1	City of Montgomery	
2	City Council Work Session Minutes	
3	May 20, 2020	
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5	Present	City Council Members Present
6	Brian Riblet, City Manager	Chris Dobrozsi, Mayor
7	Terry Donnellon, Law Director	Craig Margolis, Vice Mayor
8	Tracy Roblero, Asst. City Manager/Acting Comm. Dev. Dir.	Lee Ann Bissmeyer -teleconference
9	John Crowell, Police Chief	Mike Cappel - teleconference
10	Gary Heitkamp, Public Works Director	Gerri Harbison
11	Katie Smiddy, Finance Director	Lynda Roesch - teleconference
12	Matthew Vanderhorst, Community, and Information Services Dir.	Ken Suer
13	Paul Wright, Fire Chief	
14	Connie Gaylor, Clerk of Council	

City Council convened its Work Session for May 20, 2020 at 7:00 p.m. in a hybrid meeting at City Hall and by telephone conference with Mayor Dobrozsi presiding. This remote access meeting was allowed by emergency legislation adopted by the Ohio General Assembly and approved by the Governor. The emergency legislation added language to RC Section 121.22 allowing public meetings by telephone conference during the current pandemic and declared State of Emergency. As required by the statute, notice of the telephonic meeting was publicized more than 24 hours in advance to allow public access through the same conference call in service. The public was also given a backup number to call in the event there were technical difficulties. This Notice was posted on the City's website and a similar Notice was sent to The Cincinnati Enquirer.

## **ROLL CALL**

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56 57 The roll was called, and all Council Members answered as present.

### **GUESTS & RESIDENTS**

Mayor Dobrozsi explained that in an effort to better manage the teleconference meeting he would like to move this portion of the agenda to after item number 12, Other Business, and allow any public participating in the call to speak at that time. He stated that comments will be allowed but asked that all questions be forwarded by email to City Manager Brian Riblet. He stated that all comments will be limited to three minutes in total.

Vice Mayor Margolis made a motion to move the Guests and Residents item to the end of the agenda. Mr. Suer seconded. City Council unanimously agreed.

### ESTABLISHING AN AGENDA FOR JUNE 3, 2020 BUSINESS SESSION

#### PENDING LEGISLATION

An Ordinance Authorizing The Issuance Of Not To Exceed \$20,000,000 Special Obligation Revenue Bonds Of The City Of Montgomery; Providing For The Pledge Of Revenues For The Payment Of Such Bonds; Authorizing A Trust Agreement Appropriate For The Protection And Disposition Of Such Revenues To Further Secure Such Bonds; Authorizing An Official Statement; Authorizing Other Necessary And Appropriate Documents; And Authorizing Other Actions In Connection With The Issuance Of Such Bonds

Mayor Dobrozsi asked Mr. Donnellon for an update on the legislation.

Mr. Donnellon stated that staff continues to work with Fifth Third to monitor the market and as it stands to date it is recommended for the legislation to remain tabled and to not enter into the market at this time to issue bonds.

Mayor Dobrozsi stated that he will recuse himself from the discussion and vote when the legislation is moved off the table. He explained that although he has no ownership interest in Neyer Properties, Inc. nor any in the limited liability companies in partnership to develop the Montgomery Quarter, he will continue to recuse himself from discussion and abstain from voting upon legislation related to the Montgomery Quarter project.

## An Ordinance Amending the Schedule of Municipal Compensation

Mayor Dobrozsi stated that this would be the third and final reading of this legislation. He asked Mr. Riblet if there were any updates.

Mr. Riblet replied there were none.

# An Ordinance Adopting Amended Articles I, III, and V, Rules and Regulations for The Hamilton County Storm Water District

Mayor Dobrozsi stated that this would be the third and final reading of this legislation. He asked Mr. Heitkamp if there were any updates.

Mr. Heitkamp replied there were none.

## **NEW LEGISLATION**

# A Resolution Authorizing the City Manager to Contract with Frost Brown Todd, LLC to Provide Special Counsel Services

Mayor Dobrozsi assigned the legislation to Mrs. Harbison.

Mr. Riblet explained that it is requested that City Council adopt a Resolution authorizing the City Manager to enter into a contract with Frost Brown Todd, LLC to provide special legal services for labor negotiations/labor relations/human resource functions. He stated that the work of Frost Brown Todd, LLC has been invaluable in labor negotiations/relations efforts, and it is important that the City maintain this relationship as the City continues it labor and employee relations into the future.

# An Ordinance Creating Section 92.05 of The Code of Ordinances, entitled "Littering", and Amending Section 92.99 entitled "Penalty"

Mayor Dobrozsi assigned the legislation to Mrs. Bissmeyer.

 Chief Crowell explained that, if adopted, this Ordinance would update Chapter 92 of the Code to add a section regulating Littering. Littering includes illegal dumping. The purpose of updating the Code is to be able to control Littering and dumping on vacant properties within the City, and to control littering and dumping within either City dumpsters or private dumpsters. This legislation was presented at the Law and Safety Committee of Council at their May 4, 2020 meeting.

# An Ordinance Accepting and Dedicating Land for Public Parking and Ingress/Egress at Vintage Club North and Declaring an Emergency

Mayor Dobrozsi assigned the legislation to Vice Mayor Margolis.

Mr. Donnellon explained that, if adopted, this Ordinance would dedicate the public parking lot constructed on Auditor's parcel 603-0A23-0223 and 0228. The latter is Tract 8 of the Vintage Club development which is to be acquired by the City. He added that it was agreed that the City would defer the Closing on this last lot until such time as the parking lot had been completed and the temporary and permanent access easements across the lot could be extinguished. This Ordinance is being proposed as an emergency to finish up the process to acquire the remaining City lot and to release all easements impacting the property.

 An Ordinance Granting A Temporary Ingress/Egress Easement to The Board of Commissioners of Hamilton County, Ohio To Maintain Traffic Access to The Ronald Reagan

Mayor Dobrozsi assigned the legislation to Mr. Cappel.

Mr. Donnellon explained that, if adopted, this Ordinance will grant to the County and the traveling public continuing ingress/egress rights through the construction site to Montgomery Road and the Ronald Reagan-Cross County Highway. Granting these continuing rights was an obligation within the contract executed between the City and the County to acquire this property. Since the property has now been properly subdivided, this Ordinance designates such ingress/egress easements. This Ordinance is being proposed as an emergency to take effect immediately so that the right to public use and access is not interrupted during construction.

## ADMINISTRATION REPORT

Mr. Riblet reported the following items:

• The City Council Business Session is scheduled for June 3, 2020 at 7:00 p.m.

• The Financial Planning Committee will meet on Monday, June 1 in a hybrid meeting as conducted at the City Council meeting by meeting at City Hall and also using the teleconference phone line at 4:30 p.m. The Law and Safety and Planning, Zoning and Landmarks Committee have cancelled their meetings for the month of June.

• The Parks and Recreation, Government Affairs and Public Works Committees will meet Monday, June 8 in a hybrid meeting as conducted at the City Council meeting by meeting at City Hall and also using the teleconference phone line. Mr. Riblet stated he would provide an update on these meetings at the June 3 Business Session.

• Public Works completed the planting of the flower beds throughout the community this past week.

• Mr. Riblet stated that staff has been meeting to discuss options for the pool, fitness classes and summer camps. He stated that the following options were discussed and being researched for an anticipated recommendation to be made on June 1.

## Municipal Pool

o While the pool is not ready for the May 27 opening, staff is looking to a June 15 opening.

 Capacity will be reduced to 105 at anytime with safety precautions in place.

There will not be a traditional membership but blocks of time will be purchased for each day.

 There will be a \$6/hr. fee, per person, per session. This is anticipated to maximize the most amount of people at the pool.

 Staff is renegotiating the contract with SwimSafe to seek a reduction in the contract amount. It is
our hope that the pool will still come close to breaking even this year.
 Vice Mayor Margolis asked what the schedule for the pool would look like on a normal day.

Mr. Riblet explained that the Swim Team would have the pool in the mornings then there would be a session from 11:00 a.m. to 3:30 p.m. The pool would close for one hour of cleaning and sanitation then would reopen at 4:30 p.m. for the second session that would last until 8:30 p.m. He stated that staff is still working

through that scenario at this time with SwimSafe.

#### Fitness Classes and Camps

o Camps are expected to begin the week of June 9

 o Fitness Classes are expected to begin week of June 22

Mr. Suer stated that he felt it was a good approach to opening the pool although he was interested to see how people reacted to the 4-hour blocks.

Mr. Cappel stated that he felt it was the fairest way to operate the pool during this time. He asked how we would handle weather risks if it were a cold and rainy summer.

Mr. Riblet replied that it will help that the pool is heated, but there are risks. He felt that staff would be equipped to handle those situations.

• Bray Construction has begun work on the Montgomery Quarter site.

• Firefighter/EMT (Paramedic) – Oral testing was completed on May 14 with a total of 28 candidates. The Civil Service Commission will have a teleconference meeting on May 26 to certify test results to create an eligible list. Candidates from this list will be contacted to interview for the six new full-time FD positions approved for 2020.

• Fire Lieutenant – The written test was administered on May 4. The oral test component of this promotional process was conducted today (May 20) and the assessment center component is scheduled for June 5. An eligible list will be created from the testing results and used to fill a Fire Lieutenant opening which will occur as a result of Tom Wolf retiring later this year.

• Service Worker I – The first round of interviews had been conducted prior to the initial impact of COVID -19. A second round of interviews with seven candidates has been scheduled for the week of June 8. We will have an open position due to Jim Stewart retiring at the end of May.

• Seasonal Positions – Public Works supervisors have completed interviews with candidates to begin filling six seasonal positions.

City Offices will be closing on Monday, May 25 in observance of Memorial Day.

# **LAW DIRECTOR REPORT**

Mr. Donnellon explained that the current order from the Governor allows for adjusted formats to meetings however if the State of Emergency is lifted then Council would have to meet solely in person.

Mr. Cappel asked if masks are required at Council meetings.

Mayor Dobrozsi replied that masks are recommended but not mandated.

Mr. Riblet stated that we are not requiring them. He stated that visitors are recommended to wear them, and we are providing them to visitors upon request. He stated that we will continue to adjust according to the Governor's

# CITY COUNCIL REPORTS

# Mr. Cappel

orders.

No update.

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## Mrs. Bissmeyer

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Mrs. Bissmeyer reporting the following items discussed at the May 4 Law & Safety Committee meeting.

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Fire Exams were given to 34 applicants, 26 of which will move on to the oral interview stage.

- Police Department officers went to a 12-hour shift at the beginning of the COVID crisis and are requesting to stay on that schedule. If agreed upon, a Memorandum of Understanding will be issued and then language would be added to the next FOP contract.
- The littering problem was discussed that was introduced on the agenda tonight.

Mrs. Harbison

Mrs. Harbison reported the following items discussed at the Government Affair Committee, Arts Commission and Sister Cities Commission meetings.

## Government Affairs Committee

- Firearms and a gun safe were declared surplus from the Police Department and a Vermeer chipper from the Public Works department.
- The Service to Community Grant was discussed with applications from the Montgomery Farmers Market, Operation Give Back and 500 Chickens. After discussion, the Committee approved a staff recommendation to grant \$2,000 to the Montgomery Farmers Market.
- The Boards and Commission updates will be submitted in written form this year rather than in person due to the COVID-19 restrictions.

## Arts Commission

Mr. Roesch

- Virtual arts events were discussed. More to come on that.
- Live at the Uni is cancelled.
- Shakespeare in the Park is cancelled.

#### Sister Cities Commission

- Bastille Day was discussed awaiting a decision on June 1 for if it will be held or not.
- The Sycamore Community Band and Hotel California have withdrawn their participation.
- Volunteer could be an issue.
- Commission will continue to work on ideas as alternatives.

# Ms. Roesch stated that the Parks and Beautification and Tree Commissions met virtually. She stated that inspections continue in the parks although the playgrounds are closed.

Ms. Roesch stated that most of the Beautification and Tree events have been cancelled.

Ms. Roesch stated that the BAMSO Board has held virtual meetings to discuss the July 3 Concert. She explained they are looking to hold a virtual concert from St. Paul's Church in Madeira and livestreaming for the community. She explained that half of the musicians in the string section will perform indoors and half of the percussionists will perform outdoors. The stated that they are planning to prerecord the welcome by the Mayor as well as interviews with veterans and commentaries to be used during intermissions.

## Mr. Suer

No report.

## Vice Mayor Margolis

## No report.

# Mayor Dobrozsi

Mayor Dobrozsi thanked staff for keeping the city running during this time of social distancing and restrictions. He acknowledged the Turn Montgomery Blue initiative and thanked residents who were keeping local businesses going.

Mayor Dobrozsi recognized the Public Works recognition luncheon in honor of Public Works Week and also the retirement of Jim Stewart after 30 years with the City.

Mayor Dobrozsi stated that Issue 7 passed though narrowly, and he is looking forward to seeing how SORTA works to enhance the transportation in the county. He stated that 30 million will be used within Hamilton County to improve roadway construction and that the City will benefit from that.

## APPROVAL OF MINUTES

Mayor Dobrozsi asked for a motion to approve the May 6, 2020 Business Session minutes.

Vie Mayor Margolis made a motion to approve the minutes. Mr. Suer seconded. City Council unanimously agreed.

## MAYORS COURT REPORT

Mayor Dobrozsi asked for a motion to disburse the April Mayors Court collections of \$1,940.00.

Vice Mayor Margolis moved to disburse the April Mayors Court collections of \$1,940.00. Mr. Cappel seconded. City Council unanimously agreed.

### **OTHER BUSINESS**

Mr. Donnellon stated that staff would like to get a little feedback to see if there is interest to move forward on revisiting something we have talked about for a number of years. He stated that we now have construction going in the Montgomery Quarter with the anticipation of there being four restaurants. In the past we talked about creating an Entertainment District which would open up the opportunity for new liquor license in the community. In the past, we have been maxed out. He added that restaurants have been forced to go buy their license from another community and transfer it which at its peak, was costing them \$30,000 plus to do that, whereas a typical liquor license is about a \$2,500 application. He stated to enhance the development of the Quarter, staff thinks it may be time for us to visit designating an Entertainment District, at least at the Quarter. The process is a recommendation to the Mayor then the Mayor makes a recommendation to City Council. The standard in our Ordinance, which mirrors the Statute, is that there be a committed 70 million dollars and anticipated development. We certainly need that with what is going to happen in Montgomery Quarter when the process starts.

Mr. Donnellon explained that we designate the area where the liquor licenses will be available. The area has to be a minimum of 20 acres, and we are entitled to one new license for every five acres within the District up to a maximum of 15 in the entire city. He stated that there has been hesitancy in the past for a couple of reasons. One,

was the fees which we originally established, requiring the applicant to pay a couple thousand dollars to the City for the process. He stated that Council may remember a few years ago that the requirement was changed to allow City Council to waive the fees with the anticipation that the Montgomery Community Improvement Corporation may end up being a property owner. He stated that this may be the impetus for the application to kick start that. He added that one of the things we will have to determine is how big do we want that district to be. He explained that we could have multiple districts. Again, each one is to be a minimum of 20 acres under a change in that statute, which we would have to change our Ordinance, if we were to designate another district, say, here through the central corridor. Obviously, we would only anticipate 70 million dollars of new development. But the new change in the Statute says that we can do that, creating a district if there is a district anywhere else in the county. He stated that the City of Cincinnati has multiple Districts. He stated that if we want to do multiple Districts other than the Quarter, we probably will want to start amending our Ordinance to mirror the State statutes, so we do not require that 70 million now. He explained that we could declare the entire city to be an entertainment district and rely upon 70 million dollars for the development in the Montgomery Quarter. He explained that this would add 15 more available licenses. He explained that is the second reason we hesitated in the past, as we did not know where the Montgomery Ouarter would be in its development. He stated that if we had opened up all these liquor licenses, other restaurants could come in and take them and the purpose of opening up for the Quarter would be defeated because liquor licenses could be quickly grabbed. He stated that staff feels it's time to revisit that and get it started. He added it is obviously a great marketing tool for the developer if they're trying to find restaurants they can say you can move into the Entertainment District, buy a D5J license at a low level and open your restaurant without having to go find one someplace else. He stated that the consideration would be if this discussion was for the full Council tonight or at a future Committee meeting, is how big is this district to be and where do we want the parameters to be.

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Mayor Dobrozsi asked if there was a recommendation yet from staff and how that would look like based on that element.

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Mr. Riblet replied that it is a little premature at this point and at this time staff is exploring the options to see if City Council would want to move forward. Mr. Riblet stated that Ms. Roblero, Mr. Donnellon, and himself have met a few times about this and think it is probably the appropriate time to pull the trigger and get moving forward in parallel with the Montgomery Quarter project.

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Mrs. Harbison stated that she was absolutely in favor of moving forward with the Entertainment District.

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350 351 Mr. Suer stated that he felt it was an excellent idea to move forward with the whole concept and he felt that there will be further discussions but our primary objective should be the Montgomery Quarter and not the entire district but there could be more discussions on that.

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Vice Mayor Margolis stated that he sees doom and gloom for retail, so he sees this as a community development tool. He thinks fostering a positive environment for restaurants would be a real plus and he understands the hesitancy if we just want to focus on one area, but he feels Council should really explore expanding it, making this area somewhat of a hub for some restaurants. Vice Mayor Margolis stated that he also felt we should also explore the idea of including a DORA, which is a designated outdoor refreshment area.

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Mayor Dobrozsi that the DORA was the next item that was going to be discussed. He asked Vice Mayor Margolis if he was in favor of item A the Entertainment District.

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Vice Mayor Margolis replied that he was.

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Mayor Dobrozsi asked Ms. Roesch her thoughts.

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Ms. Roesch stated that she assumed Council and staff would enact an Entertainment District in conjunction with the Montgomery Quarter. She stated that it was her understanding that it works well. She stated that the Districts at The Banks in Cincinnati and Districts in Columbus work well. She stated that there does need to be discussions of

where the District would be and would look for recommendations on what the boundaries should be or how we should go about it.

Mayor Dobrozsi thanked Ms. Roesch for her comments.

Mrs. Bissmeyer stated that she felt the same in that she supported the District and she felt it would definitely complement and enhance all of the businesses as well as being something the residents are interested in. She stated that as a source of revenue a "cup" could be sold to be used in the DORA District. She stated that she is also interested in the recommendation on the 20 acres or in our how we would divide the District or go about doing it.

Mayor Dobrozsi thanked Mrs. Bissmeyer for her comments and asked Mr. Cappel for his comments.

Mr. Cappel stated he was in support of moving forward with it but wanted to make sure it is done in a way that every business in Montgomery benefits from it.

Mayor Dobrozsi thanked Mr. Cappel for his comments.

Mayor Dobrozsi stated that he was in favor of the District and would like to give staff the opportunity to go back and do more research then come back to Council with recommendations to move forward.

Mayor Dobrozsi stated that that concludes the discussion of Item A, Entertainment Districts. He asked Mr. Riblet to introduce Item B, the DORA District.

Mr. Riblet explained that based on the feedback that Mr. Donnellon got, this is a companion piece of creating a designated outdoor refreshment area or a DORA. He explained that in order to start that process, it would actually be an application from himself to City Council. He stated that before that was implemented, he was looking for feedback from Council. He thanked Council for their support of the Entertainment District and felt that now would be a great opportunity to move a DORA District forward. He explained that the City would fall under the category of less than 35,000 people in Montgomery which would put us at 150 acres or less of contiguous acres that we would qualify for.

Mayor Dobrozsi asked Mr. Riblet if he would give further explanation of a DORA District for those who may not know what it is.

Mr. Riblet explained that a DORA District will allow participants, customers, residents to go into a participating restaurant or bar that serves alcohol to someone over 21. He explained that this is what Mrs. Bissmeyer was referring to as a revenue component where there would be a specialized cup that would be developed and sold in order for someone to purchase for alcoholic beverages, and go outside with the cup as long as they were in that DORA area. He explained that someone could legally traverse in that area and go to a different restaurant and purchase another beverage and so on. He stated that is the premise behind it and it really a companion piece to the Entertainment District that was just discussed. He stated that was a very brief overview of what we are trying to get to. He restated that we would be looking at an area that has to be contiguous in nature, less than a 150 acres. We would have to provide a map, a survey map of the area that we would define, in this case we would be most likely looking at starting at Schoolhouse Lane south down to our southern core and pick up areas of Cooper and Remington so that we reach all of our business owners within that area. He confirmed that we would provide a map with a general statement of the nature of types of establishments and locations and provide all those areas and those businesses that would be identified and then present that application to you all for consideration within 45 days of that. Mr. Riblet stated that we would have to post that information to give people time to review. He stated the information would be available in Ms. Gaylor's office for review to keep the process moving forward.

Mr. Riblet stated as part of the criteria, specific boundaries, including street addresses of the businesses that are participating, number spacing type of signage we would have in the area to identify hours of operation, and the

number of personnel needed, as well as a sanitation plan and number of folks needed to keep the area clean. He stated those are all things that staff would be working on putting in place. Mr. Riblet explained that he has spoken in detail with the City Manager from Wyoming who explained that they recently just went through the process which started in late 2019 and just concluded. He relayed that the city manager stated that they are very pleased with how the process went and are able to offer that opportunity for Wyoming businesses and residents. Mr. Riblet stated that the cities of Mason, Milford, Loveland, and Hamilton all have DORA's in place already. He added that Harrison is beginning the process and he is confident that others will follow, especially with the COVID being an issue for a lot of restaurant owners. He stated that this will be another opportunity to enhance businesses ability to survive and to make sales. Mr. Riblet stated that staff would really like to start that process and began reaching out to permit holders in Montgomery, perhaps to work with the Chamber of Commerce, develop a plan as well. He added that he had spoken with Tom Gregory this week who had reached out to Mrs. Harbison earlier and Mr. Gregory is very supportive of moving forward on something like this. Mr. Riblet asked for feedback on beginning to move forward in that process.

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Mayor Dobrozsi thanked Mr. Riblet for his explanation.

Mayor Dobrozsi stated that Mr. Riblet is looking for feedback from City Council and asked Mrs. Harbison for her comments.

 Mrs. Harbison stated that she is leaning forward of being in favor of the Entertainment District and looking into the DORA. She felt it would be beneficial to all the restaurants and bars and not just the Montgomery Quarter. Of course, that is the area she would want to boost the most. She stated that the other restaurants and establishments need the same assistance.

Mr. Suer stated that he was in favor of looking into this or developing this idea in conjunction with the Entertainment District. He stated that he is envisioning the Village Green in the Montgomery Quarter with restaurants around it and so forth and fostering walkability for people in order to have a vibrant downtown.

Vice Mayor Margolis stated that he was in favor of the DORA District as well and asked that there is a articulated plan in place as he anticipates concerns of residents of all night parties or how we would disperse the people off of public land.

Mr. Donnellon explained that we can set the hours and the hours can be different than the hours for the licensed premises. He stated that we could say only till 10:00 at night or until 11 o'clock at night are you permitted to do this. Where a bar could be open until 1:00 a.m., we were cutting that off.

Mr. Riblet added that most other communities are 4:00 to 10:00 p.m. during a week, 4:00 to 11:00 p.m. on the weekends, and maybe at 9:00 o'clock on Sunday so we can limit the hours.

Ms. Roesch stated that she definitely is supportive and thought that it was discussed years ago and feels it is definitely the time to pursue this.

Mrs. Bissmeyer stated that she was absolutely supportive and very excited for it. She added that she felt it would be a great benefit for businesses as well as our residents. She feels it will attract people to new developments as well as to existing restaurants and tie them into the new development.

Mr. Cappel stated that he could support it but would like to know the views of the non-food service businesses as well as the views of the adjoining residences.

Mayor Dobrozsi stated that he agreed with his fellow council members and thinks it is a wonderful idea. He added that he felt it is time now that the Montgomery Quarter project is moving forward to move forward with the recommendation.

Mayor Dobrozsi asked if there was any Other Business to discuss.

There was none.

## **GUESTS AND RESIDENTS**

Mayor Dobrozsi explained that the Guests and Residents portion of the agenda was moved from the beginning of the agenda. He asked if there were guests and residents on the line to please state their name.

No Guests or Residents responded.

Mayor Dobrozsi asked if there was any further business to discuss in Public Session. There being none he asked for a motion to adjourn.

Vice Mayor Margolis moved to adjourn. Mr. Cappel seconded. City Council unanimously agreed.

City Council adjourned at 8:13 p.m.

 Connie Gaylor, Clerk of Council