

**MINUTES  
OF THE  
REGULAR MEETING  
OF  
LAKEWOOD CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
12650 DETROIT AVENUE  
March 5, 2018  
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:41 PM by Council President O'Leary.

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Present: David Anderson, Thomas R. Bullock III, Meghan George, John Litten, Samuel T. O'Leary, Daniel J. O'Malley, Tristan Rader.

Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Public Works Director Beno, Planning and Development Director Sylvester, Police Chief Malley, Fire Chief Gilman, Human Resources Director Yousefi.

Reading and disposal of the minutes of the Regular Meeting of Council held February 20, 2018. Motion by Mr. O'Leary, seconded by Mr. Anderson, to approve the minutes without the necessity of a reading.

Motion adopted. All members voting yea.

**\*\*\*\*\*OLD BUSINESS\*\*\*\*\***

*Without objection from Council, item 22 was brought forward to the beginning of the agenda.*

1. Committee of the Whole Reports regarding Committee Meetings of 2/5/18, 2/26/18 and 3/5/18 (To be Provided)

Committee of the Whole met immediately prior to this meeting. On our agenda were four items. One was the topic generally of Board and Commission appointments. And then we had two appointments to the Community Reinvestment Area Housing Council. We had two of those resolutions and also the resolution creating the Resiliency Task Force. We had discussion on all three. With respect to Resolution 8980-18, the first of the Community Reinvestment Area Housing Council, we decided to insert the name Colleen Zettler into the blank. Ms. Zettler is a currently serving member of the Community Reinvestment Area Housing Council and has expressed interest in serving a second term. Notably, the Community Reinvestment Area Housing Council has not met in the past three years, so Ms. Zettler was not truly afforded the opportunity to participate. With respect to Resolution 8981-18, we did have some discussion with the individual who was serving in that role who may



Motion by Mr. O'Leary, seconded by Mr. Anderson to insert the name Colleen Zettler into the blank.

Motion adopted. All members voting yea.

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt as amended with the name Colleen Zettler in the blank.

Yeas: Anderson, Bullock, George, Litten, O'Leary, O'Malley, Rader

Nays: None

Motion adopted. Resolution 8980-18 adopted as substituted.

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3. **RESOLUTION NO. 8981-18** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing                     (second appointee)                     to the Community Reinvestment Area Housing Council for the three year term beginning January 1, 2018 and ending December 31, 2020. (REFERRED TO THE COMMITTEE OF THE WHOLE 1/16/18, DEFERRED 2/5/18, DEFERRED 2/20/18) (Pg. 7)

Motion by Mr. O'Leary, seconded by Mr. Anderson to defer.

Motion adopted. All members voting yea.

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4. **RESOLUTION NO. 8987-18** – A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds members of Council, or otherwise to take effect at the earliest period allowed by law, establishing the Resiliency Task Force for purposeful planning and advising the administration on matters including but not limited to the local effect of climate change, globalization, population growth, overconsumption, housing insecurity, rising healthcare costs in the City of Lakewood, all in view of the goals set forth in the Community Vision (REFERRED TO THE COMMITTEE OF THE WHOLE 2/20/18) (Pg. 8)

Motion by Mr. O'Leary, seconded by Mr. Anderson to substitute the version of 8987-18 recommended by Committee of the Whole that is before us on the dais this evening.

Yeas: Anderson, Bullock, George, Litten, O'Leary, O'Malley, Rader

Nays: None

Motion adopted. Resolution 8987-18 substituted.

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt the substituted version of Resolution 8987-18.

Yeas: Anderson, Bullock, George, Litten, O'Leary, O'Malley, Rader

Nays: None

Motion adopted. Resolution 8987-18 adopted as substituted.

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5. Finance Committee Report regarding Municipal Capital Lease Ordinance 17-18 & Ordinance 19-18 Transfer & Advance. (Note Ordinances 7-16(-18) were recommended for adoption after full 3 readings at 2/20/18 meeting) (To Be provided) O'Malley; Chair

The Finance Committee met this evening and discussed Ordinance 17-18 which has to deal with equipment leases. We began this discussion at our last meeting and continued it this meeting. The items to be leased include our early warning siren, some street vehicles: a street sweeper, 4-5 police vehicles per year and then two refuse trucks as well. The ordinances that we'll be considering this evening contain several substitutions, the first being the amended ordinance includes the name of the financial institution which is U.S. Bank. The lease rate will be 3.01% with the exception of the police vehicles which will be 2.64% due to the shorter lease term. The City also received an \$11,000 grant from the Northeast Ohio Regional Sewer District which we discussed, which will reduce the cost of the street sweeper and also includes an exhibit that details the fleet and refuse division's packer trucks. We had some discussion on this and descriptions from Director Pae. The Committee recommended 2-0 that Council adopt this ordinance. We then talked about the quarterly transfer and advance Ordinance, Ordinance 19-18. It includes several transfers including Office on Aging, Hospitalization, Workers' Comp, and a series of debt service payments as well. It also includes several advances from various funds into the General Fund including Winterhurst, Family to Family, Emergency Shelter Grant and CDBG. The Committee voted 2-0 to recommend adoption of that Ordinance as well. That concludes my report.

Motion by Mr. O'Leary, seconded by Mr. Anderson to receive and file the report.  
Motion adopted. All members voting yea.

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6. **ORDINANCE NO. 7-18** - AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes in the amount not to exceed \$21,687,000 in anticipation of the issuance of bonds to pay costs of 2016 & 2017 issued one year Bond Anticipation Notes. (1<sup>ST</sup> READING WAS REFERRED TO THE FINANCE COMMITTEE 2/5/18, 2<sup>ND</sup> READING, RECOMMENDED FOR ADOPTION & DEFERRED 2/20/18) (Pg. 21)

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt Ordinance 7-18.  
Motion adopted. All members voting yea.

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7. **ORDINANCE NO. 8-18** – AN ORDINANCE authorizing issuance of special obligation Income Tax Revenue Notes not to exceed \$160,000 for City Parking Lot Resurfacing. (REFERRED TO THE FINANCE COMMITTEE 2/5/18, 2<sup>nd</sup> READING, RECOMMENDED FOR ADOPTION & DEFERRED 2/20/18) (Pg. 30)

Motion by Mr. O’Leary, seconded by Mr. Anderson to adopt Ordinance 8-18.  
Motion adopted. All members voting yea.

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8. **ORDINANCE NO. 9-18** – AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes not to exceed \$375,000 for Police Firing Range. (REFERRED TO THE FINANCE COMMITTEE 2/5/18, 2<sup>nd</sup> READING, RECOMMENDED FOR ADOPTION AND DEFERRED 2/20/18) (Pg. 39)

Motion by Mr. O’Leary, seconded by Mr. Anderson to adopt Ordinance 9-18.

*Discussion:* Mr. O’Leary and Mr. O’Malley made remarks explaining the legislative history of the finance – related ordinances, noting that they have been heard in Finance Committee and were also addressed during budget hearings in December.

Motion adopted. All members voting yea.

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9. **ORDINANCE NO. 10-18** – AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes not to exceed \$375,000 for Parks Improvements. (REFERRED TO THE FINANCE COMMITTEE 2/5/18, 2<sup>ND</sup> READING; RECOMMENDED FOR ADOPTION AND DEFERRED 2/20/18) (Pg. 48)

Motion by Mr. O’Leary, seconded by Mr. Anderson to adopt Ordinance 10-18.  
Motion adopted. All members voting yea.

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10. **ORDINANCE NO. 11-18** – AN ORDINANCE authoring the issuance of special obligation income tax revenue notes not to exceed \$475,000 for Municipal Building Roof Improvements. (REFERRED TO THE FINANCE COMMITTEE 2/5/18, 2<sup>ND</sup> READING AND 2<sup>ND</sup>, READING; RECOMMENDED FOR ADOPTION AND DEFERRED 2/20/18) (Pg. 57)

Motion by Mr. O’Leary, seconded by Mr. Anderson to adopt Ordinance 11-18.  
Motion adopted. All members voting yea.

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11. **ORDINANCE NO. 12-18** – AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes not to exceed \$700,000 for Sidewalk Improvements. (REFERRED TO THE FINANCE COMMITTEE 2/5/18, 2<sup>ND</sup> READING; RECOMMENDED FOR ADOPTION AND DEFERRED 2/20/18) (Pg. 66)

Motion by Mr. O’Leary, seconded by Mr. Anderson to adopt Ordinance 12-18.  
Motion adopted. All members voting yea.

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12. **ORDINANCE NO. 13-18** – AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes not to exceed \$1,325,000 for Lake Avenue Improvements (Belle Avenue. To W. 117<sup>th</sup>) (REFERRED TO THE FINANCE COMMITTEE 2/5/18, 2<sup>ND</sup> READING, RECOMMENDED FOR ADOPTION AND DEFERRED 2/20/18) (Pg. 75)

Motion by Mr. O’Leary, seconded by Mr. Anderson to adopt Ordinance 13-18.  
Motion adopted. All members voting yea.

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13. **ORDINANCE NO. 14-18** – AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes not to exceed \$2,315,500 for Water Line Replacements. (REFERRED TO THE FINANCE COMMITTEE 2/5/18, 2<sup>ND</sup> READING; RECOMMENDED FOR ADOPTION AND DEFERRED 2/20/18) (Pg. 84)

Motion by Mr. O’Leary, seconded by Mr. Anderson to adopt Ordinance 14-18.  
Motion adopted. All members voting yea.

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14. **ORDINANCE NO. 15-18** - AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes not to exceed \$2,375,000 for Sewer Improvements. ((REFERRED TO THE FINANCE COMMITTEE 2/5/18, 2<sup>ND</sup> READING; RECOMMENDED FOR ADOPTION AND DEFERRED 2/20/18)Pg. 93)

Motion by Mr. O’Leary, seconded by Mr. Anderson to adopt Ordinance 15-18.  
Motion adopted. All members voting yea.

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15. **ORDINANCE NO. 16-18** - AN ORDINANCE authorizing the issuance of special obligation income tax revenue notes not to exceed \$2,500,000 for Wastewater Treatment Plan Digester Improvements. (REFERRED TO THE FINANCE COMMITTEE 2/5/18)

(REFERRED TO THE FINANCE COMMITTEE 2/5/18, 2<sup>ND</sup> READING;  
RECOMMENDED FOR ADOPTION AND DEFERRED 2/20/18) (Pg. 102)

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt Ordinance 16-18.  
Motion adopted. All members voting yea.

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16. **ORDINANCE NO. 17-18** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of two thirds members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Director of Finance to enter into Equipment Leases in forms approved by the Director of Law on behalf of the City of Lakewood. (“City”). (REFERRED TO THE FINANCE COMMITTEE 2/5/18, 2<sup>ND</sup> READING; RECOMMENDED FOR ADOPTION AND DEFERRED 2/20/18) (Pg. 111)

Motion by Mr. O'Leary, seconded by Mr. Anderson to substitute Ordinance 17-18.  
Yeas: Anderson, Bullock, George, Litten, O'Leary, O'Malley, Rader  
Nays: None  
Motion adopted. Ordinance 17-18 substituted.

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt Ordinance 17-18 as substituted.  
Yeas: Anderson, Bullock, George, Litten, O'Leary, O'Malley, Rader  
Nays: None  
Motion adopted. Ordinance 17-18 adopted as substituted.

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17. **ORDINANCE NO. 19-18** – AN ORDINANCE to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the transfer and advance of certain funds. (REFERRED TO FINANCE COMMITTEE 2/20/18) (Pg.114)

Motion by Mr. O'Leary, seconded by Mr. Anderson to defer.  
Motion adopted. All members voting yea.

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18. Public Safety Committee Report regarding Resolution 8970-17. (To Be Provided).  
Chair; Bullock.

The Public Safety Committee met tonight. All members of the Committee were present. In fact, all members of Council were present. We heard a report from Chief Malley and the Chief of the Cleveland Clinic Police Department about the Resolution and about the draft memorandum of understanding that the Resolution proposes to authorize. In a nutshell, what that would do would be to authorize anew a working agreement between the Cleveland

Clinic Police Department and the City of Lakewood's Police Department for three years between December 31, 2017 and December 31, 2020 for conducting police activities in Cleveland Clinic owned facilities in Lakewood and a small radius around those facilities. We discussed at length the terms and specifics of police activity and rules of engagement. The Chief of Police is satisfied that it is compatible with and in fact helpful to the safety and conduct of police work in the City and so recommended adoption. The Committee also recommended adoption to Council tonight.

In a nutshell, what the Cleveland Clinic Police force does is to provide for safety at its own expense within the facility and does a good job of taking care of safety-related matters within the Clinic facility so that the Lakewood Police are free to do other activities. Because of the oversight conducted by our Police Chief and because of our experience for the past several years in a similar agreement that had been in place successfully, the Committee was satisfied and so made its recommendation.

Motion by Mr. Bullock and seconded by Mr. O'Leary to receive and file the oral report.  
Motion adopted. All members voting yea.

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19. **RESOLUTION NO. 8970-17** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Mayor to enter into an amended agreement with the Cleveland Clinic Foundation (CCF) which will allow police officers employed by the Cleveland Clinic Police Department to exercise limited police powers within the City of Lakewood on and around hospital property owned or operated by CCF. (REFERRED TO THE PUBLIC SAFETY COMMITTEE 12/4/17) (Pg. 116)

Motion by Mr. Bullock and seconded by Mr. Litten to adopt Resolution 8970-17.

Ms. George expressed interest in taking additional time to weigh the pros and cons of the subject matter.

Motion by George and seconded by Rader to defer Resolution 8970-17.

Mr. Bullock stated that deferral of the Resolution would increase the work load and increase the cost to the Lakewood Police. He explained the Resolution as an agreement that divides the workload to the benefit of the City. He stated that without the Cleveland Clinic Police there may be a decline of safety and police presence on site.

Mr. O'Malley remarked that while the Resolution has been before Council since 2017, the matter received only brief discussion in Committee. He expressed willingness to allow for more time as long as it does not jeopardize the agreement.

Mr. O'Leary expressed support for deferral to allow more time for colleagues and because he opposes the Resolution and the memorandum of understanding. He explained his opposition, stating that the work of public safety should be conducted by public forces accountable to the public. He expressed doubt that officers of the Cleveland Clinic Police Department would receive the same treatment as officers of the Lakewood Police Department in a situation requiring discipline. He questioned the need for Cleveland Clinic to have its own private police department and suggested that if there are true safety concerns about downtown that they be addressed as a stand-alone issue.

Mr. Bullock provided examples of cases where on-site safety forces would be preferable such as cases of trauma, drugs, and gun violence in the Cleveland Clinic ER. He asked Chief Malley to explain if and how the MOU affects LPD officer staffing levels.

Chief Malley remarked that the MOU can be amended to address concerns about the handling of officer misconduct. He noted that the Cleveland Clinic Police Department is larger than the LPD and so Lakewood sees it as adding resources to the City's public safety effort. He explained the Cleveland Clinic public safety staffing. Cleveland Clinic staffs its facilities with sworn officers during its day shifts. As a result, LPD would not have to respond to criminal activity issues during that time. During afternoon and evening shifts, Cleveland Clinic hires off-duty LPD officers. If the MOU is not approved, Cleveland Clinic would maintain security officers on duty 24/7 and they would have to make arrangements to hire more off-duty Lakewood Police officers or Sheriffs to cover their day shifts.

Mr. Litten expressed support for the Resolution but is also agreeable to deferral to allow colleagues more time. He asked for an explanation of any problems resulting from operating without an MOU.

Director Butler explained that the original lease permits amendment by mutual agreement but that that cannot go on indefinitely.

Mr. Anderson argued that because the Cleveland Clinic Police Department is subject to subject to Ohio Sunshine Laws, due process laws, and public records requests that it is basically a public police department. He asked Chief Malley how easy it is to have off duty officers accept shifts at Cleveland Clinic.

Chief Malley responded that LPD does not do the scheduling for Cleveland Clinic. Off-duty work is approved by the Chief of Police but not scheduled or managed by the Chief. If Cleveland Clinic is unable to fill a shift with an LPD officer it is filled with a Cleveland Clinic sworn officer. He explained the work performed by the sworn officers in the ER – such as dealing with people coming in with contraband, drugs, or weapons, acting disorderly or intoxicated. He stated that it is a benefit to LPD to have a Cleveland Clinic sworn officer present to handle these situations so LPD does not have to take an officer off the road to respond to these calls.

Mr. Anderson expressed openness to additional conversation but not at the expense of not having arrest authority at the Cleveland Clinic emergency room. He suggested extending the lease for a more limited period of time to allow for the additional conversation.

Director Butler clarified that deferring the matter for another few weeks would likely not pose problems for the MOU.

Mr. Bullock suggested that members with additional questions speak directly with Chief Malley, the Mayor or Law Director. He requested that the administration extend the agreement with Cleveland Clinic until Council takes action.

Mayor Summers mentioned the Clinic's multiple facilities and discussed its expected patient volumes, pointing out how busy it is and how much busier it is expected to be with the opening of the new Family Health Center.

Mr. Rader stated that his mind is not made up on the Resolution and asked if the Cleveland Clinic Police Department is unionized. The administration did not know if the Department was unionized.

Mr. Butler clarified the process by which the lease would end, should the City choose to take that path.

Mr. Anderson remarked that the matter has been on the docket for months and that the City has gone long enough without a formalized agreement. He made a case for passage tonight, pointing out that the City has the power to unilaterally end the agreement in the future.

Director Butler clarified that the Resolution will remain on the floor unless a separate motion is made to refer it back to Committee.

On the motion to defer:

Yeas: George, Litten, O'Leary, O'Malley, Rader

Nays: Anderson

Abstain: Bullock

Motion adopted. Resolution 8970-17 deferred.

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20. Public Works Committee Report regarding Resolution 8986-18. (To Be Provided) Chair; Rader.

Today we had a committee meeting. All were present. We discussed one resolution – the NOPEC grant that came before us. Our City has the opportunity to accept a \$216,000 grant from NOPEC. This resolution gives the City and the Mayor authority to go ahead and put in for that grant. There will be a separate hearing to decide at a later point this year what to do with that money. It must be used to further our renewable energy infrastructure. A lot of great ideas came out of that meeting including rechargeable car stations. The Mayor also brought

up possibly including solar panels here on our City Hall to move toward a net zero energy use. There's a lot we can do with it and this Resolution allows us to go after it. We then recommended that we adopt that tonight.

Motion by Mr. Rader, seconded by Mr. O'Leary to receive and file the oral report.  
Motion adopted. All members voting yea.

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21. **RESOLUTION NO. 8986-18** – A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the City of Lakewood to take all actions necessary to accept Northeast Ohio Public Energy Council (NOPEC) Energized Community Grant(s). (REFERRED TO PUBLIC WORKS COMMITTEE 2/5/18) (Pg. 130)

Motion by Mr. O'Leary, seconded by Mr. Anderson to adopt Resolution 8986-18.  
Motion adopted. All members voting yea.

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**\*\*\*\*NEW BUSINESS\*\*\*\***

22. Communication from Police Chief Malley regarding \$1,200 Donation from Discount Drug Mart to K-9 Unit. (Pg. 139)

*Discussion:* Councilmember O'Leary expressed thanks to Discount Drug Mart for their support of the Lakewood Police Department and the canine unit and for their support of the community. He acknowledged DDM for being an overall great community partner and noted the multiple events they have supported in the past.

Motion by Mr. O'Leary and seconded to receive and file the communication.  
Motion adopted. All members voting yea.

Ian Andrews, Executive Director of Lakewood Alive

Mr. Andrews explained the extent of Discount Drug Mart's fundraising efforts for the LPD canine unit during the 2017 Spooky Pooch Parade and remarked on their other community contributions.

The General Manager and Assistant General Manager of the downtown DDM were present and thanked Lakewood Police Department for all of their work and responsiveness. They presented the City with a ceremonial check representing their \$1,200 donation.

23. Communication from Law Director Butler regarding Ordinance adding formerly chartered special assessment provisions to the Code following passage of Third Amended Charter. (Pg.140)

Motion by Mr. O’Leary, seconded by Mr. Anderson to receive and file the communication.  
Motion adopted. All members voting yea.

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24. **ORDINANCE NO. 20-18** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, enacting Chapter 141, Special Assessments, of the Codified Ordinances of the City of Lakewood in order to codify certain provisions with respect to the special assessment process for public improvements. (Pg. 141)

Motion by Mr. O’Leary, seconded by Mr. Anderson to refer Ordinance 20-18 to Rules & Ordinances Committee.

Director Butler remarked that should Ordinance 20-18 enacting Chapter 141 be adopted then the current Section 141 reserved for the Boxing and Wrestling Commission will be removed.

Motion adopted. All members voting yea.

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25. Communication from Law Director Butler regarding 2017 4<sup>th</sup> quarter codification ordinance. (Pg. 149)

Motion by Mr. O’Leary, seconded by Mr. Anderson to receive and file the communication.  
Motion adopted. All members voting yea.

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26. **ORDINANCE 21-18** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force at the earliest period allowed by law, to approve the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter. (Pg. 150)

Mr. O’Leary explained the nature of the ordinance and that these routine ordinances are not typically referred to committee unless explicitly requested by Councilmembers.

Motion by Mr. O’Leary, seconded by Mr. Anderson to defer.  
Motion adopted. All members voting yea.

**\*\*\*\*PUBLIC COMMENT\*\*\*\***

Steve Lamantia –

Mr. Lamantia asked questions about the Foundation Planning Task Force’s policies and procedures regarding transparency and accountability to the public.

Mr. O’Leary clarified that the Three Arches Foundation is the successor to the former Lakewood Hospital Foundation, the private non-profit entity. Separately, the City will be starting its own health and wellness foundation and the Foundation Planning Task Force is working to plan that.

Mayor Summers clarified that the Foundation Planning Task Force has been meeting since last summer and all of its meetings have been noticed and open to the public. He provided a brief update on the work and progress of the Task Force.

**\*\*\*\*ANNOUNCEMENTS\*\*\*\***

Mr. O’Leary announced the Mayor’s State of the City address will take place Wednesday at City Hall.

Mayor Summers announced that David Turner, External Affairs Manager with CEI has also been appointed to the Resiliency Task Force and was present for most of the meeting.

Mr. O’Malley acknowledged the Fire Department and Police Department for responding to a significant fire on Arliss Ave. this morning.

Motion by Mr. O’Leary, seconded by Mr. Anderson to adjourn the meeting.

Motion adopted. All members voting yea.

Meeting adjourned 8:53 PM.

Approved: \_\_\_\_\_

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CLERK

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PRESIDENT

