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A regular meeting of the City Council of the City of Charlotte was held in the Council Chamber of the City Hall at 4 o'clock, P. M., Mayor Currie presiding and Councilmen Albea, Beasley, Daughtry, Hovis, Price, Ross and Ward, being present.

Absent: Councilmen Baker, Little, Painter and Slye.

* * * * *

APPROVAL OF MINUTES OF OCTOBER 8TH. MEETING.

Upon motion of Councilman Albea, seconded by Councilman Daughtry, the minutes of the meeting of October 8th. were approved as read.

REPORT OF COMMITTEE ON SMITH STREET OPENING AND RESOLUTION WITH RESPECT TO ACQUISITION OF LAND FOR THIS EXTENSION.

Councilman Ross reported that the special committee appointed to negotiate for the necessary land to extend Smith Street from Sixth Street Place to Sixth Street, had met with Mr. W. G. Ross, owner of this property and that no agreement had been reached regarding same. He, therefore, introduced the following resolution and moved its adoption:

RESOLUTION
WITH RESPECT TO ACQUISITION OF LAND FOR
THE EXTENSION OF SMITH STREET.

WHEREAS, in the opinion of the Council it is necessary and in the public interest that North Smith Street be extended from its intersection with West Sixth Street Place to West Sixth Street, and that for that purpose it is necessary and in the public interest that the City acquire title to the land necessary for this extension, which is more particularly described as follows:

First Tract: Beginning at an iron pin on the south edge of West Sixth Street Place, which marks the division corner between the property of Mecklenburg Realty Company and Piedmont Fire Insurance Company, and runs thence with the south side of West Sixth Street Place in an easterly direction 47 ft. to the west face of the brick wall of the Bus Terminal building; thence with said face of said wall in a southerly direction 104.67 ft. to the north edge of West Sixth Street; thence with the north edge of West Sixth Street in a westerly direction 46.86 ft. to an iron pin which marks the division corner between the property of Mecklenburg Realty Company and Piedmont Fire Insurance Company; thence in a northerly direction with the dividing line between the properties of the said companies, 103.62 ft. to the point of beginning, and being Lots 17 and 18 as shown on map recorded in the office of the Register of Deeds for Mecklenburg County, in Map Book 3, page 159.

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Second Tract: Beginning at an iron pin on the south edge of West Sixth Street Place, which marks the division corner between the property of Mecklenburg Realty Company and Piedmont Fire Insurance Company, and runs thence with the dividing line between the said properties in a southerly direction 103.62 ft. to an iron pin on the north edge of West Sixth Street; thence with the said edge of West Sixth Street in a westerly direction 3 ft. to a stake; thence in a northerly direction parallel to the dividing line between the properties of Mecklenburg Realty Company and Piedmont Fire Insurance Company, 103.55 ft. to a stake on the south edge of West Sixth Street Place; thence with said edge of West Sixth Street Place in an easterly direction, 3 ft. to the point of beginning; being a strip 3 ft. wide off of the easterly end of Lot 19 as shown upon the map recorded in Map Book 3, page 159, in the office of the Register of Deeds for Mecklenburg County.

AND WHEREAS, some of the said land is now owned by Mecklenburg Realty Company and some by Piedmont Fire Insurance Company and possibly others, and whereas, Mecklenburg Realty Company has stated to a representative of the City that it will not sell its part of the said property for less than \$4500, and whereas, a committee of the Real Estate Board of the City of Charlotte has appraised the value of the two tracts above described at \$35 per front foot on West Sixth Street,

NOW, THEREFORE, Be it resolved that the Council finds and declares that the value of the said property is \$35 per front foot on West Sixth Street, and that C. B. Ross, Chairman of the Finance Committee be, and he is, instructed to notify Mecklenburg Realty Company that the City is unwilling to pay the sum of \$4500 for that part of the said property which said company owns, but will pay the sum of \$35 per front foot on West Sixth Street for the said property, and that the said Ross be, and he is, authorized and directed, if possible, to agree with the said company for the purchase of the said land at the said price;

RESOLVED FURTHER, that C. B. Ross be, and he is, instructed to notify Piedmont Fire Insurance Company that the City is willing to pay \$35 per front foot for that part of the said land owned by said company, and that the said Ross be, and he is, instructed to attempt to agree with the said company for the purchase of the said land at the said price.

RESOLVED FURTHER, that if any other persons own any interest in the said property, the said Ross be, and he is, instructed to attempt to agree with them for the purchase of their said interests, with the understanding that he is authorized to agree to pay for the fee simple title to the said property not more than \$35 per front foot.

RESOLVED FURTHER, that in the event the said Ross is unable to agree with the owners of the said property for the purchase of the same, then the City Attorneys and the City Engineer are hereby instructed to prepare such maps and other data as may be necessary for the City to condemn the said land.

The above Resolution was unanimously adopted on three readings, upon motion made by Councilman Ross, seconded in each instance by Councilman Daughtry.

Mr. W. G. Ross, an official of the Mecklenburg Realty Company, was present in the Council Chamber and after the passage of the above resolution, he announced in open meeting that he would refuse to take \$35 per front foot on Sixth Street for this property.

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ATTORNEY EMPLOYED TO EXAMINE TITLE TO TWO TRACTS OF LAND NECESSARY FOR
OPENING OF SMITH STREET.

Councilman Ross moved that J. H. McLain be, and he is, employed to examine the title to the two tracts of land which it will be necessary for the City to acquire in order to extend North Smith Street, at a total compensation of \$30.00. Motion seconded by Councilman Price and unanimously carried.

RESOLUTION WITH REGARD TO A. L. McHAM AS CLERK OF RECORDER'S COURT OF THE
CITY OF CHARLOTTE REFERRED TO CITY MANAGER.

The Resolution with regard to placing the Clerk of Recorder's Court under the jurisdiction of the Chief of Police and the appointing of Mr. A. L. McHam to this office, which was deferred at the last meeting for further consideration, was not presented at this time due to the fact that a letter had been received by the Mayor and City Council from Mr. McHam, which reads as follows:

"October 15, 1941

Honorable Mayor and City Council,
City of Charlotte,
Charlotte, N. C.

Gentlemen:

It has come to my attention that a Resolution is to be presented at the meeting this afternoon appointing me as Clerk of the Recorder's Court of the City of Charlotte, which appointment has heretofore been made by the City Manager.

In view of the fact that this change in manner of appointment may affect my Civil Service rating, and also in view of the fact that the office is now requiring from ten to twelve hours of my time daily, I ask that I either be granted a leave of absence from the Civil Service Commission in order to hold my rating under that Board, if it is determined that it will take the office from under the realm of that body, and that I be given an assistant to relieve me of some of the work of the office, or else that I be relieved from this appointment.

Yours very truly,

(Signed)

A. L. McHam
Clerk, Recorder's Court"

In view of this letter, the matter was referred to the City Manager.

ORDER PLACED FOR WIRING AT ARMORY-AUDITORIUM.

Upon motion of Councilman Albea, seconded by Councilman Ward and unanimously carried, order was placed with the lowest bidder, the Interstate Electric Company, for certain necessary wiring at the Armory-Auditorium, at a total price for the labor and materials of \$158.95.

Bid of the Ross Electric Company for this work was \$170.00, and the Hunter Electric Company \$178.00.

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PURCHASE OF CRUSHED STONE.

Bids having been received on approximately 385 tons of crushed stone (7 car loads), which is required in surfacing streets named when bonds were sold for this type of work in 1940, as follows:

Superior Stone Company	\$690.25
Caldwell Construction Co.	728.75

Councilman Hovis moved that award be made to the lowest bidder, Superior Stone Company, of Raleigh, N. C., on a unit price basis, representing a net delivered price of \$690.25, and that the Mayor and Clerk sign the contract. This motion seconded by Councilman Albea and unanimously carried.

FREIGHT CHARGES ON ADDRESSOGRAPH EQUIPMENT.

The City Manager reported that at the last Council meeting, authority was given for the purchase of a metal cabinet for addressograph plates, to be used by the Water Department, from the lowest bidder, at a net delivered price of \$173.00, which should have read "f.o.b. factory" and asked for authority to increase the amount of this purchase by the amount of the freight.

Upon motion of Councilman Ross, seconded by Councilman Albea and carried, this request was granted.

STREET MAINTENANCE ON PORTION OF CHEROKEE ROAD.

Upon motion of Councilman Albea, seconded by Councilman Daughtry and unanimously carried, that portion of Cherokee Road from Biltmore Drive one block towards the Eastover School, was taken over for City maintenance; this street being in proper condition for acceptance.

APPRAISAL OF ROSS PROPERTY FOR STREET OPENING TO BE PAID FROM EMERGENCY FUND.

Upon motion of Councilman Ross, seconded by Councilman Beasley and carried, the sum of \$25.00 was authorized to be paid to the Charlotte Real Estate Board for appraisal of the property on West Sixth Street necessary for the extending of Smith Street; this money to be paid from the Emergency Fund.

EXPENDITURE OF \$118.30 FOR MEALS FURNISHED MILITARY POLICE.

Mr. Ledbetter reported that 76 Military Police were on duty in Charlotte last Saturday night, October 11th., 12 of whom were from the Charlotte Air Base, but that it was necessary for the City to furnish meals to the remaining 64. He stated that for supper Saturday night, October 11th., through breakfast Monday morning, October 13th., a total of 265 meals were furnished, at a total cost of \$118.30.

Upon motion of Councilman Daughtry, seconded by Councilman Hovis and carried, the sum of \$118.30 was authorized to be paid to the Purity Cafe, from the Emergency Fund.

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COMFORT STATION FACILITIES.

The City Manager furnished a report of expenditures and commitments as of October 14th., covering comfort station facilities for soldiers during the war maneuvers, which total \$1,788.04, one-third of this amount to be reimbursed by Mecklenburg County, making the actual amount to be paid by the City \$1,185.36. He recommended a further appropriation from the Emergency Fund of \$400.00 to take care of the necessary work in changing the Mint Street building to meet the minimum requirements prescribed by the Plumbing Inspector.

On motion of Councilman Daughtry, seconded by Councilman Albea, this \$400.00 from the Emergency Fund was authorized.

REQUEST PRESENTED FROM CHARLOTTE CENTRAL LABOR UNION FOR ONE DAY OFF EACH WEEK FOR FIREMEN.

A letter was read by the Mayor from the Charlotte Central Labor Union, dated October 6th., asking the support of Councilman Claude L. Albea, to whom the letter was addressed, in securing one day a week from work for City Firemen.

Councilman Hovis moved that the request be referred to the Police and Fire Committee with the request that if at all possible these men be given one day a week off provided it does not interfere with the rating of the City of Charlotte Fire Department with the fire insurance underwriters. Motion seconded by Councilman Daughtry and carried.

CEMETERY DEEDS.

On motion of Councilman Hovis, seconded by Councilman Albea, the following cemetery deeds were approved for issuing:

Mrs. T. J. Gregory, Lot No. 37, Section "Y", Elmwood Cemetery	\$63.00
George W. Earnhardt, " " 129 " " "Y" "	63.00
Mrs. Sam S. Jones, " " 229 " " "Y" "	35.00
Mr. R. E. Cashion, " " 65 " " "Z" "	35.00
Transfer of South Half of Lot No. 29, Section "W", " "	
from I. I. Earnhardt and wife, to Mr. and Mrs. L. F. Brown	1.00

CITY OF CHARLOTTE TO BECOME MEMBER OF NATIONAL SAFETY COUNCIL.

On motion of Councilman Hovis, seconded by Councilman Beasley and carried, the City of Charlotte is to take a membership in the National Safety Council, in order that the Police, Fire and Sanitary Departments of the City may have information furnished them relative to safety conditions, etc., which will be obtained during the safety campaign to be conducted under the auspices of the Junior Chamber of Commerce.

OATH OF OFFICE ADMINISTERED TO MR. R. W. FLACK, AS CITY MANAGER.

The oath of office was administered to Charlotte's new City Manager, Mr. R. W. Flack by Mayor Currie, after which Mr. Flack was welcomed by the Mayor and made a few brief remarks.

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MR. L. L. LEDBETTER TO BE PAID FOR SERVICES AS CITY MANAGER.

It was moved by Councilman Ross, seconded by Councilman Daughtry, and unanimously carried, that L. L. Ledbetter, City Treasurer, be paid the sum of \$600.00, in addition to his salary as treasurer, as compensation for extra services performed by him during the period when he has been acting as City Manager since the 13th day of August, 1941, and that the said sum be paid from the Emergency Fund contained in the General Fund set up in the current budget.

RESOLUTIONS PROVIDING FOR THE ISSUANCE OF \$50,000 WATER BONDS AND \$35,000 SANITARY SEWER BONDS.

Councilman Ward introduced the following three resolutions, which were read:

RESOLUTION PROVIDING FOR THE
ISSUANCE OF \$50,000 WATER BONDS

BE IT RESOLVED by the City Council of the City of Charlotte:

Section 1. That the City Council has determine and does hereby find and declare:

(a) That it is necessary to issue all of the \$50,000 Water Bonds authorized by an ordinance passed September 24, 1941.

(b) That the probable period of usefulness of the extensions to be made to the existing water works system of said City from the proceeds of said bonds is a period of forty years from September 24, 1942, being a date not later than one year after the passage of said ordinance, and that said period expires September 24, 1982.

Section 2. That for the purpose provided in said ordinance the negotiable coupon bonds of the City of Charlotte shall be issued in the aggregate principal amount of \$50,000 designated "Water Bonds", consisting of 50 bonds of the denomination of \$1,000 each, numbered 1 to 50, inclusive, dated November 1, 1941, and maturing in numerical order annually, November 1, without option of prior payment, as follows:

\$2,000 1943 to 1948, \$3,000 1949 and \$5,000
1950 to 1956, all inclusive.

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Section 3. That said \$50,000 Water Bonds shall bear interest at a rate or rates not exceeding 6% per annum to be determined by the Local Government Commission at the time the bonds are sold, which interest shall be payable semi-annually on the first days of May and November of each year, both principal and interest to be payable at the Central Hanover Bank and Trust Company in the City of New York in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for public and private debts.

RESOLUTION PROVIDING FOR THE ISSUANCE
OF \$35,000 SANITARY SEWER BONDS

BE IT RESOLVED by the City Council of the City of
Charlotte:

Section 1. That the City Council has determined and does hereby find and declare:

(a) That it is necessary to issue all of the \$35,000 Sanitary Sewer Bonds authorized by an ordinance passed September 24, 1941.

(b) That the probable period of usefulness of the extensions to be made to the existing sanitary sewer system of said City from the proceeds of said bonds is a period of forty years from September 24, 1942, being a date not later than one year after the passage of said ordinance, and that said period expires September 24, 1982.

Section 2. That for the purpose provided in said ordinance the negotiable coupon bonds of the City of Charlotte shall be issued in the aggregate principal amount of \$35,000, designated "Sanitary Sewer Bonds," consisting of 35 bonds of the denomination of \$1,000 each, numbered 1 to 35, inclusive, dated November 1, 1941, and maturing in numerical order annually, November 1, without option of prior payment, as follows:

\$1,000 1943 to 1949 and \$2,000 1950 to 1963,
all inclusive.

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Section 3. That said \$35,000 Sanitary Sewer Bonds shall bear interest at a rate or rates not exceeding 6% per annum to be determined by the Local Government Commission at the time the bonds are sold, which interest shall be payable semi-annually on the first days of May and November of each year, both principal and interest to be payable at the Central Hanover Bank and Trust Company in the City of New York in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for public and private debts.

RESOLUTION FIXING THE FORM OF
\$85,000 BONDS AND PROVIDING FOR
THEIR SALE

BE IT RESOLVED by the City Council of the City of
Charlotte:

Section 1. That the \$50,000 Water Bonds and the \$35,000 Sanitary Sewer Bonds authorized by resolutions passed October 15, 1941, shall be signed by the Mayor and the City Clerk under the corporate seal of the City, and the annexed interest coupons shall be executed with the facsimile signature of said City Clerk, and said bonds shall be registerable as to principal alone and as to both principal and interest in accordance with The Municipal Finance Act, 1921, as amended, and with provisions for registration to be hereinafter set forth, which shall be printed upon said bonds. The City Treasurer is hereby appointed Bond Registrar for the purpose of registering said bonds, subject to the right of this body hereafter to appoint another registrar under the provisions of The Municipal Finance Act, 1921, as amended. No charge shall be made to any bondholder for the privilege of registration herein granted.

Section 2. That said bonds and coupons and endorsements to be printed upon the reverse thereof shall be in substantially the following form:

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No. _____

\$1,000

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG
CITY OF CHARLOTTE

_____ BOND

The City of Charlotte, in Mecklenburg County, State of North Carolina, is justly indebted and for value received hereby promises to pay to the bearer or, if this bond be registered, to the registered owner hereof, on the first day of November, 19____, the principal sum of

ONE THOUSAND DOLLARS

together with interest thereon at the rate of _____ per centum per annum, payable semi-annually on the first days of May and November of each year upon the presentation and surrender of the annexed interest coupons as they severally fall due. Both principal and interest of this bond are payable at the Central Hanover Bank and Trust Company in the City of New York in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for public and private debts. For the prompt payment hereof, both principal and interest as the same shall become due, the full faith and credit of said City are hereby irrevocably pledged.

This bond is one of a series issued by said City pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and an ordinance and resolutions duly passed by the City Council of said City for the purpose of

It is hereby certified and recited that all acts, conditions and things required to happen, exist and be performed precedent

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to and in the issuance of this bond by the laws and Constitution of North Carolina, have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said City sufficient to pay the principal and interest of this bond as the same shall fall due; and that the total indebtedness of said City, including this bond and all other indebtedness heretofore contracted during the fiscal year in which this bond is issued, does not exceed any constitutional or statutory limitation thereon.

This bond is registerable as to principal alone or as to both principal and interest in accordance with the provisions endorsed hereon.

IN WITNESS WHEREOF, the said City of Charlotte has caused this bond to be signed by its Mayor and City Clerk and its corporate seal to be affixed hereto, and the annexed interest coupons to be executed with the facsimile signature of said City Clerk, all as of the first day of November, 1941.

Mayor

City Clerk

(Endorsements on Bonds)

This bond may be registered as to principal in the bond register of the City of Charlotte by the City Treasurer as Bond Registrar or by such other Bond Registrar as may be legally appointed by the governing body of said City, notation of such registry to be made hereon by such Bond Registrar, and this bond may thereafter be transferred on said bond register only upon a written assignment of the registered owner or his attorney, duly acknowledged or proved, such transfer to be endorsed hereon by the

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Bond Registrar. Unless this bond be registered as to both principal and interest, such transfer may be to bearer and thereby transferability by delivery shall be restored, subject, however, to successive registrations and transfers as before. The principal of this bond, if registered, shall be payable only to the registered owner or his legal representative. Notwithstanding the registration of this bond, the coupons shall remain payable to bearer and shall continue to be transferable by delivery unless this bond shall be in like manner registered as to both principal and interest, notation whereof and of the cancellation of unmatured coupons is to be made on this bond, after which registration both principal and interest hereof shall be payable to the person in whose name it is registered, or his legal representative.

<u>DATE OF REGISTRY</u>	<u>REGISTERED OWNER</u>	<u>BOND REGISTRAR</u>
.....
.....
.....

It is hereby certified that at the request of the holder of the within bond for its conversion into a bond registered as to both principal and interest, the undersigned has this day cut off and cancelled all unmatured coupons attached thereto, being _____ in number, numbered from _____ to _____, inclusive, of the aggregate face value of \$ _____, and that the within bond is hereby converted into a registered bond, the principal and interest of which are payable to the registered owner named in the registration blank above or his legal representative.

Dated _____, 19____.

Bond Registrar



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The issuance of the within bond has been approved under the provisions of the Local Government Act of North Carolina.

W. E. Easterling,
Secretary, Local Government Commission

By _____
Designated Assistant

(FORM OF COUPON)

No. _____ \$ _____

On _____ 1, 19 _____

The City of Charlotte, North Carolina, will pay to bearer at the Central Hanover Bank and Trust Company in the City of New York, the sum of _____ Dollars in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts, as provided in and for the interest then due on its _____ Bond, dated November 1, 1941, numbered _____.

City Clerk

Section 3. That the dotted line in the foregoing bond form following the words "for the purpose of" shall be filled out as follows in the two bond issues herein provided for:

In the bonds designated "Water Bonds" the words:

"extending the existing water works system
of said City."

In the bonds designated "Sanitary Sewer Bonds" the words:

"extending the existing sanitary sewer system
of said City."

Section 4. That the City Treasurer is directed to arrange for the advertisement and sale of all of said Water Bonds and all of

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said Sanitary Sewer Bonds under the Local Government Act.

Section 5. That said \$50,000 Water Bonds and \$35,000 Sanitary Sewer Bonds and all other indebtedness heretofore contracted in the current fiscal year does not exceed two-thirds of the amount by which the outstanding indebtedness of the City of Charlotte was reduced in the preceding fiscal year.

Upon motions of Councilman Ward, made separately as to each of the foregoing three resolutions in relation to bonds, and seconded in each case by Councilman Hovis and unanimously carried, the said three resolutions were read and were separately passed upon their first readings. The votes cast upon the first readings were as follows:

Councilman	<u>FIRST READINGS</u>		
	Resolution Providing for \$50,000 Water Bonds	Resolution providing for \$35,000 Sanitary Sewer Bonds	Resolution fixing form of \$85,000 bonds and providing for their sale
Albea	AYE	AYE	AYE
Baker	ABSENT	ABSENT	ABSENT
Beasley	AYE	AYE	AYE
Daughtry	AYE	AYE	AYE
Hovis	AYE	AYE	AYE
Little	ABSENT	ABSENT	ABSENT
Painter	ABSENT	ABSENT	ABSENT
Price	AYE	AYE	AYE
Ross	AYE	AYE	AYE
Slye	ABSENT	ABSENT	ABSENT
Ward	AYE	AYE	AYE

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Upon motion of Councilman Ward, made separately as to each of the foregoing three resolutions in relation to bonds, and seconded in each case by Councilman Hovis and unanimously carried, the rules were suspended as to each of said three resolutions, and the said three resolutions were read and were separately passed upon their second readings. The votes cast upon the second readings were as follows:

SECOND READINGS

<u>Councilman</u>	<u>Resolution provid- ing for \$50,000 Water Bonds</u>	<u>Resolution providing for \$35,000 Sanitary Sewer Bonds</u>	<u>Resolution fixing form of \$85,000 bonds and providing for their sale</u>
Albea	AYE	AYE	AYE
Baker	ABSENT	ABSENT	ABSENT
Beasley	AYE	AYE	AYE
Daughtry	AYE	AYE	AYE
Hovis	AYE	AYE	AYE
Little	ABSENT	ABSENT	ABSENT
Painter	ABSENT	ABSENT	ABSENT
Price	AYE	AYE	AYE
Ross	AYE	AYE	AYE
Slye	ABSENT	ABSENT	ABSENT
Ward	AYE	AYE	AYE

On motions of Councilman Ward made separately as to each of the foregoing three resolutions in relation to bonds, and seconded in each case by Councilman Hovis and unanimously carried, the rules were suspended as to each of the said three resolutions, and the said three resolutions were read and were separately passed upon their third and final readings. The votes cast upon the third and final readings were as follows:

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THIRD READINGS

<u>Councilman</u> <u>Ciu</u>	<u>Resolution provid-</u> <u>ing for \$50,000</u> <u>Water Bonds</u>	<u>Resolution providing</u> <u>for \$35,000 Sanitary</u> <u>Sewer Bonds</u>	<u>Resolution fixing</u> <u>form of \$85,000 bonds</u> <u>and providing for</u> <u>their sale</u>
Albea	AYE	AYE	AYE
Baker	ABSENT	ABSENT	ABSENT
Beasley	AYE	AYE	AYE
Daughtry	AYE	AYE	AYE
Hovis	AYE	AYE	AYE
Little	ABSENT	ABSENT	ABSENT
Painter	ABSENT	ABSENT	ABSENT
Price	AYE	AYE	AYE
Ross	AYE	AYE	AYE
Slye	ABSENT	ABSENT	ABSENT
Ward	AYE	AYE	AYE

ADJOURNMENT

On motion of Councilman Hovis, the meeting adjourned.

Alice B. McConnell
City Clerk