

**CITY OF OVILLA MINUTES**  
**Monday, April 10, 2017**  
**City Council Briefing Session**  
**105 S. Cockrell Hill Road, Ovilla, TX 75154**

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Mayor Dormier called the Council Briefing Session of the Ovilla City Council to order at 6:05 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the Penal Code, persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.

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The following City Council Members were present:

Rachel Huber	Council Member, Place 1
Larry Stevenson	Council Member, Place 2
David Griffin	Mayor Pro Tem, Place 3
Michael Myers	Council Member, Place 5

Absent: Doug Hunt Council Member, Place 4

Mayor Dormier announced noted Council members were present, thus constituting a quorum. Various department directors, City Attorney Ron G. MacFarlane, Jr., and staff were also present. Staff presented Council with future agenda items and/or pending items still under staff review.

**CALL TO ORDER**

**CONDUCT A BRIEFING SESSION to review and discuss agenda items for the 6:30 p.m. regular meeting.**

Council, Mr. Burn and staff reviewed each item on the agenda. There was either discussion and clarification or both on the following:

1. Item 3, Discussion of the Road Inspection and Maintenance Plan
2. Item 5, Section 9.05.053 was a scrivener's error. Corrected Section number to read as 9.05.063.
3. Item 6, Include cameras in restrooms, Heritage Park.

**ADJOURNMENT**

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:20 p.m.

ATTEST:



Pamela Woodall, City Secretary



Richard A. Dormier, Mayor

**Approved June 12, 2017**

# CITY OF OVILLA MINUTES

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**Regular City Council Meeting**

**105 S. Cockrell Hill Road, Ovilla, TX 75154**

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Larry Stevenson	Council Member, Place 2
David Griffin	Mayor Pro Tem, Place 3
Michael Myers	Council Member, Place 5

Absent	Doug Hunt	Council Member, Place 4
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Mayor Dormier announced present Council members, PL1 Huber, PL2 Stevenson, Mayor Pro Tem PL3 Griffin and PL5 Myers, noting the absence of PL4 Hunt, thus constituting a quorum. City Manager Dennis Burn, City Attorney Ron G. MacFarlane, Jr., various department directors and staff were also present.

## **CALL TO ORDER**

PL2 Stevenson gave the Invocation and PL1 Huber led the recitation of the Pledge of Allegiance.

## **EXECUTIVE SESSION**

At 6:33 p.m., Mayor Dormier stated that City Attorney Ron G. MacFarlane, Jr. and the governing body (including the city manager and city secretary) would convene into a closed meeting called pursuant to the following agenda items:

- ITEM 1.**      ***DISCUSSION/ACTION*** – Closed session pursuant to Section §551.071 of the Texas Government Code: Consultation with City Attorney on matters in which the duty of the attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with the Texas Open Meetings Act.
- ITEM 2.**      ***DISCUSSION/ACTION*** – Closed session called pursuant to Section §551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property.

At 7:10 Mayor Dormier, City Attorney Ron G. MacFarlane, Jr., Council, City Manager Dennis Burn and City Secretary Pam Woodall reconvened into Regular Session. No action was taken in Executive Session. There was no motion, no action on Agenda Items 1 and 2 in Regular Session.

## **COMMENTS, PRESENTATIONS & REPORTS**

### **Presentations**

1. Red Oak Independent School District Bond presentation was given by representative Kevin Freels.
2. City Manager Dennis Burn introduced new Customer Service Representative, Cathy Gaeta.
3. Two Proclamations were read by Mayor Dormier:
  1. Motorcycle Awareness
  2. Child Abuse Prevention Month

- **Citizen Comments**
  - Ms. Penny Story spoke in opposition of the Red Oak Independent School Bond election.
- **Department Activity Reports / Discussion** – Directors answered any questions.
  - Police Department Police Chief B. Windham
    - Monthly Report – recent “Coffee with the Chief” resulted in a good turnout.
      - Commended Officer Geiser for his excellent work in the arrest of a burglar.
  - Fire Department Fire Chief B. Kennedy
    - Monthly Report – No fires this month but many medical calls.
  - Public Works Public Works Director B. Piland
    - Monthly Report /Water loss report
      - PL5 Myers asked varied questions on the water loss.
      - Monthly Park Maintenance Reports
  - Finance Department Accountant L. Harding
    - February 2017 Financials
    - Bank Balances through April 07, 2017
  - Administration City Manager D. Burn
    - City Manager Reports
    - Monthly Municipal Court Report City Secretary P. Woodall
      - The “Payment Group” online payment site was not up yet do to computer system errors. Hopefully, soon.
    - Monthly Code/Animal Control Reports Code/AC Officer M. Dooly
      - Monthly activity reports – would begin mosquito testing the first week of May.

#### CONSENT AGENDA

- C1. February 2017 Financial Transactions over \$5,000
- C2. Briefing Session and Minutes of the March 13, 2017 Regular Council Meeting
- C3. Letter of Agreement with Yeldell, Wilson and Carter. LLP, to conduct the City of Ovilla audit for the year ending September 30, 2017.
- C4. Resolution R2017-09 ONCOR-Cities Steering Committee Annual membership and assessment.
- C5. Resolution R2017-10 Suspend effective date (April 21) of rate increase (ONCOR)

PL2 Stevenson moved to approve the consent items as presented, seconded by PL1 Huber.

*No oppositions, no abstentions. PL4 Hunt absent.*

***VOTE: The motion to approve carried unanimously: 4-0.***

#### REGULAR AGENDA

Mayor Dormier moved the order of the Agenda to address Item 12 first.

- ITEM 12. DISCUSSION/ACTION** – Consideration of and action on a Meritorious Exception, as permitted by Section 3.06.012 of the Ovilla Code of Ordinances, filed by Shiloh Cumberland Presbyterian Church, Inc., for a replacement 5' X 7' pole sign with an electronic reader-board at the Church's location, 7810 Shiloh Road, Midlothian, TX 76065 (Ovilla Extraterritorial Jurisdiction), authorizing the city manager to execute said permit.

PL1 Huber being an active member of Shiloh Cumberland Presbyterian Church, recused herself from any discussion or action.



Applicant representative Vernon Sansom with Shiloh Cumberland Presbyterian Church, Inc., requested a Meritorious Exception to replace the current pole sign with a new sign to include a marquee electric reader-board at Shiloh Cumberland Presbyterian Church. Setback, placement and materials are compliant with Ovilla Code except for the existing poles.

Sign description: 5' X 7' pole sign

Materials: plastic

Duration: This sign is for permanent placement.

Current Zoning: N/A - Sign is in the City's Extraterritorial Jurisdiction

**Excerpts from Ovilla Code: Section 3.06.007**

**Sec. 3.06.007 Prohibited signs**

A person commits an offense if the person installs, constructs, repairs, alters, or relocates a sign described below, except as otherwise permitted in this article:

... (3) A moving, flashing, animated, or rotating sign, sign with moving lights, or sign which creates the illusion of movement, except for reader-boards which convey a message.

(7) A pole or pylon sign...

**Sec. 3.06.012 Granting of exceptions**

(a) Generally. It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly nonconforming to this article and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment.

(b) Request for exception. Upon request of an interested party, the city council, upon recommendation by the administrative official, shall hear and shall seriously and fairly consider a request for a meritorious exception under this section.

Mayor Pro Tem Griffin moved that Council approve a Meritorious Exception, as permitted by Section 3.06.012 of the Ovilla Code of Ordinances, filed by the Shiloh Cumberland Presbyterian Church, Inc., for a replacement 5' X 7' pole sign with an electronic reader-board located at the Church's location, 7810 Shiloh Road, Midlothian, TX 76065, authorizing the city manager to execute said permit, seconded by PL2 Stevenson.

*No oppositions, PL1 Huber abstained. PL4 Hunt absent.*

***VOTE: The motion to approve carried unanimously: 3-0.***

Mayor Dormier returned to the regular order of the Agenda.

**ITEM 3. DISCUSSION/ACTION** – Consideration of and action on approval and adoption of a Road Inspection and Maintenance Plan.

Public Works Director Brad Piland prepared a proposed Ovilla Road Inspection and Maintenance Plan for Council review.

PL2 Stevenson moved to approve and adopt the presented Road Maintenance Plan, seconded by PL5 Myers.

*No oppositions, No abstention. PL4 Hunt absent.*

***VOTE: The motion to approve carried unanimously: 4-0.***

**ITEM 4. DISCUSSION/ACTION** – Consideration of and action on Resolution R2017-11 amending the Employee Policies Manual Section 9, approving and allowing a gun purchase buy-back program policy for the police department.

Chief Windham share background information and justification for the department's need to add this program to the Employee Policies Manual and stated that the department believed options regarding "force" were critical to the safety of citizens and officers alike. The department has undergone de-

**Richard Dormier, Mayor**  
**Rachel Huber, Place One**  
**Larry Stevenson, Place Two**

**3**

**Doug Hunt, Place Four**  
**David Griffin, Place Three**  
**Michael Myers, Place Five**



escalation training and believes wholeheartedly in that option for reducing injuries. Unfortunately, there are times when force and deadly force was the necessary option. With that in mind, officers would like the opportunity to purchase and carry patrol rifles. While some officers already carry rifles, others would like the option. Unfortunately the expense of a rifle is prohibitive for some. The Department asked the Council to consider a city purchase with employee payroll deduction as an option for the officers. This would give the officers the opportunity to make the purchase and be better prepared for the protection of the citizens of Ovilla. The weapon chosen at this time is the Daniel Defense MK18 rifle with a 16 inch barrel. The rifle is a 5.56 caliber and is recognized as an AR type weapon. The rifle would be augmented with the purchase of Vortex SPARC AR Red Dot optic system and a Streamlight TLR-1 Weapon Light. With legal counsel's assistance, Section 9.15 EMPLOYEE EQUIPMENT PURCHASE/PAYBACK PROGRAM has been created to add to the Employee Policies Manual. Estimated pricing was shared:

Rifle- \$1,225.00

Optic \$ 200.00

Light \$123.00

PL1 Huber moved to approve Resolution R2017-11 amending the Employee Policies Manual Section 9, approving and allowing a gun purchase buy-back program policy for the police department as presented, seconded by PL2 Stevenson.

*No oppositions, No abstention. PL4 Hunt absent.*

***VOTE: The motion to approve carried unanimously: 4-0.***

**ITEM 5. DISCUSSION/ACTION** – Consideration of and action on the approval of an unpaid officer Bryan Cornish to carry a weapon, as an acting and eligible peace officer in the City of Ovilla, pursuant to Article 9.05, Section 9.05.053 (corrected to 9.05.063-scriveners error) of the Ovilla Code of Ordinances.

Ordinance 2012-004, approved on July 23, 2012 established a police reserve force, allowing an unpaid qualified police officer to act and carry out the duties as a regular officer and to carry a weapon in the City of Ovilla, with Council approval. Chief Windham presented Bryan Cornish, an officer who has been in law enforcement since 1983 and retired from the Dallas Police Department at the rank of Lieutenant. He advised that Mr. Cornish holds a Master Peace Officer certificate and has over 4700 training hours from TCOLE, as well as a Master Degree from Grand Canyon University and currently works as a consultant for the Community Safety Institute. Bryan lives nearby and desires to volunteer his time with the Ovilla Police Department as a patrol officer or in any capacity where we can use him. In his capacity as a consultant, Chief Windham stated that he believed Bryan would be an asset to Ovilla and looked forward to putting his knowledge to use if Council would approve.

Mayor Pro Tem David Griffin moved to approve Bryan Cornish to carry a weapon as an unpaid, acting and eligible peace officer in the City of Ovilla, pursuant to Article 9.05, Section 9.05.063 of the Ovilla Code of Ordinances, seconded by PL1 Huber.

*No oppositions, No abstention. PL4 Hunt absent.*

***VOTE: The motion to approve carried unanimously: 4-0.***

**ITEM 6. DISCUSSION/ACTION** – Consideration of an action on approving a security system for the purpose of enacting an “exchange zone” at the Ovilla Police Department, including the expense in the mid-year budget revision.

During the February 13 Council meeting, staff addressed the opportunity of using the Ovilla Police Department as an area for an “internet exchange zone” for those purchasing and trading goods through the internet. Many neighboring police departments are participating in this practice to help avoid the dangers of robbery or worse.



In the presented proposal, the police department added an interview camera for the inside of the police department for the purpose of recording interviews with suspects, complainants and witnesses. Additionally, staff is proposing to include additional security cameras around all municipal buildings. Council directed staff to ask BAT Security to make a presentation at the next Council meeting along with the City's technology company.

*No Action.*

**ITEM 7. DISCUSSION/ACTION** – Consideration of and action on the appointment of Paul Haney to serve a term on the Board of Adjustment as an alternate member, Place 6.

Staff presented an application for pending appointment to fill the Place 6 vacancy on the Board of Adjustment. The applicant, Paul Haney has voiced his desire to serve on the BOA if Council so allows.

PL2 Stevenson moved that Council appoint Paul Haney to fill the alternate member vacancy to serve the remaining term of Place 6, Board of Adjustment, seconded by PL5 Myers.

*No oppositions, No abstention. PL4 Hunt absent.*

**VOTE: The motion to approve carried unanimously: 4-0.**

**ITEM 8. DISCUSSION** – Consideration of and action on Ordinance 2017-04 of the City of Ovilla, Texas, amending Chapter 12, Article 12.03, division 2, sections 12.03.041 and 12.03.42 of the code of Ordinances of the City of Ovilla, Texas, establishing a maximum speed limit on all city streets of twenty-five miles per hour; providing for maximum speed limits in excess of twenty-five miles per hour on specific streets.

Mayor Dormier allowed resident, Dani Muckleroy that had signed up to speak to address Council on this topic. MS Muckleroy stated she was not in favor of the 25 MPH speed limit.

During the March 13 Ovilla Council meeting, PL2 Stevenson voiced desire that all residential streets have a maximum speed limit of 25-miles per hour. He asked that a speed limit ordinance be prepared and brought back for review, setting the speed limit in all residential neighborhoods to 25 MPH. The attached ordinance maintains the established speed limits on certain non-residential streets and establishes speed limits of 25 MPH on residential neighborhood streets. Ovilla's legal counsel prepared the ordinance. The purchase cost for new signs on all affected residential streets was expected to range \$4,000 to \$6,000. This would require a budget amendment and staff could include the expense in the mid-year budget revision if directed. After discussion, the consensus of most of the Council voiced no interest.

*No Action.*

**ITEM 9. DISCUSSION/ACTION** – Receive and review recommendations from staff on the Mid-Year budget revisions and direct staff as necessary, returning for adoption in May.

The city manager and city accountant presented the annual mid-year review of revenues and expenses organized with staff for the current fiscal year as well as a review of estimated amounts for the remainder of the fiscal year. Budget amendments were prepared based on the mid-year review. The budget amendments included line item adjustments to the General Fund, Water & Sewer Fund and the Debt Fund. Details of the proposed budget amendments were explained in an attached summary. Highlights from the summary:

1. Revenue from Police fines: \$82,443
2. GF Expenditures:
  - a. IT: emergency repairs, upgrades & additional support \$12,259
  - b. City server: \$6,500
  - c. Radios: Police & Fire \$3,700

- d. Fire: Lockers for increased personnel \$8,200
- e. Street Repairs: E. Highland \$50,000

Pending approval from Council were:

Security Cameras - \$21,000

Street Signs - \$6,000

Staff will return with details and a summary of all revisions, including an ordinance for execution and adoption.

**No Action.**

**ITEM 10. DISCUSSION/ACTION** – Consideration of and action on the appointment of a City Council Scholarship Committee and setting a date, time, and location to review the applications for the 2017 Best Southwest Scholarship Awards Program and Luncheon.

The Best Southwest Partnership (BSW) Education Committee submitted scholarship applications to independent school districts, private schools, and charter schools in the twelve cities that are located in the Best Southwest Partnership's region. The City Council Scholarship Committee, consisting of the Mayor and two City Council persons, is chosen annually for application review and selection process. The BSW 4<sup>th</sup> Annual Quarterly Luncheon will be held on May 25, at 11:30 a.m. at the Hilton Garden Inn in Duncanville where the scholarship recipients/awardees will be announced. No posted meeting is required if the Mayor is one of three committee members appointed.

Mayor Pro Tem Griffin moved that Council establish a City Council Scholarship Committee appointing PL2 Stevenson and PL5 Myers, along with Mayor Dormier, to review and select an Ovilla scholar, seconded by PL2 Stevenson.

*No oppositions, No abstention. PL4 Hunt absent.*

**VOTE: The motion to approve carried unanimously: 4-0.**

**ITEM 11. DISCUSSION/ACTION** – Consideration of and action on Resolution R2017-12 approving and adopting the 2017 Ovilla Economic Development Corporation Strategic Plan and providing an effective date.

The Ovilla Economic Development Corporation approved a draft Strategic Plan prepared by Orasi, Inc. during their February 21, 2017 Regular meeting. Because this Plan presented a vast parks plan, the Ovilla Park Board met in a Joint Meeting with the EDC and Orasi representative Jack Thompson on April 03 for discussion, review and recommendation. The consensus of the Park Board was favorable as was the EDC, to forward recommended adoption to the Ovilla City Council at their April 10, 2017 meeting. Both Boards were pleased with the plan and forwarded recommendation to the Council for review, approval and adoption. Council's concerns were that the suggested timelines outlined in the Plan were not affordable, therefore Council was not prepared to approve at this time. Staff will return with the item.

**No Action.**

**ITEM 12. DISCUSSION/ACTION** – Previously addressed.

**ITEM 13. DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

N/A.



REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS BY COUNCIL AND STAFF

- |                  |  |
|------------------|--|
| 1. Mayor Dormier | None   |
| 2. PL1 Huber     | None   |
| 3. PL2 Stevenson | None   |
| 4. PL3 Griffin   | None   |
| 5. PL4 Hunt      | None   |
| 6. PL5 Myers     | Asked the city secretary to present employee benefits for new hires.<br>Public Works Director to provide documented hydrants drained & measured. |
| 7. City Manager  | None   |

ADJOURNMENT

PL1 Huber moved to adjourn the April 10, 2017 Council Meeting, seconded by PL2 Stevenson. There being no further business, Mayor Dormier adjourned the meeting at 9:50 p.m.

ATTEST:



Pamela Woodall, City Secretary




Richard Dormier, Mayor

**Approved June 12, 2017**

Attachment: PL1 Huber affidavit.

Executive Agenda sealed and filed separately.



Mayor Richard Dormier  
Place One Council, Rachel Huber  
Place Two Council, Larry Stevenson  
Place Three Council, David Griffin

Place Four Council, Doug Hunt  
Place Five Council, Mike Myers  
City Manager, Dennis Burn

## WELCOME TO THE CITY OF OVILLA CITIZENS FORUM

**The Ovilla City Council and Staff welcome you to a meeting of the Ovilla City Council.  
Ovilla Council Meetings are open to the public and residents are encouraged to attend.**

*It is the policy of the City of Ovilla to give all individuals and lawful organizations an opportunity to formally address the Mayor and Council regarding any posted Agenda item or items not on the agenda. Each participant will be permitted to speak for a maximum of three minutes. Regarding non-agenda items, please be advised that the Mayor and Council cannot respond but may direct inquiries to staff for current policy or for later review.*

***The form must be complete.***

DATE: 4.10.2017

PHONE: 972.217.5005

DO YOU RESIDE WITHIN THE CITY LIMITS OF OVILLA? ☒ YES ☐ NO

NAME: Dani Muckleroy

ORGANIZATION / DEPARTMENT: \_\_\_\_\_

Persons wishing to address the Mayor and Council concerning a posted agenda item must make a formal request by presenting a completed "Citizens Forum" form to the City Secretary or representative at least 10 minutes prior to the beginning of the scheduled meeting. The form must be complete. At the discretion of the Mayor, those registered to speak may be called during the opening of the listed agenda item. Please check one of the three following options.

☐ I wish to address the Council during the Citizens Forum.

AGENDA ITEM(S) NUMBER: \_\_\_\_\_

☒ I wish to address the Council on this agenda item(s). Item 8

☐ I do not wish to address the Council, but would like to register the following opinion.

(Circle one) FOR AGAINST ? CAN'T FIND OUT INFO

Comments:

**Would you be interested in serving on an appointed board or commission of the City of Ovilla?**

☐ Yes ☐ No

The City Council convenes in regular session on the second Monday each month at 6:30 P.M. unless otherwise noted. Special meetings may be called as deemed necessary to conduct business of the City. "I authorize the city to release ALL information on this sheet to the public. (If no signature is provided, the City shall not release information that is protected under the Texas Public Information Act.) Signature \_\_\_\_\_"

Mayor Richard Dormier  
Place One Council, Rachel Huber  
Place Two Council, Larry Stevenson  
Place Three Council, David Griffin

Place Four Council, Doug Hunt  
Place Five Council, Mike Myers  
City Manager, Dennis Burn

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The form must be complete.

DATE: 4-10-17

PHONE: 972 839 8871

DO YOU RESIDE WITHIN THE CITY LIMITS OF OVILLA? \_\_\_\_\_ YES X NO

NAME: Penny Story

ORGANIZATION / DEPARTMENT: \_\_\_\_\_

Persons wishing to address the Mayor and Council concerning a posted agenda item must make a formal request by presenting a completed "Citizens Forum" form to the City Secretary or representative at least 10 minutes prior to the beginning of the scheduled meeting. The form must be complete. At the discretion of the Mayor, those registered to speak may be called during the opening of the listed agenda item. Please check one of the three following options.

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AGENDA ITEM(S) NUMBER: \_\_\_\_\_

✓ I wish to address the Council on this agenda item(s). ///

\_\_\_\_\_ I do not wish to address the Council, but would like to register the following opinion.

(Circle one) FOR AGAINST

Comments:

Would you be interested in serving on an appointed board or commission of the City of Ovilla?

\_\_\_\_\_ Yes \_\_\_\_\_ No

The City Council convenes in regular session on the second Monday each month at 6:30 P.M., unless otherwise noted. Special meetings may be called as deemed necessary to conduct business of the City. "I authorize the city to release ALL information on this sheet to the public. (If no signature is provided, the City shall not release information that is protected under the Texas Public Information Act.) Signature Penny Story





## AFFIDAVIT

STATE OF Texas )

)

COUNTY OF Ellis )

That on this 10 day of April, 2017, \_\_\_\_\_ personally came and appeared before me at 6:30 o'clock AM/PM, Ovilla City Hall, of Ovilla, Texas, known, and known to me, who says:

***Per the Local Government Code, Section 171, I am filing this affidavit stating that I shall abstain from voting and participating in the City Council matter of***

item #12

***The nature and extent of my interest in this matter is*** \_\_\_\_\_

an active member of Shiloh Amsterdam  
Presbyterian Church

FURTHER AFFIANT SAYETH NOT.

Rachel Huber

(Signature)

PRINTED NAME: Rachel Huber

PRESENTED AND FILED with me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CITY CLERK/SECRETARY