



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, April 14, 2020

9:00 AM

Via Telephone

9:00 a.m. Hearings

Remove/Repair Orders

- 1 **RLH RR 20-11** Ordering the rehabilitation or razing and removal of the structures at 174 PAGE STREET WEST within fifteen (15) days after the February 26, 2020 City Council public hearing. (Refer to Legislative Hearing April 14)

Sponsors: Noecker

Layover to LH May 12 at 9 AM. Must have addendum to purchase agreement, proof of funds and affidavit setting aside funds, and updated bids in compliance with code compliance inspection by close of business May 8, 2020.

Robert Bier, owner, appeared via phone

Jason Cramer, investor, appeared via phone

Brendan Anderson, realtor and project manager, appeared via phone

Moermond: Mr. Yannarely, can you read items one through six in the letter that states what was to be done by today?

Staff report by Joe Yannarely: the purchase agreement must be submitted and approved by City staff, financial information dedicating funds for the project, provide an affidavit of financial commitment, detailed work plan, provide general and subcontractor bids, and continue to maintain the property.

Moermond: I understand the City has had to do a cleanup at the property since we last talked, can you explain?

Yannarely: yes, a summary abatement order was issued towards the end of march for garbage throughout the property, and it wasn't complied with, and a crew went out April 1 at a cost of \$595.

Moermond: so that's not a good start. That was one of the conditions and we've talked about how basic keeping it maintained is. What was going on?

Anderson: that was right around the time when there was a full on blitz to clear the property because you had expedited the code compliance, so I had ran through there and removed all the kitchen appliances, bagged remaining debris in basement, the

dumpsters were picked up at that time, so I had temporarily put them outside so the inspectors could see what they needed to inside. Those were to be picked up by a company, they ended up bailing on me before the City went in there and did the cleanout. That hiccup is on me, I was scheduling the appliances to get disposed of and also waiting on the code compliance and that happened today but there was a delay on that. We were hoping to look through that properly. But we did clean that out. I'm prepared to order another dumpster when the demo starts.

Yannarely: the garage is obviously jam-packed right now.

Anderson: the garage has to be torn down.

Yannarely: right, but we've got neighbors complaining that there's things running in and out of garage, there's a large hole in the overhead door. We just sent a summary abatement order to board in the opening in the overhead door, a person could get through that.

Moermond: did you guys hear that? The garage needs to be properly secured so wildlife and human beings cannot go in and out of the garage. Property maintenance is an indicator of how the rehab will go, so that's not a great sign. I looked at the purchase agreement that was submitted, I noticed and wanted to ask about this appears to be a regular purchase agreement but it shows on page 1 that it will close on or before March 20, 2020. We talked about how this is a Category 3 and couldn't transfer until the property was rehabbed, and I don't have any addendum or additional documents showing how you're going to manage that situation.

Anderson: the contract was implied with Bob and I that it would be extended and have an amendment signed, I didn't realize the closing had March, it will have to get extended to when it will property close, which brings up another point about transferring title.

Cramer: I talked to Chad Lemmon and our title company and another attorney and they are uncertain how we could go about financing the entire repair, looking at the bid it is \$80,000 to \$90,000, and not have our interest protected with title insurance. So they are having difficulties constructing a strategy that they would be able to give up title insurance without title transferring.

Moermond: you aren't the first people in this circumstance, there are a couple approaches, we can send you the documents. One case we saw a mortgage placed on the property in the amount of the rehab, so if they lose the sale they can foreclose upon the mortgage and recover the costs they put in. We've also seen a contract for deed sale. We'll send documents about alternative approaches you can share with your attorney, and you can see if any of those are an option for you. I'd like to be helpful there, I understand but I can't waive that requirement. Financial information, I have nothing on the record here. I have a bid that will have to be redone once the code compliance inspection is done, but your first estimate is \$86,100, so we'd need to see at least \$86,100 to do the work. You must have business accounts that would cover this kind of thing. My concern is whether there's adequate money for the entire thing, and an affidavit setting aside funds for this purpose until the work is done. The work plan you provided outlines some of the high points of what needs to be done and once you have the code compliance you'll know if other major things were identified. Looking at that, you'll be able to fine tune this. Do you have sub-contractor bids on this thing? I'm not sure with No Corners Cut Construction how you manage that sort of thing.

Anderson: that's the plan, once the code compliance is done, with a more detailed approach.

Moermond: what I'd like to see added is a schedule of how long it will take to execute. If we're four months down the road, I need a good idea of where you think you'll be. The standard grant of time is six months once this goes in front of Council. I'd ask for that, and if you aren't done, I'll have a hearing and determine what will happen with the performance deposit. If you're over halfway done, I'd likely continue the performance deposit and ask for an updated work plan. If you are less than 50% done, I may ask for the performance deposit to be continued and ask for an additional one, both of which are refundable. If you've done nothing on the project, I'd ask Council to forfeit the performance deposit. That's the grant of time and schedule so we're super clear. The 50% mark is the important one in terms of the performance deposit.

Anderson: understood.

Moermond: ok, and now you have the code compliance, that will help a lot. I'll look for a fresh addendum on the purchase agreement, I'll send the two samples of different approaches about title and protecting developer interests, whatever amount your bids are coming out at are what I need to see in the financials. I'm trying to figure out a reasonable length of time, especially with Coronavirus, I think three weeks would be about time

Anderson: I think so.

Moermond: three weeks from today is May 5, I can just say if you can have those documents to me by May 8 I can ask the Council to vote on it May 13. Deadline for those are by close of business that Friday, May 8th. I'll be reviewing them May 12, at 9 am.

Referred to the City Council due back on 5/13/2020

10:00 a.m. Hearings

Fire Certificates of Occupancy

- 2 RLH FCO** Appeal of Taylor Swartwood to a Fire Certificate of Occupancy
20-26 Correction Notice at 856 EUCLID STREET.

Sponsors: Prince

Deny the appeal of the fuel burning equipment test. Grant to May 1 for proof of chimney repair (both liner and flue gas test) under permit, grant to June 15 for exterior work and grant to July 1 for carpet orders.

Taylor Swartwood, owner, appeared via phone

Staff report by Supervisor Leanna Shaff: This was a Fire Certificate of Occupancy inspection that was conducted by Inspector James Thomas. There was an inspection February 19, and again March 24, the orders are the same. There are 8 deficiencies ranging from an appliance needing to plug directly into a permanent outlet, window screens, carpet throughout the house, smoke detector affidavit is filled out, some exterior peeling paint, heating facility the fuel burning test, and then the chimney is being repaired, and sleeping room being overcrowded. It says two to three people

occupying less than 120 square feet. It would need 150 square feet for three people.

Swartwood: I'm not disputing the bulk of that; it is basically the health and safety question and personal protective equipment (PPE) question. The chimney was completed before Thomas's last inspection within a week of him telling me, all I had to do was the outlets was tell the tenants they couldn't do that, I'd already unplugged several things and I told them before but they had missed one. The screens since they were exterior, we did that. The carpet we can't do it, but we have bought it. The tenant is pregnant, so she is really freaked about having people in her house. We've done as much of the exterior work as possible. They're aware they can't crowd up the single bedroom with themselves and the kids. It is really just a question of having the time to get the equipment in order to have everyone safe while they're doing this. There's so much tension and fear going on.

Moermond: and I don't want you to perpetuate that more than the conditions warrant. I'm going to ask Ms. Shaff about the fire safety perspective.

Shaff: we're seeing an awful lot of people staying home. One of the things im particularly concerned about is the heating test report. I see you have a receipt.

Moermond: that receipt only indicates there's a balance due of \$150. I don't even think it's a receipt, it's a bill.

Shaff: so we don't have the report test to analyze.

Swartwood: they haven't turned in the report? They gave me a verbal one.

Shaff: that's up to you. You are there customer. Also with a masonry chimney, not having a flue liner and open mortar joints, that's a big problem for us. It can allow carbon monoxide into the house, and with sleeping rooms with more than the allotted number of people. They don't need to be in the house for the inspection, it should be quick. It is a matter of you getting it done.

Moermond: inside we have heating system, which you say was done but we don't have any documentation yet, and then the overcrowding, which is an easy fix. The carpeting needs to be dealt with. The chimney, dropping the flue liner, he mentioned the three bricks in his statement. The orders say specifically "upon inspection found to be without a flue liner and has mortar joints that allow smoke and gasses to go directly into the building". So, you had more than a few bricks to fix, have you dealt with the flue liners as well?

Swartwood: that wasn't communicated to me, he just talked about the damage to the mortar joints. We had a crew go up and inspect and replace some of the bricking and joints.

Moermond: what I just said is actually in the letter verbatim that was sent to you.

Swartwood: I'm sorry I'm not looking at that, I should have done that. But I hired someone to do the work, we showed them the requirements for them and I paid them.

Moermond: if they did the work, then you'll have the receipts and so on. Does that need a permit?

Shaff: a flue liner requires a permit.

Moermond: so your contractor should be able to provide some information and if there was permits pulled. I think we need to make sure they provide documentation of that and pull a permit.

Swartwood: chimney work doesn't require a permit.

Moermond: putting in a flue liner does. You'll need to consult with them. Does that require access to the house to do the flue liner work?

Shaff: yes.

Moermond: the fridge in the kitchen has been taken care of.

Swartwood: yes, that's been disconnected, and the stove and fridge are plugged directly into the wall.

Moermond: the rear storm door window screen, you said that's repaired?

Swartwood: yes, any screens including the doors were repaired.

Moermond: the carpeting issue, tell me where you are at with replacing that. If we're talking about the shelter in place order lifting in the summer, making the carpeting replacement on the same schedule.

Swartwood: the only stumbling block is the tenant being absolutely unwilling to let anyone in there. The only reason they would let anyone in for the furnace was because there's a back door so they could go in without anyone actually entering their house. I am not equipped to handle the hysteria.

Moermond: this is your tenant and property to maintain, I'm trying to work with you on setting a deadline on this non-emergency item to be after the shelter in place order is lifted by the governor.

Swartwood: that's perfectly fine.

Moermond: right now that goes through the beginning of May. With a cushion, plus allowing for the work to be done, I'm looking for a July 1 deadline which I think is a reasonable deadline for you and your tenant to work with. The smoke detector affidavit is in. Exterior walls, looks like he's calling out scraping and painting, you indicated there was no peeling paint the inspector just didn't like the workmanship.

Swartwood: I included pictures, I sent them to Mai Vang.

Moermond: I've looked at those, they show things looking ok from the street, but when I see the inspector's photographs of the trim, I can see it is lifting off of the exposed wood for at least half the length of the sill. I can see that the stucco has separated from the wood trim around the windows creating a gap that should be caulked, I can see the soffits and eaves have extensive bubbling and lifting of the paint. One drag with a paint scraper would remove most of what's there, it is that loose. The trim looks to be the worst of it, the stucco seems to have some areas lifting, along with cracks. My biggest concern is the wood and the caulking between.

Shaff: it is entirely possible the wood need to be replaced. I'd suggest a professional evaluate it. Because it is peeling away from the stucco, I am concerned just caulking it doesn't necessarily do a lot of good, since moisture has already infiltrated.

Moermond: so that might be a Band-Aid approach.

Swartwood: if we were to do a fresh thick coat over the wood and making sure the holes were sealed, would that pass muster? They're old wooden windows, and the front in particular are permanent and don't open.

Moermond: I won't talk about the right methodology to fix this. I can see exposed wood in the photos that had white, maybe some blue, and now has a green hue which indicates some mold from being too wet. You need to work that out with the inspector as to what the right fix is. If that's rotted, then replacing that part of the trim or casement is the solution.

Swartwood: I'm open to solving problems, I have a 30 year mortgage on these properties, it is in my interest to maintain them. It is just a question of when and how to do it. If the pandemic hadn't happened it would be a lot easier, I just would have needed warm weather.

Moermond: working on exterior is something that happens regardless of the pandemic, and they're happy to do the work, I do know that. I want a deadline of June 15 on the exterior work. You're not painting the whole house. We have that, the chimney has been discussed, servicing the heating facility. You said that was a discretionary thing on the part of the inspector in your appeal, and I would have to agree. In the context of the concerns about the flue liner and chimney, I can see how he exercised that discretion because of the concerns about the venting. I think you need that fuel burning equipment test done. Deny the appeal of that item.

Swartwood: It has already been completed.

Moermond: you need to provide that information to the inspector. The one room being overcrowded, I'm not sure what is going on, but for 120 square foot room you can only have two people. You mentioned they were getting rid of the buck beds, so I'm satisfied that will be addressed before the inspector is back. The follow up on the interior inspection, any comments on that?

Shaff: I would expect that Mr. Swartwood would make sure there are only two people, and I don't have issue at looking at that July 1 with the carpet, but the masonry chimney we weren't definitive on a date. There's a lot that is contingent upon that.

Moermond: is this single family or a duplex?

Swartwood: single family.

Moermond: so what is venting through the chimney? Water heater and furnace?

Shaff: that's probably it.

Moermond: so carbon monoxide is probably the biggest concern. Today is April 14, I would like you to provide the evidence of addressing that problem with a contractor to do the flue gas test and dealing with the chimney liner by May 1.

Swartwood: *the flue liner test, is that the one I had performed on the furnace or is that something different?*

Meormond: *from the paperwork I have you don't have anything done. I have a bill, that's the only piece you shared. Going from there the orders indicate the chimney needs repair, a flue liner, and open mortar joints and the repair requires a permit. So no permit was pulled, so we don't know the work is done. The heating facility needs to be reviewed by a licensed contractor, including a carbon monoxide test. Those are items 6 and 7 in the March 24 orders. Whether or not the furnace is running, the water heater is still running and there's gasses being emitted, and it doesn't sound like it is being addressed. I'm concerned the biggest safety item on the list is one you haven't fully engaged yet.*

Swartwood: *you'll be happy to know the CO2 detectors are functioning and are not going off. We did have ORSAT testing ourselves, we are not professionals, but we know what to do and it was below 28 PPM when they moved in. You will get that finished paperwork by the professionals.*

Referred to the City Council due back on 5/6/2020

3 RLH VO 20-14 Appeal of Kristina Lepley to a Fire Certificate of Occupancy Revocation and Order to Vacate at 2245-2247 HILLSDALE AVENUE.

Sponsors: Prince

Grant to April 28 to have volume of materials in basement and landing of 2245 reduced by 70%. Grant to April 28 to have the electrical cords for 2247 addressed (if not completed already).

Kristina Lepley, property manager, appeared via phone

Staff report by Supervisor Leanna Shaff: revocation of Fire Certificate of Occupancy by Inspector James Thomas. Looks like this cycle started with the first inspection January 29, 2020, subsequent March 2, 12 and 30th. This is a duplex, we have orders on both sides, both are life safety issues. Some have been cleared up. On the 2245 side the basement is condemned as unsafe because of excessive accumulation of combustible materials, where Inspector Thomas required reduction by 75%. We also have on that side, remove all cords from pathways, rugs covering cords across threshold to kitchen, providing for conductors to be protected from damage in the basement in 2247. Also on 2247 we also have cords connecting through heating vents, that's a huge fire issue. Cords going through floors, also a huge issue. There was a furnace that was red tagged, the permit just got finalized for that. There is a replacement of the AC unit permit open. There is a closed dryer permit that just got finalized. Back to 2245, he's asked them to remove all storage racks from the landings at top and bottom of stairways. Where we have life safety issues that involve a condemnation, those are immediate for us. I noticed in the comments that the tenants wouldn't allow access, or weren't given a lot of notice, or asked to rescheduled. When it comes to issues like we are seeing here, we won't reschedule that.

Moermond: in summary what I'm looking at for 2245 is a lot of stuff in the basement, which is a problem for getting to the utilities, electrical panel and for emergencies and obstruction of exits. There is a lot of stuff. 2247 the remaining problem has to do with the electrical cords and cords running through venting.

Shaff: correct.

Lepley: when James came, we explained to him that all these buildings are built in 1969, and all 76 units have that cord, what it is, they used to be gas stoves and when they changed them all out to electric stoves, they took the cord through the air exchange to do the stove. I asked James and expressed to him that we will try to get a game plan to get all the units taken care of. I suggested doing maybe 5 units every month to try and get it under control. I felt that James understood that that is what we were going to be doing. We did contract Kilmer to come out and do the electrical, he did what he thought was to code. I had Gary come out, electrical inspector, and we failed. We're trying to do the stuff he requested, and it wasn't to code. Gary, Kilmer and my supervisor was here and we walked all three units so we understood what needed to be done. I thought James understood this. Then he came back and a majority of the things were completed, landing items removed, she did clean up the basement but didn't reduce it. As far as the permits and electrical, we've been trying to get it done. I'm a little upset. James and I have had issues in the past with communication, I've reached out to his supervisor multiple times about this, Leanna. It seems like there's no resolution, I've never had my certificate revoked like this in 6 years. All these inspectors, I can't get them to line up with James. I can't control when the dates are, but he doesn't care. They're trying to revoke for that unit, I don't feel like that's necessary since we've been working on it. Every time he's been out we've had more things done. I have four inspectors I'm trying to line up so it all works out.

Moermond: it appears you're halfway there now, it is happening. The cord inside the vent was called out on 2247 but wasn't called out on 2245. So that unit is the only one in these orders that has that problem. I understand you had Kilmer out, it looks like he dealt with the furnace and that's finalized. I don't know if he looked at the cord, it wasn't part of the permit activities.

Shaff: the electrical permit for 2247 is finalized. We won't sign off on a Fire C of O until it is correct and up to code. This one has been going on for some time. It says the contractor stated work was new four wire and job isn't completed yet, noted by Gary on February 28. March 12 it still wasn't done right. It was finally finalized yesterday morning at 9:13 am. I'm aware of these units, I've been through almost all of them, and no where is it ok to change gas dryers and run electrical cords through the floor.

Moermond: so going back to the cords through the floor and vents, what is your plan of action right now Ms. Lepley?

Lepley: our current plan is to do at least 3 to 5 buildings until they are completed. These were done years ago, it is odd to me. I've done this six years, I'm on my third inspector and now all of a sudden they're calling these. I understand the concern and that we need to get it taken care of but I feel that James isn't understanding where we're coming from as a company. You can't hold Georgetown Park responsible for the electrical vendors, if we need to switch we will, but he is not willing to work with me. I've spoken with his supervisor multiple times about these types of issues and it gets worse, not better. My plan of action is to 3 to 5 stove cords a month with Kilmer. Gary was here with our electrical person, we're all on the same page going forward.

Moermond: the permit I'm looking at was for dealing with the stove circuit. I'm glad the electrical inspector could provide advice. This order appeared originally in January. You had a plan of doing these since then?

Lepley: we discussed this in March when Gary was here. This is not the only building he's called these cords on, we have five currently.

Moermond: so for this we'll put an extension in place, that's fine. In terms of the cord connection through heating vent, what about the floors. Anything to add Ms. Shaff?

Shaff: it is fine to put them together.

Lepley: I feel like he's lumping them together because there's no cords, the only cord through the basement ceiling is the stove cord. I feel like he nailed me two times for the same thing. There was a cord going from the kitchen to living room which was removed when he came back the second time, but as far as the basement there's only one cord and I have pictures.

Moermond: and we'll set a deadline. Tell me about the mess in 2245, that's what got you condemned.

Lepley: she does have a lot of stuff down there, it is below 2' from the ceiling, it is all in tubs. She does parties. I did speak with her and let her know she needs to move it to the garage or something. But it isn't crap laying around, it is bins upon bins upon bins.

Moermond: have you been in this basement? Because I'm looking at photos from March 12 that don't show that things are in tubs. Things are widely scattered and at the 4 to 5' level throughout. Lamps, boxes, clothes, party decorations, Christmas trees, stacked up at least 12 feet deep and 24 feet wide.

Lepley: that was the first inspection, yes.

Moermond: That was January, these pictures are taken in March.

Lepley: then I'm unaware of that.

Moermond: so what you're describing sounds improved, but the pictures are a bad situation.

Lepley: I will go over there. I wasn't there on the 12th. I have staff onsite to go walk with him if I can't go.

Shaff: is JP still working with you?

Lepley: absolutely.

Shaff: he has a smart phone. Maybe you walk to talk with him about if he's going on an inspection that he is taking pictures too.

Lepley: absolutely.

Moermond: organizing the mess. We need to have this be passable space and safe for emergency personnel. Since that was the item that led to the condemnation, we need to get that reinspected more quickly than not.

Lepley: when I request to be rescheduled, I shouldn't have to give a reason, he doesn't think an email is in writing? Is that true?

Shaff: as I stated earlier, we have a condemnation involved here and those we wouldn't reschedule. Typically email may be ok, but you should look for a confirmation on that.

Lepley: he doesn't respond to me ever. That's been brought up as an issue multiple time. 1145 has a vulnerable adult in there, there's a chair lift in there, and there's a 94 year old lady in the other one. No one has ever dealt with a situation like this ever, people are scared and nervous.

Moermond: I understand, but you have to understand that being condemned is extremely serious. Can inspectors take precautions? Yes. Can the homeowner take precautions? Yes. This isn't a screen that needs to be fixed.

Lepley: fair enough.

Moermond: let's get it rechecked. We're talking about confirming the basement is safe and the condemnation can be lifted so we can move forward at a slower pace respecting you have a lot of units and a lot of contracting to do. Can you make arrangements for two weeks on the basement.

Lepley: I requested a cancellation for today too.

Shaff: he knows it is in hearings today and it is stayed as long as it is in hearings.

Lepley: ok.

Moermond: so no inspection today. We're going to figure out what makes sense here. Two weeks to confirm basement and landing is cleaned out and addressed. That will be confirmed by an inspector April 28. Looking at electrical work with the cords and vents, I understand you want to implement this over the units you've described, but I'd like it taken care of in this unit so we can put this to bed, so can you get this unit done on the same timeline?

Lepley: that has been completed. It was done, and then failed, then Gary met with us and it has now been completed. That should be closed out within the next 24 hours, we sent him pictures.

Shaff: close to 2010, the properties had a lot of exterior issues that weren't being addressed by your company. The regional manager met with me, the conversation went like this "please don't make me write up all the violations and give you a timeline. You give me a plan, and present it to me, that's much easier." We can work with that. If you have a plan, that's easier to work with. If you have a plan for the electrical in all 76 units, then present us with a plan for compliance we can accept.

Moermond: so for today's 2247 unit, that's first on the list and get it taken care of. And for all the other units, the plan with the electrical contractor they have, give DSI that plan and you will work with them on the deadlines.

Shaff: right, we want a plan in writing. Give us something we can review and have a discussion about.

Moermond: does that work for you Ms. Lepley?

Lepley: yes that's great, I'll get something in writing and over to you.

Moermond: I think you had done a bunch of this, that's helpful. It can minimally invasive to have 2245 looked at, and if the inspector is wearing a mask, that

significantly minimizes the concerns for the person being inspected.

Lepley: 2210 said she doesn't want one person in house.

Moermond: ok and we're not talking about that unit. The inspector will respect his own safety as well as the safety of the occupant. We have a plan, we will send you a letter confirming this.

Referred to the City Council due back on 5/6/2020

10:30 a.m. Hearings

Vacant Building Registrations

4 RLH VBR Appeal of Nengshy Vang, Nengshy Plaza, to a Vacant Building
20-26 Registration Renewal Notice at 1098 BRADLEY STREET.

Sponsors: Brendmoen

Grant a 90 day waiver on the VB fee (to July 18, 2020)

Nengshy Vang, owner, appeared via phone

Staff report by Supervisor Matt Dornfeld: made a category 2 vacant building April 2018, recently went through the sale review process in December of 2019 and was approved. It currently has a code compliance inspection on file, electrical and warm air are already finalized, the building and plumbing permits remain open. I'm assuming we're here to extend the vacant building fee that is coming due April 17, 2020.

Moermond: how long until you get these thing done?

Vang: plumbing is having problem because of covid-19. That's why it isn't done. I can't clean up the house myself because there's no water. The second thing is that because of Covid19 Governor's orders I can't go out to buy things or to do things to fix the house. I need a couple months until the water is available.

Moermond: you understand the executive order doesn't cover this kind of work? Contractors can still work, and the risk in an empty house is likely less than the risk of walking down the street.

Vang: there's no water for myself to clean. I need an extension probably after May or June. I cannot go out right now because of the governor's order.

Moermond: I'm going to recommend a 90 day waiver on your vacant building fee, you'll have to July 18, 2020 to get your permits finalized. If you can't get them finalized by that time, I'm perfectly happy to talk about your assessment and we can talk about reducing it, but let's start out with the 90 day waiver.

Vang: ok, sounds good, I appreciate it.

Referred to the City Council due back on 5/6/2020

Due to COVID-19 Health Pandemic, all hearings will be held via telephone.

