

**Record of Proceedings
Village of Peninsula Council
REGULAR SESSION**

Held: January 14, 2019

CALL TO ORDER: The Village of Peninsula Council convened from 7:00 p.m. to 10:01 p.m. in the Peninsula Village Hall. Mayor Douglas Mayer called the meeting to order and initiated the roll call, followed by the Pledge of Allegiance. The following members were present.

COUNCILMEMBERS:

Michael Matusz	PRESENT	Mayor Douglas Mayer	PRESENT
Mary Booth	ABSENT	Chris Weigand	PRESENT
Michael J. Kaplan	PRESENT	Daniel Schneider	PRESENT
Diane Holody	PRESENT		

OTHERS PRESENT: Fiscal Officer Deborah Wordell, Administrative Assistant Marty Kuboff, and Solicitor Brad Bryan

APPOINTMENT PRESIDENT PRO-TEM OF COUNCIL:

Ms. Holody made a motion to appoint Daniel Schneider as President Pro-Tem of Council that was seconded by Mr. Kaplan.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

Mr. Schneider made the following Liaison assignments: FINANCE-Ms. Holody; ROADS AND PUBLIC WORKS-Mr. Matusz; POLICE-Mr. Schneider; CHAMBER OF COMMERCE & ECONOMIC DEVELOPMENT-Mr. Weigand; BUILDINGS AND GROUNDS-Ms. Booth; and POLIICIES AND PROCEDURES-Mr. Kaplan.

CITIZENS PARTICIPATION:

Dick Slocum of 1563 E. Mill Street stated on August 13, 2018, he presented Council with a letter signed by 35 residents requesting the approval of the backlog of Council Meeting Minutes. Since then, Council has approved some meeting minutes but still has outstanding minutes from May, June, and July 2018. The last time they were on the agenda was October 9, 2018. Mr. Slocum would like to get a commitment from Council to resolve that issue. He stated the Ohio Sunshine Laws permit posting a working draft of minutes until they are approved in order to inform the public what is going on. Mr. Slocum was advised the unapproved minutes from May, June, and July will be posted on the Village's website tomorrow marked as draft and will be placed on the Council Meeting Agenda for February. Mr. Slocum addressed the need for e-mail contact information for Council members.

Bill Clifton stated, at the last Council meeting, Mr. Kaplan suggested he speak to Police Chief Joseph Varga about his concerns about the signage on Interstate 271 and State Route 8 suggesting alternate truck routes. Mr. Clifton stated he had a conversation with the Chief, and from what he determined, the Chief has no objections to the installation of the signage. They are advisory signs just like "slippery when wet" and "bridge surfaces freeze first." Mr. Clifton expressed his concerns about the effect of the emissions from diesel trucks on maple trees on Main Street.

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Council was asked if it was possible to contact the Ohio Turnpike Commission to see if would be feasible to lower the rate of the toll between Exit 173 SR21/I77 Cleveland and Exit 180 Akron SR 8. That would help with averting truck traffic.

A discussion ensued about reducing speed limits. It was pointed out that speed limits are set by the Ohio Revised Code. Sending letters to FedEx suggesting alternative truck routes and contacting the State Legislature to request the introduction of legislation specific to State Route 303 within Peninsula that is encapsulated by the National Park was discussed. The fact that Stine Road has increased traffic this time of the year going to Boston Mills and Brandywine Ski Areas was mentioned. A request was made for the speed limits in the Village to be enforced.

COUNCIL PARTICIPATION:

Mr. Kaplan stated the Village needs to address Recycling in the Village to make sure everything is being done correctly as a result of recent changes as to what is recyclable and what is not recyclable.

MAYOR'S REPORT:

Mayor Mayer reported the projects for the 2019 Summit County Road Program are due by February 1st, but due to fiscal issues, the Village will not participate in the program this year.

A discussion took place about the projects the Village would want to look into for 2019 if funds were available. Repaving of Riverview Road, additional guard rails on 303, and Stine Rd improvements in conjunction with Boston Township were mentioned. The funding application deadline is in June 2019 for the proposed joint Stine Road project. Under that program, the work would not start and no money would be owed until 2020. The Village will be performing road maintenance this year, but no major road projects.

Council emphasized the need to develop a five-year road maintenance program. In response, the Mayor stated 90% of the roads have been chipped and sealed in the last few years. The desire to find Scenic Byway funds to repair Riverview Road was discussed, and the need for a Street Commissioner was brought up. The Mayor reminded Mr. Kaplan he never received the three Street Commissioner candidates Mr. Kaplan was going to give him. Ms. Holody stated she would provide the Mayor with a name. It was suggested a Street Commissioner ad be placed in the Your Community Newsletter listing the wage as negotiable. There is a need for residents of the Village to step up and help out. There is an opening on the BZA and for the position of Zoning Officer.

Mayor Mayer reported Interim Fiscal Officer Deborah Wordell has been working very hard with Mr. Kuboff to restructure the Fiscal Office and Administrative Office. That restructuring will reduce work hours and result in a savings of \$5,000 to \$6,000 per year. Ms. Wordell has been going through the books to reconcile accounting errors. The Mayor asked Ms. Wordell to stay on as our Fiscal Officer, and she wants to do so. The Mayor stated he wants to hire Ms. Wordell as the Village's Fiscal Officer at the rate of \$24.00 per hour to work 8 to 15 hours a week.

A discussion took place regarding the procedures for hiring the Fiscal Officer. Mr. Bryan stated it is statutory. The Mayor makes the appointment with Council's concurrence. It was clarified it is a part-time position with no health benefits. PERS will be paid. Ms. Wordell will attend Council Meetings and assume the duties of the Fiscal Officer.

A motion was made by Mr. Kaplan and seconded by Mr. Schneider to hire Deborah Wordell as Part-Time Fiscal Officer at the rate of \$24.00 per hour not to exceed 780 hours for the 2019 calendar year.

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Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

SOLICITOR'S REPORT:

Mr. Bryan reported he has been working on the Lifetime Achievement bios for Jack Mercer and Patty Tesmer. The presentation will be made at the February 11th Council Meeting. He requested that some additional revisions be made to the proposed Mutual Aid Agreement with Boston Township and is waiting to hear back from the Township attorney. Mr. Bryan stated his contract is up for renewal on April 1st. He asked Council to decide how it wants to proceed. He was advised to prepare legislation for the next Council Meeting as a 1st reading. Mr. Bryan reported the Planning Commission received two responses to its Request for Statements of Qualifications from traffic engineers. The Planning Commission knows it will need to come to Council for any funding. Mr. Bryan reported at the Planning meeting, the Mayor stated the Village needs to curtail its expenditures until the finances are straightened out. Mr. Bryan reported Bishop Lane was transferred to the Village from the school on January 25, 1995 for \$1.00. Bishop Lane is an unimproved gravel road 30' wide with a maintenance agreement that is not entirely clear. The Village does own Bishop Lane and is obligated to maintain the 30' gravel road. Mr. Bryan is working on a new Credit Card Policy with Ms. Wordell. The legislation related to that policy will be on the agenda for the next Council Meeting.

FISCAL OFFICER'S REPORT:

Ms. Wordell thanked the Mayor and Council for having confidence in her and allowing her to move forward with restructuring the Fiscal Office. Ms. Wordell stated the presentation of the Fund Status Report in Council's packet is not a confirmation of the accuracy of the current fund status. She is in the process of reconciling the 2018 financial records with the bank statements. The Fund Status Report dated 1/1/2018 is the adjusted balance per the audit (\$603,509.00). A more accurate Fund Status Report is forthcoming once the reconciliation process is completed. The 2019 Temporary Budget has been entered into the UAN System. The Aramark contract has not been renewed. Aramark is the company that provides the rugs to the Village. The cancellation of that contract will result in a savings of \$4,264.00 per year. Ms. Wordell is notifying vendors the Village is not required to pay sales tax. The Village was paying sales tax on some contracts in the past. She is working on getting dual signatures on checks as recommended by the State Auditor. Ms. Wordell is also assisting with establishing a Finance Committee to review the Village finances and purchase orders on a biweekly or monthly basis. The monies in Account 5020, the Sewer Refund account, will have to go into an agency account if all the monies are not refunded by the end of the year.

A motion to refund all monies in the Sewer Refund Account back to the Village residents was made by Mr. Kaplan and seconded by Mr. Matusz.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

A motion to amend paperwork from October 8, 2018 relating to the grant money for the bulletproof vests to be paid from General Fund was made by Mr. Kaplan and seconded by Mr. Schneider.

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Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

A discussion took place about an invoice Chief Varga signed off on for the Police Department annual dues in the amount of \$650.00 for SMCRT made payable to the City of Stow. Council would like clarification as to what SMCRT stands for. (Summit Metro Crash Response Team)

Approval of the Minutes for the December 10, 2018 Regular Council Meeting and December 19, 2018 Special Council Meeting.

Ms. Holody made a motion to approve the December 10, 2018 Regular Council Meeting Minutes that was seconded by Mr. Schneider.

Ms. Holody stated under Roads and Public Works, 3rd paragraph, there was a grammar error (should remove the word 'to'). In the last paragraph of that section, Ms. Holody stated it should be noted: Mayor Mayer called ODOT and requested the sign installation be placed on hold until further notice from his office. Ms. Holody stated under Wastewater: Ms. Holody suggested an invitation should be extended to Tonia Burford, Environmental Health Director for Summit County, to come to a Council Meeting to discuss the results of the storm water testing when completed. Those corrections to the minutes will be made, and they will be resubmitted for approval at the February 11, 2019 Council Meeting.

Mr. Matusz asked whether a disclaimer should be added to the minutes stating the minutes do not encompass everything that occurred at the meeting, and for the complete picture, you should listen to the tape. Mr. Kaplan asked Mr. Bryan, outside of attendance and roll call votes, what is required to be in meeting minutes, Mr. Bryan responded as follows: A public body must keep full and accurate minutes of its meetings. Those minutes are not required to be a verbatim transcript of the proceedings, but they must include enough facts and information to permit the public to understand what actions were taken and what decisions were made and understand the rationale behind the decisions if a rationale was given.

Ms. Holody stated she likes the summary version and not the he said she said version. She suggested it should be the responsibility of each Liaison to review their report to make sure what they stated is reflected in the minutes.

A resident asked Mr. Bryan if there is any legal issue with posting the audio recording of the meeting on the website. Mr. Bryan stated there is no legal prohibition on doing so, many communities do it, but he did not know whether the Village website has the current technological capability to do it.

Ms. Holody made a motion to approve the December 19, 2018 Special Council Meeting Minutes that was seconded by Mr. Weigand.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, abstain; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The minutes are approved.

Mr. Kaplan requested a Bates Stamp be utilized on the Council Agenda Packets for easy reference as to what page Council is discussing. He also asked that extra packets be made for

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the audience. He requested whether the Village could investigate getting a projector to show the documents that are being discussed.

FINANCE LIAISON, MS. HOLODY:

Ms. Holody made a motion to acknowledge receipt of the December 2018 Financial Reports that was seconded by Mr. Schneider.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

Ms. Holody made a motion to approve the list of Payment of Bills that was seconded by Mr. Kaplan.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

Mr. Kaplan requested the invoices be included with the bills being paid. Ms. Wordell stated the goal of the Finance Committee is to review invoices and purchase orders prior to Council Meetings. More information regarding the vendors was requested. For example, adding the type of service after the vendor such as Aramark/ Mats, Walter H. Drane/Codified Ordinances was suggested. Ms. Wordell is going to investigate the UAN capabilities to see if there is a report available that could satisfy that request.

POLICE LIAISON, MR. SCHNEIDER: Mr. Schneider reported the new 2019 Ford Explorer Police Vehicle has been delivered and is in the process of having the lights and decals added. It should be in service by next week. Mr. Schneider mentioned the Chief's request to amend Section 147.03 of the Administrative Code to add additional holidays.

ROADS AND PUBLIC WORKS LIAISON, MR. MATUSZ: Mr. Matusz reported the Village now has two great people working in the Service Department.

There was a discussion about what trucks are being utilized for snow plowing. Mayor Mayer stated he is requesting a salt spreader for the ¾ ton truck for use on the small streets such as Canal Street and Center Street. Two companies can provide a spreader that would work. The cheaper one has a smaller motor and smaller dump bed for a cost of \$3,966.29. The other spreader has a bigger motor and bigger dump bed that would better serve the Village. The cost is \$5,798.00. It would three weeks for delivery and set up. Whether the price includes a vibrator to shake out the salt was asked. The Mayor mentioned the Village's trucks have aluminum truck beds that stand up to rust and salt. The question was framed that Council either acts upon this tonight or waits until next year.

A motion to purchase the salt spreader described by the Mayor, including the vibrator, in an amount not to exceed \$8,000.00 was made by Mr. Matusz seconded by Mr. Kaplan.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

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A discussion took place whether a CDL is required to operate Service Department vehicles. Mr. Schneider stated, based on the information provided by the Ohio BMV, the Village's vehicles do not require a CDL. The employees can still get one, but it's not required for any vehicle under 26,000 lbs. The Village's big truck is 25,000 lbs. It was decided the Village should encourage the employees to still obtain a CDL. The CDL makes the driver more responsible, and the Village will reimburse the cost to the employee.

Mr. Matusz stated once we get the Finance Committee established, we need to investigate getting \$300,000.00 to repair Stine Road and apply for a loan from the Ohio Public Works Commission. The Village should work in conjunction with Boston Township to obtain grant money for the project. The application due date is June 1st. Repairing Stine Road will be money well spent. The last time Stine Road was repaired was 1991. The road was not constructed properly when it was first built. The road project priority list for all streets in the Village needs to be located and updated.

The Mayor passed out a quote from Tree Guardian in the amount of \$1,500 to trim trees at various locations in the Village as requested by the Service Department. A discussion took place as to who is responsible for removing trees encroaching on the right of way or over streets, the property owner or the Village? Mr. Kaplan suggested it was the property owner's responsibility, not the Village's, and the Village should contact property owners to advise the Village can get better prices due to the volume of work and see if they want to take part to get the work done at their own expense. The Mayor asked the Solicitor to look into whether the tree work is the Village or the homeowner's responsibility.

Ms. Holody stated she received a phone call from a resident about sandstone. The Village purchased sandstone from her before when the sidewalks were repaired. They have 5-4x6 slabs for a price of \$7.50 per square foot for a total of 120 square feet (about \$900.00). It has to be moved soon. The money can come from the \$19,000 Buildings and Grounds budget.

A motion to purchase five 4'x6' slabs of historic sandstone for sidewalk repair and move it to Terry Lumber for a total amount not to exceed \$1,500 was made by Ms. Holody and seconded by Mr. Kaplan.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

PLANNING COMMISSION, MR WEIGAND:

Mr. Weigand reported the Planning Commission did not have its regular meeting in December due to the Christmas holiday. The Commission met on January 7th to continue work on the Village's Long Range Plan. At that meeting, Future Land Use, the Mixed-Use District, and Conservation Overlays were discussed. Work on any Conservation Overlay ordinance has been set aside until after the draft of the Long Range Plan update is complete now that there is less urgency regarding the golf course property.

The draft of the Long Range Plan update is almost complete. The Commission expects to have the draft ready for public review soon. The Commission will then work on drafting any proposed zoning updates necessary to bring the zoning code in line with the Long Range Plan. Draft copies of the conservation/recreation and historic district overlay ordinances are available on the Village website or by contacting Village Hall.

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The Planning Commission also continued its discussion regarding traffic and parking in the Village. The next Planning Commission Meeting is scheduled for January 28th at 7:00 p.m.

WASTEWATER: Ms. Holody stated the Ohio EPA storm water testing of the Cuyahoga River has been delayed due to the amount of rainfall that has occurred over the last month.

ZONING: Mayor Mayer reported the Stow Building Department is requesting bids for demolition of a single-family dwelling located at 5978 Canal Street.

BOARD OF ZONING APPEALS: Mayor Mayer reported no meeting took place last month.

BUILDING AND GROUNDS, MS. BOOTH: No Report.

CHAMBER OF COMMERCE, MR. WEIGAND: Mr. Weigand reported the Annual PACC Holiday Recovery Party was held January 9th at Fisher's. The Chamber has several new trustees this year and will begin regular meetings for 2019 starting February 6th at the Peninsula Library.

POLICIES AND PROCEDURES, MR. KAPLAN: Mr. Kaplan stated Mr. Kuboff has contacted various communities about their Council Rules, and they will meet next week to review the information and start work on Rules of Council for Peninsula.

FIRE BOARD, MR. SCHNEIDER: Mr. Schneider reported Craig Mulidore and Nick Sebastian were appointed as Second Lieutenants. They had a swearing in ceremony last month.

CEMETERY BOARD, MR SCHNEIDER: Mr. Schneider reported Jerry Ritch has replaced Patty Tesmer on the Cemetery Board.

JEDD, MR. SCHNEIDER: Mr. Schneider stated there will be a JEDD Board meeting on January 23, 2019 at 5:30 p.m. in the Boston Township Hall.

LEGISLATION:

Third Reading:

Resolution No. 35-2018

Requested by Mayor Mayer

A Resolution Authorizing the Mayor and Fiscal Officer to Renew the Village's Agreement with the Legal Defender's Office of Summit County, Ohio for Indigent Representation in the Stow Municipal Court

A Motion to pass was made by Mr. Kaplan and seconded by Mr. Schneider.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The Resolution was adopted.

Resolution No. 36-2018

Requested by Mayor Mayer

A Resolution Amending the Employee Pay Scale

The Resolution was read by title by the Solicitor. A motion to pass was made by Mr. Kaplan and seconded by Mr. Schneider.

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Ms. Holody noted the Fiscal Office pay rate is listed as \$20.50 per hour, and per tonight, it needs to be amended to reflect the new rate of \$24.00 per hour.

A motion to amend the Fiscal Officer rate of pay was made by Ms. Holody and seconded by Mr. Kaplan.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

A motion to pass the Resolution as amended was made by Mr. Kaplan and seconded by Mr. Schneider.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The Resolution was adopted.

Resolution No. 37-2018

Requested by Chief Varga and Councilperson Schneider

A Resolution Authorizing the Mayor to Renew the Village's User Agreement for the Summit County-Akron Regional Radio System

The Resolution was read by title by the Solicitor. A motion to pass was made by Mr. Kaplan and seconded by Mr. Schneider.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The Resolution was adopted.

Second Reading: None.

First Reading:

Resolution No. 01-2019

Requested by Mayor Mayer and Fiscal Officer Deborah Wordell

A Resolution Requesting the Summit County Fiscal Officer, in the Year 2019, to Advance to the Village Monies to which the Village is Entitled from the Proceeds of Tax Levies for the Tax Year 2018

The Resolution was read by title by the Solicitor. Mr. Matusz made a Motion to Suspend the three reading rule, which was seconded by Mr. Weigand.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

Mr. Kaplan made a motion to pass Resolution 01-2019 that was seconded by Mr. Matusz.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The Resolution was adopted.

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Ordinance No. 02-2019

Requested by Mayor Mayer and Chief Varga

An Ordinance Amending Section 147.03 of the Codified Ordinances Relating to Holidays for Full-Time Employees

The Ordinance was read by title by the Solicitor. The Ordinance will advance to a second reading at the next Council Meeting. Mr. Kaplan asked the Police Chief to provide a comparison between the amount of holidays received by Village employees and those received by employees of other similar municipalities in the area.

OLD BUSINESS: A discussion regarding truck traffic on State Route 303 took place. Ms. Holody reported initial discussions with ODOT regarding truck traffic on State Route 303 started in 2016 with Ms. Holody, Village Engineer Charles Uray, and ODOT. The problem is that many trucks use State Route 303 as a cut through between Interstate 271 and State Route 8 instead of proceeding to the interchange in Macedonia. Ms. Holody reported Aaron Conley of ODOT suggested they install signage on Interstate 271 and State Route 8 in the spring of 2019 indicating suggested truck routes.

Ms. Holody made a motion directing the Mayor to send a letter to Kim Mondora and Aaron Conley of ODOT District 4 indicating in an effort to reduce truck traffic on State Route 303 within the Village, Council requests the Ohio Department of Transportation to install preferred truck route signage, at no cost to the Village, on Interstate 271 and State Route 8 directing truckers to the 271/8 interchange in Macedonia. The motion was seconded by Mr. Kaplan.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

A discussion about flashing speed signs took place. Mr. Bryan stated he spoke with Chief Varga, and the Chief has some reservations about installing flashing speed signs. He suggested scheduling a meeting with Chief Varga to discuss his concerns. The Mayor stated the traffic survey that was recently conducted in the Village had a very low count according to the ODOT personnel who conducted the survey. A resident suggested one way to control truck traffic on State Route 303 is with Hazmat Signage.

NEW BUSINESS: Mr. Kaplan asked what we should do about recycling and asked whether a container could be placed at the garage. Boston Township would be a good location. It was suggested the Village reach out to Boston Township about a cooperative effort between the two communities. On February 22, 2019, Reworks is having a meeting to discuss the programs that are available to communities for recycling programs. What we should be recycling from Republic Services is posted on Republic's website.

ADJOURNMENT: A motion to adjourn was made by Mr. Matusz and seconded by Mr. Kaplan. All were in favor of the motion; none were opposed. The meeting was adjourned at 10:01 p.m.

Respectfully submitted:

Douglas G. Mayer, Mayor



Date

2-21-2019