

June 28, 2010

City Council

Proceedings by Authority

State of New York
City of Jamestown ss:
City Council Chambers

A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, June 28, 2010 at 7:30 p.m.

Members Present: Council President Greg Rabb, Council Members, Tony Dolce, Maria Jones, Paul Whitford, Kim Ecklund and George Spitale

Members Absent: Councilmen Steve Szwejbka, Michael Taylor and Vince DeJoy

Others Present: Director of Financial Services/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Lehman, Director of Public Works Jeff Lehman, Captain Barry Swanson, Deputy Fire Chief Chet Harvey, Intern Aubrey Richer and Executive Assistant to the Mayor Matt Hanley

Council President Rabb called the meeting to order.

Councilwoman Rev. Maria Jones gave the invocation.

The minutes of the May 24, 2010 meeting were approved.

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

201006C00.01

James Slagle, Hotel Jamestown, 110 W. Third Street: Again, Mr. President, last meeting we had here, I was concerned about our alley between the Chadakoin and the Hotel and there's another manhole down on North Main Street right next to Rite-Aid. It's a very dangerous manhole that's stuck way in in the road and sometimes you can go between it, but if there's a whole lot of traffic and the tire goes in, somebody's going to break a wheel. It's getting very bad. As far as that alley is concerned, it's getting tore up bad and I know that Jeff has been busy with everything else. You all said something about that Washington Street was going to be paved – was that after the bridge was done or what?

President Rabb: The street itself?

Mr. Slagle: Yes – the whole street at Washington.

President Rabb: That I don't know.

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Mr. Slagle: Was 2nd Street going to be paved any? That's a bad street too. I've heard about it, but I don't know if it's going to be done this year or not. I wish Jeff was here tonight to explain that but he isn't.

President Rabb: No. Jeff is here.

Mr. Lehman: It's scheduled to be paved by the State

President Rabb: Washington.

Mr. Lehman: 2nd as well.

Mr. Slagle: Is it going to be done this year Jeff?

Mr. Lehman: It's scheduled to be done this year.

Mr. Slagle: Okay. Another thing. I want to commend the City Police on what a tremendous job they're doing out there to protect the public and I know, because I hear it on the scanner all the time at home and all the cars are out and I know one Saturday night, it was so busy that they had the Sheriff's Department and the State Police out there helping them which is good and I think Barry Swanson and his team is doing a fantastic job for the City protecting us and people around us. I know it's a tremendous job. I know – I'm a law enforcement officer myself, I'm an ex-Deputy Sheriff of Tennessee so I know what he was going through and we had the same problem in our town. I thank the Council for letting me come here and speak my mind in a civil way and I really think since I've been here, I've got quite a few things done in this City. We got that light working finally on 4th and Cherry – that's working better so things are getting improved slowly, but it takes time and I understand that. I thank you all for it.

President Rabb: Thank you. Is there anyone else from the public who would like to address the Council this evening?

201006C00.02

Dr. Len Faulk, 155 Myrtle Street, Jamestown: I've lived there practically my whole life and I guess I'm here tonight – kind of two hats I wear tonight: one as a resident, secondly as the Chair of the Neighborhood Housing Revitalization Task Force that recently was charged with development of a neighborhood plan and that obviously is before us – the Neighborhood Revitalization Plan. I guess what I have to say...why am I doing this? I love Jamestown. I'm a cheerleader for Jamestown. This is a community of my birth. It's also a community of choice. I worked in Fredonia for 25 years. I could have moved, but I love this City; I love the schools; I love the neighborhoods. The Plan that we've put much time and effort into, is really a plan for needed reinvestment in our community - reinvestment by homeowners, reinvestment by investors; that's the key to the Plan. The problems are there that we need to solve. Why don't we reinvest more? Well, there's some doubts about the future. Is the market going to improve? We're in a very weak market and the elements of this Plan are there to stimulate reinvestment by homeowners and investors. Rental registration and a fee is part of that. Why? Not because we want to punish those that are in business. The investors didn't create the problem of poor

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housing in this community. This community has lost 40% of its population in the last 60 years. We have surplus housing and there's low demand and those houses have been sitting there and it's not just because we have investors, whatever. That's not the problem. We want to incentivize homeowners as well as investors. We want to attract more people to continue to stay in Jamestown, more people from outside to see Jamestown as we see it, which is a wonderful community to live in. The reason we need a rental registration and fee program is we have to have communities that have had successful neighborhood revitalization, have had strong enforcement. Now how this is going to look like in terms of its final implementation – we all want to talk about that. There are various features: a registration fee whether it's by per bedroom, per unit. Other communities have it – we can use those as models. We want to incentivize. If you own an apartment, you pay the fee, your apartment is in great shape, how about a rebate? We'll rebate your fee. We're not punishing people. What we want to do is we want to bring up to speed those houses that are actually doing damage to the rest of the neighborhood that have health and safety violations that are sitting there, and we know where they are in our communities. The study very firmly said "if you don't do something about those houses – they're already creating a minus \$25,000 deflation of all the houses in that neighborhood. If we don't attack and straighten those things up, that's when our value, our demand, will decrease; but I think we can do it. I guess that's why so many of us have been involved. I know down from the Mayor there's cheerleaders; I know all of you are cheerleaders for this community. We are too and we'd like to move forward on the Plan. Thank you.

President Rabb:
the Council this evening?

Thank you. Is there anyone else who would like to address

201006C00.03

Tory Irgang, 155 Park Street: I just wanted to let you know that I think, and there are others here tonight who also speak to this, there's a sort of strong silent majority in the City that are really behind the Neighborhood Plan. I think similar to what Mr. Faulk said, we have some questions about how it will be rolled out, but we're really supportive of it and I think it's important that you all know, and my councilperson knows, that I'm supportive of it and there are others in my neighborhood that I've spoken with that are also supportive of it and I think we just want that to be clear. I was fortunate to be able to take some time away from my job to go on a walk a few weeks ago that Charles Buki did actually on the south side and it was really interesting and I think that more residents, property owners, whether they are landlords that live in their rental properties or not, or people like myself that have a one family owner occupied home, I think that we can learn a lot by doing things like that. I think the way to do that is to move forward with the Neighborhood Plan and I think it's really important that we don't get bogged down in sort of the details, the negative pieces that might hold us back because it's very eye-opening when you walk with someone like Charles who can explain to you how very simple things can make your neighborhood better and that we really all have that ability and it's very empowering so I wanted you to know that there are people out there that think that – especially on the south side.

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201006C00.04

Joelle Conti-Washer, 520 Front Street: I'm here representing...I'm a Co-Chair of the Jamestown's Next Gen Leaders and I'm also a new homeowner in the area. I would like to go on record just saying that we are very interested; we're very excited for the Neighborhood Revitalization Plan; we're just scared that it will be put to the shelf and not be implemented and I think that's why you don't have the young people coming forward because they do believe a little bit that it's just kind of sit and stall and not go anywhere. I do believe that once you get started, you'll be amazed at the amount of people that are out there to help. We just wanted to be on record for that.

201006C00.05

Jennifer Harkness, 38 Ten Carlson Rd., Bemus Point: I'm here as Co-Chair of the Strategic Planning Commission and I just really would like to encourage all of you to adopt this Plan. There are several recommendations in the Plan just because Charles recommended different pieces of it doesn't mean you're approving all those. Each one of those still have to come back and go through the City process. So please don't get hung up on one part of the Plan and hold up all the other good work that can be done. The landlord registration is vital and important and I will certainly be here continuously on that issue; but I think it's something that we can do along with the landlords and implement something that's good for the City and good for them as well. I know some of the landlords that were speaking out – there's some great landlords, have great properties, and really they're going to be incentivized. They're not going to be punished, which I think is kind of a misnomer – I think we need to really educate the community more on what isn't actually in the Plan. It's a big document. It takes some time to read through it and really understand it and the Commission is going to work to try to help educate the community neighborhood by neighborhood about the Plan, but please stay strong and support this great work. Thank you.

201006C00.06

Dave Painter, 36 Harris Ave.: I own multiple properties in the City. I am a landlord. I'm a former member of REIA and I'm also on the Strategic Planning Commission. I support this Plan 100%. I think there's things in the Plan that need tweaked. I think there's some things in the Plan that are great ideas, but I think we are getting hung up on one thing. Now whether that one thing can be tweaked to suit everybody, whether it needs to be removed or stay in place – I'm still behind it 100% because I know one thing. I have a daughter that's nine years old and I'd like to create a place for her to be able to come back to after college and live here and be proud of her city as much as I am. Thank you.

Council President Rabb:

Thank you.

Peter Morgante, 134 Euclid Ave.: Sorry about this. I've owned my home for over 50 years in Jamestown and I've lived here for 80 years. All these people and everybody thinks that Jamestown is going to go back to the days where it was – where it was the privilege of owning your own home. Now today, nobody can own their home in the City of Jamestown on the wages that they made – a single person. You need two and three incomes just to keep the house going. With the property taxes what we got, the utilities that we have to pay to keep the house going and everything else, the average working person in the City of Jamestown cannot afford to own property and that's why we rent. That's why all of the old senior citizens are selling their homes – they can't keep them any longer and giving them up and going into subsidized housing and being helped out. Now that's the big problem. The Planning Commission – your Strategic Planning & Partnership...just don't seem to understand that. Now there is nobody on your Commission from the average old people – older people like me or even landlords...they're not on there. And when you meet at 8:00 in the morning, the public isn't going to be there and 3:00 in the afternoon for an hour's meeting- they don't take that time. You don't even have any landlords on your committees with ideas or suggestions. Now there was one made on the radio today from a guy who said you should check out all your tenants more so and probably even get a deposit – I don't know. But you are putting the homeowner, like people like me, against landlords and that's the problem we're having right now. It's a fight. I didn't get it on my own street and landlords can't even evict the tenants. The people of Jamestown are probably the poorest paid people in the whole darned state and they can't afford the houses. The average sale is \$52,000, \$55,000, \$60,000 for an average house that will sell. What is the average income of anybody that's in the City of Jamestown? Anybody know? Ms. Harkness? Can you tell me? Any idea what the average income is of people in Jamestown that are working? Mr. Faulk?

Mr. Morgante: Oh my God. You'd better check that out. This is the problem. The average pay of a working man in a factory – he's got to be a top worker – is \$15.00 an hour. That's experienced. Figure that out by how much is it a year and he's under \$20,000 a year. You people put figures where the people aren't making it. Bush Industry don't pay people. Carborundum don't pay people. Marlin Rockwell...the wages is what's holding people down from owning property in the City of Jamestown and that's what you people should be talking about. Thank you.

Council President Rabb: Thank you. Just as a point of clarification Mr. Morgante, I serve as Co-Chair of the Strategic Planning Commission and I happen to be a landlord so...I just...well, for the record...I am a landlord. Is there anybody else who would like to address the City Council this evening?

Frank Bessey, 269 Prospect Street: I'd like to just touch on one issue that Pete brought up which I think is very important is that he feels like he's at odds with the landlords and when I was reading the paper and thinking about this issue, I find myself thinking that I'm at war with the landlords as well, but I would encourage all the landowners, whether they live in their own house that they own, or they rent out, or both, that we all have an invested interest to make Jamestown better and that we should all be on the same side. I think that's one thing that the landlords and the property owners can see as we shouldn't be fighting each other because we

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both live in the City, we both pay taxes, we all want Jamestown to be better. Maybe it's for different reasons, but we want Jamestown to be better and I think that all the landlords, all the property owners, all the residents can get behind that issue and I want that issue to be prevalent as we move forward in the issues of the Revitalization Plan as we go into the ideas of fees, registration, everything, to find out what we're united on and working from there I think will be a great way to bring results. Thank you.

Council President Rabb: Thank you. Is there anyone else who would like to address the Council this evening? I'm pausing because last time I went too quickly.

STANDING COMMITTEES

FINANCE COMMITTEE

201006C01

BY COUNCILMAN DOLCE:

RESOLVED, That bills be audited and warrants drawn on the proper funds in payment of the respective amounts, totals as follows: General Fund, Capital Fund, Special Revenue Fund and Trust & Agency Fund \$5,801,049.02 in accordance with the period ending June 28, 2010, copy of which is annexed hereto and a copy to be filed in the office of the City Clerk, and be it further

RESOLVED, That disbursements in the total amount of \$3,604,557.64, and payrolls in the total amount of \$1,225,738.17, as paid by the Comptroller and Director of Financial Services, a copy of which is annexed hereto and a copy to be placed on file in the office of the City Clerk be and hereby are approved.

Carried: 6 ayes, 0 nays

201006C02

BY COUNCILMAN DOLCE:

WHEREAS, the U.S. Department of Justice, Bureau of Justice Assistance is administering the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and

WHEREAS, the City of Jamestown and County of Chautauqua are eligible to receive funding under the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program through a joint application process, now therefore be it

RESOLVED that the Mayor and Police Chief be and hereby are authorized and directed to execute a Memorandum of Agreement with the County of Chautauqua to receive grant funds to be utilized by the Jamestown Police Department and the Chautauqua County Sheriff's Department in the amount of \$22,207.

Carried: 6 ayes, 0 nays

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201006C03

BY COUNCILMAN DOLCE:

RESOLVED, that Corporation Counsel, Marilyn Fiore-Lehman, Police Captain Barry Swanson and Deputy Fire Chief Chet Harvey be, and hereby are authorized to attend the New York State Public Employer Labor Relations Association annual training conference to be held July 20 through 23, 2010, in Saratoga Springs, NY, with expenses to be paid pursuant to Section 77-b of the General Municipal Law.

Carried: 6 ayes, 0 nays

201006C04

BY COUNCILMAN DOLCE:

RESOLVED, That Mark Schlemmer, P.E., be, and he hereby is, authorized to attend the Annual State Highway School, June 7-9, 2010 in Ithaca, New York with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 6 ayes, 0 nays

201006C05

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a grant agreement with the Ralph P. Sheldon Foundation in an amount not to exceed \$5,000 for the purpose of funding a portion of the cost of the 2010 Parks, Recreation and Conservation Department Summer Playground Program subject to the approval of the Corporation Counsel as to form.

Councilman Dolce: I just wanted to note for the record...I want to thank the Sheldon Foundation for that amount of money. It's a very important service that we can provide for our community and our young people in the summer. In my time on Council, we've seen it cut way back because of budget constraints and it's very good to have them step forward and we appreciate their donation.

Carried: 6 ayes, 0 nays

201006C06

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a grant agreement with the Ralph P. Sheldon Foundation in an amount not to exceed \$25,000 for the purpose of funding a portion of the cost of the Roseland Park Playground Project subject to the approval of the Corporation Counsel as to form.

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Councilman Dolce: Another comment there again, a significant amount of money...I know that the people in that area have been working very hard for the past several years to raise the funds to upgrade the Roseland Park Playground for the north side. I know Councilman Taylor and I are very appreciative of that in that area of the City. I believe they're now up to over half of what they need for the completion of that project so again, I want to thank the Sheldon Foundation for stepping up to the plate there.

Carried: 6 ayes, 0 nays

201006C07

BY COUNCILMAN DOLCE:

WHEREAS, under the Community Development Block Grant (CDBG) and HOME programs, entitlement communities are allotted funds to implement housing, neighborhood, community, and economic development activities; and

WHEREAS, the City of Jamestown has been designated an entitlement community and is eligible to prepare and submit an Annual Action Plan and a five-year Consolidated Plan, which includes proposed housing, neighborhood, community, and economic development activities to be funded through the City's CDBG and HOME Program funding allotments; and

WHEREAS, in conjunction with an extensive public input process conducted by the City of Jamestown's Department of Development, the staff has developed a draft FY 2010 Annual Action Plan and FY 2010 – FY 2014 Consolidated Plan which includes proposed housing, neighborhood, community, and economic development activities to be funded with \$1,520,053 through the 2010 CDBG allocation and \$419,993 through the 2010 HOME allocation, for a total of \$1,940,046 and guidelines for future expenditures of said funding; and

WHEREAS, said development activities will occur in designated target areas in the community and include a variety of housing rehabilitation, infrastructure, planning, public services, and economic development initiatives; and

WHEREAS, in addition to the extensive, informal public input process conducted by the Department of Development, two required public hearings were held on April 28, 2010 and May 24, 2010, for the purpose of obtaining citizen input regarding the FY 2010 Annual Action Plan and FY 2010 – FY 2014 Consolidated Plan and the specific CDBG and HOME activities to be contained therein; and

WHEREAS, the draft FY 2010 Annual Action Plan and FY 2010 – FY 2014 Consolidated Plan have been available for public review for a minimum of 30 days as required by U.S. Department of Housing and Urban Development regulations; and

WHEREAS, additional comments of support and public input were received during the aforesaid public input period and carefully considered by Administration officials and City Council members; now therefore be it

RESOLVED, that the Mayor be, and he hereby is authorized and directed to submit the draft FY 2010 Annual Action Plan and FY 2010 – FY 2014 Consolidated Plan, including the specific CDBG and HOME activities contained therein, to the U.S. Department of Housing and Urban Development; and be it further

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RESOLVED; that the specific CDBG and HOME activities contained within the FY 2010 Annual Action Plan and FY 2010 – FY 2014 Consolidated Plan will be comprised of the list below.

FY 2010 Community Development Block Grant and HOME Programs

Summary of FY 2010 CDBG Activities:

Proposed Low-Moderate Benefit Activities = 77.43 % of Active Funds

<u>Activity</u>	<u>Amount</u>
A.D.A. Improvements –Public Facilities	\$ 210,000
Neighborhood Target Area Infrastructure Improvement Program	\$ 235,000
Neighborhood Target Area Demolition Program	\$ 135,553
Neighborhood Target Area Code Enforcement	\$ 118,000
Citywide Rental Rehabilitation Program	\$ 155,000
Downtown Handicapped Accessibility Improvement Program	\$ 90,000
SUB-TOTAL (Low - Moderate Benefit Activities)	<u>\$ 943,553</u>

Proposed Slums and Blight Activities = 22.57 % of Active Funds

<u>Activity</u>	<u>Amount</u>
Downtown Greenlining Façade Improvement Program	\$ 275,000
SUB-TOTAL (Slums and Blight Activities)	<u>\$ 275,000</u>
Planning and Administration – Technical Assistance	\$ 5,000
Administration/Program Delivery	\$ 296,500
TOTAL (CDBG Program)	<u>\$1,520,053</u>

Summary of FY 2010 HOME Program Activities:

<u>Activity</u>	<u>Amount</u>
Citywide Owner-Occupied Rehabilitation	\$ 314,995
CHDO Set-Aside (15%)	\$ 62,999
Administration/Program Delivery	\$ 41,999
TOTAL (HOME Program)	<u>\$ 419,993</u>

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Carried: 6 ayes, 0 nays

PUBLIC WORKS

201006C08

By Councilman Spitale:

WHEREAS, the Planning Commission of the City of Jamestown voted on May 25, 2010, to recommend to the Jamestown City Council that the City-owned property known as Norton Ave that is located between Huxley Street and the City's Western Boundary, be abandoned by the City of Jamestown as public street, and

WHEREAS, it has been determined that the City of Jamestown no longer requires the aforesaid property known as Norton Ave that is located between Huxley Street and the City's Western Boundary as public street of the City of Jamestown, and

WHEREAS, notice of the City of Jamestown's intention to abandon the aforesaid property was published in The Post-Journal on June 18, 2010, and thereafter a public hearing was held on June 28, 2010, in accordance with the provisions of Section 29 of the General City Law, and

WHEREAS, notice has heretofore been sent by registered mail, return receipt requested, to the persons and addresses noted on the last preceding real property tax notice issued on the property which abuts the City-owned property above-described, in accordance with the provision of Section 29 of the General City Law, and

WHEREAS, the City Council of the City of Jamestown concurs with the recommendation of the Planning Commission aforesaid; now, therefore, be it

RESOLVED, That the City-owned property described property known as Norton Ave that is located between Huxley Street and the City's Western Boundary, as shown on the Official Tax Map of the City of Jamestown, be and the same hereby is abandoned to abutting property owner with the condition that a perpetual/permanent easement for purposes of constructing, maintaining, repairing and replacing storm water management structures and its associated appurtenances be conveyed and the described property shall be subject to any and all utility easements or rights-of-way of record that may validly affect the described premises, and be it further

RESOLVED, That the Assessor and Director of Public Works of the City of Jamestown be and they hereby are authorized and directed to amend the Official Map of the City of Jamestown to reflect the abandonment of the above-described property, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized and directed to execute quit claim deed conveying all of the City of Jamestown's right, title and interest to the abutting property owner of property known as Norton Ave that is located between Huxley Street and the City's Western Boundary, measurements to be determined by the Director of Public Works.

Carried: 6 ayes, 0 nays

201006C09

BY COUNCILMAN WHITFORD:

WHEREAS, the City of Jamestown was awarded a federal Energy Efficiency and Conservation Block Grant in the amount of Three Hundred Sixty-seven Thousand Eight Hundred

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Dollars (\$367,800.00) with funding distributed through the New York State Energy Research and Development Authority (NYSERDA) for proposed traffic equipment improvements and synchronization along the Main Street corridor; now, therefore, be it

RESOLVED, That the proposal dated April 7, 2010, submitted by Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY, 14202-430 for Engineering Services for the Main Street Traffic Signal Coordination Project, in the amount of One Hundred Two Thousand Five Hundred Dollars (\$102,500.00), be and the same hereby is accepted; and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to execute an agreement with Bergmann Associates, which agreement will reflect the services to be performed by Bergmann Associates at the price referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Carried: 6 ayes, 0 nays

PUBLIC SAFETY

201006C10

BY COUNCILWOMAN JONES:

RESOLVED, That the following persons be, and they hereby are, reappointed to the office of Commissioner of Deeds in and for the City of Jamestown for a term of two years:

Rebecca Camp
Theresa A. Jackson

June 17, 2010 – June 16, 2012
July 22, 2010 – July 21, 2012

Carried: 6 ayes, 0 nays

NEW BUSINESS

Councilman Dolce: I just wanted to thank the members of the Strategic Planning Commission and others that are involved with the czb recommendation for coming tonight to give comments in support of the recommendations and I think last week we heard a lot from some of the members of the REIA and other landlords who are concerned about the landlord licensing and again, I want to reiterate that I think their concern, as of one who's been around this process for many years and working with the landlords and in chairing the Housing Sub-Committee, I think their big concern was we just spent two years working on a landlord registration form with no cost; and when they saw that there's a possibility of a licensing with fees, that certainly raised a big red flag for them and although I'm not speaking for them in particular, I'm trying to give you an understanding of where they're coming from. Many of them feel that anymore fees would be very difficult for them to take on. They feel as if they sat on the sub-committee, they went through the process, we were able to – after several months – come to an agreement as to something that they felt was workable for them. Whatever we come to a conclusion on, I would just suggest or recommend that they be brought into the process once again so that they feel they have ownership. Whether or not it ends up with a fee, or whether or not it ends up just where

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we're at with a registration form, again, if you sit on the Committee with them you hear some of the stories and things that they've gone through and we need to make sure that everyone in the community is brought on board together with the Plan. I'm not going to speak for the rest of the Council. I know that in reading through the recommendations, I'm in full support of the czb recommendations, but I do believe that that one particular issue will need some tweaking and will need some changing if there's going to be full support from all the members of the community as well as maybe even the Council; so I would encourage you to go back and work with them to try to come to some resolution on that particular issue. We don't want to see the baby thrown out with the bathwater, so to speak, and we want to move as we can with it and we also want to make sure it's a plan that everybody feels comfortable with and that they can afford and they can live with and that ultimately it'll do the job that it's supposed to do and help our neighborhoods. Thank you.

There being no further business, the meeting was adjourned.

James N. Olson, Director of Financial Services/
City Clerk