

City of Olmsted Falls
Minutes of a Special Council Meeting
Monday, June 5, 2017, at Olmsted Falls City Hall
26100 Bagley Road – Council Chambers, 6:00 p.m.

The Pledge of Allegiance was recited. Mayor Ann Marie Donegan called the Special Meeting to order at 6:00 p.m. Roll call was conducted. Present: Councilmen Linda Garrity, Jim Haviland, Bob Sculac, Paul Stibich, Terry Duncan, and Kyle Miller (arrived at 6:04 p.m.).

Also in attendance, George Smerigan, City Planner, and Gregory M. Sponseller, Law Director. Audience: 17.

NEW BUSINESS

Discussion of Annexation Matters – Mayor Donegan indicated that Mr. Gill approached the city in early March, she believes, and requested annexation consideration. It is important for any city to navigate that issue, but, Council will be the ultimate decision maker in this process. We had open conversations with the Columbia Township Trustees and have received a number of letters along with a school district letter. She would like to clearly state for the record, other than Trustee Musto, who mentioned the annexation on May 23, 2017, the only other time it was mentioned was during Councilman Sculac’s report as he was a part of the team at the introductory meeting with Mr. Gill. She would like to make it clear that her administration nor any member of Council have stated that the Columbia Trustees are for this issue, which continues to be stated and restated, which is simply not true. She then read the approved minutes from Mr. Sculac’s council report of March 28, 2017 “He also indicated that he attended a meeting with the Mayor and members of the staff regarding a developer wanting to annex 84 acres from Columbia Township, the old golf course at the corner of River and Sprague. We expressed our interest with them in the hopes that a number of parties be satisfied including Columbia Township, Columbia School System, the County Commissioners of Lorain County and the City of Olmsted Falls. We indicated to them that we were very interested and would be willing to move rapidly because he is looking to develop the 84 acres.” She stated that it is incumbent upon any Mayor to navigate, very respectfully when we receive a request from a developer. It is obviously not an easy subject, annexation has all the connotations of bad, wrong, mean, big government or whatever you want to characterize. The Mayor does not, under Charter, have the ultimate decision on pretty much anything except \$2,500 that he or she can spend and that generates Council scrutiny as well.

Again, for the record, at no time did we say that the Columbia Township Trustees are all for this issue. We have held a lot of different meetings and have had a lot of discussions with the individuals involved. Additionally, one of the trustees stopped by her office and provided some sort of map that indicated a lot of residential and some mixed use by Sprague Road and indicated that this was what they gave Mr. Gill and indicated that Olmsted Falls would get apartment buildings and all kinds of bad stuff, etc. She would like to make it very clear, this map has nothing to do with the City of Olmsted Falls, this development and if this Council decides to move forward, this Council would be the first step in approving an annexation, whatever deal you may or may not be

talking about with Mr. Gill has nothing to do with what Olmsted Falls would do, which is why we have a City Planner. The map or any plans with Columbia Township is not germane to this conversation because it has nothing to do with the City of Olmsted Falls or what we would do with Mr. Gill, should we move in that direction.

She stated that this is a special council meeting and as a Mayor that generally takes on issues in the forefront which is why Mr. Sculac commented on the meeting with Mr. Gill and is also why she contacted Trustee Heidecker and others, and why there were continual conversations so that nothing took place behind closed doors, as a secret or anything else. Additionally, we did approach Mr. Gill about a Joint Economic Development District and as she explained to one of the trustees today, this Council is part time and most of them have full time jobs and although we do communicate by email they have not yet been briefed that Mr. Gill is not interested in a JEDD, until right now. All of these alternative facts, crazy considerations that have been posed and phone calls; this is the very first step. She understands the nature of what annexation connotes and thought it would be best to let the city planner have the floor to discuss the issue with Council since Mr. Gill is not interested in a JEDD. His annexation is something that he wishes for the city to consider. Since we have not dealt with annexation, ever, let alone in 30 or 40 years, it is important that Council is briefed as they play a very significant roll in how we do business in Olmsted Falls per the City Charter. Every form of government is different and not all mayors have the unique authority to do whatever, our Charter is a weak mayor strong council form of government which is very different and unique to most other cities.

Mr. Smerigan indicated that he would like to get Council up to speed on what has developed and the opportunity being presented. The City has been presented with an opportunity relative to the potential of the annexation of 84 acres of land that would add land base to the existing corporate boundaries. He would like to note that there is a very specific process in the law for annexation, the state statute is very specific and detailed, and the ultimate decision with regard to approval or denial of the annexation request will be made by the County Commissioners. Any property owner whose property abuts the city corporate limits has the right to apply for annexation under the law. As a city, you have the right and obligation to review and assess any such proposal. In this instance, the property owner has indicated a desire to bring 84 acres into the city for the purpose of joining the community. Since Council has not dealt with an annexation during any of their terms of office he would like to explain the process. The applicant would file a petition for annexation with the Lorain County Commissioners, once that application is filed they will have to file a copy of the application with the city and the township. If and when the application is received by the city, at that point Council will have an evaluation to make and an action to take. Council must, by resolution, respond to the County as to whether or not you are willing to accept the land into the corporate limits and what public services the city is willing to provide to the property. That response needs to be filed with the County within a certain period of time. Based on Council's response and the application made by the applicant the County Commissioners will complete an evaluation and make their decision. There are a number of different procedures that are set forth in the law for annexation, there are contested annexations procedures and expedited annexation procedures. An expedited procedures means that 100% of the property owners have signed the application and in this instance that is what would be presented to Council because the property owner owns all of the parcel that is being requested to be annexed. The evaluation procedures at the county are somewhat different based on those standards. Again, one of the things the County Commissioners will look at is the city's willingness and desire to take that land into the city's corporate limits and provide the standard compliment of municipal services.

He stated that when land changes in terms of annexation it has no effect on the school district boundaries. City Council does not have the authority to change school district boundaries only the corporation boundary. This property would remain in the same school district, the only way to change that boundary is if the two school districts met and decided to change the boundary.

Mr. Smerigan stated that, if Council decides to accept this property, the zoning would also be established. He has met with the property owner and his attorney to discuss the annexation request, to make sure everyone understood the procedures correctly, to discuss Olmsted Falls regulations and what districts they might appropriately fall within and what might be completed as zoning on the property. We will not establish any zoning on the property until the city accepts the land as part of the annexation. As the City Planner he would make recommendations to Council as well as involving the Planning & Zoning Commission. Once the property is accepted into the city any development proposal would go through the normal process that any other piece of land in the city would follow.

He stated that the expedited annexation procedures have provisions for how the taxation is handled. Since the property would be within the city any employment that would take place on the property would be subject to city income tax. The property tax has a sharing provision where essentially it is a weening arrangement where the taxes over time become less to the township and more to the city. This is all set forth in the law, the city has no control over that procedure and no ability to modify or change.

Mr. Smerigan stated that currently the Petition for Annexation has not been filed with the county. He did suggest to Mr. Linder, the property owner's attorney, that at this meeting he would explain to Council the process for annexation prior to the petition being filed. He also asked Mr. Linder to hold off on filing the petition until this meeting could be held in order to give Council an opportunity to understand their rights and obligations.

Mayor Donegan indicated that she did receive a call from Trustee Heidecker and a visit from another trustee last week regarding a comment that Mr. Gill was filing an annexation petition. She then contacted Mr. Gill and asked that he wait to file until a JEDD discussion could take place. That discussion did occur but the property owner has indicated that he was not interested in a JEDD.

Mr. Smerigan stated that until Mr. Linder files the annexation petition with the county, there is no action for Council to take. Once he files the petition a copy will officially be filed with the Clerk of Council and once that happens the city is placed on a clock to evaluate the application and respond by resolution to the County Commissioners as to Council's willingness to accept the land and provide municipal services to the site. Council would obtain suggestions/reports from each of the department heads. Mr. Miller asked for the timeframe. Mr. Smerigan indicated that Council will have 20 days once the Clerk receives the notice of the filed petition to respond back to the County. Mr. Miller indicated that this resolution would need to be passed as an emergency and not able to run three readings. Mr. Smerigan indicated that Council would not have time for three readings. The county commissioners must follow the state statute and that statute has a very specific timeframe as well as standards that the county commissioners have to use to evaluate the application. He stated that this meeting was called in order to inform Council as to what could be coming and the procedures that will need to be followed.

Mr. Haviland asked if Cuyahoga County would be involved in this process. Mr. Smerigan indicated that since the land is currently within Lorain County it is the Lorain County Commissioners that have the authority to grant or deny the application. In fact, their authority is somewhat limited, if the application meets certain criteria under the law, they would not have a choice but to approve. Now, they do have the ability to review the application in order to make certain it meets all the criteria and it is up to the applicant to show he can meet the criteria.

Mr. Haviland asked, in Mr. Smerigan's experience, do the county's talk between each other. Mr. Smerigan stated that they will discuss the issue with each other. Having a corporate boundary that goes over a county line is not unusual. For example, the corporate line for Hunting Valley goes into Geauga County. Mr. Haviland stated that he did speak with Trustee Musto and to find out that a JEDD is not an option puts Council in a position where they will need to evaluate the request and 20 days in not a long period of time, if a petition is filed. Mr. Haviland asked what the current zoning on the property was. Mayor Donegan stated that she does not know if that question is germane to the issue. She received a map which was given to her by the trustees indicating it was offered during mediation which looks like a lot of housing development and up against Northwood would be mixed use development. Mr. Smerigan stated that in terms of a development plan, nothing has been submitted to the city because there is no zoning district on which to file a plan. He stated that, in his opinion, the most appropriate zoning district for the property might be the MUTND. Again, that is something that will be evaluated as the process moves forward. Again, nothing formally or officially has been submitted, at this point, to the city.

Mr. Smerigan reiterated that Council has a role to play but the ultimate decision maker will be the Lorain County Commissioners. While he understands that the trustees have communicated with some members of Council, if they have concerns with regard to this application they need to communicate them to the County Commissioners because that is the actual decision making body in this case. Council's only decision in this issue is if you feel it is appropriate for that land to be part of the city and whether or not the city wants to provide municipal services to it.

Mr. Sculac stated that he understands the process of the county commissioners as he was part of Council when a part of Falls Pointe was annexed and a different set of rules as it was a request through Cuyahoga County. If Lorain County, and the options they have, approve the annexation the City can still deny acceptance of the property. Mr. Smerigan indicated he was correct. The city does not have to accept the land into the city for annexation purposes. If Council indicates to the Commissioners that the city refuses to accept the land then they will not have much choice but to turn down the annexation request. He stated that the city is being presented with an opportunity to add 84 acres of land into the city for future development. If Council sees this as a positive that will add to the city and an ability to grow as a city you should accept the land, if Council determines there is an issue in terms of providing municipal services then Council has a right to say no.

Mr. Sculac asked if the property taxes would remain in Lorain County. Mr. Smerigan indicated that the county share taxes would continue to be in Lorain County, the township will continue to collect taxes for a period of time and obviously the city will collect taxes. Mr. Sculac stated based on the tax dollars remaining in Lorain County, then is the City responsible for maintaining roads and providing the services that we normal pay from property taxes to that community. Mr. Smerigan replied yes, if the city accepts the property then the city is agreeing to provide the services to that property that you would provide to any other property within the corporate limits.

Mr. Stibich stated that the taxes will be collected by Lorain County and at first they will be paid to Columbia Township, but, over a period of years that will decrease to Columbia Township and increase to the City. The taxes will be paid to the city through Lorain County and not through Cuyahoga. Mr. Smerigan replied that was correct. Mr. Stibich stated that if Mr. Gill files the petition immediately the city has 20 days to make a decision. In the next 20 days someone will have to show him that the benefit of accepting the property will outweigh the costs and would request a cost analysis. Mr. Smerigan indicated that the administration will have to provide that information to Council.

Ms. Garrity indicated that she does not understand why Columbia Township would want to give up the property to the city. Mr. Smerigan replied that they perhaps do not want to give up the property. Ms. Garrity stated that to her this does not make sense; Columbia loses the property; it comes to the city and when eventually something is build the city would eventually collect the property tax; the kids remain within their school district, which is why people move to Olmsted Falls for the school district and pay the high property taxes, so, why send your children to Columbia Township schools. Mayor Donegan replied that the township does not want to give up the land. The city had a developer approach us about annexing, which is an aspect of deliberation. The developer has requested the annexation and Mr. Smerigan is attempting to explain the Lorain County process. Mr. Smerigan stated that first of all, the trustees are not responsible for the schools, the school board is, and we are not changing the school district boundary. The property taxes that are collected off the property that are school taxes will be sent to the same school district. Ms. Garrity asked what percentage of the taxes are sent to the schools, for example, a large percentage of the city's property taxes go to the schools. Mayor Donegan indicated that the city does not have that analysis as this is the beginning stages. Mr. Smerigan indicated that the school district will not receive less taxes than they receive now so there is no impact in terms of the schools. He stated that it is not a question of whether or not the trustees want to give up the property. Ms. Garrity stated that she is just asking as is her right, she has been approached on the side, she has not been involved in anything at the table but rather approached on the side and she is permitted to ask that question. Mr. Smerigan indicated that he is trying to answer the question. He did not state that it was inappropriate for Ms. Garrity to ask the question, what he is attempting to say is, whether or not the trustees want to give up the property is not the issue, the property owner has the right to make a request to the county and the County Commissioners make the determination as to what community the property is most appropriately in, whether or not the trustees agree to it or not does not matter, they do not have to agree to the annexation in order for the county commissioners to approve it as that is the way the law is written. If the property meets certain criteria then the commissioners are required to approve the application, none of those criteria is whether or not the township trustees object.

Ms. Garrity stated if this annexation occurs, would the people moving into this annexed area pay the same rate of tax that she pays in Olmsted Falls. Mr. Smerigan indicated that he cannot answer that question precisely because in order to answer that question he would have to know the comparison between the tax rates for the Olmsted Falls school system and the township school system. Mayor Donegan indicated that none of this analysis has been completed, the city found out that Mr. Gill is not interested in a JEDD therefore she felt it incumbent upon her to start educating Council on the annexation process which is why this meeting is being held. She indicated that when a meeting was held in March, in attendance where planning, service, police and fire and Council listening to the presentation. We have no idea what this would be and no analysis has been completed.

Ms. Duncan stated for example, in property taxes, Olmsted Falls residents pay for police equipment, shade tree, lighting fee, township and city cemetery, so excluding the property taxes for the school system, which is different, all those currently are part of our property tax system would that be part of the property taxes that would be collected on any annexed land. Mr. Smerigan replied eventually, there is a formula in the law.

Mr. Sculac asked if it was feasible for Council to get a copy of the criteria that the county commissioners have to abide by. Mr. Smerigan indicated that he could provide that.

Mr. Gill indicated that he is the developer that approached Mayor Donegan regarding annexing this property into the City of Olmsted Falls. He is currently in a lawsuit with Columbia Township over zoning and we are seeking other opportunities to develop this land.

Ms. Garrity stated that Mr. Gill obviously has some ideas of how rapidly he would want to develop the property. Mr. Gill indicated that provided the property is annexed into the city it would take at least five to seven years to develop. Mayor Donegan indicated that she believes everyone is assuming that we are interested in all residential development which could not be further from the truth and we have made it very clear that making this primarily residential is not something we are interested in. Mr. Gill stated that a drawing was presented and the administration made it clear that they were not interested. Mr. Sculac indicated that a mixed use type of development was discussed. Mr. Gill stated that provided that Olmsted Falls accepts the annexation the property would be developed in a different fashion it would not be all residential. Mayor Donegan indicated that the land comes with no zoning the city would decide the zoning district.

Mr. Stibich asked if Mr. Gill believes the zoning options in Olmsted Falls are more flexible or favorable for his options. Mr. Gill replied at this time. He stated that Columbia Township is working to adjust their zoning but in his present stage with the property he is looking to move forward and it takes time to change zoning. Mr. Stibich asked if that was Mr. Gill's primary motivation or other reasons why he would rather this area be part of the Falls rather than the township. Mr. Gill stated that it is primarily for the opportunity for the property. It is an opportunity for the City and himself as the developer.

Mike Musto stated that he is a Columbia Township Trustee and would be happy to answer any questions Council may have. He indicated that he could answer a lot of questions Council is asking or what we were talking about but was told he could not do that but, any questions regarding taxes he can answer. Mayor Donegan indicated that she does not understand what he means as the meeting has been opened up. She asked if he was in favor of the annexation; Mr. Musto replied no. He indicated that the JEDD could have been a win/win but the annexation is not. He stated that Council needs to really read the expedited annexation because the property taxes do not change over Columbia Township will still collect those. The expedited procedure is a brand new way of annexing property from a township to a city. Mayor Donegan asked if Mr. Musto was stating that Mr. Smerigan does not know what he is talking about. Mr. Musto replied he was not it is simply stating that the city needs to research the expedited annexation, which is brand new, and the city does not get the property it remains Columbia Township and the township keeps the majority of the taxes. He stated that taxes go to the county, Board of Mental Retardation and LCC college. He stated that 24% or 25% goes to Lorain County; 6% goes to Columbia and he figured that 66% goes to the schools. His stated that the township attorneys have informed the trustees that the taxes stay with the township along with the property and he is passing the information along.

Mr. Miller stated that if that was true why wouldn't the township want the city to annex the property if that is the case the city would provide all the services but all the taxes would stay with Columbia Township. Mr. Musto replied that Columbia has its own 24/7 fire department, we contract with the Sherriff's department and we will supply that piece of property with sewers according to what he understands Olmsted Falls does not have enough capacity for the sewers. Mayor Donegan replied that these are things that Mr. Musto has heard and she would appreciate him prefacing by saying that as the city has not completed any due diligence from an engineering perspective, service, fire or police perspective. Mr. Musto rephrased his statement, we have heard from Lorain County Commissioners, from Lorain County Administrator that we will be supplying them with sewer and that is all he can say. We have heard from Lorain Rural Water that we will be supplying that property with water, this is not rumor, but he does not know if it's true. So, why would the township give up a piece of property that we can take care of and it's in our township, why would we want to give it up if we are providing everything?

Mr. Haviland stated that Columbia Township and the City of Olmsted Falls have been good neighbors we are approaching this openly. We are in a situation where we have a developer that wants to exercise a certain right that will put the city in a reactive mode. As to Mr. Stibich's question on timing, he is wondering if there is a possibility that the developer could hold off on filing his petition in order for the city to begin their diligence. One thing he liked about the JEDD suggestion is that there is a shared partnership revenue and everything else. He stated that annexation may not have the same amount ability to share in income and expenses. However, he is not sure if the developer is locked into an annexation or having conversations that would be mutually beneficial between the city and the township. We are faced with a developer who believes he can maximize his land if it comes to the city but, 20 days is not a lot of time to have additional conversations or for the Mayor to get an analysis from our safety and service departments. He asked if there was an ability to have discussions, if annexation is placed upon the city, for us to deviate from the norm so there is a more mutual agreement, if that was the will of the trustees and the city. Mayor Donegan indicated that for a couple years she has spoken with Trustee Heidecker about a JEDD, which is a win/win, when she spoke with Mr. Smerigan she was informed that a JEDD was not appropriate. She wished to have more conversations with Mr. Gill because she believes that a JEDD is more of a win/win. If she is going to have her department's complete their due diligence, we are dealing with a blank piece of property that we do not know what it will be zoned so she does not know how we make accurate decisions. Mr. Smerigan indicated that the city could negotiate something. Mr. Haviland stated that the model he is thinking of is Chagrin/Highland they share revenue between the City of Cleveland, Orange and Highland Hills. Mr. Smerigan indicated that was an annexation but as part of the annexation there was a development agreement between the entities that deals with revenue sharing and how the zoning is handled.

Mr. Musto stated that the trustees are currently setting up the first public meeting for the recently passed new zoning for Columbia Township and it's probably a month and a half away from being approved, if all three trustees agree. The Board of Zoning has already agreed, Lorain County Planning has agreed and we are doing this because of the lawsuits. Columbia currently has a mixed development, just like the city, and the trustees do not understand the reason for the developer wanting to annex. Mayor Donegan indicated that the map Mr. Musto gave her today has mixed use across the street from residents on Sprague Road and she has an issue with that. Mr. Musto replied so does the township and are trying to get it right. Mayor Donegan stated that she believes we all need to be good neighbors and putting mixed use across the street from residential is suspect.

Mr. Gorski asked if Mr. Musto's view on the subject the overall opinion of the majority of the trustees in Columbia Township; Mr. Musto replied yes. This is the absolute consensus of the trustees, which is why the zoning was changed. He cannot speak for the trustees but for the most part why he feels the new zoning, which was collaborated with Lorain County to make the zoning fair to the developers to make sure they can develop what they want and how they want so we do not go to court all the time. Mayor Donegan indicated that she believes it is fair to say that Trustee Cunningham was not interested in the JEDD option. Mr. Musto replied that he does not believe he was. Mayor Donegan indicated that Mr. Musto represented that he was not interested in a JEDD. Mr. Musto indicated that Trustee Cunningham wants a lot more information about a JEDD.

Mr. Gorski stated would it be fair to say, as a general conclusion, that the overwhelming consensus of the Columbia Township Trustees is that they would not be in favor of this; Mr. Musto replied correct.

Ms. Garrity stated that when Mr. Musto states the township is modifying their current zoning to accommodate developers such as Mr. Gill which is one of the reasons why the zoning is being changed and has indicated that it is a month and a half away from approval, so in a month and a half Mr. Gill might be able to get what he wants from the township. Mr. Musto indicated that the trustees have not seen any development plans other than the ones the city knows about. We know that there are 120 some houses and a section that we have heard, from him, rec center, convenient store, hardware store, we do not know what is going there but they wanted an area for mixed use, which we would discuss down the road. Mayor Donegan reiterated that Mr. Gill presented to the city what he presented to the township and the city is not interested in the plan and has been off the table since March 28th. She is not interested in residential and certainly not mixed use as she has to be mindful of the people who live on Sprague that have invested in their homes. Mr. Musto stated that seems to be the plan that keeps coming back.

Mr. Musto stated that if the city turns down annexation the trustees would be happy to work with Olmsted Falls to come up with a good solution for Sprague Road for the city residents and the township residents. Hopefully the city would be willing to work with the trustees if the property is annexed so there isn't one road coming out at Redfern Road the way the plan given to the Mayor shows. There is one road in and no roads out which is against Lorain County Planning but does not know how Cuyahoga County is for ingress and egress. Mayor Donegan indicated that the city is not governed by the county.

Dan Linder stated that he is the developer's attorney. He stated that the important word here is lawsuits, he only has one of them, all of the developers in the region are presently involved in litigation with the township because they are against any development of any type. He stated another developer arrived at a negotiation with the trustees and left the mediation indicating yes they would agree but when they were at their public meeting and indicate that they will not agree. The reality is trial is set against the trustees and do not start over at stage one like Mr. Musto has indicated we are set for trial in under 90 days. The township is up against a multi-million dollar takings lawsuit because of their unreasonableness in their handling of zoning. The reason we came to the City of Olmsted Falls is not because there is any negative anything happening in the litigation it is because the city has a wonderful new zoning that you enacted within the last year that gives opportunity for the city to receive RITA taxes from our property; to get a portion of the property taxes for the part the city provides and over time that changes, which is all statutory. It also allows the developer to do something useful with the property that works for the community and isn't

being a “square peg shoved through a round hole” because new trustees are forcing every developer into absurd scenarios and that is why there are lawsuits, plural several, in Columbia township. They have lost control of their vision, they have put our new zoning plans that really there is very little new about them, their comprehensive plan indicates exactly what is in front of the Mayor which makes sense there but not across the street with the city. We quite frankly are trying to be good neighbors and have always tried to be good neighbors but we are getting pushed into absurd spots to the point we have no choice but to sue. We are in a long line of a lot of people in the same scenario. He would ask that Council seriously consider the annexation. He stated that he has known Mr. Smerigan for 24 years and we are not bully pulpit people, we are always trying to work nicely with one another and we have been forced into a scenario that we are not comfortable in and that is why we are before Council.

Mr. Stibich asked if the Mayor had a specific plan from Mr. Gill. Mayor Donegan stated there is no plan. Mr. Gill came in and presented a lot of houses but we said we were not interested in a lot of housing so there is nothing but 84 acres. Mr. Stibich stated that it would be hard to complete an analysis not knowing what is going to be developed. Mayor Donegan indicated that is why she is concerned about other than generalized lower on residential but something more creative as the MUTND zoning classification allows. She received a copy of a plan from Trustee Musto today and will give it to the clerk. This is what they agreed on in mediation, but is not sure if that is the case, but as she explained a number of times right now all we know is that it is 84 acres and it will be hard within 20 days to complete a cost benefit analysis of an unknown. Mr. Sculac stated that at the initial meeting it was very explicit to Mr. Gill that the city was not interested in 200 houses, we were interested in maybe some townhouses at the waterway, maybe some shops within the boundaries, maybe apartment buildings. As the Mayor stated we indicated that we did not want a 7-11 convenient store across from the homes on Sprague Road and that was a major issue at that time.

Mr. Musto indicated that they have five developers building homes which have been approved. We have three lawsuits and one of them is Mr. Gill's.

Mr. Sculac moved to **adjourn**; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 6:58 p.m.

Ann Marie Donegan, Mayor

Angela Mancini, Clerk of Council