



# AGENDA

## Chagrin Falls Village Council

Monday

February 27, 2023

7:30 PM

| Village Hall | 21 W. Washington Street | 440-247-5050

This is a public meeting and all are welcome to attend. In-person meetings are held in Council Chambers at Village Hall.

Members of the public wishing to speak to agenda items must advise the Clerk of Council of their intent to do so by noon on the day of the Council Meeting.

1. Moment of Silence/Pledge of Allegiance
2. Roll Call and Action Concerning Absentees
3. Reading and Disposal of Minutes January 3, 2023
4. Administrative Reports
 

a. Mayor	William Tomko
b. Finance Director	Angela Gerye
c. Law Director	Dale Markowitz
d. Chief Administrative Officer	Robert Jamieson
e. Engineer	Tim Lannon
f. Police Chief	Amber Dacek
g. Fire Chief	Frank Zugan
5. Council Reports
 

a. Committee Reports <ol style="list-style-type: none"> <li>1. Admin &amp; Comp      Subel</li> <li>2. Facilities &amp; Services      Rocky</li> <li>   a.) Riverside Park Playground</li> <li>3. Finance      Rogoff</li> <li>4. Safety      Drum</li> <li>5. Streets &amp; Sidewalks      Grube</li> <li>6. Utilities      Corkran</li> </ol>	b. Commission Reports <ol style="list-style-type: none"> <li>1. Arts      DeBernardo</li> <li>2. Board Zoning Appeals      Rocky</li> <li>3. Cemetery      Grube</li> <li>4. Grove Hill      Rogoff</li> <li>5. Merchant Liaison      DeBernardo</li> <li>6. Parks      Drum</li> <li>7. Planning &amp; Zoning      Rogoff</li> <li>8. Shade Tree      Rocky</li> </ol>
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6. Presentation to Council None
7. Public Hearing None
8. Members of the Public to Speak to Agenda Items (not to exceed 5 minutes per speaker)
9. Legislative Docket: Disposition of legislation, including any public hearings on legislation
  - a. **Ordinance No. 2023-04**  
**(Mobile Food Units)**  
 AN ORDINANCE OF THE VILLAGE OF CHAGRIN FALLS TO ESTABLISH REGULATIONS FOR MOBILE FOOD UNIT OPERATIONS IN THE VILLAGE OF CHAGRIN FALLS.
    - Introduced by: Rogoff (Planning & Zoning)
    - 2<sup>nd</sup> Reading (02/27/23), 1<sup>st</sup> Reading (02/13/23)

**b. Ordinance No. 2023-06**

**(2023 Budget Expenses)**

AN ORDINANCE MAKING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF CHAGRIN FALLS FOR THE YEAR ENDING DECEMBER 31, 2023 AND DECLARING AN EMERGENCY.

- Introduced by: Rogoff (Finance)
- 1<sup>st</sup> Reading (02/27/23)

**c. Resolution No. 2023-07**

**(Request to Restore the Local Government Fund to Pre-Recession Levels)**

A RESOLUTION STRONGLY URGING THE OHIO GOVERNOR AND MEMBERS OF THE OHIO GENERAL ASSEMBLY TO RESTORE THE LOCAL GOVERNMENT FUND TO PRE-RECESSION LEVELS.

- Introduced by: Rogoff (Finance)
- 1<sup>st</sup> Reading (02/27/23)

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10. Members of the Public to Speak to Any Matter (not to exceed 5 minutes per speaker)

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11. Miscellaneous

a. 2023 Election

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12. Adjournment Time

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**ORDINANCE 2023-04**  
**INTRODUCED BY: ROGOFF**

**4449**

**AN ORDINANCE  
OF THE VILLAGE OF CHAGRIN FALLS TO  
ESTABLISH REGULATIONS FOR MOBILE FOOD  
UNIT OPERATIONS IN THE VILLAGE OF CHAGRIN  
FALLS**

WHEREAS, the Planning and Zoning Commission, at their November 21, 2022 meeting recommended to Council to regulate mobile food units when operating in the Village of Chagrin Falls to add new Chapter 767: and

WHEREAS, Council desires to enact new chapter 767 to be added to the Codified Ordinances to regulate, at present, mobile food units on Village owned property, as more fully set forth in EXHIBIT "A" attached hereto and made a part hereof.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

Section 1. That Chapter 767, attached hereto as EXHIBIT "A", regulating the operation of mobile food units, as defined in new Chapter 767, is hereby adopted and the Codified Ordinances shall be amended to add new Chapter 767.

Section 2. The ordinances of the Village, to the extent inconsistent with the newly enacted provision herein regarding Chapter 767, attached hereto as EXHIBIT "A", are hereby repealed, except to the extent that such code sections are the subject of an enforcement action they shall be considered effective for the purposes of an enforcement for any violations that occurred prior to repeal.

Section 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

Section 4. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

**ORDINANCE 2023-04**  
**INTRODUCED BY: ROGOFF**

Section 5. That this Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED: \_\_\_\_\_, 2023

\_\_\_\_\_  
Angela DeBernardo, Council President

Submitted to the Mayor for  
his approval on this

\_\_\_\_\_ day of \_\_\_\_\_, 2023

Approved by the Mayor

\_\_\_\_\_  
Mayor William Tomko

I hereby certify that Ordinance No. 2023-04 was duly enacted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

\_\_\_\_\_  
Angela Gergye, Clerk of Council

**ORDINANCE 2023-04**  
**INTRODUCED BY: ROGOFF**

**EXHIBIT “A”**

CHAPTER 767  
Mobile Food Units

- 767.01 Intent
- 767.02 Definition
- 767.03 Conditions for Mobile Food Unit Operation in the Municipality
- 767.04 General Conditions for Mobile Food Unit Operation in the Municipality
- 767.05 Permit Application Process
- 767.06 Permit Suspension and Revocation; Penalties

767.01 INTENT

The purpose of this chapter is to establish regulations for Mobile Food Units, also referred to as “Food Trucks,” and other mobile food vending vehicles, in order to prevent safety, traffic, parking and health hazards, as well as to preserve the peace, safety, and welfare of the Municipality.

767.02 DEFINITION

“Mobile Food Unit” means any apparatus or equipment that is used to cook, prepare, or serve food or beverages, and that routinely changes or can change location and is operated from a moveable vehicle or apparatus, including but not limited to motorized vehicles, trailers, and hand or pedal propelled carts. This definition does not include (i) any vehicle used to serve or sell pre-packaged ice-cream or other frozen confections operating in a Residential Zoning District which only stops to vend products; (ii) any “meals-on-wheels” type program vehicles delivering food to residents who need assistance with their daily nutrition; or (iii) any vehicle operating as part of a delivery service for food that is pre-ordered and delivered directly to a residence or business.

767.03 CONDITIONS FOR MOBILE FOOD UNIT OPERATION IN THE MUNICIPALITY

Mobile Food Units may operate in the municipality only if the Mobile Food Unit is (i) placed on Municipal owned or leased property, and/or Municipal streets, alleys and rights-of-way that is part of a Municipality-wide public event that has been approved by Council (“Public Event”), or (ii) operates completely on non-Municipal owned property for an event, sponsored by the property owner or resident of such property.

- A. Mobile Food Units at approved Public Events. Council may authorize Mobile Food Unit operation on property owned or leased by the Municipality including, but not limited to, parks, parking lots, streets, alleys, or other rights-of-way only in connection with and as part of a Municipality-wide Public Event.
  - 1. The presence and placement of any Mobile Food Unit shall be approved as part of the Public Event.
  - 2. The Mobile Food Unit operator or owner shall obtain a Mobile Food Unit permit (“MFU Permit”) from the Municipality.
  - 3. The placement of the Mobile Food Unit shall be approved by the Chief Administrative Officer and the Municipality Police and Fire Departments. No Mobile Food Unit shall operate in a location fewer than five feet from a driveway or alley and no fewer than ten feet from street intersections.
  - 4. The operator or owner of the Mobile Food Unit shall obtain an approved inspection certificate from the Municipal Fire Department.
  - 5. A Mobile Food Unit operating as part of a Public Event may only operate during the open times of the Public Event. A Mobile Food Unit shall not be left unattended; any Mobile

**ORDINANCE 2023-04**  
**INTRODUCED BY: ROGOFF**

Food Unit that is found to be unattended shall be considered a public safety hazard and may be cited for violation of the Ordinances of the Municipality and impounded.

6. Unless specially allowed by terms of the Public Event or MFU Permit, no Mobile Food Unit shall be parked on Municipality streets, parking lots, public rights-of-way, park property, or other public property overnight. When allowed to park overnight, any Mobile Food Unit left without active attendance must be secured sufficiently to prevent access, use of equipment, and movement of the unit.
7. The Public Event organizer or Mobile Food Unit operator shall provide adequate trash containers to receive all garbage created by its operation in the Municipality and shall clear any litter from its area of operation at the end of each day.

**767.04 GENERAL CONDITIONS FOR MOBILE FOOD UNIT OPERATION IN THE MUNICIPALITY**

Any Mobile Food Unit operating within the Municipality shall comply with the following requirements:

- A. Display an appropriate, valid license from the Cuyahoga County Board of Health.
- B. When located on Municipal owned or leased property, and/or Municipal streets, alleys and rights-of-way, display the MFU Permit issued by the Municipality and all other licenses and certificates signifying compliance with state and county laws, ordinances, codes, orders, and regulations.
- C. Be subject to inspections during operation in the Municipality for compliance with local, state, and county laws, ordinances, codes, orders, and regulations.

**767.05 PERMIT APPLICATION PROCESS.**

- A. No Mobile Food Unit, placed on Municipal owned or leased property, and/or Municipal streets, alleys and rights-of-way shall operate in the Municipality without a valid MFU Permit issued by the Municipality. The MFU Permit must be obtained from the Chief Administrative Officer by the owner or operator of the Mobile Food Unit.
- B. MFU Permits issued in accordance with this Chapter are not transferrable.
- C. Application for a MFU Permit shall be made to the Chief Administrative Officer on a form provided to the applicant at least five (5) business days prior to the date when the Mobile Food Unit will conduct business in the Municipality. The request for a MFU Permit shall contain:
  1. A completed application form;
  2. The permit fee of \$100 per Mobile Food Unit for each day or part of a day the Mobile Food Unit operates within the Municipality;
  3. Evidence that the Mobile Food Unit has obtained all required licenses to operate in Cuyahoga County, Ohio;
  4. A signed statement that the permittee shall defend, indemnify, and hold harmless the Municipality, its officers, and employees, from any and all claims for damages to property or death or injury to persons and the reasonable attorney fees incurred in defending any such claims which may occur in connection with an activity carried out under the terms of the permit; and
  5. Proof of liability insurance in the form of a certificate of insurance with limits no less than one million dollars (\$1,000,000) per occurrence, two million dollars (\$2,000,000) aggregate, five hundred thousand dollars property damage coverage (\$500,000.00) and the Village of Chagrin Falls is named on the certificate as additionally insured during a term at least equal to the term of the MFU Permit, as a condition of the MFU Permit.
- D. The CHIEF ADMINISTRATIVE OFFICER, Municipal Police Department, or Fire Department may request additional information prior to issuing a MFU Permit, in order to carry out the purpose of this Chapter.
- E. The CHIEF ADMINISTRATIVE OFFICER may approve the MFU Permit, approve the MFU Permit with conditions, or deny the MFU Permit if the CHIEF ADMINISTRATIVE OFFICER

**ORDINANCE 2023-04**  
**INTRODUCED BY: ROGOFF**

determines that the application does not comply with this Chapter. If denied, the CHIEF ADMINISTRATIVE OFFICER shall transmit in writing or by electronic mail the reasons for the denial to the applicant.

**767.06 PERMIT SUSPENSION AND REVOCATION; PENALTIES**

- A. The CHIEF ADMINISTRATIVE OFFICER may temporarily suspend any MFU Permit if the location and/or operation of the Mobile Food Unit is in conflict with the public interest, for example if the area occupied by the Mobile Food Unit is needed for a public event, construction, repair, or any other public purpose.
- B. The CHIEF ADMINISTRATIVE OFFICER may revoke a MFU Permit upon finding any provision of this Chapter or condition of approval has been violated or if the Mobile Food Unit is not in compliance with any state, county, or local laws ordinances, orders, codes or regulations. Such action shall be effective immediately.
- C. An applicant may appeal denial or revocation of a MFU Permit as provided in Chapter 1111 of the Planning and Zoning Code of the Municipality.
- D. Whomever violates any of the provisions of this Chapter shall be guilty of a misdemeanor of the first degree. Each day such violation continues shall constitute a separate offense.

**ORDINANCE NO. 2023-06  
INTRODUCED BY: ROGOFF**

4451

**AN ORDINANCE  
MAKING APPROPRIATIONS FOR THE CURRENT  
EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE  
OF CHAGRIN FALLS FOR THE YEAR ENDING DECEMBER  
31, 2023 AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Council of the Village of Chagrin Falls, State of Ohio:

SECTION 1: That to provide for the current expenses and other expenditures of the Village of Chagrin Falls during and for the year ending December 31, 2023, there be and there is hereby appropriated from funds now in the treasury or estimated to come into the treasury during and from other sources of revenue, for the purpose and in the forms hereinafter enumerated, to-wit:

<b>FUND</b>	<b>APPROPRIATION AMOUNT</b>
<b>GENERAL FUND</b>	<b>\$ 10,786,771</b>
POLICE LAW ENFORCEMENT	\$ 2,452,464
FIRE FIGHTING	\$ 520,089
STREET LIGHTING	\$ 87,000
POLICE & FIRE COMMUNICATIONS	\$ 225,000
CEMETERY	\$ 401,086
COUNTY AUDITORS DEDUCTION	\$ 25,250
AMBULANCE SERVICE	\$ 475,000
PARKS	\$ 250,043
PLANNING & ZONING	\$ 34,500
BUILDING DEPARTMENT	\$ 214,400
FORESTRY	\$ 111,786
REFUSE COLLECTION/DISPOSAL	\$ 382,421
PARKING	\$ 122,421
SIDEWALKS	\$ 48,000
MAYOR'S OFFICE	\$ 33,400
LEGISLATIVE	\$ 22,000
COURT	\$ 133,000
FINANCE	\$ 523,500
LANDS & BUILDINGS	\$ 362,961
CTY AUDITOR/TREASURE FEES	\$ 25,500
STATE EXAMINER CHARGES	\$ 23,500
LAW DEPARTMENT	\$ 306,150
CHIEF ADMINISTRATIVE OFFICER	\$ 177,600
ENGINEERING	\$ 23,000
OTHER	\$ 355,700
NON-GOVERNMENTAL EXPENDITURES	\$ 3,451,000



**ORDINANCE NO. 2023-06**  
**INTRODUCED BY: ROGOFF**

<b>STREET FUND</b>	<b>\$ 1,410,463</b>
STREET MAINTENANCE/REPAIR	\$ 172,791
SNOW/ICE REMOVAL	\$ 251,991
STREET SEWER/DRAINS	\$ 288,694
TRAFFIC SIGNS/SIGNALS	\$ 139,681
STREET CLEANING	\$ 61,106
SERVICE GARAGE	\$ 149,000
ADMINISTRATIVE & OTHER	\$ 347,200
<b>SPECIAL REVENUE FUNDS</b>	<b>\$ 742,748</b>
SAFE SCHOOLS GRANT	\$ -
LAW ENFORCEMENT REIMBURSEMENT	\$ 2,700
MOTOR VEHICLE IMMOBILIZATION	\$ -
CONFISCATED PROP./L.E. FUND	\$ -
DRUG LAW ENFORCEMENT FUND	\$ -
LAW ENFORCEMENT & EDUCATION	\$ 6,000
CEMETERY PERPETUAL CARE	\$ -
INDIGENT DRIVERS	\$ -
POLICE PENSION FUND	\$ 75,000
DONATIONS	\$ 225,000
CEMETERY BEQUEST	\$ -
CEMETERY TRUST FUND	\$ -
WHITESBURG PARK	\$ -
K9 PROGRAM-GILES FOUNDATION	\$ 5,000
SAFETY TOWN	\$ 5,000
COPS GRANT	\$ -
SAFE ROUTES GRANT	\$ 5,000
MISCELLANEOUS DEPOSITS	\$ 40,000
CORONAVIRUS RELIEF FUND	\$ -
AMERICAN RESCUE PLAN ACT FUND	\$ 379,048
<b>CAPITAL IMPROVEMENTS</b>	<b>\$ 7,890,504</b>
CAPITAL IMPROVEMENTS	\$ 7,890,504
<b>WATER FUND</b>	<b>\$ 2,241,139</b>
DISTRIBUTION	\$ 395,274
OFFICE/ADMINISTRATION	\$ 409,230
SUPPLY	\$ 1,125,770
NON-GOVERNMENTAL EXPENDITURES	\$ 310,865
<b>WATER RESERVE FUND</b>	<b>\$ 933,394</b>
WATER-RESERVE CAP. IMPROVEMENTS	\$ 933,394

**ORDINANCE NO. 2023-06**  
**INTRODUCED BY: ROGOFF**

<b>SEWER FUND</b>	<b>\$ 2,259,243</b>
OFFICE/ADMINISTRATION	\$ 474,150
SANITARY SEWERS	\$ 439,774
TREATMENT	\$ 997,690
NON-GOVERNMENTAL EXPENDITURES	\$ 347,629
<b>SEWER RESERVE FUND</b>	<b>\$ 3,767,105</b>
SEWER-RESERVE CAP. IMPROVEMENTS	\$ 3,767,105
<b>WORKING EQUIPMENT FUND</b>	<b>\$ 1,213,500</b>
WORKING EQUIPMENT FUND	\$ 1,213,500
<b>PAID/RECEIVED AS AGENT</b>	<b>\$ 8,000</b>
PAID/RECEIVED AS AGENT	\$ 8,000
<b>SPECIAL ASSESS BOND RETIRE FUND</b>	<b>\$ 100</b>
SPECIAL ASSESS BOND RETIRE FUND	\$ 100
<b>GENERAL BOND RETIREMENT FUND</b>	<b>\$ -</b>
GENERAL BOND RETIREMENT FUND	\$ -
<b>Grand Total</b>	<b>\$ 31,252,967</b>

**ORDINANCE NO. 2023-06**  
**INTRODUCED BY: ROGOFF**

SECTION 2: That all expenditures of the Village of Chagrin Falls within the year ending December 31, 2023, shall be made within and with the appropriation herein before provided.

SECTION 3: That the Director of Finance is hereby authorized and directed to draw warrants on the Village depository for any portion of the amounts within the above named appropriation whenever claims are presented, properly approved by the head of the department for which the indebtedness incurred.

SECTION 4: That it is hereby found and determined that all formal actions of this Council concerning and related to the passage of this legislation were adopted in lawful meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 5: That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen(15) days in the Village Hall.

SECTION 6: That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health and safety of the inhabitants of the Village and for the further reason that this ordinance will provide the means for payment of salaries, wages, and other vital obligations of the Village for its continued and uninterrupted operation, and provided it receives two-thirds vote of all members of Council elected thereto, this ordinance shall take effect and be in full force from and after its passage and approval by the Mayor, or otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Angela DeBernardo, Council President

Submitted to the Mayor for  
his approval on this

\_\_\_\_\_ day of \_\_\_\_\_, 2023

Approved by the Mayor

\_\_\_\_\_  
Mayor William Tomko

I hereby certify that Ordinance No. 2023-04 was duly enacted on the \_\_\_ day of March, 2023, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

\_\_\_\_\_  
Angela Gergye, Clerk of Council

**RESOLUTION NO. 2023-07  
INTRODUCED BY: ROGOFF**

**A RESOLUTION STRONGLY URGING THE OHIO  
GOVERNOR AND MEMBERS OF THE OHIO GENERAL  
ASSEMBLY TO RESTORE THE LOCAL GOVERNMENT  
FUND TO PRE-RECESSION LEVELS**

WHEREAS, the Local Government Fund was reduced in 2011 by 50% during Governor Kasich's Administration from 3.68% of General Revenue Funds to its current level of 1.66% of General Revenue Funds; and

WHEREAS, past Ohio General Assemblies have repeatedly decreased funding and revenue sharing in recent years in addition to significantly reducing the Local Government Fund, including eliminating the Estate Tax and phasing out the Tangible Personal Property Tax; and

WHEREAS, these reductions have resulted in a significant loss of revenue in the Village of Chagrin Falls in 2022; and

WHEREAS, this sudden revenue loss has made it increasingly difficult to provide basic services, rebuild infrastructure, and bolster public safety services; and

WHEREAS, when municipalities experience success in fostering safe communities, building sound infrastructure, and bolster public safety services; and

WHEREAS, a reinvestment in the Local Government Fund would aid the state in its goal of lowering taxes on the individual by enabling municipalities to decrease the local tax burden.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE  
OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. The Ohio General Assembly should restore the Local Government Fund to pre-recession levels, ensuring that local communities are able to provide crucial services and improvements in infrastructure and public safety.

SECTION 2. This Council does hereby declare its opposition to any further cuts to the Local Government Fund or the future diversion of revenues from the Local Government Fund.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with

RESOLUTION 2023-07  
INTRODUCED BY: ROGOFF

all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 4. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Resolution shall also be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 5. This this Resolution shall take effect and be in full force after the earliest period allowed by law.

PASSED: \_\_\_\_\_, 2023

\_\_\_\_\_  
Angela DeBernardo, Council President

Submitted to the Mayor for  
his approval on this

\_\_\_\_\_ day of \_\_\_\_\_, 2023

Approved by the Mayor

\_\_\_\_\_, 2023

\_\_\_\_\_  
Mayor William Tomko

I hereby certify that Resolution No. 2023-07 was duly enacted on the 27th day of February, 2023, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

\_\_\_\_\_  
Angela Gergye, Clerk of Council