

CITY OF BELLEVIEW
REGULAR COMMISSION MEETING
AGENDA

BELLEVIEW CITY HALL
COMMISSION CHAMBERS

April 18, 2006

Mayor TAMMY C. MOORE
Seat 1 MICHAEL J. GOLDMAN
Seat 2 KENNETH R. NADEAU
Seat 3 WILMA C. LOAR
Seat 4 PAUL B. ANDERSON

6:00 PM

IF A PERSON SHOULD DESIRE TO APPEAL ANY DECISION MADE BY THE BOARD OR COMMISSION A VERBATIM RECORD OF THE PROCEEDINGS WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED MAY BE NEEDED. IT IS YOUR RESPONSIBILITY TO HIRE A COURT REPORTER TO MAKE A VERBATIM TRANSCRIPT, OR A TAPE OF THE MEETING CAN BE PURCHASED FOR \$5.00/TAPE AT THE CITY CLERK'S OFFICE. THE CITY IS NOT RESPONSIBLE FOR ANY MECHANICAL FAILURE OF RECORDING EQUIPMENT

This meeting has been properly noticed PD

INVOCATION AND PLEDGE

COMMISSIONER NADEAU

AGENDA ITEM

1. APPROVAL OF MINUTES: 03/21/06 Regular Meeting
03/23/06 Special Meeting
2. ANNEXATION/COMP PLAN FEES
3. AMERICAN LEGION – Poppy Days
4. DAVE WILSON and PATTY and LARRY QUARTARARO - Plaque
5. CITY MANAGER NEGOTIATIONS
6. CITIZEN'S ADVISORY TASK FORCE
7. UNSCHEDULED AUDIENCE
8. CODE ENFORCEMENT BOARD MEMBER – Walter Klinka
9. COST SHARE AGREEMENT ST. JOHNS WATER MANAGEMENT DISTRICT
10. WASTEWATER TREATMENT EXPANSION – PROJECT INSPECTOR
11. FDOT 484 SIDEWALK LAP AGREEMENT CHANGE
12. DEPARTMENT HEAD COMMENTS
13. COMMISSION COMMENTS

**CITY OF BELLEVIEW
COMMISSION MEETING MINUTES**

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April 18, 2006

6:00 PM

Mayor TAMMY C. MOORE
Seat 1 MICHAEL J. GOLDMAN
Seat 2 KENNETH R. NADEAU
Seat 3 WILMA C. LOAR
Seat 4 PAUL B. ANDERSON

PRESENT: MAYOR MOORE; COMMISSIONERS: ANDERSON; GOLDMAN; LOAR;
NADEAU; ATTORNEY LANDT; PUBLIC WORKS DIRECTOR MONROE;
INFORMATION TECH TOWNE; CHIEF STRICKLAND; CITY
CLERK/ADMINISTRATOR McKAMEY; DEPUTY CITY CLERK
DeGENNARO

1. APPROVAL OF MINUTES

- a) 03/21/06 Regular Meeting
- b) 03/23/06 Special Meeting

Commissioner Nadeau made a Motion to Approve the Minutes and Commissioner Goldman seconded the Motion.

On roll call vote, YES: Loar, Nadeau, Goldman, Anderson, Moore

The Motion passed with a 5-0 vote.

2. ANNEXATION/COMP PLAN FEES

The Clerk stated that this item was discussed at the last meeting and it was proposed we could square up the City's boundaries and send letters out to the owners. The City would waive the fees and the costs for annexation and Comprehensive Plans which come to \$1600/parcel. The Clerk stated that she had started meetings with the property owners and one signed a covenant and another one was mailing in the signed covenant.

Mayor Moore stated that if anyone in the audience wanted to come forward and the following citizens came forward:

1. James Curly, Sr. stated that he was concerned that if the annexation took place what would happen to the empty buildings that were on these parcels. His parish was going to build a new church, but the old church would still be there but would no longer be in use. The Clerk stated if there were no safety code violations or code violations and the building was in good repair there would be no problem. Mr. Curly asked what would it do for them to be annexed into the City when they were already on City water and sewer. The Clerk stated that the W&S bills would be decreased by a third and since they were a nonprofit religious type organization they would not pay property taxes. The City wants to square up the City boundaries so there would be no confusion with law enforcement in case you needed a quick response because you would be in the COB.

Attorney Landt stated that there was nothing in the City code against vacant buildings. However, if the building becomes so dilapidated and dangerous then you would have a problem.

Commissioner Nadeau stated that he liked the program concept of squaring up the boundaries and he was supportive but there were other sections of the City that don't have huge tracks of land so we should expand this to other areas down the road. Mayor Moore stated the City would work on it in groups to get the boundaries more evened up.

Commissioner Nadeau made a Motion to Pursue waiving the annexation and Comprehensive Plan Amendment fees for properties outlined in the map on Pg. 22 of the Agenda and Commissioner Loar seconded the Motion.

On roll call vote, YES: Loar, Nadeau, Goldman, Anderson, Moore

The Motion passed with a 5-0 vote.

3. AMERICAN LEGION – Poppy Days

Clerk McKamey read the Proclamation and Mayor Moore declared May 5 and May 6, 2006 as Poppy Days in the City of Belleview.

4. DAVE WILSON and PATTY and LARRY QUARTATARO

Dave Wilson came forward and stated that his good friend, Lewis McLean, started the ballpark and he wanted to give him some kind of recognition for doing that; some form of a permanent memorial.

Mayor Moore stated she had no problem with a permanent marker. Mr. Wilson stated he was thinking of something along the lines of a Booster Club Hall of Fame Wall where you sell bricks which have a metal plaque with inscription or dedication for their service and commitment.

Commissioner Anderson stated that they had thought about it for awhile but the City needs a plan because this would be the beginning. The City would need to figure out who would qualify; a wall seems better than individual plaques but his fear would be that someone would be left out.

Mr. Wilson stated that Mr. McLean was the founder and got the ballpark off the ground; he was the driving force behind that created the beginning of the park. Commissioner Anderson added so was Bob Smith and Marion County Road Association who helped.

Larry Quartataro came forward and stated he thought of something like a family tree starting with Lewis McLean and then have the different individuals/companies, who helped build the park which has been there for 30 years, as branches off the tree including the Rotary Club and Gary Wine, etc.

Commissioner Anderson stated that the concept was there and he was for it if the people want that, but we need time to put it together. The Commissioner asked if any other cities have done something like this and Mr. Quartataro stated several cities have and we could form a committee

to figure out what to do. Commissioner Anderson stated for Mr. Quartataro to get with the City Clerk. Mayor Moore stated if someone had created a wall, we would like to see the criteria they used to put it all together.

5. CITY MANAGER NEGOTIATIONS

Mayor Moore stated she had met with Linda Mc Dermott about negotiating her salary and right off the bat Ms. Mc Dermott wanted \$75,000 because she was leaving a job paying \$82,000. The Mayor stated that was more than she was willing to negotiate especially since Mr. Dodge who had a lot more experience was offered \$65,000 and agreed to come in at the salary. The Mayor stated that she offered her \$65,000 with a possible increase up to 5% in 6 months if each Commissioner evaluated her and gave her 1% increase per Commissioner. Ms. Mc Dermott was not happy with that. Ms. McDermott suggested that she would not take the moving expenses if we paid her \$72, 000 and we would waive the waiting period for the pension benefits to go into effect. The Mayor stated that she did not want to do that.

Commissioner Anderson stated she was offered \$65,000 and with everything when it comes down to the total; we were really only \$2,000 apart. The mayor was at \$74,000 and she was at \$76,000 on this worksheet. The Mayor stated she talked to her about the 0-5% increase in 6 months if each Commissioner and the Mayor gave her 1% increase.

Mayor Moore stated she did not have the experience and she should not get what Mr. Dodge was offered without that experience. Commissioner Anderson asked what does she have to know about W&S. The Mayor stated she knows nothing about how the City works. PWD Monroe stated she should have a general idea of regulations we run under; the water rates generated; what the impact fee structure was for and the reasoning behind those fees and what we spend that money on. General maintenance of W&S system and how we maintain things. The impact development has on the Commission. When she meets with developers for their agreements she would need to have a general knowledge of that and a basic and general knowledge of the cost of building roads. Commissioner Anderson stated none of the Commissioners knows what it cost to build a road and Commissioner Goldman stated he knew that and it cost \$5,600 per linear foot and the PWD stated it was increasing daily.

Commissioner Anderson stated we have been working 6 months on this project and now you tell us what she should know. The Commissioner stated you wanted to start her at \$65,000 and she asked for \$75,000 and then dropped down to \$72,000.

Commissioner Loar stated there was no way she would compare Mr. Dodge and Ms. McDermott and she does not want to see the print out in the Agenda comparing both individuals. Mr. Proctor came up to the interview and took his application out of the running because of the conflict between the City Commission and he even stated that was why most of the other people dropped out as well. Ms. McDermott gave a good presentation and we were looking for new people and new blood because our City was growing and we need to grow with it. Commissioner Loar stated if she would go to \$75,000 we should give her a try.

Commissioner Nadeau stated that with every opportunity there was a cost attached to it. Ms. McDermott had the opportunity to put on her resume a City Manager position and the cost to her was a salary reduction and moving from an area that she had personal ties to. The COB has the opportunity to pay hire a City Manager at the initial costs of \$81,715.05. She has 9 years of Emergency Management fiscal experience and the costs to the City was too great to take. Her lack of dealing with planning issues as a sticking point to this Commissioner because the biggest need we would be facing over the next 5 years was in planning. No one on staff does City planning, Economic Development and Comprehensive Plan issues and those type of things. If we put out \$81,000, she would be back here in 6 months and encourage us to hire a planning person/department at additional cost to the City. The Commissioner stated he would rather bypass that whole process altogether and put together a Planning Department which put us further ahead and in 5 years look at the City Manager position again.

Commissioner Goldman stated you gamble on a lottery ticket and this would be a \$81,000 gamble. As far as waiving the time element on the pension plan, the Commissioner stated he could not see bringing someone in and giving them something that we had not historically given to anyone on the staff. Clerk McKamey stated that was not an unusual request for a City Manager to make; short tenure employees ask to be immediately vested.

Commissioner Goldman stated that would be a negotiation point; it was not fair to give a new employee something that you would or have not given to someone else. The Commissioner stated short term employment aside, he would not agree to that. The Commissioner stated the range for the position was \$60,000 -75,000 and \$75,000 was not the number he would have started with and neither was \$72,000. The \$65,000 was above the amount advertised and he had a huge problem with the vesting and would not have done that in any of his own personal businesses.

Commissioner Goldman stated he was in favor of offering the first proposal in the Agenda because she was moving down in her expenses and she would receive 2 raises in a 12 month period which was enough; without waiving the pension vesting.

Commissioner Nadeau stated he was opposed to the pension part of the proposal and would pass on the whole process all together.

Commissioner Anderson stated in regards to the pension part at this time she should not be vested and Commissioner Loar stated she was not in favor of her being vested either after one year. Mayor Moore stated then we agree not to negotiate at this time the pension.

Mayor Moore stated she felt what she proposed was a fair offer to her and Commissioner Anderson asked why Ms. McDermott was not present tonight. The Mayor stated she could not see her not taking what was proposed to her and felt that it was a fair offer.

Commissioner Anderson stated it would be hard to sit and negotiate with someone who she knew was against her and the position. Mayor Moore stated she was not against her, but against the position. Commissioner Anderson stated that one of the three Commissioners who were in favor

of the position might have gotten a different answer from her. Mayor Moore asked Ms. Byrd who was present during the negotiations to discuss what happened during the negotiations.

Penny Byrd, Payroll/Benefits Coordinator, came forward and stated Ms. McDermott felt that she was worth the \$75,000 but she did say she would go down by \$3,000 and that was when she brought up the living expenses. The moving expenses were a one time fee not compounded and she was looking for something in the \$72,000 - \$76,000 range. Mayor asked Ms. Byrd if she felt Ms. McDermott was uncomfortable with me and Commissioner Anderson stated the answer to that question was yes. Mayor Moore stated she wanted the top and if she was going to work with her over the next three years she would have to be able to talk and negotiate with her.

Commissioner Nadeau asked if any of the 3 Commissioners who were in favor of this position offered their assistance for the negotiations and the Mayor stated they did not.

Commissioner Goldman asked Commissioner Nadeau for the record which offer he felt should be submitted to Ms. McDermott and Commissioner Nadeau stated if we are going to make an offer to her then Page 31 made the most sense. Commissioner Goldman stated he agreed and liked the 0-5% merit base. The Commissioner stated that they could not undo anything that happened between Ms. McDermott and Mayor Moore and in spite of what did or did not take place, the first proposal was good.

Mayor Moore asked Commissioner Anderson what he would propose that was different from what she proposed and the Commissioner stated to go with the proposal on Pg. 31 and offer \$66,000 and tell us if she would take the job or tell us that she was not going to take the job.

Mayor Moore stated she was offered \$65,000. Commissioner Loar agreed to offer Ms. McDermott \$66,000 with 5% increase which would give her the incentive. Commissioner Nadeau stated that gives her the incentive to make the 5 of us happy and not our citizens. Commissioner Loar stated we as Commissioners represent the citizens. Commissioner Goldman agreed with the \$66,000 offer.

Mayor Moore stated Ms. Byrd would call and make the offer to Ms. McDermott of \$66,000 and the proposal on Pg. 31 would be recalculated with the pension being the same as the rest of the City of Belleview.

Commissioner Goldman made a Motion to Approve offering proposal #1 going from \$65,000 to \$66,000 without the pension as noted prior and Commissioner Anderson seconded the Motion.

**On roll call vote, YES: Loar, Goldman, Anderson
NO: Nadeau, Moore**

The Motion passed with a 3-2 vote.

Commissioner Anderson asked Attorney Landt if the Commissioners could call and talk to the prospective City Manager and the Attorney stated they could.

6. CITIZEN'S ADVISORY TASK FORCE

Clerk McKamey stated the city was in the process of applying for an Economic Development Grant for the Nursing School on Hwy 484. The State requires a CATF be appointed to review the grant application.

Mayor Moore stated that the following P&Z Board members agreed to serve on the Board: Dean Michael George, Jeffrey O'Cull, Terry Harris, Norma Sanders, and Christine Dobkowski.

Commissioner Nadeau made a Motion to Approve the CATF Board and Commissioner Goldman seconded the Motion.

On roll call vote, YES: Loar, Nadeau, Goldman, Anderson, Moore
The Motion passed with a 5-0 vote.

7. UNSCHEDULED AUDIENCE

a) Mr. Profulla Singh came forward and asked that the Confederate flag could be flown at City Hall on 4/26/06 which was the legal holiday, Confederate Memorial Day.

Commissioner Nadeau made a Motion to Approve the request and Commissioner Goldman seconded the Motion.

On roll call vote, YES: Loar, Nadeau, Goldman, Anderson, Moore
The Motion passed with a 5-0 vote.

b) Dr. Ron Shelley came forward and discussed the incident that happened at his medical center. He stated that a police officer came to his office and told them he was going to tow vehicles from the premises that belonged to the doctor and his clients.

Chief Strickland stated the problem was not with the ambulance. A car was blocking the stop sign on 102 Rd. Lt. Holland asked them to move the car because it was blocking the view of other vehicles. The Chief stated that the Lt. never threatened to tow the vehicles neither Dr. Shelley nor the Chief were there during the actual incident. The Chief stated he talked to the Lt. and to Dr. Shelley and asked him to keep the car away from stop sign.

Commissioner Nadeau asked whose car was parked there and Dr. Shelley stated it was his car. Chief Strickland stated when he was informed of the incident the cars were already moved, but he would go down there tomorrow to see if where it was parked obstructs the view of the traffic.

Commissioner Anderson stated that 2 buildings down on Robinson Road and Front Street they had put up a new sign and the Commissioner wanted to know if they got a permit for the sign and the fence that was there. Clerk McKamey stated they could not have a sign in the right of way.

c) Bob Dobkowski came forward and stated he called about a pit bull and for some reason the

police have not followed through. He stated that he spoke with Brad King, State Attorney, and was told that the State would prosecute, but it had been 10 months since the first arrest and he had a paper trail of phone calls. Mr. Dobkowski stated that he has to keep his kids in the house or they would be run over by his neighbor's car or their pit bull would bite them.

Attorney Landt stated that he had distributed Vicious Dog Ordinance draft to the Commission for comments and had gotten back one response from Commissioner Loar and asked that the Commissioners have their responses back to him before the next meeting. Attorney Landt stated he was working on an Interlocal Agreement with the State Attorney's office and once in place then Brad King would prosecute if there was reason to. The new Ordinance would be patterned after Marion County's Ordinance which was more stringent than our current ordinance.

The Clerk stated in regards to the dog Mr. Dobkowski was referring to, notices had gone out to the renters in the house and to the owners of the home.

d) Ginger Harbin came forward and asked if the Commission had done any thing about the Special Use Permit for a 40 acre sand mine on C- 25 that was discussed at the last meeting. Clerk McKamey stated that the City had sent a letter to the Marion County Commissioners and read it to Ms. Harbin.

Commission Goldman stated the letter sent raised our concerns and was passed out to each County Commissioner if they readdress this issue they now know our concerns. Mayor Moore stated that the additional traffic would still exist for the COB and Commissioner Loar stated it was not a dead issue and would like to see our representative there if it was readdressed and she would volunteer to go.

e) Mike Slattery came forward and discussed the issue of eminent domain being forced on citizens and communities. Mr. Slattery stated that this was being done all over the State and County and the COB could be different and not do what the other municipalities were doing.

Attorney Landt stated that the COB had never involuntary annexed anyone but government has the ability to do annexations without covenants within the area of the City. Condemnation for land was done for public purposes i.e. revitalizing blighted areas or areas not being developed. The properties are condemned through eminent domain and then sold to private individuals to be developed and this process has been upheld in the courts.

Commissioner Nadeau stated to wait and see what the State Legislature does. Commissioner Loar stated she would like to see some research done so she would have something to look at. The Clerk stated that she had received notification from the Florida League of Cities and several bills were pending.

Mayor Moore stated we would be protecting the citizens from capital gains vs. government and asked if the Commission wanted to put in place a new annexation ordinance and Commissioners Loar, Anderson, Goldman and Nadeau stated the Ordinance in place was fair to all. Mayor Moore stated that eminent domain issue was not a practice here and would not be one in future.

f) Melinda Thompson came forward and stated she went to the County Commission meeting on 4/24. Mr. Boone was putting in a high density subdivision caddy corner to the sand mine that Ms. Harbin discussed earlier. She stated that Belleview was a nice town that she loved for 20 years but with all the dump trucks going to the sand mine the roads would be impacted in the City and the property owners do not have any rights. The trucks from the sand mine were taking short cuts through her subdivision and Chief Strickland advised her to contact the County because her subdivision was in the County. Ms. Thompson stated she lives in the County but considers herself a citizen of Belleview. Commissioner Anderson stated that the sand mine was already an established pattern out there.

8. CODE ENFORCEMENT BOARD MEMBER – Walter Klinka

Mayor Moore stated that Walter Klinka has submitted an application to be on the Code Enforcement Board.

Commissioner Nadeau made a Motion to appoint Mr. Klinka to the Code Enforcement Board as a regular member and Commissioner Anderson seconded the Motion.

On roll call vote, YES: Loar, Nadeau, Goldman, Anderson, Moore

The Motion passed with a 5-0 vote.

9. COST SHARE AGREEMENT ST. JOHNS WATER MANAGEMENT DISTRICT

PWD Monroe stated this Agreement was for the reuse line at Spruce Creek. The Engineer proposed to make application to St. John's for assistance in construction of that line. St. John's agreed to pay up to 20% (\$292,000 maximum) of the total costs. On the Agenda tonight for approval because we only have 60 days to approve the Agreement and get back to them.

The Attorney has reviewed the Agreement and funding was over a 2 year timeframe.

Commissioner Nadeau made a Motion to approve the Agreement and Commissioner Anderson seconded the Motion.

On roll call vote, YES: Loar, Nadeau, Goldman, Anderson, Moore

The Motion passed with a 5-0 vote.

10. WASTEWATER TREATMENT EXPANSION – PROJECT INSPECTOR

PWD Monroe stated that our Projects were out to bid and we were moving along with planning on how to administer the construction projects. The Engineer had told us we need to have a City Inspector on the job and there were three options available: contract with Engineer Ron Ferland; pay for a licensed inspector or have our own inspector. The PWD was recommending to designate Brian Newell, the City's Lead Operator for this position, and his résumé was sent to DEP for approval.

Commissioner Nadeau made a Motion to Approve Brian Newell as COB Inspector and Commissioner Goldman seconded the Motion.

On roll call vote, YES: Loar, Nadeau, Goldman, Anderson, Moore
The Motion passed with a 5-0 vote.

11. FDOT 484 SIDEWALK LAP AGREEMENT CHANGE

PWD Monroe stated this agreement was executed previously with DOT but they recently changed some of their language so they were asking the Commission to execute a new agreement. The PWD stated that the limits on funding would not affect the City's 484 sidewalk project because the funds expended were less than \$500,000. The Clerk stated that the audit criteria amount was changed from \$300,000 to \$500,000.

Commissioner Nadeau made a Motion to Approve the Agreement and to Authorize the Mayor to sign the Agreement and Commissioner Goldman seconded the Motion.

On roll call vote, YES: Loar, Nadeau, Goldman, Anderson, Moore
The Motion passed with a 5-0 vote.

12. DEPARTMENT HEAD COMMENTS

PWD Monroe – the following projects were put out to bid:

- a) 484 sidewalks advertise 5/14; prebid 6/5; bids due 6/12; award on 6/20
- b) General Paving Project advertise 4/30; prebid 5/15; bid due 5/31; award on 6/6
- c) WW Facility Expansion out to bid 3/26; prebid 4/10 with 4 potential bidders attending and not mandatory conference so others could bid; 8 plan holders, bid on that project were due 5/24
- d) Reclaim water main out to bid 3/26; prebid 4/10 with 6 potential bidders attending and not mandatory conference so others could bid; 7 plan holders, bids due 5/24

Street lights 441 were installed; C-25 had not receive an answer so don't have project update; Baseline Extension contact with FL. Power they may have to do some sort of traffic control while they install the lights and there could be additional costs to City.

Commission Goldman discussed the hole on Cypress Road that was being used as a repair pit for Sprint was filled in; Carwash situation was checked out but could not see what water was doing coming off of C-25 but PWD would check with County.

Summercrest would break ground soon on 92nd St Rd which was near completion and they were working up a final set of construction plans for the contractor; need to make sure that the valves in the main line were in place.

Commissioner Anderson asked for the PWD to run a list of projects to show how busy we were and that we were spending tax dollars wisely; big total rather than small total.

IT Coordinator Towne – Nothing at this time.
Chief Strickland – Nothing at this time.

The Clerk stated that Kangaroo opened and it added an additional fence with screening that would block the lights from the cars; Race Trac would be on the next agenda in regards to the slope.

The Clerk stated her fourth grandbaby was born and it was her fourth granddaughter.

Attorney Landt – asked that comments on the Dangerous Animal Ordinance be given to the Clerk no later than next week

13. COMMISSION COMMENTS

Commissioner Goldman – asked if there was any word on the girls’ restrooms at softball field and the PWD stated they went out immediately after the call came in.

The road between Citgo and Checkers had caution children at play signs but you could not see them at night; they need new reflective signs. PWD stated that he was advised not to put those kind of signs up because of legal liability which could implicate the City and the Attorney Landt stated if the sign already existed and you were replacing them, you could do that because you have not worsened your situation.

Commissioner Nadeau asked if the Carnival Exception to the Ordinance would be on the next agenda and Attorney Landt stated it would.

Commissioner Nadeau asked about a time table for 102 St sidewalks and PWD Monroe stated he met with the engineer and he was in the process of working up a task authorization to do the design. When that was done he would give them to Mr. Rudniansyn who would give it to his construction crew; Dansan court was sitting dormant and as soon as something was done there, the sidewalks would be built.

Commissioner Nadeau asked if the 3 sports leagues contracts were finalized and Ms. Hill stated no one had signed the contracts.

Commissioner Loar - Nothing at this time

Commissioner Anderson – discussed fingerprinting the coaches and assistants at the recreation park. The Clerk stated that the Federal requirements were for coaches and people who were employed and the coaches for the park were not employed by the City;. The Commissioner stated that when you work with children or seniors you have to have them finger printed. Attorney Landt stated he would check into that. The Commissioner stated if we need to do it then it needs to be inserted in the contract.

Commissioner Anderson asked PWD when the Baseline Extension would be opened and the PWD stated the contract called for 180 days so probably in 30-45 days.

Meeting was adjourned at 8:50 PM
ATTEST:

Sandi McKamey, CMC, CPM
City Clerk/Administrator