RETAINED EARNINGS POLICY FOR EACH OF ITS VARIOUS FUNDS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. (The second reading will be held on September 8, 2022.)

ACTION: 6:59:56 p.m. After discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission approve Ordinance 2022-018 as previously cited.

There being no one from the public and by unanimous consent, Mayor Cheshire closed the public hearing.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(g) First Reading and Public Hearing – Ordinance 2022-015 LSCPA – 68.55<u>+</u> Acres Timbertop Lane – Petitioners: Stephanie Bailey Bouis and Patricia Bouis Thompson

The city commission considered its action to approve Ordinance 2022-015, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM CITY OF FRUITLAND PARK COMMUNITY MIXED USE TO GENERAL MIXED USE OF 68.55 +/- ACRES OF PROPERTY GENERALLY LOCATED ON TIMBERTOP LANE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (Continued from the July 28, 2022 meeting. The second reading will be held on September 8, 2022.)

ACTION: 7:01:56 p.m. After discussion and on motion of Commissioner Bell, seconded Commissioner Mobilian and unanimously carried, the city commission continued its action on proposed Ordinance 2022-015 as previously cited to the October 13, 2022 regular meeting at staff's request for more information.

(h) First Reading and Public Hearing - Ordinance 2022-014 Rezoning 68.55<u>+</u> Acres Timbertop Lane — Petitioners: Stephanie Bailey Bouis and Patricia Bouis Thompson

The city commission considered its action to approve Ordinance 2022-014, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 68.55 <u>+</u> ACRES OF PROPERTY FROM CITY OF FRUITLAND PARK PUD TO CITY OF FRUITLAND PARK MIXED USE PLANNED UNIT DEVELOPMENT (MUPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING AN AMENDED MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (Continued from the July 28, 2022 meeting. The second reading will be held on September 8, 2022.)

ACTION: 7:03:17 p.m. On motion of Vice Mayor Gunter, seconded Commissioner Mobilian and unanimously carried, the city commission continued its action on proposed Ordinance 2022-014 as previously cited to the October 13, 2022 regular meeting at staff's request for more information.

(i) Second Reading Public Hearing - Ordinance 2022-016 Rezoning 35.99<u>+</u> Acres South of Spring Lake Road and West of US Hwy 27.441 — Petitioner: The Reserve at Spring Lake Cove LLC

It now being the time advertised to hold a public hearing to consider the enactment of Ordinance 2022-016 and after Ms. Geraci-Carver read the following title into the record, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 35.99 ± ACRES OF PROPERTY FROM SINGLE FAMILY LOW DENSITY RESIDENTIAL (R-1), MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R-3), AND PLANNED UNIT DEVELOPMENT (PUD) TO CITY OF FRUITLAND PARK PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK FOR RESIDENTIAL USE; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; DIRECTING THE CITY MANAGER TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on July 28, 2022.)

Following Ms. Geraci-Carver's reference to the addendum (maps on the overall site plan) and some of the issues that were addressed at the July 28, 2022 regular meeting, Ms. Rebecca Wilson, Lowndes Law firm, representing the applicant, gave a detailed description of same; confirmed that nothing has changed since said meeting, and verified that the Lake County Trails Master Plan is not on the subject property.

After Mr. Rankin addressed the likelihood of future presentations on extending and utilizing the trail contiguous to the proposed development and Ms. Wilson's acknowledgement of the water line along said property, Mr. David Stokes, Madden, Moorehead & Stokes Inc., (Civil Engineers) Engineering Company, addressed the combination of plantings along the tree spaces outside the water main. (Copies of the respective plans are filed with the supplemental papers to the minutes of this meeting.)

At Mayor Cheshire's request, Ms. Geraci-Carver explained that her inquiries on the master development agreement is in order to be recorded; if staff have no changes or comments and the anticipated title work is received by her to review.

ACTION: 7:03:32 p.m. After much discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission enact Ordinance 2022-016 as previously cited to become effective immediately as provided by law.

There being no one from the public and by unanimous consent, Mayor Cheshire closed the public hearing.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(j) Public Hearing – Resolution 2022-035 Declaration of Unity of Title - The Reserve at Spring Lake Cove– Petitioner: The Reserve at Spring Lake Cove LLC

It now being the time advertised to hold a public hearing to consider the adoption of Resolution 2022-035 and after Ms. Geraci-Carver read the following title into the record, Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF UNITY OF TITLE UNIFYING AS AN INDIVISIBLE BUILDING SITE, TWELVE PROPERTIES GENERALLY LOCATED SOUTH OF SPRING LAKE ROAD AND WEST OF US HIGHWAY 27/441, FRUITLAND PARK, FLORIDA, OWNED BY THE RESERVE AT SPRING LAKE COVE LLC; PROVIDING FOR A DECLARATION OF UNITY OF TITLE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 7:10:40 p.m. After discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner Mobilian that the city commission adopt Resolution 2022-035 as previously cited.

There being no one from the public and by unanimous consent, Mayor Cheshire closed the public hearing.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(k) Public Hearing – Resolution 2022-034 Major Site Plan - The Reserve at Spring Lake Cove - Petitioner: The Reserve at Spring Lake Cove LLC It now being the time advertised to hold a public hearing to consider the adoption of Resolution 2022-034 and after Ms. Geraci-Carver read the following title into the record, Mayor Cheshire called for interested parties to be heard:

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING MAJOR SITE PLAN APPROVAL WITH CONDITIONS TO ALLOW FOR CONSTRUCTION OF A 128-UNIT APARTMENT COMPLEX CONSISTING OF APPROXIMATELY 30 BUILDINGS AND RECREATIONAL FACILITIES; PROVIDING FOR CONDITIONS; AUTHORIZING THE CITY MANAGER TO ISSUE A NOTICE OF SITE PLAN APPROVAL UPON COMPLETION OF ALL CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

After much discussion, Ms. Wilson conveyed their support of staff's recommendation of approval.

ACTION: 7:12:27 p.m. A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2022-034 as previously cited. There being no one from the public and by unanimous consent, Mayor Cheshire closed the public hearing.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

END OF PUBLIC HEARING

7. (a) City Manager - Economic Development

Mr. La Venia stated that he has nothing to report on economic development at this time.

ACTION: 7:15:45 p.m. No action was taken.

(b) City Attorney

Ms. Geraci-Carver referred to the agenda summary report as submitted outlining the following and stated that she had nothing further to report:

- i. City of Fruitland Park v. State of Florida Department of Management Services
- ii. Michael and Laurie Fewless v. City of Fruitland Park
- iii. U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845 (Judge Baxley)
- iv. Municode

ACTION: 7:15:56 p.m. No action was taken.

8. UNFINISHED BUSINESS

There was no unfinished business to come before the city commission at this time.

ACTION: 7:16:00 p.m. No action was taken.

9. PUBLIC COMMENTS

Ms. Memori A. Clayton, City of Fruitland Park resident, questioned the status of the baffle box project on Mirror Lake Drive; the installation of the electronic speed limit radar signs, the ability to reduce the speed limit to a posted speed of 15 or 20 miles per hour in said area.

In response, Mr. Dicus addressed the washout from the baffle box, as a result of the August 24, 2022 storms; voiced safety concerns as it relates to the placement of the barriers on the lake and described the procedures to be undertaken to finalize same.

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After Chief Luce indicated that the radar sign has been sent for repair; thus, additional signs have been ordered, Ms. Geraci addressed, in response to his inquiry, the requirement to conduct a study to determine the appropriate lower speed limit before it is considered before the city commission.

ACTION: 7:16:02 p.m. No action was taken.

10. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian was absent from this evening's meeting.

ACTION: 7:21:22 p.m. No action was taken.

(b) Commissioner DeGrave

Commissioner DeGrave welcomed Commissioner Bell back to this evening's meeting.

ACTION: 7:21:28 p.m. No action was taken.

(c) Commissioner Bell – Northwest Lake Community Park

Commissioner Bell gave a report on Lake County Board of County Commissioners' approval of its FY 2022-23 Infrastructure Sales Tax Project plan where quality of life funds of \$100,000 for five years (FY 2023-27 totalling \$500,000) were allocated towards Northwest Lake Community Park.

ACTION: 7:21:31 p.m. No action was taken.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter stated that he had nothing to report at this time.

ACTION: 7:22:33 p.m. No action was taken.

11. Mayor's Comments

(a) Comedy Night

Mayor Cheshire recognized the large turnout at the August 19, 2022 Adult (Standup) Comedy night and commended the parks and recreation department on the promotion of the city events.

ACTION: 7:22:40 p.m. No action was taken.

(b) Dates to Remember

Mayor Cheshire made the following announcements:

- September 5, 2022 Labor Day, City Hall Closed
- September 8, 2022 City Commission Regular meeting at 6:00 p.m.;

- September 9, 2022, *Sheriff's Update* Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- September 9, 2022, Fall Cornhole Event, 205 W Berckman Street, Fruitland Park, Florida 34731 at 7:00 p.m.;
- September 16, 2022, Comedy Night, 205 W Berckman Street, Fruitland Park, Florida 34731 at 8:00 p.m.;
- September 17, 2022, Wedding Expo, 205 W Berckman Street, Fruitland Park, Florida 34731 at 11:00 a.m.;
- September 22, 2022, City Commission Regular meeting at 6:00 p.m., and
- September 24, 2022, *Father and Son Camp Out*, 205 W Berckman Street, Fruitland Park, Florida 34731 at 5:00 p.m.

ACTION: 7:23:30 p.m. No action was taken.

12. ADJOURNMENT

The meeting adjourned at 7:24 p.m.

The minutes were approved at the September 8, 2022 regular meeting.

Signed Esther B. Coulson, City Clerk, MMC

Signed Chris Cheshire, Mayor