

THE CITY OF
Zanesville



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ZANESVILLE CITY COUNCIL
SPECIAL PUBLIC SAFETY COMMITTEE AGENDA
Council Chambers, 401 Market Street, Zanesville OH
May 22, 2023 at 6:00 p.m.

This meeting is for discussion pertaining to the upcoming Ordinances, Resolutions, and discussion items of the Public Safety Committee for review as follows. This meeting is open to the public to attend in person or remotely by using the information below.

1. Roll Call
2. Approval of Minutes of April 17, 2023

ORDINANCES:

None

DISCUSSION ITEMS

3. Stray Cat Ordinance Discussion
4. 600 Block of Main Street Discussion

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SPECIAL PUBLIC SAFETY COMMITTEE MEETING, MONDAY, APRIL 17, 2023

The Public Safety Committee met at 6:00 p.m. on Monday, April 17, 2023 in Council Chambers at City Hall, 401 Market Street, Zanesville, Ohio.

Mr. Roberts: It's 6:02. I'm going to go ahead and call this meeting of the Special Public Safety Committee of Council to order. Can I have roll call please, Billie?

Committee members attending were Councilperson Andy Roberts, Chair; Councilperson Joey Osborn; and Councilperson Mark Ballmer. Councilperson Steven Foreman was absent.

Mr. Roberts: Let the record show that Mr. Foreman is not in attendance.

Others in attendance:

John Benson, Code Enforcement
Billie Corns, Clerk of Council
Chris Crook, Times Recorder Reporter
Nate Embrey, ZDT Redux

Doug Merry, Public Safety Director
Cody Pettit, Council-at-Large
Chris Smith, Public
Dan Vincent, President of Council

APPROVAL OF MINUTES OF NOVEMBER 7, 2022 & APPROVAL OF MINUTES OF MARCH 6, 2023

Mr. Roberts: I'll entertain a motion either each or in unison for the minutes of November 7, 2022 and March 6, 2023.

Mrs. Osborn: Move to accept them as written.

Mr. Ballmer: Second.

Mr. Roberts: A motion and a second to accept both. All those in favor, aye. Opposed, the same sign.

A voice vote was taken with all present in favor. None were opposed.

Mr. Roberts: Motion carries.

DISCUSSION ITEM

1. Deadline for 600 Block of Main Street Discussion

Mr. Roberts: We have no ordinances. We have only one point of discussion, and that point of discussion is the 600 block of Main Street, City of Zanesville, Ohio, 43701. A little bit of history since Mr. Ballmer is new to this Committee and Council. Mr. Nate Embrey, who is here with us tonight, is the owner of what we have been commonly referring to as the 600 block, which comprises three buildings, Nate?

Nate Embrey: Yes.

Mr. Roberts: In varying states of disrepair. And he has ideas on how to revitalize them. Probably about the end of summer last year, was that the last time we had these discussions?

Nate Embrey: It was probably the beginning of winter, actually.

Mr. Roberts: Okay, the beginning of winter last year, we had discussions in regards to what the way forward was. And we, at that point in time, set a date of April 30th is the best I can ascertain, as to a deadline for what we were going to do. I believe Mr. Embrey has some things to enlighten us with as far as progress that he's made and the direction that he's going to move in. And then I'd like to also hear from Mr. Benson from Code and Building on the state as long as he's here. I think that should probably suffice. Mr. Benson, do you want to go first?

John Benson: I'm going to defer to Matt. He's got my information and pictures.

Matt Schley: Yes, Mr. Benson has asked me to speak a little bit about the condition of the building based on some reports and things that he's gone over in the last two weeks. Mr. Benson provided me some pictures, aerial photos taken on an adjoining property to show the internal of the building. And he's done a very good job on timestamping these. Can I bring these up?

Mr. Roberts: By all means.

Matt Schley: So the first set of pictures I'm going to show you is from around the time of your meeting last year. These pictures were taken from the adjoining property, Mr. Yan Sun's. So, as you can see, big chunks of these middle building have collapsed on the interior. All of that is debris.

Mr. Roberts: And that's just for, reference sake, this is Main Street?

Matt Schley: This is Main Street.

Mr. Roberts: So, Main Street runs out here. We're looking at the alley, and then that would be on the other side of the alley?

Matt Schley: Here are some pictures, and John told me that the condition has not improved. Here are some pictures. This is from this morning, the rear of the property, different angle. You're looking at these portions right here. No change on the exterior here at all whatsoever. So suffice to say, the work hasn't been started. And I think Nate probably will attest to that. There's probably been some stuff done, but nothing to constructional integrity of this building that we can tell.

Mr. Roberts: Need to lighten these photos up.

Matt Schley: I asked John. I told him we need to get him new cameras. In preparation for this meeting, I reached out to Mr. Baughman at Mid-East Ohio Building Department just to better understand. It is our

understanding he is the one who has placed the condemnation order on the properties. He presented to us some information that he had been provided. It was a copy of a contract dated for April 12 of this year, signed April 12th of this year. Included in that was a budget, and there was a timeline. The budget shows \$85,428 for phase 1, and that included architectural and design at \$54,000, and asbestos survey and testing. There was some preconstruction costs and overhead profit built into that as well. The firm that had presented this was Premier Commercial Construction. And then that firm subsequently it looks like, appears to be subbing out to Feick Design Group, a group out of Sandusky, Ohio. Jason indicated that formal plans have not been drawn up or presented to him yet. However, that this contract, since it's executed, appears from what I have read out of it, would get to the point of construction drawings to be done as someone who's done a number of these projects, both public and private. The timeframe for these types of drawings are a few months minimum before mobilization. The timeline that was presented appears to show mobilization occurring sometime the week of August 20 of this year.

Mr. Roberts: So, you're saying that the proposal would be in line with standard operating procedure or not?

Matt Schley: Yes, it would be. It would be.

Mr. Roberts: Okay.

Matt Schley: However, it does not address the fact the buildings do continue to deteriorate. That's approximately six-ish months until you're really getting into things, the end of August. So we've got a whole year of storms and other things coming through. As you can see, the pictures that John took today show that the building continues to deteriorate at a rapid pace.

Mr. Roberts: And I know that this is a public forum and if neither of you want to attest to it, does the building currently pose a significant threat to public health?

Matt Schley: I would defer to John. What John has relayed to me on this one is that there is significant structural issues that has caused the city to expend funds to secure the building. In that regard, I can just speak from a personal standpoint, Mr. Benson about a year and a half or so ago, maybe two years ago, brought to me a window weight that had fallen down and smashed onto the concrete which then prompted us to go up and put plywood on all the windows in an attempt to continue to secure that property to prevent those from happening. We don't know exactly when this thing could come down, but it is clear that it is in such a poor shape that that possibility exists.

Mr. Roberts: John, anything you want to add?

Mr. Benson: Well, Assistant Chief Janes and I did a walkthrough of Yan Sun's building, which would be the old Ohio Power building, 604. He has constant drainage from groundwater seeping in through his wall, which is the parallel wall to 606. This shows you just have a lot of water shed there, and it's all going down into a funnel into those basements. I tried to get in Mrs. Labaki's building, 614, but she won't let me in there. From what I could see, there's just a lot of excess that continually seeps into that building. And I would assume it is doing the same into Mrs. Labaki's.

Mr. Roberts: Okay. Questions from the committee on anything that Matt and John presented? Nate? All yours.

Nate Embrey: I think first I need to correct a couple things. Or at least a lot of that was covered what I was going to start with. The plywood, we put up. John came and fixed a window, I think, two windows, and the plywood on the rest of the windows we immediately did within the next week. So we covered that cost. The question about Yan Sun's building is one that continues to come up. It is my understanding that Yan Sun, when he bought the building, found that there was drainage problems there, and there was a sump pump that seemed to be decades old that was already there because of an existing problem. I have said on many occasions I would pay to have that looked at and pay to have that fixed. I have reached out to Yan Sun and never been returned a call. So if that's something that needs to be fixed, that's great. I appreciate that Yan assumes that there's drainage and issues in Labaki's building, but I don't have any reason to believe that myself. Any questions or comments about that?

Okay. I think I'm here because I was moving along as quickly as I had promised. We had a plan. This actually is Chris from Premier Commercial Construction. I'm happy to have him answer questions or give comments if that's necessary later. We, around the beginning of the year, were ready to deploy the first quarter of a million dollars, and I started hearing rumblings about, or sorry, the beginning of April. And that held us off from signing a contract or doing it. We just recently signed a contract as Matt said. And we went ahead and did that just because we wanted to have some good faith. But also we pushed pause as soon as I started hearing rumblings that maybe the city was going to be doing something or was ready to do something, was eager to do something, and I didn't want to deploy capital and not be able to move forward. And instead, I want to use that capital to fight anything that would potentially happen if we were stopped in the process. We do have a plan. The plan does include some boots on the ground with regard to the things that we would need to do to start the process as part of the entire process, which would be asbestos, for instance the asbestos survey, asbestos abatement, other things that we can get done throughout the process of the drawings being redone. We need the drawings to be redone because we decided to move forward with Chris and his outfit. They can get the project done for a budget that makes sense. The drawings that we had before that have been approved are, the cheapest we could get them done for was \$2.2 million, and the rest of the quotes went up from there. That was not feasible. We knew we could get it done for better, and we reached out and did a second round of outreach and ended up finding Chris and his group. They actually had looked at the buildings originally and even considered buying them. So they were familiar with them, and it felt like a good fit.

So, something else, I'm not sure, maybe Matt didn't get it, but another thing that we sent Mr. Baughman and just sort of in contrast with what I'm hearing Mr. Benson say. Mr. Feick, who is the group that would be doing the new drawings that would facilitate us being, helping us being able to get this done for about half of the price. Also, we paid him to come down with Chris and do a façade, one of the major questions has been about the façade and about the status of the buildings. We have a lot of opinions from people that don't have, I don't believe are engineers or architects, and this review says in the opinion section, and I'm happy to share these. Most everything else, Matt has. I'm sure you guys have seen it. It says, "Based on my preliminary review of the buildings, the remaining front section of the buildings are

structurally sound. With some repairs to the existing issues, the building should be able to be rehabilitated for commercial use.”

I understand that there has been no more work done to the buildings. That’s because we were putting the plans in place to be able to start the work on the buildings. So, there was also a comment that was, they continued to deteriorate. I’m not sure, did the photos show them continuing to deteriorate? Or just that there was no changes done positively?

Mr. Roberts: I am not a building official.

Nate Embrey: Okay, got it. So that’s the current status. If we’re able to start, we want to start. I do not want, I think the reason that I’m here is to kind of share the documents that Matt had to give updates on the fact that we found the team that we want to make this happen, that we have a signed contract, that we want to begin the work, that the work will be slow at first, that we want to get it done. The timeline shows this being cold dark shell by the end of the year, which I think is the most important thing. But I’m worried that if we were to begin this process that we would have the date that I set I asked for which was April 30 and was agreed to by Mr. Baughman, that there’s some risk that the city’s more eager to move in a different direction. And I kind of wanted to get some clarity on whether or not this is a viable solution for Public Safety and the City of Zanesville.

Mr. Roberts: I guess to that point Nate, as far as the city taking action against you, I would guess that your question is, is the city eager to do it? From my stance and the Committee can add in whatever they want, I am not eager to put public funds toward the demolition of this structure, with the caveat as long as it does not pose any significant risk to public safety.

Nate Embrey: Yes.

Mr. Roberts: The minute that it starts falling apart or crumbling down, do we want to? No, we don’t want to, but at that point we are going to have to.

Nate Embrey: Of course.

Mr. Roberts: So, no, we all know around about what the demolition costs are going to be. We have way better stuff that we could spend that money on. Plus, I’m just going to say if you’re able to get it shored up and turned into something good without us having to spend any money on it, I think public purpose has been served. So, that’s me. I guess, whatever else you want to add to it. I know you’re stepping into this blind *(to Mr. Ballmer)*.

Mr. Ballmer: Well, I’m new, but there has to be some type of reasonable timeline where we can look at things and see them being completed or I think it ends up to some point you’re right, forcing our hand. I can’t imagine somebody walking downtown and something falling from the top of the building, driving through the alley and something falling, and then that comes back on us. So, that’s my concern. The communication, the timeline, so that things we can see that they’re being done reasonably and quickly from our perspective.

Nate Embrey: Understood.

Mr. Roberts: So, I guess where we're at, we had a deadline of April 30. According to Mr. Embrey's plan of action, your first physical action on site would be in August?

Nate Embrey: No. So there are small things that we had planned to start which would constitute, and I have this and I'm happy to share these if you like. They're copies of everything that he has and there's a few other extra sheets in there. Would you want? Okay.

Between April and May, and some of this I'm happy to have, I have a fulltime facilities manager that's been also doing a lot of, that's co-owner that's been doing some work on the bike shop that's able to move back and forth alongside what Chris and his team are doing. Things like building temporary stairwells so we can get the guys in there to do the asbestos surveys. That's real work. Doing the asbestos survey, doing the asbestos removal which they also need to be able to do.

Mr. Roberts: So, Nate, just for the record sake, can you just say when the asbestos survey and asbestos removal would be done?

Nate Embrey: Well, that's part of us starting this of us pulling the trigger on this and knowing and having faith that we can and so it would likely be some through the first part of April. But being able to get down there to start building would be before...

Mr. Roberts: What assurance, other than what I just gave you, would you want from this Committee?

Nate Embrey: I mean, I don't, but that's why I came, right? So the answer to your question is that there are a number of things that...I said the beginning of April, I'm sorry. I meant the beginning of May. But I can have people in there, starting to do some of this work before April, like actual things, starting before and progressing again. And then asbestos would happen sometime in May. And there's even something I was holding back until the end, but we checked with Jason and found out that if we choose, if things line up the right way and we want to start on the demolition portion, that actually is covered by the permit that we currently have. And so we might be able to start that sometime in the late May – early June timeframe.

Mr. Roberts: And Nate, just for Mark's benefit more than anything, what we're talking about doing is these back sections of these buildings. And Nate, correct me if I'm wrong, but so basically that part back there is what you're talking about (*holding up a picture to Nate*).

Nate Embrey: Yes, everything from where it's collapsed.

Mr. Roberts: So, from here back, look at demolishing that stuff.

Nate Embrey: And what's saved are the portions like from the street to where the collapses happened.

Mr. Roberts: And these were additions onto these buildings.

Nate Embrey: Yes.

Mr. Roberts: Several different structures. Sorry, Nate, go ahead.

Nate Embrey: Yes, so that's it. So there are a number of things that we can do that start small that do start before the end of April. And then there's a long tail, a bit of a long tail at the beginning to be able to get the drawings done that would help us be able to get it done for the budget that you see there. There's, I don't, I'm not pretending that the drawings that we did before, like we will not use those now. But I also spent 80 grand on those to make sure that we were moving, we could find out what we did and then we're able to get to this point, to have a viable plan to have them rehabilitated.

Mr. Roberts: I guess, Matt and John, what are your opinions from the city administration's standpoint because...I mean that's the thing. We are Council. We don't have day-to-day operational stuff to do with this.

Matt Schley: Well first I'll start out by saying we, the city in partnership with the county and the Port Authority, has done a phase 1 and phase 2 assessment that should have included an asbestos survey.

Nate Embrey: It did not.

Matt Schley: I would go back through and make sure.

Nate Embrey: It did not. We had that reviewed by a consulting agency.

Matt Schley: Then I will find out from our consultant because that was included in their price.

Nate Embrey: Yes, that would be great.

Matt Schley: Yes. So, from our perspective, as long as work is being conducted, we have no major issue. However, we do agree with you, Mr. Roberts, and the rest of this committee that if that building does become an issue, our hands will be forced, and we'll have to do something about it. There is no question that nobody in this room caused any of those problems that occurred. And we do commend Mr. Embrey for working on this and trying to rectify the situation. John and I have discussed making sure what pieces we have in place to make sure that the project continues to move forward. We have thrown around the idea of a demolition bond to ensure that the project continues to move forward. Knowing what I know on plan development and approvals, those things take time. So, I would be more apt to have a discussion after plans have been submitted and drawn, about that prospect.

Mr. Roberts: And to that point, Nate. Have plans been submitted?

Nate Embrey: So, the original plans by Derwacter and APG were submitted and approved. But those plans, what those plans prescribe is there's no way to get that done for less than 2.2 million dollars.

That's the reason we need to get, and I'd actually love if, Chris drove down and I'd love for him to just be able to at least just say what his take is on the project and having done these before.

Mr. Roberts: Sure, no problem. So, the new set of plans, have they been submitted?

Nate Embrey: The new set of plans need to be done.

Mr. Roberts: Oh, they need to be done?

Nate Embrey: That's the reason there's a space at the beginning where there's going to be less happening, and we need to be doing the smaller stuff as a ramp up.

David Tarbert: Mr. Chairman?

Mr. Roberts: Mr. Tarbert, I think.

David Tarbert: Yes, sorry. And this is not personal against Nate, but look, this is the 3rd or 4th meeting the last 3 or 4 years where Nate comes in, he makes promises, he's going to make changes, he's going to do things, he's going to secure these buildings, and then nothing happens. This is the 3rd or 4th meeting at least. I can talk to Matt about that, but where Nate comes in to a committee, to a group, to administration, he makes promises, and then nothing happens. He comes back, and he gives a good speech again, and he makes more promises, and nothing's happening. And those buildings are likely to fall down, and when they do, we're going to get sued because we've not forced his feet to the fire. So if you want to get a demolition bond, if you want to force him to get insurance so that he covers any risk or that he covers the risk of demolition, that's fine. And again, I don't mean to get out of my lane. I know I'm no longer on City Council, but I have concerns that we're just doing nothing except giving this guy more time because he spins a good yarn.

Mr. Roberts: Okay, to the point, and I remember from our conversations in the past, the property is still uninsurable, right?

Nate Embrey: Absolutely.

Mr. Roberts: Okay, to the point of a demolition bond, and which I have never entered this realm before, but I assume that there are several purveyors of such bonds, have you looked into that Nate?

Nate Embrey: I've looked into it, yep. That's something we would consider of course. Also, I just have to take issue with that. It's actually amazing that someone would say that we haven't done anything. I mean, one of those buildings, the entirety of the backside that collapsed has been completely and totally removed. It's clean. The shoring that we did is not nothing. The rest of the roof that was there that was a problem that we were asked by the former Code Enforcement person to fix to take some pieces down, we took the entire roof down. Like, I've spent...

David Tarbert: That was three years ago.

Nate Embrey: This was not three years ago.

David Tarbert: When the scaffolding was pulled up is when Mr. Smith was here, and that was years ago.

Nate Embrey: Okay.

Mr. Roberts: Okay, let's not...

Nate Embrey: This feels a little inappropriate and wrong.

Mr. Roberts: Okay.

Nate Embrey: Let's let the record say that.

Mr. Roberts: It has been a process. Let's not get into a personal battle in the midst of this committee meeting. I understand both sides of it. Our path needs to be forward, not what has happened in the past. Nate, I know to David's point, we have had these discussions many times. We are going to have to see something soon. I guess that's what I'll leave you with. Like I told you before, no, I'm not going to just up and authorize the funds of this. But more than likely, if it comes to that, it's not going to come to us because it's just going to be an emergency issue. I mean, things happen, and then people have to act. So, if that happens, we're hands off of it. They have to do whatever they have to do by their authority. So, August, you're looking at boots on the ground? It's April, middle of April right now, so we've got...

Nate Embrey: If we don't start demolition in the end of May, beginning of June.

Mr. Roberts: So, you think the back...Let's do baby steps.

Nate Embrey: Yep, that's all I want to do.

Mr. Roberts: Okay. The back end off the alley, you're thinking you can have that stuff done by the end of May?

Nate Embrey: No, started.

Mr. Roberts: Started?

Nate Embrey: Yes, because in the current plan that is not started until after the plans are submitted, but it's covered. We got that approved under the current permit.

Mr. Roberts: Okay.

Matt Schley: Mr. Roberts? I have one quick question. So, the demolitions plans aren't changing. Those are just going to stay the same. In terms of for, I'm asking from the original set of plans, you have a set

of demos and a set of reconstruction. So the original demos are staying the same as was approved by Jason? I just wanted to clarify that because if somebody's going to be drawing that, I don't know the date somebody could get done in time.

Nate Embrey: Can I have Chris speak to that briefly?

Mr. Roberts: Sure.

Nate Embrey: He would know better.

Mr. Roberts: If you can just give us your name and address, please.

Chris Smith: Chris Smith with Premier Commercial Construction, P.O. Box 951, New Albany, Ohio. So, the drawings that have been already approved by the county include the demolition of the rear sections and the interior demolition of the front three story sections. That was the original plan. When we first got involved, we didn't know what the condition of the front of the three story section was, so we had Feick come down, who is a registered architect, evaluate. We did a walkthrough of all three floors of the front section. He did an inspection and wrote the letter that you guys now have, the stamped letter that you have, saying the front section was stable, there's no movement, there's no signs of any failures. The roof is not even leaking in that front section. So basically that's where we are at with that. So from there, we decided we could just remove the rear sections that have failed and be able to, basically build a new rear structural wall, keep the front sections, and remove everything to the rear. So where we are at is where the demolition could proceed at any time under the current permit; we wouldn't be completing all of that demolition because that permit included all of the interior of the front section, which we won't be doing, being that's already approved and could proceed.

Matt Schley: My question was, you've answered my question. I just wanted to make sure because when you changed architects and you changed engineers at times. Everyone has their own different way of doing things. The question was, are you going to have to go back and have those plans redrawn because in that case, I wouldn't see May being feasible. If you're able to work off the original plans, I think May is a feasible timeframe. How many weeks are we talking on this back portion?

Chris Smith: For a demo? I think we had in, I think you have the schedule. I don't want to say the wrong duration here. I think it was approximately a month is what we had in. And that includes, since we've got to demo that, and then backfill that basement.

Matt Schley: I apologize Mr. Chair.

Mr. Roberts: No, no, you're fine.

Chris Smith: Yes, we actually had, so we had three weeks for demolition and backfill and then from there, we would move into rear wall footers and things like that. And before we would actually start the demo, we have some mobilization work to do as far as we built, right now the access to the basement and the first floor isn't really safe. So we built a new, safe stairways to the basement and from the first

floor to the second floor for our crews to move through the building. We would do the asbestos survey and abatement before any demolition work would obviously starts. And do any of those type of safety things before we actually started demolition. So there would be a couple weeks of that. And during that time, we would be mobilizing, temporary fencing in the alley. We are going to have to have AEP shut off the power to those lines in the alley while we're working back there, and do some things like that so there's coordination and mobilization work that has to happen before stuff starts coming down.

Matt Schley: Makes sense.

Mrs. Osborn: Mr. Chair?

Mr. Roberts: Mrs. Osborn.

Mrs. Osborn: Does this get more complicated too because we're getting in the summer months where there's going to be more foot traffic too, right? That's a safety concern.

Mr. Roberts: Well, that alley has been closed. The alley is still closed, right John?

Mr. Benson: From the split alley, it's closed, but it's still accessible from Sixth Street.

Mr. Roberts: Right, but the portion directly behind? No, it's not closed? Okay. It was at one point.

Mr. Benson: It was.

Mr. Roberts: Okay.

Mrs. Osborn: It was. There were barricades.

Mr. Roberts: Well, but during demolition, I'm assuming there will be a barricade permit on that?

Mr. Benson: They have to have a barricade permit front and back to impinge for a fallout.

Matt Schley: Nate, correct me if I'm wrong. We opened that alley back up for you to do some work back there, right? Okay, yes. Because we had jersey barriers at the end of each of the alleys.

Nate Embrey: Which was happening this year. Just for clarification, the work.

Mr. Roberts: Billie, do you have it off the top of your head what our next Safety meeting is scheduled for? And I might have to make changes to those because Rob had them quarterly, I think.

Billie Corns: Yes, I think there were going to be some changes, but this one here was June 5.

Mr. Roberts: Well, regardless, so we're at the 17th of April now. Do you have the Council calendar there, by any chance? We'll go ahead and set a meeting towards the end of May to revisit this. How does that sound?

Nate Embrey: Sure, great.

Mr. Roberts: Any major objection from administration on that? Okay. All right, anything else from the committee? Anything else you guys had for us? Anything else for the good of the order? I'll entertain a motion to adjourn.

Mrs. Osborn: So moved.

Mr. Ballmer: Second.

Mr. Roberts: A motion and a second. All those in favor, aye. Opposed, the same sign.

A voice vote was taken with all present in favor. None were opposed.

Mr. Roberts: Motion carries. We stand adjourned. Thank you all.

Mr. Andy Roberts, Chairman

Billie Corns, Clerk for Council