

Onley Town Council Minutes of November 5, 2018

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 5th day of November A.D., 2018:

Council Members Present: Ned Finney, Vice Mayor
Ted Bliss
Lance Eller
Matt Hart
Susan Rillo
Woody Zember

Staff Present: Jamye Salazar, Town Manager
John Spivey, Chief of Police, OPD
Rachel Kellam, Attorney
Melissa Taylor, Clerk

Absent: Dawn Dize, Interim Mayor

Call to Order

Vice Mayor Finney called the meeting to order at 6:30pm.

Mr. Finney stated all comments would be limited to three minutes and political speeches will not be allowed.

Invocation & Pledge of Allegiance

The invocation was given by Ted Bliss and the Pledge of Allegiance was led by Matt Hart.

Adoption of Agenda

Mr. Zember requested to add under 7. Old Business - D., Onley Playground.

Motion: To adopt the agenda for November 5, 2018, Regular Monthly Meeting of the Onley Town Council with the addition of D. Onley Playground under Old Business by Susan Rillo and seconded by Ted Bliss. Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

Consideration of Minutes

Motion: To adopt the October 1, 2018 Regular Monthly Meeting minutes by Ted Bliss and seconded by Susan Rillo.

Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

Department Reports:

Police Report & Schedule

Chief Spivey explained (vacation and holiday leave) the December 2018, Police schedule. Chief Spivey noted Officer Arnold attended a ceremony put on by the Onancock Baptist Church where he received for the town, a flag and certificate of appreciation to recognize the Police Department for their community involvement. Chief Spivey stated the town had a very successful Halloween night and he has received a lot of positive feedback on the Police presence throughout the town that evening.

Motion: To adopt the Police Department schedule for December 2018 by Ted Bliss and seconded by Susan Rillo.

Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

Treasurer's Report

Ms. Salazar gave her report noting the reports are as of November 1, 2018, indicating the cash account balances sheet are pretty accurate. Ms. Salazar stated there are additional payables for the month (October) totaling \$6,798.45. Mr. Zember stated he noticed there wasn't much of an increase in income from the previous month and asked if this had anything to do with the bank franchise payments. Ms. Salazar responded bank franchise payments come in May. Ms. Salazar explained the cash account balance. She stated the September packets went out before the additional payables were paid, once they payables were paid, the bills were posted to the proper month (September), which takes away from the increase of the cash account balance for October. Ms. Salazar noted the Rainy-Day Funds was moved at Council's request and 2018 tax bills were mailed out on October 25, 2018, and are due by December 5, 2018. Mr. Hart asked Ms. Salazar if there were any other obligations with the new building contracts, (i.e. GMB or Bundick Well and Pump). Ms. Salazar stated there might be a few straggler bills from GMB, but we are at the end of the agreement with GMB, and there were no other contracts signed in conjunction with the new Town Office. All financial documents attached to minutes.

Motion: To pay the payables including the additional payables by Susan Rillo and seconded by Woody Zember

Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

Motion: To pay the payables including the additional payables by Susan Rillo and seconded by Woody Zember

Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

Ms. Salazar said she received an offer of 2.2% interest rate from Shore United Bank on a Money Market account up to a total of \$250,000.00. Ms. Salazar verified the bank could accept public funds and the bank was insured correctly. Ms. Salazar verbally polled Council via a phone conversation, all Council Members agreed to move the funds (\$250,000.00) currently earning only 0.4% interest rate to Shore United Bank to receive 2.2% interest rate.

Motion: To ratify the transfer of \$250,000.00 from PNC Bank to Shore United Bank by Ted Bliss and seconded by Matt Hart

Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

Ms. Salazar noted she was able to secure an interest rate of 2.2% on the town Money Market accounts with Union Bank for a minimum of the next six months.

Town Manager's Report / Zoning Administrator / Public Works Report

Town Manager's Report

Ms. Salazar stated there is nothing new to report on the Sidewalk repair projects, saying this project could take up to four years to begin. Ms. Salazar stated she was in communication via email with Linda Cicoira regarding the article posted (new town office) in the ES Post. Ms. Salazar noted the newsletter was completed and mailed out on October 25, 2018. Ms. Salazar said Hayvon completed repairs needed to the Town Office parking lot. Ms. Salazar contacted Town of Onancock at the requested by Council and she has received information on the Christmas tree; this will be discussed later on the agenda. Ms. Salazar stated she received a call regarding the sewer project; this will be considered later on the agenda. Ms. Salazar said Chief Spivey had worked diligently on getting the website up and running, and as of today, the new site is up and running. Chief Spivey stated the website would be up and running today once the program updates it would be live. He noted that the town has total control of the site website. Chief Spivey and Ms. Salazar discussed adding more information to the website: i.e., additional ordinances (currently only two on site) and audio files of the town meeting. Chief Spivey thanked Mr. Hart for allowing the use of his photo for the webpage. Chief Spivey stated the webpage is a work in progress, it is up and running and if anyone has any suggestions or comments, please make Ms. Salazar or Chief Spivey aware. Ms. Salazar also thanked Mr. Hart for the use of his photos for the webpage. Ms. Salazar noted the Verizon bill has gotten super expensive; she negotiated a new plan with Verizon with cheaper rates beginning next month. Ms. Salazar stated on the record at the request of GMB for clarification of a statement made at last month's Council meeting regarding GMB receiving 30% of the new building bid. Ms. Salazar noted that statement is incorrect and isn't written in any contract that was signed with GMB.

Zoning Administrator Report

Ms. Salazar reported the inoperable vehicle on Caroline Avenue was towed to Woody's Auto Service in Onancock, property owner aware and he was given information on who to contact. Ms. Salazar reported the inoperable vehicle on West Main Street and Washington Street was removed by the property owner on October 4, 2018. Ms. Salazar issued the following permits: porch addition on Badger Lane, addition to a structure on Savage Street, roof for business in Four Corner Plaza, resolved the permit issues for the solar panel installation on West Main Street. Ms. Salazar noted she researched fountains for possible installation within town limits. Ms. Salazar stated she addressed feather flags with a property owner once again; this ordinance keeps her busy. Ms. Salazar said she received a verbal request from the owners of Regal Inn to put a mobile home on the motel's property to be used as an office. She issued them a Zoning Permit Application and requested further information, at this time nothing has been submitted. Ms. Salazar stated there was an illegal structure going up on a property on Coastal Boulevard. She notified Bruce Herbert of Accomack County Building Inspections and Zoning. Mr. Herbert inspected the project and stopped all building operations and gave them to October 22, 2018, to acquire the proper permits. Ms. Salazar noted that the property owners acquired the town permits the same day. She stated there are further issues with the structure not being up to code, at this point the County will handle because the town doesn't handle code violations.

Public Works Report

Ms. Salazar stated the last mosquito spraying was October 26, 2018. Ms. Salazar noted VDOT repaired the sinkhole on Front Street, but the repairs are not up to the property owner around the area likings. Ms. Salazar will keep an eye on the sinkhole and will add this repair to the running list for VDOT. Ms. Salazar stated she purchased a camera for \$129.00 (posted to next month's payables) so she will be able to take photos of town violations and items in need of repairs. Ms. Salazar reported VDOT/Contractor cut the median on Route 13 and the area looks very nice. Ms. Salazar stated she had implemented new

practices with Hayvon (Simpson's town employee) that at the beginning and end of each shift he is to ride around town and pick up litter on East/West Main Street and Coastal Boulevard and the section on the other side of the stop light. Ms. Salazar asked if Council/Residents see that litter is still a problem, please let her know. She noted Hayvon continues with his regular duties grass cutting, storm drains and noted he cleaned up on Pennsylvania Avenue after the storm. Ms. Salazar reported that all tattered banners had been removed and replaced. Ms. Salazar stated she contacted the Town of Chincoteague about the Military banners (in honor and memory of Veterans), those banners are provided by the Chincoteague American Legion Post 159, not by the Town of Chincoteague. Mr. Hart commented on the sinkhole on Front Street. He thinks the culvert has collapsed under the road that connects to a ditch along the railroad tracks which already has a hard time draining. Mr. Hart has concerns that during a hard rain, flooding could be an issue. Ms. Salazar will look into further repairs options through VDOT or the Railroad system.

Attorney's Report

Ms. Kellam gave her report stating she sent the proposed Charter changes to Senator Lewis and his legislative aides. They recommended asking Delegate Bloxom to sponsor the changes in the House of Delegates. Ms. Kellam reviewed the new town office bid and had multiple conversations with Ms. Salazar and spoke with GMB about the construction bidder.

Planning Commission Report

Property Maintenance Ordinance Recommendation Updates/Changes

Ms. Salazar stated during last month's meeting there appeared to some issues with the fines. Ms. Salazar said Ms. Kellam suggested the fines should fall in line with the State Code. Ms. Salazar stated the proper corrections were completed. Ms. Pierson reported the revisions were completed and noted Council has the revised copy. She said the only changes were decreasing the fine amount from \$500.00 to \$300.00. Mr. Bliss stated there is no reference to the annual maximum amount on the flowchart. Ms. Kellam responded the flowchart is a helpful tool for residents to understand the ordinance.

Old Business

Property at 25571 East Main Street / New Town Building (Bid Opened at September 6, 2018 Meeting)

Ms. Salazar stated she provided two letters to Council from GMB. She notes that GMB had concerns that the town only received bids from one bidder, and the bid might not be competitive, and GMB doesn't recommend accepting the RH Contracting, Inc bid and they provided reasons. Ms. Kellam explained the process further. She stated when bids come back; the town is supposed to pick the lowest bid or the lowest responsible bidder meaning they meet all the requirements to fulfill the construction. Ms. Kellam noted while GMB was checking his credentials per Virginia Code, per Governmental Agencies he might not be able to provide all the information that GMB was requesting (her understanding of the letter submitted by GMB). Ms. Kellam stated that she would contact GMB and find out specifics if Council desires. Ms. Salazar said GMB recommendation was not to accept the bid. Mr. Bliss responded the bid was way out of line from what GMB expected. He said GMB thought the bid should be between \$600,000.00-\$800,000.00 noting there could be other expense that would arise and the town will have no other choice but to pay, that would be way too much - current bid is way too much as it is. Mr. Finney responded anything concerning the new town office should be postponed until the new Town Council takes office. Mr. Hart asked if GMB made a deal that they would provide three bids. Ms. Salazar and Mr. Finney responded - No. Ms. Salazar stated they have no way of giving us three bids they can only deliver the bids that were submitted to them. Ms. Kellam responded that GMB helps the town manage the bid, so the contractor knows exactly what they are bidding on. Mr. Hart responded GMB is the middleman; basically, Ms. Kellam responded - exactly. Mr. Eller asked how GMB formed this bid

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package out. Ms. Salazar replied it was advertised locally in the ES Post and uploaded to several websites that GMB uses throughout the State of Virginia and State of Maryland. Mr. Hart asked if the contractors that showed up to the bid meeting gave reasons why they didn't bid, stating it is uncommon for contractors who attend bid meetings not to bid. Ms. Salazar responded that one contractor said he had trouble getting answers from GMB and that is why he didn't bid. Ms. Salazar has no way of verifying that statement. Ms. Salazar stated she knows that RH Construction contacted GMB with several different questions and Morgan responded almost immediately, as she was cc'ed on the emails. Mr. Eller asked which RH Constructing office was GMB working with, Atlantic or Chesapeake. Ms. Salazar responded the Atlantic office. Mr. Eller suggested to fellow Council Members to have an iron-clad agreement dealing with the contractor. Ms. Rillo stated after reading over bid there was no mention of labor costs, and that has to be costly. Mr. Bliss stated after reading over the bid there was no mention of pricing for stormwater runoff ponds during construction. Ms. Salazar responded stormwater maintenance was discussed, but can't say if it was spelled out in detail. Mr. Kellam stated it sounds like Council doesn't want to accept the bid based on GMB's recommendation and the overall cost. Ms. Kellam noted you have 90 days to decline a bid; there is one month remaining to decline or you can go ahead and reject now. Ms. Rillo stated Council should refrain from saying the Town is going to reject the bid on GMB's proposal. Ms. Kellam stated Council could decline the bid based on the price. Ms. Rillo agreed with declining based on price.

Motion: To decline the bid from RH Contracting, Inc of Chesapeake, VA by Susan Rillo and seconded by Ted Bliss

Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

Mr. Finney recommends reviewing the plans again to see if anything could be cut to get the cost down once the new Council takes over. Ms. Rillo and Mr. Bliss agreed. Ms. Rillo noted she received a resident complaint as to why the town hasn't built a building yet. Ms. Rillo stated she thinks the town deserves a building to include a Community Center.

Motion: To table until the January 2019 meeting by Ted Bliss and seconded by Susan Rillo

No Vote taken

Motion Rescinded

Ms. Kellam responded no motion is needed; Council can end the discussion on the new Town Office. She noted what needed to happen tonight was to make a decision on the bid. Mr. Bliss suggested looking at the overall size of the building, stating we could have a nice building with a lot less space dedicated to the public, because on average attendance at a Council Meetings is about ten. Mr. Finney stated if you change the structure of the building you will have to start from the beginning (drawing/Architects). He noted Bundick Well & Pump was able to get a potable water system in under these plans, but if the plans change the well could cost \$40,000-\$50,000 because of the new laws. Mr. Finney stated if the Council doesn't find a way to build this building it will be another ten years.

Motion: To postpone conversation of the New Town Hall until January 2019 Council Meeting by Lance Eller and seconded by Ted Bliss

Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

Holiday Tree

Mr. Zember stated he would like to see a large decorated Christmas tree displayed in town the larger, the better so it would be visible, Council also agreed the larger the tree the better, it will make the town

stand out. Ms. Salazar provided Council Members catalog listings of commercial outdoor artificial trees (the same company Onancock used). There was much discussion between Council Members about location, availability of electricity, cost (tree, illumination, installation) and storage. Ms. Salazar stated there is a budget allowance of \$10,000.00 under Beautification/Banners. Ms. Rillo recommended starting with just the tree and a star and add decoration to the tree each year. Mr. Zember suggested buying a shorter tree this year and add sections next year (tree comes in four-foot sections). Mr. Hart recommended placing the tree at the end of SPOTS property which has electricity and would be visible in the town with SPOTS permission. Ms. Rillo and Ms. Custis (SPOTS Representatives) spoke that SPOTS would receive the electric bills, the town will need to reimburse SPOTS. Council decided there wasn't enough time to purchase the tree and get permission from SPOTS before the Holiday Season. Council will discuss the Holiday tree again at the January 2019 Council meeting.

Stand-up Lawn Mower Donation

Ms. Salazar stated that CALL hasn't picked up the mower and hasn't returned any of the phone messages. Ms. Salazar recommended giving the mower to Lloyd Evans of Evans Mower Repair. Ms. Salazar states Mr. Evans does a lot for the town at a minute's notice and doesn't charge the town.

Motion: To give the mower to Lloyd Evans by Ted Bliss and seconded by Woody Zember

Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

Onley Playground

Mr. Zember presented Council prices on playground equipment, playground area, and security roughly costing \$29,452.00, stating he wanted to get this information to Council since this was discussed previously. Mr. Finney asked Mr. Zember if he had anywhere in mind to put this playground. Mr. Hart suggested putting the playground on the lot where the new building is proposed. Mr. Finney responded there had been no final decision on the new building, so the lot at this time is not available. Mr. Finney responded that the town shouldn't buy or look into equipment until the town has a place/land for a park, his opinion. Mr. Dennis commented that the equipment would need to be certified and the cost for having playground equipment.

New Business

2018 Tax Bills under \$2.00 write-off (\$47.87)

Ms. Salazar stated it had been Town's practice to write off any tax bills under the amount of \$2.00 that can't be combined with any other tax bill to total a higher dollar amount. She noted 46 tax bills totaling \$47.87 for this tax year.

Motion: Write off tax bills under \$2.00 totaling \$47.87 by Ted Bliss and seconded by Woody Zember

Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

Sewage Pipeline Financial Support Study (\$10,000.00)

Ms. Salazar received a call from Steve Johnson, Commonwealth Transportation Board. Ms. Salazar noted the project that was chosen to benefit both counties from the meetings with Congressman Scott Taylor was the Sewer Pipeline. She said the new pipeline would run from Nassawadox, Exmore, and Accomack to Onancock noting the existing pipeline runs Melfa to Onancock. Ms. Salazar stated the new pipeline would meet the new pumping station standards. Ms. Salazar pointed out the first step to this

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project is a financial support study with a cost of \$100,000.00. She noted the Hampton Roads Sanitation District had pledged \$35,000.00 towards the project. Ms. Salazar stated they are asking for towns on the shore to pledge \$10,000.00 towards the project. She says per Mr. Johnson that Exmore, Nassawadox, Onancock and both Counties have agreed and have submitted a letter of understanding pledging \$10,000.00 to support the study. Ms. Salazar said she invited Mr. Johnson to the meeting tonight, but he was unable to attend being out of town all week. Mr. Bliss asked if the sewage line would include the Town of Onley. Ms. Salazar responded she asked the question to Mr. Johnson on how this would benefit the town and he replied the infrastructure would be in place if the town ever wanted to tie into the pipeline. Ms. Salazar stated for additional information she will need to contact Mr. Johnson. Mr. Finney responded there were meetings about this project that the Town of Onley was not asked to attend. Ms. Salazar stated she expressed her concerns of not being invited to meetings and not knowing they had selected a project to Mr. Johnson and Debra Christy (Congressman Taylor Representative). Ms. Kellam stated this is just a study on the sewage project. Ms. Salazar says the study will show the number of lines needed, where the lines will go, and the overall cost of installation.

Motion: To not financially support the \$10,000.00 sewer pipeline financial support study by Lance Eller and seconded by Woody Zember

Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

Ms. Salazar will notify Mr. Johnson.

Agriculture Building

Mr. Hart stated that he thinks Council should explore two different options when it comes to a Town Office, first building new at a responsible price or second buying old and restoring to save money. Mr. Hart gave details about an existing structure, the former Agriculture Building and stated he would like to get an inspection of the building pending the owner's approval. Mr. Zember said he would also like to see the choice of two options when building the new town office, which will give the citizens of the town a chance to voice their opinions. Mr. Zember stated his thoughts were that the Ag Building could be purchased at a very reasonable price. Mr. Bliss reported looking into the Ag Building is an excellent option and having an inspection completed if the property owner will allow, comprising a list of things that would need repairing. He said it is not as big as the plans for the new building, but Council decided that we can't afford the 1.1 million dollars to build a new. Ms. Rillo responded let's not box ourselves into a smaller location and have to revisit the idea of another town office in ten years. Ms. Rillo said the new building's vision was to be a community center for the town's people to use and enjoy since we are using their tax money to build the building, so this building needs to be for everybody. Ms. Rillo stated to be thoughtful that the new building is being built for the future. Mr. Finney noted the Agriculture Building was built in 1960, has cracks in the concrete floor, sure there is asbestos on the roof, and there is no parking. Council Members discussed if the building was even for sale. Mr. Finney made the recommendation for further discussion about the Ag Building be put off until the new Council takes over.

Public Comments

John Dennis no comment at this time.

Billye D. Custis stated mobile homes/units have never been allowed in this town. The current ones in town were grandfathered, and if they are removed, it can't be replaced with another. Ms. Salazar and

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Ms. Kellam stated at this time there has been no Zoning Application submitted only verbal discussion from the property owner.

Council Comments

Mr. Bliss thanked everyone in attendance. Mr. Bliss thanked the entire Police Department for their excellent job on Halloween night. He stated as the Holiday approaching to remember those who came before, both living and deceased that has served the community. Mr. Bliss thanked the office staff, and also his fellow Council Members for the efforts over the last two years.

Mr. Eller thanked Council for allowing him to serve for the remaining two months of the current term. Mr. Eller stated there is talk of going small or big with the new building; the Town should consider having an area in the new town building that could house Emergency Management if there was ever a situation on the Shore. Accomack County only has one location, the 911 center so the town could offer an area as a back-up location. It only takes one incident to knock something out so the County would be in termal without a backup site.

Mr. Zember thanked everyone in attendance for representing the town. Mr. Zember stated he heard all positive comments on how the Police Department handled operations Halloween night. Mr. Zember said it has been nice that Council has been able to work together, and now working towards helping the upcoming Council Members. He thanked everyone.

Ms. Rillo stated that the Police Department does an excellent job on a regular basis, but on Halloween night they did an exceptional job. Ms. Rillo said she agrees with Mr. Hart about the town building having options, but also keep in mind the future, so we do not have to revisit another town building in ten years. Ms. Rillo thanked everyone in attendance and thanked all town employees.

Mr. Hart thanked everyone in attendance and welcomed Mr. Eller to Council. Mr. Hart praised Chief Spivey for the Police display on Halloween night and also for completing the Town's website. Mr. Hart stated he would like to see the audio files uploaded to the website to allow more transparency for the residents. Mr. Hart said he is in favor with Mr. Zember of a playground/park combination and name in Honor of George McMath and/or Laura Belle Gordy for their dedication to years public service. Mr. Hart said he wished that more of the candidates running for Town office were in attendance tonight. Mr. Hart thanked Mr. Ferguson for a clean campaign, and he is looking forward to seeing what tomorrow brings, stating both candidates will do a great job.

Mr. Finney stated Onley is a great town and along with a great town comes great employees and great citizens. Mr. Finney thanked Mr. Eller for joining the Council for the last couple of meetings.

Closed Session – 8:02 pm

Motion: To go into Closed Session in accordance with Section 2.2-3711(A) of the Code of Virginia of 1950, as amended for the purpose of Paragraph 1: Discussion or Consideration of Personnel Matters specifically pertaining to Police Department and the evaluation due to the end of Officer Luke Arnold's probationary period by Ted Bliss and seconded by Matt Hart.

Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

Open Session & Certification of Closed Session – 8:08 pm

Motion: To return to Open Session by Ted Bliss and seconded by Susan Rillo.

Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

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A roll call vote was taken before reconvening in Open Session, at which time each member certified by his/her vote whether only the matters previously disclosed were discussed during Closed Session:

Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

Motion: To remove Officer Arnold from probation, pay from \$37,000.00 to \$41,000.00 retroactive from July 1, 2018, and allow him the use of a take home vehicle by Susan Rillo and seconded by Ted Bliss.

Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

Adjourn

Motion: To adjourn at 8:11 pm by Lance Eller and seconded by Susan Rillo.

Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Eller-yes; Bliss-yes; Finney-yes. MOTION PASSED

Respectfully submitted from audio,

Melissa Taylor
Clerk

Henry E. Finney
Vice Mayor