



**Boiling Springs Town Council
Meeting Agenda Packet
January 8, 2019**



Town of Boiling Springs

PO Box 1014 | Boiling Springs, NC 28017

Phone 704-434-2357 | Fax 704-434-2358

www.BoilingSpringsNC.net

TOWN COUNCIL MEETING AGENDA

JANUARY 8, 2019

ROUTINE BUSINESS

1. Mayor’s Call to Order
2. Recognize Citizens Present & Public Comment
3. Minutes from December 4, 2018 Meeting 3

REGULAR BUSINESS

4. North Main Street Corridor Bicycle/Pedestrian/Parking Study | Resolution #R190108.01 7
5. Declare Property Surplus | Resolution #R190108.02 9
6. School Resource Officer Memorandum of Understanding (MOU) and Contract | Resolution #R190108.03 11
7. Beer and Wine License and License Tax | Resolution #R190108.04 12

REPORTS

8. Staff Reports 16
9. Town Council Member Reports 17
10. Adjournment

The Town Council desires all citizens have an opportunity to address the Council in an open and productive manner. Individuals not on the agenda but wishing to speak should register with the Clerk prior to the start of the meeting. During the Public Comment portion of the meeting speakers have three (3) minutes unless otherwise approved by the Council. Groups are urged to appoint a spokesperson. If you require additional time, we ask you be placed on the agenda for the next regularly scheduled meeting of the Council. This policy allows the Council members adequate time to familiarize themselves with an issue.

**Town of Boiling Springs
Town Council
Regular Meeting Minutes
December 4, 2018**

The Boiling Springs Town Council met December 4, 2018 at the Boiling Springs Town Hall. Present were: Mayor Bill Ellis; Councilmembers James Beason, Cliff Hamrick, Patrick Litton, Daniel Thomas, and Marty Thomas. Town Attorney John Schweppe, III was also present. Staff members present: Town Manager Lucas Shires, Town Clerk Kimberly Greene, Finance Director Rhonda Allen, Chief Nathan Phillips, Officer Paul McNeilly, and Wastewater Plant Supervisor Todd Humphries.

Others Present: Wes Cogdill, Jackie Sibley-Newton and Girl Scout Troop #20307

AGENDA ITEM I

Call to Order – Bill Ellis, Mayor

AGENDA ITEM II

Recognition of Citizens Present & Public Comment

Mayor Ellis welcomed Jackie Sibley-Newton and Girl Scout Troop #20307. The Scouts were in attendance to observe the meeting.

Mayor Ellis also recognized new employee Todd Humphries. Mr. Humphries is the Wastewater Plant Supervisor.

AGENDA ITEM III

Approval of Minutes – November 13, 2018 regular meeting

The Town Clerk made the following corrections/additions to the minutes of the November 13, 2018 meeting: Finance Director Rhonda Allen was present; Agenda Item XI Fiscal Year 2018-2019 changed to 1st Quarter Financials. Councilmember Hamrick made the motion to approve the minutes of the November 13, 2018 regular meeting as corrected. Councilmember Beason seconded and the vote was unanimous.

AGENDA ITEM IV

Tourism Development Authority

Mayor Ellis recognized Ms. Jackie Sibley-Newton, the Director of Cleveland County Travel and Tourism and member of the Boiling Springs Tourism Development Authority (TDA). Ms. Sibley-Newton gave an overview of the TDA. The Boiling Springs TDA was created by an act of the NC State Legislature and the Boiling Springs Town Council in 2006. The TDA is funded solely by an occupancy tax generated by visitors staying overnight and paying the hotel room tax collected by lodging establishments. As overnight stays increase, so does the size of the fund available for grants. Grants may be awarded to all qualifying cultural, historical and recreational entities and/or qualifying special events that submit a request for such funds. The maximum amount awarded by the TDA is \$5,000. The next TDA meeting will be held at the AmericInn located at 428 East College Avenue on December 5, 2018 at 10 a.m.

The Town Council thanked Ms. Sibley-Newton for her informative presentation.

AGENDA ITEM V

Boiling Springs Community Park Master Plan | Resolution #R181204.01

Mayor reported there is a drawing of the Park Master Plan on display here at the Town Hall. Councilmember Daniel Thomas made the motion to approve Resolution #R181204.01 adopting the Boiling Springs Community Park Master Plan. Councilmember Marty Thomas seconded and the vote was unanimous. A copy of the resolution is hereby incorporated into and made a part of the minutes of the meeting.

AGENDA ITEM VI

Grant Contract with the NC Department of Natural and Cultural Resources | Resolution #R181204.02

The Mayor reported the Town was awarded \$150,000 from the NC Department of Natural and Cultural Resources for Park Renovations and Sidewalks. Councilmember Marty Thomas made the motion to approve Resolution #R181204.02 acknowledging and approving that Mr. Shires, on behalf of the Town Council, previously executed the Grant Contract with the NC Department of Natural and Cultural Resources for Phase I of the Park Renovations and Sidewalks Project on November 14, 2018. Councilmember Litton seconded and the vote was unanimous. A copy of the resolution is hereby incorporated into and made a part of the minutes of the meeting.

AGENDA ITEM VII

Culvert Repair Project | Annie's Circle & Silverina Court | Resolution #R181204.03

The Mayor reported bids were received November 28, 2018 for the unanticipated Annie's Circle and Silverina Court Culvert Repair Project from the following contractors:

• Clark Ledbetter Grading & Hauling, Inc.	\$ 49,800.00
• Marvin Hoyle Construction, Inc.	\$ 54,000.00
• Southeastern Asphalt	\$196,450.00

Mr. Dave Odom, Odom Engineering, PLLC recommend an additional \$6,000.00 in the budget as part of contingency should any unforeseen circumstances occur.

Councilmember Hamrick made the motion to approve Resolution #R181204.03 awarding the contract to the lowest bidder Clark Ledbetter Grading & Hauling, Inc. and to authorize Mr. Shires to enter into a contract with Clark Ledbetter Grading & Hauling, Inc. Councilmember Beason seconded and the vote was unanimous. A copy of the resolution is hereby incorporated into and made a part of the minutes of the meeting.

It is also necessary to establish capital project ordinance and budget for this project.

Section 1. The following amounts are hereby appropriated for the Annie's Circle and Silverina Court culvert repair:

Contracted Services – Powell Bill	<u>\$ 60,000</u>
Total	<u>\$ 60,000</u>

Section 2. It is estimated that the following revenues will be available for Annie's Circle and Silverina Court culvert repair:

Powell Bill Reserves	<u>\$ 60,000</u>
Total	<u>\$ 60,000</u>

Councilmember Marty Thomas made the motion to approve Capital Budget Ordinance #181204.4 to establish a capital project ordinance and budget for the Annie's Circle and Silverina Court Culvert Repair Project. Councilmember Hamrick seconded and the vote was unanimous. A copy of the ordinance is hereby incorporated into and made a part of the minutes of the meeting.

AGENDA ITEM VIII

School Resource Officer Update

Mr. Shires reported he recently met with Dr. Stephen Fisher, Superintendent of the Cleveland County School System, and Cleveland County Sheriff Alan Norman to discuss the School Resource Officer matter in further detail. It is a County School System funded position. The officer would split their time between Boiling Springs Elementary and Springmore Elementary. Mr. Shires stated he should have a MOU from the Cleveland County School System by December 15th to bring to the Town Council in January 2019 for adoption.

AGENDA ITEM IX

Reschedule January 1, 2019 Council Meeting

Councilmember Daniel Thomas made the motion to reschedule the January 1, 2019 meeting for January 8, 2019. Councilmember Litton seconded and the vote was unanimous.

AGENDA ITEM X

Review Annexation Application

Mr. Shires reported a petition for satellite annexation was recently submitted by Mr. Kisan Patel, of Patel Yash K, LLC, for a convenience store located at 366 Beaver Dam Church Road in Shelby, N.C. The property is located outside the Town's Extraterritorial Jurisdiction (ETJ). The Council discussed their concerns regarding spot zoning and the services the Town would be required to provide. Councilmember Beason made the motion to table this issue. Councilmember Daniel Thomas seconded and the vote was unanimous.

AGENDA ITEM XI

NC Alcoholic Beverage Control Commission | Resolution to Update or Change the Designated Official

Councilmember Beason made the motion to approve the NC Alcoholic Beverage Control Commission Resolution to update the Mayor's name only. The Town Manager remains are the Designated Official responsible for making recommendations to the NCABC. Councilmember Hamrick seconded and the vote was unanimous. A copy of the resolution is hereby incorporated into and made a part of the minutes of the meeting.

AGENDA ITEM XII

Staff Report

The Mayor thanked the staff for their work on the Christmas Parade.

Lucas Shires, Town Manager, reported the following:

Mr. Shires reported in addition to new employee Todd Humphries, two more employees have also been hired for the Wastewater Treatment Plant – Keith Porter and David Morrow.

The Police Department is holding the Shop with a Cop Annual Toy Drive and will be helping twelve local families in need of assistance on December 22, 2018.

The Patrick Avenue Sidewalk Project is progressing and Odom Engineering, PLLC hopes to release the project for bid within two weeks.

Odom Engineering, PLLC will also release the Skinner Road Bridge Water Relocation Project for bid within two weeks. NCDOT will follow up with the bridge work after the waterline is relocated.

Mr. Shires updated the Council on the Downtown Master Plan. ColeJenest & Stone, P.A. is in the due diligence phase. They plan to schedule a public work session in mid to late January inviting Town citizens. The project is on schedule and will be tied in with the North Main Street Corridor Study Bike/Ped/Parking Study. Mr. Shires received word from NCDOT that he can move forward with the official selection of the Planning/Engineering firm to evaluate pedestrian and bicycle improvements along the N. Main Street Corridor.

Mr. Shires stated Cleveland County has secured the \$80,000 grant for inclusive the playground equipment.

The Circle K Convenience Store, a national chain located on North Main Street, will begin selling beer and wine on December 10, 2018.

Mr. Shires also reported on the Lattimore sewer utility billing collection issues. It was not added to the agenda due to sensitive billing information. Mr. Shires was seeking direction from the Town Council on how to proceed. Staff feels the funds are owed to the Town. Mr. Shires recognized Attorney Tom Martin. Lattimore Mayor Alton Beal was unable to attend the meeting. Mr. Martin stated that out of the five past due accounts, which are not on Cleveland County water, only one individual has acknowledged receiving the bills but does not want to pay. Each customer has a sewer clean-out. The current (20 year) agreement was signed eighteen years ago and the Town of Lattimore wishes to continue the agreement. Mr. Martin reported the Town of Lattimore would also like to make payments on those accounts. He inquired about removing the \$10 late fees stating all but one customer was not aware of the bills. Mr. Martin stated the Town of Lattimore agreed to a sewer rate increase and has paid \$70,000 for pump station maintenance. After discussion, the Town Council directed Mr. Shires to send a letter to Mayor Beal requesting full compensation within 30 days. Mr. Shires stated he would pull invoices if needed to show how much the Town has spent and that the \$70,000 is a moot point in this matter.

AGENDA ITEM XIII

Town Councilmember Reports

Councilmember Marty Thomas commended the Police Department on the Christmas Parade.

Councilmember Thomas also inquired about the old Town Hall stating now is a good time to market the property since Phase I of the Park Renovations & Sidewalks Project will be starting. Councilmember Thomas inquired about marketing and if there is a need for a subcommittee. Mr. Shires reported that Kristen Reeves with the Cleveland County Economic Development Partnership could possibly assist with marketing. Mr. Shires reported the work that is being done on Downtown Committee is getting positive feedback. Councilmember Marty Thomas also thanked the staff for their hard work.

Councilmember Litton inquired about holiday garbage pickup which will run on schedule Tuesday, January 1, 2019. He also inquired about the Water Sewer CIP Sub-Committee meeting again. Mr. Shires stated he would speak with Mike Gibert about the committee meeting again.

Councilmember Hamrick mentioned the Lattimore sewer utility collection issue.

Councilmember Daniel Thomas reported Ms. Tammy Bass has been praising the Downtown Committee. Councilmember Marty Thomas requested the Downtown Committee meetings be held at a later time. The Mayor stated he is proud of the staff.

AGENDA ITEM XIV

Adjournment

There being no further business, Councilmember Hamrick made the motion to declare the meeting adjourned at 7: 46 p.m. Councilmember Daniel Thomas seconded and the vote was unanimous.

Bill Ellis, Mayor

Kimberly Greene, Town Clerk

DRAFT



Town of Boiling Springs

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TOWN COUNCIL

AGENDA ITEM 4

JANUARY 8, 2019

RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT WITH ALTA PLANNING + DESIGN, INC. FOR THE NORTH MAIN STREET CORRIDOR BIKE/PEDESTRIAN/PARKING STUDY

The proposal provides professional services for the North Main Street Corridor Bicycle/Pedestrian/Parking Study.

SUMMARY

Action needed: Adopt Resolution

MATERIALS PROVIDED

- Resolution # R190108.01



"The Crossroads of Opportunity"

TOWN OF BOILING SPRINGS

**RESOLUTION #R190108.01 TO AUTHORIZE THE TOWN MANAGER
TO EXECUTE A CONTRACT WITH ALTA PLANNING + DESIGN, INC.
TO PROVIDE PROFESSIONAL SERVICES RELATING TO THE NORTH MAIN
STREET CORRIDOR BICYCLE/PEDESTRIAN/PARKING STUDY**

WHEREAS, the Town of Boiling Springs desires to engage qualified private planning/engineering firms (PEF) to evaluate pedestrian and bicycle improvements along the North Main Street corridor in Boiling Springs, North Carolina; and

WHEREAS, the study will evaluate pedestrian and bicycle circulation improvements in the North Main Street Corridor, study current trends to bike and pedestrian infrastructure while accommodating vehicle traffic and parking needs, and analyze parking, wayfinding signage, road diets, traffic calming, and bike/ped access and use; and

WHEREAS, the completed study will include a report and presentation to the Town Council and to the Gaston-Cleveland-Lincoln MPO and should take no longer than six months to complete following notice to proceed; and

WHEREAS, an Agreement was executed with the North Carolina Department of Transportation and total funds for the project include \$40,000 from the Federal Highway Administration, \$5,000 from NCDOT, and \$5,000 from the Town of Boiling Springs; and

WHEREAS, letters of interest were received by November 15, 2018 by 5:00 p.m. at the Boiling Springs Town Hall; and

WHEREAS, after reviewing the proposals Staff has recommended Alta Planning + Design, Inc. for the project; and

WHEREAS, the agreed contract amount with Alta Planning + Designs, Inc. shall not exceed \$50,008.

NOW, THEREFORE, BE IT RESOLVED, that the Boiling Springs Town Council authorizes Mr. Lucas A. Shires, Town Manager, on behalf of the Town of Boiling Springs, NC to execute the contract with Alta Planning + Design, Inc. to provide professional services for the North Main Street Corridor Bicycle/Pedestrian/Parking Study.

Adopted this the 8th day of January, 2019.

Bill Ellis, Mayor

ATTEST:

Kim Greene, Town Clerk



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TOWN COUNCIL

AGENDA ITEM 5

JANUARY 8, 2019

DECLARE PROPERTY SURPLUS

The Town no longer has an operational need for the former Broad River Greenway vehicle. Staff requests the Town Council declare the vehicle surplus property and enable staff to auction the vehicle in accordance with state law.

SUMMARY

Action needed: Approve Resolution

MATERIALS PROVIDED

Material: Resolution #R190108.02



"The Crossroads of Opportunity"

TOWN OF BOILING SPRINGS

RESOLUTION #R190108.02 AUTHORIZING SALE OF SURPLUS PERSONAL PROPERTY

WHEREAS, the Town of Boiling Springs owns personal property which is no longer has any usefulness for the Town; and

WHEREAS, G.S. 160A-270(b) authorizes the Town to identify surplus personal property and sell it at public auction; and

NOW, THEREFORE BE IT RESOLVED BY THE BOILING SPRINGS TOWN COUNCIL:

The Town Manager is authorized to dispose of the following property at public auction:

1996 Chevrolet Truck - VIN# 1GCGK24R0TZ212927

The Town Council further authorizes the Town Manager to utilize an electronic auction procedure in accordance with G.S. 160A-270.

Adopted this the 8th day of January, 2019.

Bill Ellis, Mayor

ATTEST:

Kim Greene, Town Clerk



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TOWN COUNCIL

AGENDA ITEM 7

JANUARY 8, 2019

RESOLUTION TO AUTHORIZE THE POLICE CHIEF TO EXECUTE THE SCHOOL RESOURCE OFFICER MOU AND AUTHORIZE THE POLICE CHIEF AND TOWN MANAGER TO EXECUTE THE CONTRACT WITH THE CLEVELAND COUNTY BOARD OF EDUCATION

Mr. Shires and Chief Phillips have been working with Dr. Stephen Fisher, Superintendent of the Cleveland County School System, and Cleveland County Sheriff Alan Norman regarding the School Resource Officer (SRO) position. The SRO officer would be a County funded position reporting for duty on January 14, 2019. The officer would split their time equitably between Boiling Springs Elementary and Springmore Elementary.

SUMMARY

Action needed: Adopt Resolution

MATERIALS PROVIDED

Resolution #R190108.03



"The Crossroads of Opportunity"

TOWN OF BOILING SPRINGS

RESOLUTION #R190108.03 TO AUTHORIZE THE POLICE CHIEF TO EXECUTE THE SCHOOL RESOURCE OFFICER MEMORANDUM OF UNDERSTANDING (MOU) AND AUTHORIZE THE POLICE CHIEF AND TOWN MANAGER TO EXECUTE THE CONTRACT WITH THE CLEVELAND COUNTY BOARD OF EDUCATION

WHEREAS, the Town of Boiling Springs desires to provide equitable safety and security services to Boiling Springs Elementary and Springmore Elementary; and

WHEREAS, the MOU outlines the goals and guiding principles as agreed to by and between the Board and Town of Boiling Springs Police Department in order to foster an efficient and cohesive program that will build a positive relationship between law enforcement officers, school administrators, parents and the students in the Cleveland County School System; and

WHEREAS, a School Resource Officer Program is hereby established in the public-school system of Cleveland County, North Carolina to promote a safe and secure environment on the campuses of the Cleveland County School System (CCSS); and

WHEREAS, the Cleveland County Board of Education agrees to enter into a separate service contract with the Town of Boiling Springs Police Department to address the assignment of an SRO to specific CCSS schools and payment for SRO services during each fiscal year; and

WHEREAS, the Town of Boiling Springs will provide one (1) sworn law enforcement officer to serve as School Resource Officer to provide equitable services to Boiling Springs Elementary and Springmore Elementary; and

WHEREAS, the Cleveland County Board of Education agrees to pay the Town of Boiling Springs a total not to exceed \$68,000 over the term of the contract for the 2018-2019 school year and the 2019-2020 school year; and

WHEREAS, the School Resource Officer shall report to duty on January 14, 2019 for the 2018-2019 school year and continue services until the contract(s) expire on June 30, 2020 of the 2019-2020 school year; and

NOW, THEREFORE, BE IT RESOLVED, that the Boiling Springs Town Council authorizes Chief Nathan Phillips to execute the MOU and authorizes Chief Nathan Phillips and Mr. Lucas A. Shires, Town Manager, on behalf of the Town of Boiling Springs, NC to execute the contract with the Cleveland County Board of Education.

Adopted this the 8th day of January, 2019.

Bill Ellis, Mayor

ATTEST:

Kim Greene, Town Clerk



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TOWN COUNCIL

AGENDA ITEM 7

JANUARY 8, 2019

AUTHORIZATION TO ISSUE BEER AND WINE LICENSES AND COLLECT LICENSE TAXES

Restaurants, hotels and convenience stores are now allowed to sell beer and wine in Town limits. The business year for Beer and Wine Privilege License taxes begins May 1st and ends April 30th of each year.

North Carolina Revenue Laws allow municipalities to collect Beer and Wine License taxes and issue the associated permits.

SUMMARY

Action needed: Adopt Resolution

MATERIALS PROVIDED

Resolution #R190108.04



"The Crossroads of Opportunity"

TOWN OF BOILING SPRINGS

RESOLUTION #R190108.04 AUTHORIZATION TO ISSUE BEER AND WINE LICENSE TAX

WHEREAS, a business must first obtain a permit from the North Carolina Alcoholic Beverage Control (NCABC) Commission; and

WHEREAS, after obtaining the applicable permit(s) from the NCABC Commission the business must first obtain a Beer and Wine License from the Town of Boiling Springs and then from Cleveland County; and

WHEREAS, the Beer and Wine License must be purchased annually and no proration will be allowed; and

WHEREAS, the business year for Beer and Wine License taxes begins May 1st and ends April 30th of each year.

NOW, THEREFORE, BE IT RESOLVED, that the Boiling Springs Town Council authorizes this office to collect Beer and Wine License Taxes and issue the associated licenses per the Revenue laws of North Carolina.

Adopted this the 8th day of January, 2019.

Bill Ellis, Mayor

ATTEST:

Kim Greene, Town Clerk



**TOWN OF BOILING SPRINGS | NC
BEER & WINE LICENSE - ON PREMISE**

UNDER THE PROVISIONS OF SUBSECTION 105-113.77(2) OF THE REVENUE LAWS OF NORTH CAROLINA, A LICENSE IS HEREBY ISSUED TO THE FOLLOWING NAMED INDIVIDUAL/PARTNERSHIP/CORPORATION FOR THE SALE OF BEER AND/OR WINE WITHIN THE CORPORATE LIMITS OF THE TOWN OF BOILING SPRINGS, NORTH CAROLINA.

Name:	Beer License:	\$15.00
DBA:	Wine License:	\$15.00
Address:	Total License:	\$30.00
City, State, Zip:		

This is to certify that the person, firm, or corporation named above, having paid the tax required by law, is hereby issued a license to engage in the business classified above.

Authorized by: Kimberly Greene, Town Clerk & Rhonda Allen, Finance Officer

Signed:

Signed:

Date Issued: XX/XX/XXXX
Expires: 04/30/2019 (License must be renewed annually)

(NON-TRANSFERABLE)

Bill Ellis, Mayor

Lucas Shires, Town Manager



**TOWN OF BOILING SPRINGS | NC
BEER & WINE LICENSE - OFF PREMISE**

UNDER THE PROVISIONS OF SUBSECTION 105-113.77(2) OF THE REVENUE LAWS OF NORTH CAROLINA, A LICENSE IS HEREBY ISSUED TO THE FOLLOWING NAMED INDIVIDUAL/PARTNERSHIP/CORPORATION FOR THE SALE OF BEER AND/OR WINE WITHIN THE CORPORATE LIMITS OF THE TOWN OF BOILING SPRINGS, NORTH CAROLINA.

Name:	Beer License:	\$5.00
DBA:	Wine License:	\$10.00
Address:	Total License:	\$15.00
City, State, Zip:		

This is to certify that the person, firm, or corporation named above, having paid the tax required by law, is hereby issued a license to engage in the business classified above.

Authorized by: Kimberly Greene, Town Clerk & Rhonda Allen, Finance Officer

Signed:

Signed:

Date Issued: XX/XX/XXXX
Expires: 04/30/2019 (License must be renewed annually)

(NON-TRANSFERABLE)

Bill Ellis, Mayor

Lucas Shires, Town Manager



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TOWN COUNCIL MEETING

STAFF REPORTS

JANUARY 8, 2019

POLICE CHIEF | NATHAN PHILLIPS

PUBLIC WORKS DIRECTOR | MIKE GIBERT

FINANCE DIRECTOR | RHONDA ALLEN

TOWN CLERK | KIM GREENE

TOWN ATTORNEY | JOHN SCHWEPPE III

TOWN MANAGER | LUCAS SHIRES



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TOWN COUNCIL MEETING COUNCIL MEMBER REPORTS

JANUARY 8, 2019

COUNCILMAN MARTY THOMAS

COUNCILMAN PATRICK LITTON

COUNCILMAN JAMES BEASON

COUNCILMAN CLIFFORD E. HAMRICK III

COUNCILMAN DANIEL THOMAS

MAYOR BILL ELLIS