

REGULAR CITY COUNCIL MEETING
May 8, 2018

The Regular City Council Meeting was called to order by Mayor Bronson in the Council Chambers at City Hall at 7:00 p.m.

Roll Call:

Present: Temple, King, Riddle, Couture, Lavender and Bronson

Absent: Kwiatkowski

Councilman King moved to excuse Councilwoman Kwiatkowski; supported by Councilman Lavender. Motion carried.

Councilman Temple led the Pledge of Allegiance to the Flag.

Public Comments:

Pool Tournament - Ms. Trudy Lofgren stated she sees a lot of checks for the Pool Tournament inquiring if the City covered the expenses and did okay. City Manager Eustice replied we basically pocketed about \$5,000.00, noting it was a great event and will certainly look at continuing that next year. We may have to incur an expense because it is a concrete floor and the players do not like to play on that surface so the City is going to buy some indoor/outdoor carpeting, without the padding, that will make an unbelievable difference. He then stated it is a great time of year to have a Pool Tournament.

Mediation with Inverness Township & County - Ms. Trudy Lofgren asked what can be told as to the hold-up. City Manager Eustice noted she is talking about the development project, stating there have been two mediation meetings and there is another scheduled for May 25. He thinks the Township is looking in a different direction as far as what they want to do, adding he cannot disclose a lot of detail about it. The Township has a different plan they are investigating at this point to see if it is feasible to do something other than a 425 Agreement and/or a Utility Service Agreement. He then stated Inverness Township is considering possibly changing the Sewer Agreement, as this is part of the Township's thought process at this point. Ms. Lofgren asked if the City Manager thinks this might work out. City Manager Eustice replied in the City's mind it is certainly not the best option and does not think it is the right thing to do, but the project is in Inverness Township and it is up to them to manage it. He went on to state he certainly does not think it is in the best interest of the community, the school system, the County, any of us.

Approval of Agenda, and Receive and File all Communications:

City Manager Eustice noted he has an addition to the Agenda, 9-B, which is a Resolution of Acceptable Financial Transaction Devices, which the Clerk/Treasurer just passed out, explaining State Law requires that if you are going to receive payments by electronic devices, such as credit cards, the legislative body of that community has to pass a Resolution basically approving that it is okay for the Treasurer to accept payments from financial transaction devices.

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Councilman King moved to approve the Agenda, with the addition of 9-B, and receive and file all communications; supported by Councilwoman Riddle. Motion carried unanimously.

Approval of Prior Meeting Minutes:

Councilman Lavender moved to approve the Regular City Council Meeting Minutes of April 11, 2018 as presented; supported by Councilman Temple. Motion carried unanimously.

Councilman King moved to approve the Regular City Council Meeting Minutes of April 24, 2018 as presented; supported by Councilwoman Riddle. Motion carried unanimously.

Public Hearings:

■ **Second Reading - Ordinance to Repeal Chapter 152, Signs, and Chapter 154, Zoning, of the City of Cheboygan and Enacting a New Chapter 154, Zoning, of the City of Cheboygan** - City Manager Eustice stated we have had one public hearing on the new Zoning Ordinance; there were a couple of questions in the first public hearing, being: (1) barbed wire fences (reviewed with Dick Carlisle and they believe it is enforceable and manageable, so no changes were made and it kind of mirrors our Nuisance Ordinance, as well); and (2) concern with the change in numbering, which the Planning Commission has discussed at length in the process of looking at the new Zoning Ordinance. There was some concern that the format doesn't match our current format as far as the Charter and current Zoning Ordinances that we have. It changes from a Chapter, we can still put it under Chapter 154 Zoning, but then this document goes to Articles and then Sections, where our other Ordinances go from Chapter to Section numbers that include the Chapter. He then informed Council that this was planned and one of the reasons we are going to leave it as is is this will be an Appendix to Chapter 154 Zoning. It will basically be a separate document but part of the Ordinance and it will be digitized by Mr. Carlisle, be placed on-line and will be searchable. This means you can go on-line and bring up the Zoning Ordinance and type in what you are searching for. It will be much more user friendly. City Manager Eustice then explained you can still go on-line and look at the codification copy through American Legal. He thinks it is a very thorough document, noting Council will have to repeal Chapter 152, Sign Ordinance, which is a separate Chapter in our existing Ordinances, which is now in this document. Chapter 152 will basically be eliminated. Then 154 will be known as Appendix "A". Mayor Bronson asked if there needs to be changes in the future does it make it easier. City Manager Eustice replied yes, it makes it easier to edit this document going forward. He noted this is pretty standard and a lot of communities are going to this for that reason. Mayor Bronson commented part of the reason they started this adventure was to get some more flexibility in there to adapt to changes and make changes without all the hearings and the Planning Commission doing what they do and the Council doing what it does. City Manager Eustice said it is his opinion that this is a complete document and he will be happy to answer questions from the public. Should Council approve this document tonight, as it is written, it will not be effective for 20 days; it will also have to be published. Councilwoman Riddle asked if there needs to be a separate motion to repeal Chapter 152. City Manager Eustice explained it is all part of the same motion. Mayor Bronson then asked for any other discussion. He then closed the public hearing. Clerk/Treasurer Kwiatkowski informed Mayor Bronson that he has to open the public hearing to the floor for comments.

Mayor Bronson open the Public Hearing for comments.

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There were none.

Mayor Bronson then closed the Public Hearing.

Mayor Pro Tem Couture moved to adopt the Ordinance Re-Write Amendment as proposed; supported by Councilman King. A roll call vote was taken; motion carried unanimously.

Bills and Disbursements:

▪ **Prepaid Bills and Disbursements for the Month of April 2018.**

Councilman King questioned the expenditure to US Bank for principal and interest on 2004 G/O Bonds on how often paid. Clerk/Treasurer Kwiatkowski replied with regard to the 2004 General Obligation Bonds the principal is paid once per year and interest is paid twice per year, and it is typically the same for all our bonds. Mayor Pro Tem Couture inquired how long this Bond goes. Clerk/Treasurer Kwiatkowski answered 2024. Mayor Bronson inquired on the DDA capture on the Bonds. Clerk/Treasurer Kwiatkowski stated between the three bond issues, the DDA probably captures \$8,000.00 to \$10,000.00, noting we lost an additional \$10,000.00 to the Library.

Councilman King moved to approve the prepaid bills and disbursements for the month of April 2018 in the amount of \$609,600.32; supported by Councilwoman Riddle. A roll call vote was taken; motion carried unanimously.

▪ **Unpaid Bills and Disbursements for the Month of April 2018.**

Clerk/Treasurer Kwiatkowski pointed out the Council has an amended copy of the Unpaid Bills and Disbursements for the month of April 2018 as additional bills came in for Nye Uniform and for USA Bluebook. Councilman Lavender questioned the invoice for National Office Products for office supplies for the DDA, asking if it came out of the DDA budget. Clerk/Treasurer Kwiatkowski replied yes. Mayor Bronson pointed out there are two number 20's on the list.

Councilwoman Riddle moved to approve the unpaid bills and disbursements for the month of April 2018 in the amount of \$27,167.24; supported by Mayor Pro Tem Couture. A roll call vote was taken; motion carried unanimously.

General Business:

▪ **Consideration of MDNR Land Transaction Application.**

City Manager Eustice stated this is something we had some discussion about more than a month ago at Council. He knows there was some talk about not wanting to look at this property being transferred to us, and we still do not have to do that if Council does not want to. The process to obtain property from the Department of Natural Resources is an application process with a \$300.00 fee that has to go with the Application to the Finance and Operations Division Real Estate Services Section for review. This property is the property that sits north of the Cheboygan County Marina and is owned by the Department of Natural Resources. He went onto state the MDNR plan, when they purchased this property for \$300,000.00 in 2010, was to use it for a Port of Call for Great Lakes Cruise Ships. They really looked at the Port of Cheboygan and saw at that time that the City of Cheboygan was looking at developing a Port

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here and they basically wanted to be part of that. After some time they nixed that whole program; they had a plan, drawings and idea. They are no longer going to do that and have no plans for this piece of property. The property is 3.72 acres and about 35% of it is wetlands. Certainly the Yacht Club has some interest in it, but he thinks we have to look at it as transferring it to the City of Cheboygan for future growth and development. The DNR, at this time, is saying they are not going to do anything with it and would like to have it in the hands of the City of Cheboygan so we can develop it at some point. There really is no maintenance to it right now; the County Marina and County crew cuts part of this property so there is a clear site to the Straits from the County Marina. That is really all the maintenance that is done on it. City Manager Eustice went on to state there is no seawall and there is nothing that our Recreation Department or Department of Public Works would have to take care of at this point. The cost of doing this and making this transaction will likely be less than \$10,000.00. They are basically going to convey the property to the City, but the costs are real estate fees that they charge. It might not be anywhere near \$10,000.00 but are basically saying it will not exceed \$10,000.00. It could be that it is more in the \$7,000.00 range. We are going to have to pay those fees and the State will draft the deed and all the documents necessary to convey the property. There will be some deed restrictions on the property, one being that it must always be used for public purpose; we can't sell it to anybody else. If we want to sell it or get rid of it, it is going to have to revert back to MDNR and we won't get our money back of what we put into it. City Manager Eustice went on to state he thinks it does have some income producing income opportunities. He has had a couple of local fishermen that need a location; a place to park their fishing boats and they would lease those properties so he thinks we could over time recover our monies that we invest into it. The Yacht Club has some interest in it and if they do move forward with wanting to lease that property and build a building there, then it would be taxable as a building on leased land. The size of building planned would generate about \$4,000.00 in annual property taxes. Right now the MDNR pays \$4,400.00 in payment in lieu of taxes, so once that transfers to us that goes away; so temporarily next year, if we do it this year, that payment in lieu of taxes will stop because the City owns it. There is no guarantee that this will happen. Councilman Temple said that the City Manager is saying only about 65% of that land is useable. City Manager Eustice replied yes. Councilwoman Riddle questioned if that is the area between the Marina and the beach area and there isn't anything else in there besides that piece of property. Councilman Temple commented it is just past the fuel tanks for the Marina. City Manager Eustice informed Council that tonight the Council is not making a commitment to buy this property, we still would have to have a public hearing to actually purchase the property, noting the MDNR Real Estate Division may not approve it. There is a \$300.00 fee to make application. Once the MDNR knows we have interest in obtaining the property they will tell us what the fees are and what the cost is and we still have the right to say we don't want it; our cost in this would then be \$300.00. Mayor Bronson stated he was a little cautious at the beginning until we started talking about the fishermen, noting he has been talking to the commercial fishermen for about a year and when we sold the Port property we cut them out of a place to dock and they have been struggling since then to find a place to tie up. They have been going to St. Ignace and Hammond Bay, although they live in Cheboygan. He sees this as an advantage for us to offer that as someplace for them to tie up and for us to gain some revenue from that. Councilman King commented we are not anywhere where he wants to be as far as our Parks & Recreation meetings, but he still thinks if we look to the future to renovate and improve that area and make that park area for our City on the beachfront and a go to place for residents and tourists, he can see where that has potential

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to really fit in nicely. He is growing more and more in favor of this, but not necessarily putting a structure up there and leasing it. The fishermen would not really encroach too much on that area. City Manager Eustice commented it is a DDA property. Councilman Lavender asked how the leasing of it to the Yacht Club would work with deed restrictions. City Manager Eustice replied we will have to have City Attorney Stephen Lindsay look at that because he thought about that same issue, but the City does lease other public properties; the MDNR can't and that is one of the reasons they want to transfer it to the City because this property was purchased by MDNR Land Trust dollars and they have an agreement in their Land Trust that they cannot lease to any private or public entity which is why they have to convey it to us. They can't even lease it to the City as a public entity, but we can lease although he does not have a document to show Council as to why we can do that. The MDNR believes that we can and that is why they want to convey it to us. City Manager Eustice then reiterated that the City cannot sell the property, it would have to go back to the MDNR. Councilman Lavender stated if we are getting \$4,400.00 for tax revenue now on it, his concern is if we are adding public property to what we already have, he would like to see us be able to demonstrate we can take care of what we have before we add to it. He is not in favor of it. Councilwoman Riddle commented she is in favor of purchase of the land but is not in favor of going into a lease with plans to put a building up. That would limit the accessibility to the public, if there was a public area, by a group. Having a space the fishermen can dock up to she thinks is a good point, especially since through some fault of our own, they lost their availability of using the River space. She went on to state if it abuts up to the beach area and we expand the area on the water very close to the Crib Light, she thinks it is a nice location and as things progress with the Recreation Department, we have the availability of expanding. If some improvements could happen in that area of the DDA District that would be really nice. Councilwoman Riddle then commented she is in favor of it. Councilman Temple said he is thinking the same way as Councilman Lavender. If we are going to buy some more property, we should get rid of some of what we do have. We have an awful lot of vacant property that could stay vacant forever. City Manager Eustice said the City owns a lot of public property, there is no question about it. Councilman King stated he brought up many times that we should really look at the Major City Park area as far as getting land back on the tax rolls for commercial use. This is an opportunity we don't want to miss because he is looking ahead with the MDNR property, talking about a pavilion for shelter. That is what is tough to make a decision like this without a plan in front of Council. As far as price goes and the hit he feels it is something we can absorb and then move on once the Commission gets together with plans, but does not want us to sit on it either. Councilwoman Riddle asked if it would be possible to get a map that shows the different parcels of property that the City owns, so we can actually take a look at the different areas and some of the properties. She went on to state this is a prime location as it is right adjacent to the beach area, right on Lake Huron and is a very good location for a park. Some other locations we have might be able to be used for something else and we can pass those along. Councilman Temple stated it is not a swimmable area. Councilwoman Riddle commented it is adjacent to the swimmable area and some of the property is good sound land, while some of it is wetlands. She went on to state that Councilman King mentioned the possibility of a pavilion and she thought of a pavilion. There is a desire to put a pavilion up in the Gordon Turner Park area, so it gives us a foot to the River again after we sold the piece of land for the Port facility. So we now have a space on the River again that is accessible for the public; our residents would have access to the River again.

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Councilman King moved to approve the submission of the MDNR Land Transaction Application for acquisition of property north of the County Marina, approve the Application fee of \$300.00, and authorize the City Manager to sign the Application; supported by Councilwoman Riddle.

Councilwoman Riddle stated after the last meeting there was a question on whether the DDA or City was purchasing this piece of land and the comment was made that the City was purchasing. She then asked if there was a motion that the DDA supported the City's purchase. City Manager Eustice and Clerk/Treasurer Kwiatkowski both replied there is. Councilwoman Riddle said she just wanted that to go on record.

A roll call vote was taken. Yes votes: Riddle, Bronson, Couture and King; No votes: Lavender and Temple. Motion carried.

■ **Consideration of Resolution of Acceptable Financial Transaction Devices:** City Manager Eustice commented this is an addition to the Agenda, noting we are in the process of working with BS&A Software and Point & Pay, which will allow us to take credit card payments for utility billing, tax payments, and licensing & permit fees. State Law requires that a municipality or a governmental entity that is going to make financial transactions through electronic devices must adopt a Resolution to approve that. Basically the City Treasurer is responsible for those financial payments. He went on to state the Resolution lists those transactions that we can take by electronic device and the Clerk/Treasurer is responsible for determining the types of financial transaction devices that will be accepted because you can also take electronic checks, as well. City Manager Eustice noted this has to be approved by the legislative body to take those electronic payments. Clerk/Treasurer Kwiatkowski informed Council once this Resolution is passed we plan on going live tomorrow. We already tested it out at Citizens National Bank successfully so we are pretty good to go. City Manager Eustice noted there is training tomorrow at 2:00 p.m.; Point & Pay will be here to run us through some training sessions. Councilman King stated he understands the convenience fee will be passed on to the customer, which is common.

Councilman King asked how the nmo.net still even works, which was like 20 years ago. Clerk/Treasurer Kwiatkowski replied it works fine but it will probably be the first thing the new Clerk/Treasurer will change.

Councilman Lavender asked does the website go live tomorrow with the ability to pay on-line. City Manager Eustice replied it will be ready to go tomorrow, but it will be May 15 before you can actually make payments on line. We will be ready to roll.

Mayor Pro Tem Couture moved to adopt the Resolution of Acceptable Financial Transaction Devices; supported by Councilwoman Riddle. A roll call vote was taken; motion carried unanimously.

City Clerk's and Treasurer's Comments: None.

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City Manager's Report:

▪ **Interviews for Clerk/Treasurer Position** – City Manager Eustice informed Council they are in the process of doing interviews for the Clerk/Treasurer position, noting he and Clerk/Treasurer Kwiatkowski have conducted two interviews so far with another one on Friday followed by a couple scheduled for next Monday. He went on to state he thinks we have some good candidates and at this point looking at the resumes and the interviews we have conducted, all of them don't have a lot of accounting experience but thinks they are all pretty much trainable, but it is going to take some time for someone to come in and be comfortable. Everyone he has talked to so far has been pretty excited about the job and thinks we will find a candidate out of this round of resumes. He went on to state we had 17 resumes, had six interviews scheduled and am trying to schedule a couple more. A young man that is a CPA living in Lansing and a recent college graduate is trying to get up here for an interview, as it's been a little bit difficult for him to get off work. He is a new employee at the State level, working for the State Auditing Division in Lansing. Councilman King asked if the City Manager, after this slate is done, plans on having a second round to finalize a decision. City Manager Eustice replied yes, we have told the candidates we may bring them back for a second interview. Councilman King said, if at all possible when the second round of interviews are scheduled, he would like to be a part. City Manager Eustice stated they will try and move that along, but it could be a difficult decision but thinks we will find somebody out of this round of candidates.

▪ **Organizational Study** – City Manager Eustice reported he gave the staff a deadline of tomorrow to submit the Organizational Studies and most everybody has to Mr. Jeff Rahmberg. He went on to state the next step in that process will be for Mr. Rahmberg to come to Cheboygan and interview every employee for the City, so that will be interesting to see what comes out of that. City Manager Eustice stated he is looking forward to that and opinions through somebody else's eyes as to how we operate.

▪ **Next Parks & Recreation Commission Meeting** – Mayor Pro Tem Couture inquired if there is a Parks & Recreation Commission meeting scheduled. City Manager Eustice stated we will have a regularly scheduled meeting in May, the third Wednesday of the month, May 23rd. Councilwoman Riddle asked if this is a full Commission now, or is there an opening. City Manager Eustice stated they currently have six members, so there is an opening. This will give us a better chance to have a quorum. Mayor Bronson asked if we have any applications to fill the open seat. City Manager Eustice replied no; we appointed the two applicants we had.

Messages and Communications from Mayor and City Council Members:

▪ **LED Light Installation** – Councilman King inquired as to the LED light installation and a timeframe of when they are starting. City Manager Eustice said other than the DDA we are moving forward on the other lights in and around the City. We asked the DDA to pay for the installation of the fixture and the bulb, which is about a \$33,000.00 bill. At the DDA meeting they had some questions about the cost and the payback because it did not make sense because for the lights they are going to replace, they pay about \$4,000.00 in electrical costs. The bill was \$33,000.00 and Consumers was telling them that payback could be less than five years. When you do the math, it doesn't add up because they are paying a \$4,000.00 bill and the cost

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to do it is \$33,000.00. DPW Director Karmol is going to get Mr. Paul Dobrowolski of Stan's Election to meet with the DDA, as he did the estimate on the cost of lighting and so forth and try to sort that out so they are comfortable with it. City Manager Eustice went on to state once the DDA gets the right information he thinks they will make a motion to go forward and replacing the lighting. We had three lights up downtown; a 2000, 3000 and 4000 caliber. He noted the 3000 is in front of Linde Furniture. They all use about the same energy, but the higher caliber you go the whiter it is so it is a little bit brighter at the 5000 range. Most of the DDA Board likes the 3000 caliber because it is a softer light and is a little bit more yellow. Petoskey put in a higher caliber light and it was very bright and about a year after they put them in they replaced them because they were too bright so they went down to a softer light. City Manager Eustice said he believes the DDA wants to go with a softer light, the 3000 caliber. Councilman Temple asked if the fixtures would accept all three bulbs. City Manager Eustice replied yes; they do have to change out the fixture but it will take any of the LED bulbs.

- **Farmer's Market in Festival Square** – Councilman King asked that now the ice is off Festival Square is the Farmer's Market going to resume operation there. City Manager Eustice stated they are going to start the Saturday of Memorial Day weekend. Councilman Couture asked if it is going to be Saturdays and Wednesdays again. City Manager Eustice answered yes, 8:00 a.m. to 1:00 p.m. both days.

- **Ladies Event at Ice Pavilion** – Mayor Pro Tem Couture announced that on Thursday there is an event at the Ice Pavilion and there are quite a few vendors, noting his wife is helping organize it. City Manager Eustice noted it is 11:00 a.m. to 7:00 p.m. Mayor Pro Tem Couture commented the event is geared toward ladies but is not just for ladies. He then stated the ladies day downtown is the day before. City Manager Eustice replied yes, 3:00 p.m. to 8:00 p.m.; it is just a downtown event that the business owners organized.

- **Gold Front** – Mayor Bronson inquired on a start date for the demolition of the Gold Front. City Manager Eustice stated he does not have a scheduled date yet, noting he thinks the County is still working on that. It should occur later this month or early June. They are going to try and get it down before the end of June. Mayor Bronson asked if they have a timeframe they have to meet. City Manager Eustice replied it was originally July 31 but he thinks they got a reprieve until the end of the year; but the County is going to work as hard as they can to get it down before the end of July.

- **Huron Street Project** – City Manager Eustice informed Council the Huron Street Project is going to start May 10, which is Thursday. They will start at Lake Street on the north end of Huron. We are shooting for the whole street to be done before June 30 and the 4th of July and he thinks we can meet that timeframe. Councilwoman Riddle asked if the plan is to have at least one lane open. City Manager Eustice replied yes. He added there may be a day that we will need to close the entire street. City Manager Eustice then informed Council the entire street will be paved. During the water change-out and so forth, there will be a lane open.

- **Recent Flooding Event** – Mayor Bronson inquired if there are any lasting repercussions from the recent flood. City Manager Eustice replied no, but it was a major problem for the City but we got through it pretty good. We had some issues throughout the City and fortunately because of some of the work we did and the County did on the east side around Sutherland Avenue and Eastern Avenue that area drained pretty well. We did have some other issues throughout the City. Mayor Bronson commented the water was moving good around Sutherland Street, but there were still flooded yards. City Manager Eustice then stated the

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water was moving down Sangster Creek very well. Clerk/Treasurer Kwiatkowski interjected we do have one claim that has been filed against the City and expects two more. Those claims will be forwarded to our insurance company but the City has immunity. It is possible they might end up at a Council meeting, if they are denied. City Manager Eustice noted a lot of snow melt on Tuesday, when it was 82 degrees; we got a little bit of rain Wednesday; and the rain we got Friday morning was so heavy that it moved a lot of water through the City and into our Wastewater Treatment Plant. Mayor Bronson commented the City still has costs. It was not absorbing it. There was a lot of water in a hurry. The basements that did flood got 0 to 5 feet in a short period of time.

▪ **Downtown Construction** – Mayor Bronson commented he had a businessman on Main Street stop him and tell him he was very happy to have the construction downtown and having to go out in the street around scaffolding. We need more of it and it is nice that project is moving along.

▪ **Street Concern** – Councilman King stated he is concerned about the access to the street between Family Fare and the County Building as it is swallowing vehicles right now at the corner. City Manager Eustice asked if it was in the intersection. Councilman King replied no. City Manager Eustice replied then it is on County property. He thinks the County should be aware of it. City Manager Eustice stated he would contact County Administrator Jeff Lawson.

▪ **Medical Marijuana** – Mayor Bronson inquired from the City Manager if the City has been approached about medical marijuana authorization. City Manager Eustice replied we have been. Mayor Bronson stated part of what he is talking about is now that the signatures have passed for the election in the fall, he is wondering if we are prepared. The Legislature starting talking about legalizing that ahead of the election. City Manager Eustice said he will get City Attorney Lindsay back on that, noting City Attorney Lindsay has done a lot of work on the ordinances. They have also had some discussion and, in fact, they met with an individual that had some interest in putting a medical marijuana plant in the City.

Adjournment:

Councilman Temple moved to adjourn the meeting at 8:00 p.m.; supported by Mayor Pro Tem Couture. Motion carried unanimously.

Mayor Mark C. Bronson

Clerk/Treasurer Kenneth J. Kwiatkowski

Councilman Joseph Lavender

Councilwoman Winifred L. Riddle

Councilman Vaughn Temple

Councilman Nathan H. King

Mayor Pro Tem Nicholas C. Couture

Councilwoman Betty A. Kwiatkowski