

**October 24, 2017
Regular Meeting**

MINUTES OF THE CITY COUNCIL MEETING

A Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, October 24, 2017, at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Jackie Shornak, Mayor
Jasmine E. Gore, Vice Mayor (arrived at 6:35 pm)
Christina J. Luman-Bailey, Councilor (arrived at 6:33pm)
Arlene Holloway, Councilor
Anthony J. Zevgolis, Councilor
Janice B. Denton, Councilor
Brenda S. Pelham, Councilor (arrived at 6:35 pm)

Charles Dane, Interim City Manager
Stefan M. Calos of Sands Anderson PC, City Attorney
Ronnieye L. Arrington, City Clerk

ROLL CALL

Mayor Shornak opened the meeting at 6:30 p.m. Roll call was taken as follows:

Mayor Shornak	-	present
Vice Mayor Gore	-	absent (arrived at 6:35 pm)
Councilor Luman-Bailey	-	absent (arrived at 6:33pm)
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Denton	-	present
Councilor Pelham	-	absent (arrived at 6:35pm)

CLOSED MEETING

At 6:34 p.m. Councilor Zevgolis moved to go into closed meeting for (1) discussion and consideration of prospective candidates for employment (city manager, city attorney); (2) discussion of performance of specific appointees of council (city manager); (3) discussion of appointment of specific appointees of city council (Community Policy and Management Team Committee, Oversight Committee, National League of Cities, Hopewell Water Renewal Commission); (4) discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the City would be adversely affected (Hopewell Downtown Partnership, public safety building); (5) consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body (grievance appeal, EEOC decision); and (6) consultation with legal counsel employed or retained by city council related thereto and regarding specific legal matters requiring the provision of legal advice by such counsel, in accordance with Virginia Code § 2.2-3711 (A) (1) [three items], (6), (7), and (8), respectively, which motion was seconded by Councilor Denton. Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	--- (absent)
Mayor Shornak	-	Yes

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Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes
Vice Mayor Gore	-	--- (absent)

AMEND/ADOPT AGENDA

Councilor Zevgolis made a motion to adopt the agenda, which motion was seconded by Councilor Luman-Bailey. Upon the roll call, the vote resulted.

Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes
Vice Mayor Gore	-	Yes
Councilor Denton	-	Yes

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Mayor Shornak called the meeting to order, and thanked all for attending. The prayer was led by Chaplain Herman Crockett of the John Randolph Pastoral Care, followed by the Pledge of Allegiance to the Flag of the United States of America, led by Councilor Pelham.

CONSENT AGENDA

Councilor Denton moved to approve the Consent Agenda which appears below. The motion was seconded by Councilor Pelham.

C-1 **Minutes:** October 18, 2017

C-2 **Pending List:**

C-3 **Routine Approval of Work Sessions:** Urban Land Institute Priority Planning Development Study – November 21, 2017

C-4 **Personnel Change Report & Financial Report:** Both attached

C-5 **Ordinances on Second & Final Reading:** None

C-6 **Routine Grant Approval:** Recreation & Parks - \$300 from Virginia Association for Competitive Swimming, Inc. – to create new lifeguard position

C-7 **Public Hearing Announcement:** November 21, 2017 – request for conditional use permit for covered self-storage facility; spot blight; request for vacation of an alley off of 1507 Miles Ave; request to amend the Zoning Ordinance Article III and Article III-A Accessory Buildings; request to amend the Hopewell Zoning Map for specific sub-parcels; a second request to vacate a portion of an alley located in the High Point Subdivision; request for conditional use permit to decrease total square footage of the construction of a single-family dwelling.

C-8 **Information for Council Review:** Minutes: EDA (August 7, 2017); HRHA (August 14, 2017); Library Board (October 17, 2017)

C-9 **Resolutions/Proclamations/Presentations:** Small Business proclamation; Historic Tax Credits

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resolution (both accepted by Evan Kaufman, Director of Hopewell Downtown Partnership)

C-10 Additional Announcements:

Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes
Vice Mayor Gore	-	Yes

PUBLIC HEARINGS

There were no public hearings.

COMMUNICATIONS FROM CITIZENS:

Tim Donahue, a resident of Ward 1, stated that he had some work done on the crawl space in his house, requiring a building permit. He said he spent \$9,000 on the work to be done. Mr. Donahue said that when he went to get the building inspected, he had problems. He said he had to pay \$400 for a work permit, and the inspector looked at the space, but did nothing else. He said the inspector didn't even turn on the switch to see if the electrical was working. He said for \$400 he expected more than that. Mayor Shornak asked Mr. Donahue to get with Dane to discuss the problems with his building permit, which he said he would do.

Johnny Partin, a resident of Ward 3, then came forward and spoke to Council. He said that Mr. Wayne Walton, retired former councilor, told him it was good to work together, disagree, but always act professionally. He said good will disappeared from Council at the February 28, 2017 council meeting. He said all meetings since then have been bad, including the October 10 meeting. He said the councilors all attack each other and don't seem to care. He said he didn't understand why they couldn't just act professional. He reminded them that was all that Walton asked of them. Partin challenged Council to work together to complete one project tighter to clean up a neighborhood, or other project, as a team. He asked Council if they were up to the challenge of working as a team.

REGULAR BUSINESS

Reports of City Manager:

R-1 Offer in Compromise to Pay Delinquent Real Estate Taxes – Dane explained that the owner the property located at 2909 Danville Street owed for taxes for tax years 2009 through and including 2017, and is now offering the City an offer in compromise to pay those delinquent taxes, settling all for \$17,000. Virginia Code § 58.1-3994 provides that the Treasurer's office, with authority of the governing body, can accept such an offer. Terri Batton, the Treasurer, also came forward to answer questions.

Councilor Pelham asked if we could get the value of the property from the Assessor's office. Dane said we try, but that the deal currently being offered to the City is the best deal. Dane said that we could sell the property at auction, but had no guarantee of obtaining the amount currently being offered. Batton agreed and explained that sometimes, we get very small amounts at tax

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sales that do not cover the past due taxes, nor the fees or interest. Dane said that with this deal, at least we would be getting the taxes paid in full.

Councilor Luman-Bailey asked what the plans for the property were. Batton said that there were new buyers who planned to fix up the property and live in it. She said that would be a great idea for the City instead of another rental property.

Councilor Zevgolis said this was a good example of the City working with its citizens. He said he was familiar with the property, though not the current owner. He verified that we would be getting the taxes, but forgiving the fees and interests, to which Batton agreed. Zevgolis said that this was similar to the way in which Richmond collected over \$2 million in fees. He said he recommended approval. Councilor Denton moved to approve the acceptance of the offer in compromise for the property located at 2909 Danville Street for tax years 2009 through and including 2017, and allow the Treasurer to reduce or write off the penalty and interest in the amount of \$7,160.46, and Councilor Holloway seconded the motion. Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes
Vice Mayor Gore	-	Yes

R-2 Beacon Theater 2017, LLC report by the managing member, Beacon Theater 2012

Manager, Inc. – This was a presentation requested by Mayor Shornak at the October 10, 2017 meeting. Dane made a brief PowerPoint presentation, and provided Council with updated figures from the Beacon Theater. Councilor Zevgolis asked Dane if the lost board member position has been filled. Dane said that by virtue of being the interim city manager, he is on the board. Zevgolis then asked about the loan \$90,000 loan the City gave to the Beacon. Dane commented that the amount was actually \$300,000. Councilor Zevgolis said that the \$90,000 was separate from the \$300,000 in that the \$90,000 was a loan that was to be repaid to Council. Vice Mayor Gore stated that she recalled that the \$90,000 was a separate loan. Dane agreed that it was. Zevgolis said that the Beacon should honor the loan. Dane told Council that it had given the Beacon \$300,000 last year, \$200,000 this year, and the ask of Council should be even less next year. Dane said that he knew Council wanted the Beacon to do more community-based programs, but in order to do so, the Beacon could not focus on being self-sufficient, which Council also wanted. Councilor Zevgolis said that he had no problem with the Beacon using the \$90,000 it currently owes the City for community-based shows for citizens and children—free shows.

Councilor Luman Bailey said that community theater and classes for children had slowed down. She said that maybe the money left to the Beacon by Ms. Gibbs could be used for that.

Dane said that many theaters are financed by the cities in which they reside. He said that Lauren Willis, the current director of the Beacon, would love to do more community-based programs, but he can't do it if he is held to the breakeven point.

Luman-Bailey said that we gave up the tax credits.

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Dane answered Councilor Zevgolis question from earlier regarding the board membership of the Beacon Theater 2012 Manager, Inc. by stating that Peter Eliades had replaced his father, Homer, on the board.

Shornak asked when the Beacon Theater 2017, LLC would run its course. Dane replied that in February 2018, the LLC could be removed. Shornak advised that the figures presented looked good, and that she hopes the trend continues. She said that she didn't want the Beacon to be only used for income-producing shows. She said that music for the children meant a lot to her. Shornak said she wanted to delve deeper into the performing arts, even if it needed to be put in the budget. Dane said that the Land Institute was working on that. Councilor Denton asked if we were going to get the Petersburg Symphony back. Dane responded they would return to the Beacon in April 2018.

R-3 Report from Hopewell Downtown Partnership given by Evan Kaufman, Executive Director

This report was placed on the agenda at a request from Mayor Shornak. Director Kaufman discussed the state of downtown, including recent improvements. He noted that he had changed the Farmer's Market to Third Thursday because it was more successful that way. He said that Butts to Broadway was a great event. Kaufman said HDP would be continuing some of the smaller retail events and festivals (e.g., wine festival, harvest festival, etc.) He said that maybe Council's challenge (referring to that issued by Partin in the Communications from Citizens section) could be to fill a bag with goods at the Harvest Festival. Kaufman said that he was planning to have thirteen events next year.

Gore said that she had requested some information from Small Business program, and asked if Kaufman would be interested in receiving the information and packets. Kaufman said that would be great.

Shornak remarked that it was very disconcerting when HDP announced a business opening and the business did not open. Kaufman agreed. He explained that sometimes business owners are slower than they anticipate with opening a business, or that something comes up and changes things. He said going forward he will not announce a new business opening until he has a CO. Shornak asked about the status of the loitering problem downtown. Kaufman said it improved whenever the bicycle police officers were present. Shornak said she wanted to coordinate with keeping streets clean.

Luman-Bailey said this was a great idea. She said she recalled several years ago when they did a project where they spruced up downtown, including plants. Kaufman said he could do that.

R-4 Request for approval to subdivide 1511 Rev. C. W. Harris Street – Ms. Tevya Griffin,

Director of Planning presented to Council information regarding the requested subdivision of this area. She said that as of now the property was non-conforming because it had two buildings on one lot. She further explained that the owner had an office and a warehouse on the property. In response to Councilor Pelham's question, Griffin said the owner was requesting to subdivide the property so that he could sell the office and keep the warehouse. Pelham asked if there would be any restrictions regarding the proposed sale of the office. Ms. Griffin said there might be a buffering requirement (meaning the planting of trees or a fence), but otherwise, she didn't know. She said it depended on what business purchased the property. Councilor Zevgolis sought to confirm the lot sizes, which Griffin did. Councilor Denton moved to approve the subdivision of 1511 Rev. C.W. Harris Street. Mayor Shornak seconded the motion. Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes

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Councilor Zevgolis	-	Yes
Vice Mayor Gore	-	Yes

R-5 Discussion of request to amend Article XI-A, Corridor Development District (B-4) of the Hopewell Zoning Ordinance to allow self-storage facilities – Griffin presented to Council information regarding revising B-4 for conditional use. She stated that there was a proposed self-storage facility coming into the City. Vice Mayor Gore asked if there were any concerns. Griffin responded that they originally did not want self-service storage units in the B-4 area. She said they would only allow this because there was sufficient storage. Gore asked Dane about the economic development angle. Dane said this was part of trying to get things happening in the area. Dane said the renderings were attractive. Griffin remarked that the owner was present and that he had brought renderings with him. The renderings were dispensed to Council.

Councilor Zevgolis asked if we were keeping B-3 the same, to which Griffin responded in the affirmative. Zevgolis asked if we were required by law to make the requested change? He said there was a concern about overly bright lights and 8-foot fences with razor wire atop them. Pelham asked about the lighting for the proposed storage facility. Griffin said that only 5 candle-lumens were allowed, which was moderate lighting. Pelham asked about the fencing. Griffin replied that in B-4 area, no barbed wire fencing was allowed. Griffin said this matter would come back before Council for their approval at a later meeting.

R-6 Request for appropriation of funds for Riverwalk – Dane advised Council that the City was only \$250,000 short, including at \$25,000 buffer, of completing the goal and was requesting \$250,000 of the \$600,000 being returned to the City by the EDA. Pelham asked about the \$100,000 requested last year, and then the additional \$150,000 that was requested after that, and the \$250,000 now requested— she asked if the total requested was \$500,000. Dane said that it was, but explained that the City had been allocating funds for the Riverwalk all along. Gore asked if the costs changed. Dane said that nothing had changed since the presentation to Council in closed session. Gore clarified that the money could not be used until the 2016 CAFR was done. Councilor Denton moved to approve the allocation of \$250,000 of returned EDA funds, to Riverwalk funds, and to place the remaining funds in reserve for future Council consideration, for the City Park entranceway and statuary projects. Councilor Pelham seconded the motion. Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	No
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes
Vice Mayor Gore	-	Yes

R-7 Request Approval of Resolution for Personal Property Tax Relief Percentage for 2017 – Terri Batton, Treasurer presented to Council information regarding the Tax Relief Percentage for 2017 (46%), per the resolution included in Council’s packet. Shornak asked Batton to explain the tax relief. Batton said that the TRP was set by the State, and that it fluctuated up and down. She said that originally the goal was to get to 100% relief so there would be no personal property tax, but that did not work and they had to cap it. She said with the increase in vehicles and value, this year’s rate was a bit lower than previous years.

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RESOLUTION

A RESOLUTION SETTING FORTH THE PERSONAL PROPERTY TAX RELIEF PERCENTAGE FOR 2017, IN THE CITY OF HOPEWELL, VIRGINIA IN ACCORDANCE WITH THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998 AND THE 2005 APPROPRIATIONS ACT

WHEREAS, the Personal Property Tax Relief Act of 1998, Virginia Code Section 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provision of Item 503 of Chapter 951 of the 2005 Acts of Assembly; and

WHEREAS, these legislative enactments require the City of Hopewell, Virginia to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the City of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hopewell, Virginia, that qualifying vehicles situated within the City during the tax year 2017, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at more than \$1,000 and up to \$20,000 will be eligible for 46% tax relief;
- Personal use vehicles valued at more than \$20,000 shall only receive 46% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of “qualifying” (e.g., business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

Councilor Denton moved to approve the proposed resolution authorizing 46% as the percentage for personal property tax relief for the 2017 tax year. Councilor Luman-Bailey seconded the motion. Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes
Vice Mayor Gore	-	Yes

R-8 Approve acceptance of grant from the Cameron Foundation – Griffin presented to council the receipt of a grant of \$24,000 from The Cameron Foundation. This grant is to protect the cedar trees. Griffin noted that this amount still left them with a \$5,300 deficit of the total funds needed to fund the

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effort. She also noted that this was a joint effort between Staff and the Architectural Review Board. Councilor Pelham asked Griffin to pursue additional grant money to obtain the additional \$5,300, which Griffin said she would do. Gore thanked Ms. Joyner who was present in the audience for her hard work on obtaining this grant. Ms. Joyner advised that Ms. Calos was the one who deserved the praise. Councilor Pelham moved to approve receipt of the \$24,000 grant from the Cameron Foundation to the City of Hopewell Department of Development. Councilor Luman-Bailey seconded the motion. Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	No
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes
Vice Mayor Gore	-	Yes

As it was almost 10:30, Mayor Shornak asked if there was a motion to continue past 10:30 p.m. Councilor Pelham made the motion, which was seconded by Vice Mayor Gore. Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	No
Vice Mayor Gore	-	Yes

Reports of City Attorney – Nothing to report.

Reports of City Clerk – Nothing to report.

Reports of City Council.

Individual Councilors

IR-1 Shornak – Agenda Process – Shornak requested that the agenda process be streamlined to return to its original deadlines. She said that lately Council had been receiving its packets on Friday night and sometimes on Saturday, which did not give Council adequate time to review the contents of the packet. The Clerk remarked that the schedule had been broadened to allow Staff time to get its items in, especially with so much going on regarding the budget and other queries. Mayor Shornak said that we could no longer allow such leeway. From now on the deadlines as outlined in the agenda have to be adhered to, including that Staff has to have items to the Clerk by 10:00 am Wednesday, and the agenda packets have to be to Council no later than Thursday afternoon.

Mayor Shornak also remarked on the fact that the most recent agendas had been packed which made for very long meetings. She asked that Staff be mindful and try to keep the agendas from being too full so that meetings were not six hours long. She asked that, if Staff was aware of their being several items on

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the agenda that could be problematic, to perhaps move some of them to the next agenda. Dane said he would keep that in mind.

Councilor Denton	-	Yes
Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes
Vice Mayor Gore	-	Yes

IR-2 Gore – Request for a work session to review Council Rules and Procedures - Vice Mayor Gore said she added this time so that Council could be looking at dates to review the Rules and Procedures since there was not going to be a Retreat. She asked that the clerk send an email to Council to get available dates for a meeting in December for Council to go over the rules and procedures. All of Council agreed.

IR-3 Gore – Request for work session for Council to implement a 5-year Finance Plan. Vice Mayor Gore said that, with all of the recent issues regarding capital projects, she thought it would be a good idea for Council to implement a five-year finance plan, and thought it would be good for Council to schedule a work session to discuss this further. Dane said he thought this was a good idea, and agreed that there should be a five-year plan for capital projects and a ten-year plan for equipment.

Citizen Councilor Requests:

Zevgolis – noted that the organization chart on the website is incorrect. He said that the Commissioner of Revenue’s office was left off and that the real estate assessor is listed twice. Dane said he would look into it and see it was corrected.

Dane – mentioned that there had been a small fire at John Randolph Hospital that caused about twelve rooms to be evacuated.

Pelham – reminded everyone that it was trick or treat time of year and that children would be running around throughout the City, and to please be careful.

Shornak – Reminded everyone of the 5k race

Pelham – Mentioned that there was a function at Crystal Lake to help those with disabilities

Luman-Bailey – said that the City won Platinum with Go Green

CLOSED MEETING

At 10:42 p.m. Council went back into closed meeting for (1) discussion and consideration of

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prospective candidates for employment (city manager, city attorney); (2) discussion of performance of specific appointees of council (city manager); (3) discussion of appointment of specific appointees of city council (Community Policy and Management Team Committee, Oversight Committee, National League of Cities, Hopewell Water Renewal Commission); (4) discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the City would be adversely affected (Hopewell Downtown Partnership, public safety building); (5) consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body (grievance appeal, EEOC decision); and (6) consultation with legal counsel employed or retained by city council related thereto and regarding specific legal matters requiring the provision of legal advice by such counsel, in accordance with Virginia Code § 2.2-3711 (A) (1) [three items], (6), (7), and (8), respectively.

RECONVENE OPEN MEETING

Council convened into Open Session at 11:35 p.m. and responded to the question pursuant to Virginia Code § 2.2-3712 (D): were only public business matters (I) lawfully exempted from open-meeting requirements and (II) identified in the closed-meeting motion discussed in closed meeting? Upon the roll call, the vote resulted:

Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes
Vice Mayor Gore	-	Yes
Councilor Denton	-	Yes

Councilor Zevgolis moved to amend the agenda to include the appointment of Christian Volk to the Hopewell Water Renewal Commission, the appointment of Brenda Pelham to the CPMT commission, and the appointment of Jasmine Gore as the voting delegate to the National League of Cities and appoint Christina Luman-Bailey as alternate voting delegate to the National League of Cities. Upon the roll call, the vote resulted:

Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes
Vice Mayor Gore	-	Yes
Councilor Denton	-	Yes

ADJOURN

At 11:44 p.m. motion was made by Councilor Luman-Bailey and seconded by Councilor Zevgolis to adjourn. All council responded “aye” to “all in favor say ‘aye’”.

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/s/ Jackie Shornak
Jackie Shornak, Mayor

/s/ Ronnie L. Arrington
Ronnie L. Arrington, City Clerk