

**COTTAGE GROVE CITY COUNCIL  
MEETING MINUTES  
OCTOBER 24, 2022**

**CALL TO ORDER**

Mayor Gowing called the meeting to order at 7:00 pm in the Council Chambers at City Hall.

**ROLL CALL**

City Recorder Mindy Roberts called the roll. The following were

PRESENT IN THE COUNCIL CHAMBERS: Mayor Gowing, Councilors Candace Solesbee, Chalice Savage, Mike Fleck, Jon Stinnett and Greg Ervin.

PRESENT VIA GOTOMEETING:

COUNCIL ABSENT: Councilor Kenneth Michael Roberts

YOUTH REPRESENTATIVE: None

STAFF PRESENT IN THE COUNCIL CHAMBERS: City Manager Richard Meyers, Assistant to the City Manager Jake Boone, City Recorder Mindy Roberts, Public Works & Development Director Faye Stewart, Finance Director Roberta Likens, Interim Police Chief Jeff Groth and City Planner Eric Mongan.

STAFF PRESENT VIA GOTOMEETING:

CITY ATTORNEY: Carrie Connelly

MEDIA PRESENT: Cameron Reiten-KNND, and Ryleigh Norgrove -The Chronicle

**ITEMS ADDED TO THE AGENDA**

None

## **APPEARANCE OF INTERESTED CITIZENS FOR ITEMS NOT ON THE AGENDA**

Bruce Kelsh 78340 Halderman Road, Cottage Grove, OR 97424 thanked the Public Works department for maintaining the Nature Trail and wished the Police Department, Chief Groth and the City well as they navigate changes to improve policing in our community. He also announced the Friends of the Library Fall Book Sale on November 11<sup>th</sup> and 12<sup>th</sup> at the First Presbyterian Church.

Barbara Schaaf 953 South U Street, Cottage Grove, OR 97424 expressed her concerns about the tents in Trail Head Park, gas taxes not improving the conditions of city streets, and not doing background checks on homeless individuals.

Venice Mason 28 South 6<sup>th</sup> Street, Cottage Grove, OR 97424 expressed her concerns about growing hate in our community, the slate of candidates running for local office, and anti-government movements infiltrating our community.

Linda Diaz 1339 West Main Street, Cottage Grove, OR 97424 read a letter to Council from Mariah and Julian, a local homeless couple.

Johanna Zee 115 N 14<sup>th</sup> Street, Cottage Grove, OR 97424 spoke in favor of the City Council hiring the new Police Chief. She spoke against the Police department and the City joining organizations without citizens' approval and expressed her concern about election integrity.

Anna Petrick 75874 Shortridge Hill Road, Cottage Grove, OR 97424 shared a story about being trespassed from the Hwy 99 Shelter site while attempting to visit a friend who stayed there.

Feather Boustead 1350 Pleasant View Drive, Cottage Grove, OR 97424 asked Council if it is okay for people to approach the podium and pointedly assassinate people's character and she asked when leaders will step in to stop it. She spoke about constitutional freedom and it being her measure when considering candidates.

Amy Merryday 205 Adams, Cottage Grove, OR 97424 spoke about an agenda brought up at the candidate night to remove the City Manager from his position. She said she understands that his review will take place in Executive Session and added that she is incredibly impressed with what Mr. Meyers has accomplished during his tenure.

Chris Holloman 324 Adams, Cottage Grove, OR 97424 spoke about his concerns for the accusations and hate being expressed by community members.

Jan Ogsbury 1350 Merrill Lane, Cottage Grove, OR 97424 expressed her concern about the group Community Strong Cottage Grove.

## PUBLIC HEARINGS

### (a) Public Hearing for Proposed Supplemental Budget

Finance Director Roberta Likens explained the proposed changes in the Supplemental Budget.

Bruce Kelsh 78340 Halderman Road, Cottage Grove, OR 97424 spoke in support of funding for the Community Health Clinic and the Hwy 99 Homeless Shelter site.

Joyce Settelmeyer 1365 West Harrison Ave, Cottage Grove, OR 97424 spoke in support of helping people through the Community Health Center and the Homeless Shelter.

Amy Merryday 205 Adams, Cottage Grove, OR 97424 spoke in favor of the Federally Qualified Health Clinic and thanked Council for their support.

Jim Gilroy 946 Blue Sky Drive, Cottage Grove, OR 97424 acknowledged comments made by previous audience members and spoke in support of the Federally Qualified Health Clinic.

Mayor Gowing asked if anyone else wanted to speak on the Public Hearing. Seeing none he closed the hearing.

### (b) Public Hearing for Ordinance Amending the Cottage Grove Municipal Code Regarding Chapter 14.35 Surface Water Management to Add Section 14.35.200 Stormwater Detention and Treatment

City Planner Eric Mongan explained that the purpose of the Public Hearing is to receive comments on the proposed amendment to the Cottage Grove Municipal Code.

Mayor Gowing opened the Public Hearing.

City Attorney clarified the dates of the TMDL Implementation Plan.

Mayor Gowing closed the Public Hearing.

## CONSENT AGENDA

- (a) Approval of September 26, 2022 City Council Minutes
- (b) Extra Mile Day Proclamation
- (c) BMX Track License Agreement

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR SOLESBEE TO APPROVE THE CONSENT AGENDA.**

Mayor Gowing announced the motion with a second and called for discussion. Seeing none he called the vote.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES		X	X	X	X	X	X
NAYS							
ABSTAIN							

### RESOLUTIONS AND ORDINANCES

- (a) Resolution Adopting a Supplemental Budget for Fiscal Year 2022-23 and Making Appropriations

Finance Director Roberta Likens stated that the Public Hearing was held this evening to receive comments concerning the proposed Supplemental Budget and she cited the ORS Statue that allows the governing body to create Supplemental Budgets.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR SAVAGE TO ADOPT RESOLUTION 2080.**

Mayor Gowing announced the motion with a second and called for discussion.

Councilor Ervin said he will honor Council’s decision to move forward with these items but said he has reservations about the Community Health Center and the Homeless Shelter. He said he will vote in favor, but it is not a vote of support of the methodology.

Councilor Solesbee said she agrees with Councilor Ervin and she also has concerns about the City’s expenditures during a recession.

Mayor Gowing called for further discussion. Seeing none he called the vote.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES		X	X	X	X	X	X
NAYS							
ABSTAIN							

Mayor Gowing announced that Resolution 2080 is adopted.

(b) Resolution Placing Liens on Specific Properties as a Result of Nuisance Abatement

City Planner Eric Mongan explained that as part of the City’s Nuisance Abatement program, the City may have to abate nuisances and assess the properties for the cost of the abatement. He added that if property owners do not pay the assessment within thirty days the City places a lien on the property. He said the attached resolution is to place liens on three properties resulting from nuisance abatement performed by the City.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ERVIN TO ADOPT RESOLUTION 2081.**

Mayor Gowing announced the motion with a second and called for discussion. Seeing none he called the vote.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES		X	X	X	X	X	X
NAYS							
ABSTAIN							

Mayor Gowing announced Resolution 2081 is adopted.

(c) Second Vote for Ordinance No. 3164 Amending Title 10 Vehicles and Traffic

City Manager Richard Meyers explained that this is the second vote for this ordinance. He said it has been brought back to Council with changes to strengthen and to use the same definition for Streets throughout Title 10 and in Section 6 the word roadway was changed to street to match the definition. He said this ordinance is meant to provide some rules and regulations associated with people who are using City streets for camping or sleeping in a vehicle and add clarity on how the area around the vehicle can be used.

Johanna Zee 115 N 14<sup>th</sup> Street, Cottage Grove, Oregon 97424 encouraged others to speak to Council about what they want to tell them.

Councilor Solesbee said the 72 hour parking restriction was before we had a lot of homeless issues and she is concerned about our neighborhoods. She added that she is also concerned about vehicles being parked in front of people’s homes and the state created danger principle. She said we already allow camping in private driveways and backyards, we have a low barrier shelter and we are planning on doing an overflow shelter.

Councilor Ervin asked what risks the City would be facing if we ban camping in vehicles in residential neighborhoods or on the streets.

City Attorney Carrie Connelly recapped information shared at the League of Oregon Cities Workshop about the court cases involving homeless. She said it really does not matter if you call it camping or parking, the three member judge panel has extended Martin v Boise and the Grants Pass v Blake case to include parking. She said their decision was that communities have to allow camping in vehicles but they can adopt time, place and manner restrictions. She said this ordinance is a time, place and manner restriction for parking on City right of ways and it is one component of the program.

Councilor Ervin proposed that we expand the vehicle not being allowed to park within 100 feet to 200 or even 500 feet.

City Manager said that it is important to note that the 100 feet is from the public or private school property line. He said extending to 200 feet may be reasonable.

City Attorney added that the time, place, and manner is a transportation focus and if changing it to 200 feet maintains that focus it would probably be sufficient.

Councilor Ervin explained why 500 feet would be helpful in the case of Harrison Elementary.

City Manager explained where the property lines extend to at Harrison Elementary and how far the 100 feet or 200 feet restrictions would reach.

Councilor Fleck said he was also concerned that this would mean we could have people sleeping in front of people's homes. He added that the 72 hour restriction would still be in place and trash would not be allowed to accumulate around the vehicle. He said that he could support increasing the restriction from 100 to 200 feet and asked if we amend the distance do we still have the appropriate readings and can it be adopted at this meeting.

City Attorney replied yes.

**IT WAS MOVED BY COUNCILOR ERVIN AND SECONDED BY COUNCILOR FLECK TO AMEND ORDINANCE 3164 BY CHANGING THE DISTANCE OF 100 FEET FROM PUBLIC OR PRIVATE SCHOOL, ESTABLISHED LICENSED DAYCARE OR PUBLIC PLAYGROUND TO 200 FEET.**

Mayor Gowing announced the motion with a second and called for further discussion.

City Manager Richard Meyers reminded Council that this is a motion to amend and there will need to be another motion after this to adopt the ordinance.

Mayor Gowing called the roll on the amendment

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES		X	X	X	X	X	X
NAYS							
ABSTAIN							

Mayor Gowing announced that the amendment passed.

**IT WAS MOVED BY COUNCILOR ERVIN AND SECONDED BY COUNCILOR FLECK TO ADOPT ORDINANCE NO. 3164 AS AMENDED.**

Mayor Gowing announced the motion with a second and called for discussion. Seeing none he called the vote.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES		X	X	X	X	X	X
NAYS							
ABSTAIN							

Mayor Gowing announced Ordinance 3164 is adopted.

- (d) First Vote for Ordinance Amending Chapter 14.35 Surface Water Management of the Cottage Grove Municipal Code Regarding Adding Section 14.35.200 Stormwater Detention and Treatment

City Planner Eric Mongan explained the background of the proposed ordinance and the public hearings that were held.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR SAVAGE TO ADOPT ORDINANCE NO. 3166.**

Mayor Gowing announced the motion with a second and called for discussion.

Councilor Ervin asked for an explanation of run-off peak flow.

City Planner Eric Mongan asked City Engineer, Nathan Patterson to help with the explanation.

Nathan Patterson explained storm events and the hours at which peak flow occurs.

Councilor Ervin asked follow up questions regarding peak flow.

Nathan Patterson explained the basis of peak flow and how it is determined.

Councilor Ervin asked how developers would achieve the standards and the cost associated.

City Planner Eric Mongan explained that each site would have different characteristics and there could be additional costs to the developer with tradeoffs and benefits to the developer and the City.

Councilor Ervin said he is still not clear how someone could comply with some of the requirements.

Nathan Patterson provided examples of how the requirements could be met.

Councilor Ervin said he does not feel that he has enough information to determine what impact this will have on development in Cottage Grove and what the costs, requirements and benefits would be.

City Planner Eric Mongan explained that this proposed ordinance would not generally affect any single family developments or duplex developments in town because it applies to sites greater than or equal to 0.5 acres.

Mayor Gowing called for any further discussion. Seeing none he called the vote.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES		X	X	X	X	X	X
NAYS							
ABSTAIN							

Mayor Gowing announced Ordinance 3166 is adopted.



**BUSINESS FROM THE CITY COUNCIL**

(a) Award of Cottage Grove Airport Sewer Line Extension Project Contract

Public Works and Development Director Faye Stewart provided background information on bids received for the Cottage Grove Airport Sewer Line Extension Project and outlined the project. He said Branch Engineering reviewed the bid packages and found all to be complete and responsive and is recommending that the contract be awarded to Wildish Construction Company in the amount of \$138,868.00.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ERVIN TO AWARD THE COTTAGE GROVE AIRPORT SEWER LINE EXPANSION PROJECT TO WILDISH CONSTRUCTION COMPANY IN THE AMOUNT OF \$138,868.00 AND AUTHORIZE THE CITY MANAGER TO SIGN THE CONTRACT AND ALL ASSOCIATED DOCUMENTS.**

Mayor Gowing announced the motion with a second and called for discussion. Seeing none he called the vote.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES		X	X	X	X	X	X
NAYS							
ABSTAIN							

(b) November and December City Council Meetings

City Manager Richard Meyers explained that Council needs to decide if there are any conflicts due to upcoming conferences and holidays and if so, if there is a need to cancel any of the November or December Council meetings.

Councilor Ervin said his preference would be to have only one meeting each month.

Councilor Stinnett asked about the anticipated agendas for November and December.

City Manager replied that at this point they are small.

**IT WAS MOVED BY COUNCILOR STINNETT AND SECONDED BY COUNCILOR ERVIN TO CANCEL THE NOVEMBER 28<sup>TH</sup> AND DECEMBER 26<sup>TH</sup> COUNCIL MEETING.**

Mayor Gowing announced the motion with a second and called for discussion.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES		X	X	X	X	X	X
NAYS							
ABSTAIN							

Mayor Gowing clarified that there will not be an Agenda Session on Friday, November 11<sup>th</sup>.

(c) Concerns from Council

Councilor Ervin recapped the successes of the Skate Park Event and thanked businesses and individuals for their support.

Councilor Solesbee addressed remarks made about her that she found hurtful.

Councilor Stinnett expressed concerned about the negative rhetoric that is taking place in our town. He said it is his point to support policy not people. He added that it is sad that this is getting personal and nasty. He said Council is making difficult decisions and he hopes that the prevailing fighting spirit will tone down.

Councilor Savage said we need to agree to disagree and do so politely. She asked what date the streateries would be taken down this year.

Public Works and Development Director Faye Stewart replied that with the weather changing he will work with staff to get them taken down in the first part of the November.

Councilor Savage asked for a public explanation regarding the county “stop work order” sign placed on City property.

Public Works and Development Director Faye Stewart explained that in 2019 the City started the process to receive ownership of Sweet Lane. He said Council approved the annexation and the zone for the piece of property. He said the process did not get completed and City Planner Eric Mongan is in contact with the county to complete the surrender process. He added that the County was concerned that the rocks were placed close to Sweet Lane and should be moved back. He said it was an oversight and there should not be any ramifications.

Councilor Savage said it sounds like a moot point.

Public Works and Development Director said the County is happy with how we addressed their concerns and we will proceed to complete the surrender with the County.

Councilor Fleck expressed concern about the toxic political realm. He said he saw photographs of people carrying guns at the 912 event and if that is true, it is scary. He said it worries him that escalation, fear and intimidation are the intent. Councilor Fleck mentioned the LOC Homeless Workshop and the valuable discussions that were held.

Mayor Gowing said he would like to change the language regarding allowing citizen comments for items not on the agenda. He said he would like people to address only the presiding officer and added that the mentality has now evolved to attacking Councilors and people in the audience.

### **BUSINESS FROM THE CITY MANAGER**

(a) Management Plan for Use of Public Lands by Individuals Experiencing Homelessness

City Manager Richard Meyers provided background information regarding the formation of the draft management plan. He explained the three levels that were created, the properties in each of the levels and the uses and services that could be available in each. He added that from this plan we could then change our code to implement park hours unless the park is activated as a part of this plan.

Johanna Zee 115 N 14<sup>th</sup> Street, Cottage Grove, Oregon shared an interaction that happened with a Carry It Forward representative when she and her group were doing outreach at Trail Head Park. She expressed concern about the plan and said nothing in Johnson v Grants Pass that says we have to go to any extent like this.

Amy Merryday 205 Adams, Cottage Grove, Oregon said things are proceeding exactly how we were told they would, that there would not be one solution and that we would need a variety of approaches to meet the letter of the law. She spoke in favor of the management plan and said she is delighted with what the City has done so far.

City Manager Richard Meyers added that another part of the thought process behind having designated levels is to be able to have controls and address the hygiene situations by providing port- a-pottys, wash stations and trash receptacles. He said we do not have enough to put them in every place that they may want to go to.

Councilor Fleck said he thinks this is a great plan and it is clear that a lot of time and energy was put into looking at all of the public property and trying to determine a way to be effective and mitigate the impact of people experiencing homelessness.

Councilor Savage said she appreciates the flexibility with being able to enforce park times if the area is not in use and having a plan in place if we ever need them.

Councilor Stinnett said he agrees with the prioritization of the properties and asked what the next steps are and if it will be coming back to Council for adoption.

City Manager replied yes, it would be brought back to Council at the November 14<sup>th</sup> meeting. He said he believes there will be changes to fix the ordinance and include references to the management plan.

Councilor Ervin said he disagrees with the overall approach, starting with how we approached the shelter site.

Councilor Solesbee said when we started this process, we were told that we did not have to do anything but a dusk to dawn, and we ended up with a shelter. She said it was never mentioned that we do not have the manpower to do it, until the Agenda Session last Friday. She said she is confused because Councilor Fleck said an unmanned site would be a disaster and now we are talking about overflow sites that are going to be unmanned.

Councilor Ervin said when we allow established camps in the park it fundamentally changes the use and benefits of the parks. He said he is grieved at the social experiment this district is playing and he is pessimistic about what it will do to us as a community. He added that he hopes we keep our eyes open and are ready to adjust quickly and continue to communicate.

City Manager Richard Meyers said that the reason for the management plan is to protect the parks and public lands. He added that the parks were not meant to be for camping and for people spending the day keeping warm and dry. He said we wanted to make sure that we have every ability to justify the reasons having the restrictions so that we are protecting the major portion of our public lands.

Mayor Gowing addressed a disruptive audience member.

Mayor Gowing asked if we are making ourselves liable for more issues.

City Attorney Carrie Connelly said she thinks that the City is managing the risk the best we can under the circumstances. She said the City is ensuring protections for dedicated parks that have certain purposes and providing an emergency shelter site, which is one of the key elements to being able to manage in this way.

Councilor Fleck reflected on his experiences working with the unhoused in his work and also while managing the Warming Shelter site. He said from day one, his position was that we do not want to do a Dusk to Dawn site. He said mornings were tough around the Warming Shelter and getting people out was a challenge.

Councilor Solesbee said she disagrees. She said she thinks a Dusk to Dawn is our best solution and this should not be a permanent thing for anyone. She said people need to get into treatment if they need it and we are prolonging the situation. She said we are going to grow this and we have already seen that.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR SAVAGE THAT COUNCIL ACCEPT THE PROPOSED PLAN AND HAVE STAFF BRING IT BACK TO COUNCIL FOR CODIFICATION.**

Mayor Gowing announced the motion with a second and called for further discussion.

Councilor Ervin asked what the law enforcement strategy is under this plan and what in our ordinances is not being enforced.

City Manager Richard Meyers said the intent of the plan is to put the parks that are not activated into the previous park rules and this gives us more flexibility to get back to protecting our parks and public lands.

Councilor Ervin asked if it is perceived as discrimination to enforce our laws.

City Manager said we would be enforcing them and this gives us better ability to do that.

Councilor Ervin said he is asking to try to understand Council's individual positions on enforcing the nuisance laws.

Councilor Fleck said he fully expects us to hold anyone accountable for bad behaviors.

Mayor Gowing said he feels if you are going to break the law, you need to pay for it whether you are homeless or housed.

City Manager Richard Meyers said the stack of reports show that, as he referred to the stack of Police reports that Councilor Solesbee has in her possession.

Councilor Savage said without the parameters it was a grey area to try and enforce because it did not align with *Martin v Boise*.

Councilor Stinnett said the only difference is that someone doesn't have a place to go and someone does. He said he does not believe exceptions should be made on behalf of a homeless person and he expects them to be held accountable just like anyone else. He added that he would be interested to know how it impacts law enforcement.

City Attorney Carrie Connelly recapped that the City is precluded from penalizing criminally or civilly unavoidable consequences of being human. She added that from her perspective the City has gone to a great degree to provide the alternatives.

Councilor Ervin asked if the City expects to hire additional staff and if there is a budget impact.

City Manager said that we are not sure what will happen in the future.

Mayor Gowing announced the motion with a second and called the question.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES		X	X	X			X
NAYS					X	X	
ABSTAIN							

(b) Report from City Manager

City Manager reminded Council that the Model Train Show is being held in the Armory next week, the Veteran's Day ceremony is in the Armory on November 11<sup>th</sup> at 11:00 am and the Mayor's Ball is on November 12<sup>th</sup> at 6:00 pm.

City Manager Richard Meyers provided an update about the Homeless Shelter. He said there are currently 31 people at the shelter, of which 11 are women. He said there are also 6 dogs and 3 cats. He added that there are seven couples, a number of people in wheelchairs and one individual who is blind. He advised Council of those that were unable to be in the shelter and how they are being assisted.

City Manager Richard Meyers read aloud a thank you card for City Council from the residents at Cottage Village Co-op.

### **BUSINESS FROM CITY ATTORNEY**

(a) Report from City Attorney

City Attorney Carrie Connelly addressed a previous comment made regarding Council appointing law enforcement. She pointed out that Chapter 8 of the City Charter authorizes the Council to appoint the City Manager and the Municipal Judge. She added that it would take a Charter Amendment which requires the vote of the people.

City Attorney reminded Council to get their pumpkins ready, because Local Government Law Group is getting ready and looking forward to the pumpkin carving contest.

## EXECUTIVE SESSION

Mayor Gowing recessed the meeting at 9:55 pm to go into Executive Session.

Council reconvened at 10:30 pm.

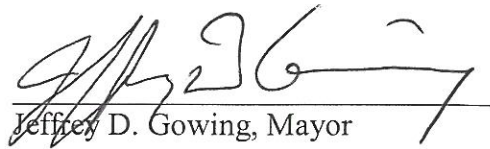
## ADJOURNMENT

There being no further business, Mayor Gowing adjourned the regular meeting of the City Council at 10:31 pm.

The next regular City Council Meeting will be held November 14, 2022 at 7:00 pm in the Council Chambers at City Hall.



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Mindy Roberts, City Recorder



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Jeffrey D. Gowing, Mayor