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The City Council of the City of Charlotte, North Carolina, met in Regular Session on Monday, November 14, 1977, at 3:00 o'clock p. m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington and Joe D. Withrow present.

ABSENT: Councilman Neil C. Williams.

INVOCATION.

The invocation was given by Councilman Joe Withrow.

APPROVAL OF MINUTES.

Councilwoman Locke moved approval of the minutes of the last regular meeting, on Monday, November 7, 1977, as submitted. The motion was seconded by Councilwoman Chafin and unanimously carried.

MONDAY, NOVEMBER 14, 1977 DECLARED JOHN T. FIELDER DAY BY PROCLAMATION OF THE MAYOR.

Mayor Belk recognized Mr. John Fielder, General Chairman of the 1977 United Way Campaign, and proclaimed Monday, November 14, 1977 as John T. Fielder Day in recognition of his successful leadership of the campaign. Mr. Fielder accepted the proclamation on behalf of the 4,000 volunteers who helped with the campaign. He stated that many volunteers are in the employment of City Government; that the first division over the top was that led by City Manager David Burkhalter, with the assistance of Ann Veeder and Belinda Crowell.

WEEK OF NOVEMBER 20, 1977 PROCLAIMED BY MAYOR AS NATIONAL FAMILY WEEK IN CHARLOTTE.

Mayor Belk recognized Mr. Gary Blackburn of the Church of Latter Day Saints, and read a proclamation setting the week of November 20, 1977 as National Family Week in Charlotte, and asking all citizens to observe the week with appropriate family activities.

PROCLAMATION SETTING WEDNESDAY, NOVEMBER 16, 1977, AS "ROAST MAYOR BELK DAY".

Mayor pro tem Whittington read a proclamation, signed by City Councilmembers, setting Wednesday, November 16, 1977 as "Roast Mayor Belk Day;" and calling on all citizens to participate in a Roast of Mayor Belk, sponsored that day by Mecklenburg Jaycees for the benefit of the North Carolina Cystic Fibrosis Foundation.

Mr. Steve Hockfield of the Mecklenburg Jaycees spoke briefly announcing the time and place of the Roast.

Mayor Belk expressed his thanks stating it is for a good cause; that there are mixed emotions about being "roasted." That he accepts it as being for the benefit of mankind.

Councilman Withrow stated he would be unable to attend, but recalled the number of election campaigns in which he and the Mayor had run for office, that they had helped each other.

EMPLOYEE PLAQUES PRESENTED RETIRING CITY EMPLOYEES.

Mayor Belk recognized the following City Employees and presented plaques for their years of service to the City:

James C. Brown, District Fire Chief - employed January 4, 1937, retired April 6, 1977.

Miles A. Eastwood, Fire Alarm Electrician II - employed September 1, 1951, retired April 6, 1977.

Lewis Allen Bacot, Jr., Fire Captain - employed August 16, 1953, retired August 17, 1977.

Beck, Fire Alarm Dispatcher II - employed February 15, 1943, Henry C. retired April 6, 1977 (in absentia).

FLOOD AREA MAPS FOR VARIOUS CREEKS WITHIN THE CITY OF CHARLOTTE AND IN DESIGNATED ANNEXATION AREAS, ADOPTED.

A scheduled public hearing was held to consider the adoption of flood area maps for the following creeks within the City of Charlotte and designated an nexation areas:

- McMullen Creek (Present Corporate Limits). (a)
- Swan Run Branch (Present Corporate Limits). (b)
- McAlpine Creek Tributary No. 3 (Present Corporate Limits). (c)
- (d)
- McAlpine Creek (Annexation Areas 2, 3, 4 & 5).
 McAlpine Creek Tributary No. 3 (Annexation Area 5). (e)
- McAlpine Creek Tributary No. 6 (Annexation Area 2). (£)
- Campbell Creek (Annexation Area 2). (g)
- Sardis Branch (Annexation Area 4). (h)
- Sugar-Irwin Creek (Annexation Area 6). (i)
- (j) Taggart Creek (Annexation Area 7).
- (k) Paw Creek (Annexation Area 8).
- Stewart Creek (Annexation Area 9). (1)
- Stewart Creek Tributary No. 3 (Annexation Area 9).

Mr. Bob Landers, Principal Planner, stated that Item (a) McMullen Creek should be deleted from consideration today, as it was adopted during the 1974 annexation.

Mr. Landers explained each of the areas proposed, stating that each of the creeks listed in the Annexation areas have already been adopted as part of the Mecklenburg County Floodway Regulation program. The maps have not been changed in any way; this would be simply a transfer of jurisdiction or authority. He noted that in Annexation Area No. 1 there are no creeks.

Councilmember Gantt asked Mr. Landers to explain, for the benefit of the Councilmembers-Elect who were present, the significance of these flood area designations around these creeks.

Mr. Landers stated that it is significant that on November 27, 1972 Council adopted the floodway regulation - an ordinance which establishes as the basis for regulation the 100-Year Flood, which is pretty much nationally recognized as the basis. It divides the 100-year Flood Plain into two areas of regulation: (1) The floodway area which is the central portion of any flood plain. Within the floodway area there would be no fill permitted unless approved by City Council with a special permit. It is not to say that the land could not be used but there are certain activities that could be permitted within the floodway. (2) The outlying area of the flood plain is known as the Floodway Fringe. This is an area where a certain amount of fill or building development could take place.

He stated the ordinance is only half of the basis for regulation. The other half is the maps to which this proposal addresses itself. They are plotted on the city topographic maps on a 200 scale. Any building development that takes place is screened by the zoning administrator to determine if it is in this area. If it is, then the regulations are applied accordingly.

Mr. Landers stated this is an important program because: (1) It qualifies us under the National Flood Defense Program and provides subsidized flood insurance for those people who are already in existing flood areas; and (2) It gives them good, concrete information with which to identify specific flood hazard areas. They know where the problem exists and it enables them to begin establishing priorities. He stated it helps the citizen because he can find out good information before he makes a purchase.

He stated, with the adoption of these maps, all of the flood hazard areas in Charlotte that have a drainage area of a square mile or more will have been identified and mapped. That is a first line approach. He stated that these maps represent the big creeks and tributaries; that he would be negligent if he did not say that we also have storm drainage problems and flooding problems within smaller areas that might not appear on these maps or be regulated by this program.

Councilman-Elect Charlie Dannelly, who was in the audience, stated he has noticed that in some areas the flood plains are not marked. Is there some reason for this?

Mr. Landers replied that the Public Works Department posted signs, particularly at the intersection between the road and a creek when the program originally began. That they are still doing this, however, a lot of times there is a maintenance problem in that some property owners go out and take the signs down. Also, originally the signs were placed at the outer limits of the flood plain where now they are more centered. The location of the sign does not necessarily mark the limits of the flood plain. Also, that they are posted within public rights-of-way, which limits them to streets and intersections.

There was no opposition expressed to this proposal.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, that the flood maps be adopted to become effective December 1, 1977. The motion carried unanimously.

CONTRACT WITH WILLIAM LAM ASSOCIATES, INC. FOR LIGHTING DESIGN SERVICES FOR THE FOURTH WARD URBAN RENEWAL AREA.

Motion was made by Councilman Gantt, seconded by Councilman Whittington, and carried unanimously, approving a contract with William Lam Associates, Inc. in the amount of \$11,600 for lighting design services for the Fourth Ward Urban Renewal Area.

GOLDWYN AND DRENAN ESTABLISHED AS NAMES OF STREETS IN THE GRIER HEIGHTS COMMUNITY.

Consideration was given to a petition filed by residents of the Grier Heights Community for a change in names of streets in that area. On motion of Councilman Whittington, seconded by Councilwoman Locke, and carried unanimously, a recommendation by the Planning Staff was approved to change the names of the streets as follows:

- (a) Remove the name Brenan Street from an existing unopened street.
- (b) Apply the name Goldwyn Street to the previous Brenan Street right-of-way.
- (c) Apply the name Drenan Street to Goldwyn Street, as requested.

RESOLUTION TO AMEND A PREVIOUS RESOLUTION ESTABLISHING THE NEIGHBORHOOD TRAFFIC CONTROL POLICY, ADOPTED; ORDINANCE NO. 822-X APPROPRIATING SALARY FUNDS FOR ADDITIONAL STAFF POSITIONS AND RELATED COSTS TO IMPLEMENT THE NEW POLICY.

Motion was made by Councilwoman Chafin, seconded by Councilman Withrow, and carried unanimously, adopting a resolution to amend the resolution passed at the meeting of October 24, 1977 which established the Neighborhood Traffic Control Policy.

Councilwoman Locke moved adoption of the subject ordinance appropriating \$30,000 to provide salary costs for Traffic Engineer II and Engineering Aid IV positions and related costs to implement the Neighborhood Traffic Control Policy. The motion was seconded by Councilwoman Chafin.

Councilman Davis asked how many additional employees this would make for this fiscal year? Mr. Bill Stuart, Assistant City Manager, replied seven have been added since July, including these two. This is in

Councilman Gantt asked how much is left in the Contingency Fund? Mr. Stuart replied after this appropriation the balance is \$130,000.

Councilman Davis stated he will vote against this proposal. That this is a very fine cause but he thinks Council should find funds and personnel to do it within our existing allowances; that we are adding employees at a much more rapid rate than we are increasing our population and our revenue.

The vote was taken on the motion and it carried as follows:

YEAS: Councilmembers Chafin, Gantt, Locke, Whittington and Withrow. NAY: Councilman Davis.

The resolution is recorded in full in Resolutions Book 13, at Page 96.

The oridnance is recorded in full in Ordinance Book 25, at Page 90.

ORDINANCE NO. 823-X TO AMEND ORDINANCE NO. 576-X, THE 1977-78 BUDGET ORDINANCE, TRANSFERRING FUNDS FROM THE PUBLIC WORKS DEPARTMENT TO THE POLICE DEPARTMENT AND AMENDING THEIR TABLE OF ORGANIZATION.

Councilman Whittington moved adoption of the subject ordinance to transfer five switchboard operator positions and \$24,000 from the Public Works Department to the Police Department. The motion was seconded by Councilwoman Locke.

In response to a request from Councilman Gantt for an explanation of this proposal, Mr. Robert Hopson, Public Works Director, stated this involves five switchboard operators who work for the Public Works Department but who are physically located in the Law Enforcement Center. They work around the clock, seven days a week, answering telephone calls for the overall City switchboard, including the Police Department. They feel it makes better management sense to have them supervised by the people physically in the area.

Councilman Gantt stated he understands that. What he is trying to get at is if they change their title, are they also changing their function? Are they going to answer the telephone and do some other things too? Mr. Hopson replied that is part of the parcel, to make better utilization of these positions. In addition to answering the phones, they may also help out on the other side of the counter in the Records Section.

Councilman Gantt asked if there is an additional increase in pay for this? Mr. Hopson replied no, it is the same pay level. The money being transferred simply gives the Police Department the funds to pay them.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book No. 25, at Page 91.

November 14, 1977 Minute Book 66 - Page 291

RESOLUTIONS PROVIDING FOR THE ISSUANCE OF \$15.0 MILLION BONDS.

Councilmember Locke introduced a resolution entitled: RESOLUTION PROVIDING FOR THE ISSUANCE OF \$5,600,000 PUBLIC IMPROVEMENT BONDS.

Thereupon, upon motion of Councilmember Locke, seconded by Councilmember Whittington, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$5,600,000 PUBLIC IMPROVEMENT BONDS" was passed by the following vote:

Councilmembers Chafin, Davis, Gantt, Locke, Whittington and Withrow. AYES:

NAYS: None.

Thereupon Councilmember Locke introduced a resolution entitled: PROVIDING FOR THE ISSUANCE OF \$9,400,000 WATER AND SEWER BONDS.

Thereupon, upon motion of Councilmember Locke, seconded by Councilmember Whittington, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$9,400,000 WATER AND SEWER BONDS" was passed by the following vote:

Councilmembers Chafin, Davis, Gantt, Locke, Whittington and Withrow.

NAYS: None.

Thereupon Councilmember Whittington introduced a resolution entitled: RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF \$5,600,000 PUBLIC IMPROVEMENT BONDS AND \$9,400,000 WATER AND SEWER BONDS, TO BE ISSUED UNDER DATE OF DECEMBER 1, 1977, PROVIDING FOR THE REGISTRATION THEREOF, RATIFYING APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR THE ADVERTISEMENT AND SALE OF SAID BONDS, RATIFYING ACTION OF LOCAL GOVERNMENT COMMISSION IN ASKING FOR SEALED BIDS FOR SAID BONDS, AND APPROVING THE OFFICIAL STATEMENT WITH RESPECT TO SAID BONDS.

Upon motion of Councilmember Whittington, seconded by Councilmember Locke, the foregoing resolution entitled: "RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF \$5,600,000 PUBLIC IMPROVEMENT BONDS AND \$9,400,000 WATER AND SEWER BONDS, TO BE ISSUED UNDER DATE OF DECEMBER 1, 1977, PROVIDING FOR THE REGISTRATION THEREOF, RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE ADVERTISEMENT AND SALE OF SAID BONDS, RATIFYING ACTION OF LOCAL GOVERNMENT COMMISSION IN ASKING FOR SEALED BIDS FOR SAID BONDS AND APPROVING THE OFFICIAL STATEMENT WITH RESPECT TO SAID BONDS" was passed by the following vote:

Councilmembers Chafin, Davis, Gantt, Locke, Whittington and Withrow. AYES:

NAYS: None.

Thereupon Councilmember Chafin introduced a resolution entitled: RESOLUTION AUTHORIZING THE PRINTING OF THE LEGAL OPINION ON THE \$15,000,000 BONDS TO BE ISSUED UNDER DATE OF DECEMBER 1, 1977.

Upon motion of Councilmember Chafin, seconded by Councilmember Whittington, and unanimously carried, the foregoing resolution entitled: "RESOLUTION AUTHORIZING THE PRINTING OF THE LEGAL OPINION ON THE \$15,000,000 BONDS TO BE ISSUED UNDER DATE OF DECEMBER 1, 1977" was passed by the following vote:

Councilmembers Chafin, Davis, Gantt, Locke, Whittington and Withrow. AYES: NAYS: None.

The resolutions are recorded in full in Resolutions Book 13, beginning at Page 97 and ending at Page 109.

THOMAS M. INGRAM AND EDNA GASTON APPOINTED TO CHARLOTTE AREA FUND BOARD OF

Councilwoman Chafin moved the appointment of Thomas M. Ingram to the Charlotte Area Fund Board of Directors; seconded by Councilman Gantt.

Councilman Gantt stated that in a sense this is sort of a lame duck Council, although he does not like to use that term because the voters have elected them to serve until a specific date. He asked about the Talent Bank that the Community Relations Department has developed; when Council can get with them to find out how they can start using this service.

Mr. Jack Bullard, Community Relations Director, stated the Talent Bank is well underway. That he is not a computer man and he thought the procedure would be much more simple than it turned out to be. That the computer people are working on it diligently; he is sure it is going as fast as it can. They have designed it so that it will be of the best use possible. This means several programs and it involves a good bit of work. It should be available by the first of the year.

Councilman Gantt asked how it would work? When Council gets announcements on the agenda of openings on various boards and commissions, will that be accompanied by a print-out of people who have expressed an interest?

Mr. Bullard replied that in discussions with the City Manager's Office they have assumed that when Council has vacancies for which they need names, the Manager will secure from Council a request for names for certain boards and then this will be given to the computer people and they will deliver a print-out to Council.

Councilwoman Chafin stated she would like these appointments considered now because this Board is very eager to reorganize and try to come back to Council with a plan for cooperation between the City and County. That these appointments are important but they are not as critical as some of the others that the new Council will have a chance to have in-put on.

The vote was taken on the motion to appoint Mr. Ingram to the Charlotte Area Fund Board of Directors and carried by the following vote:

YEAS: Councilmembers Chafin, Gantt, Locke, Whittington and Withrow. NAY: Councilman Davis.

Councilwoman Chafin moved the appointment of Edna Gaston to the Charlotte Area Fund Board of Directors. The motion was seconded by Councilman Gantt and carried by the following vote:

YEAS: Councilmembers Chafin, Gantt, Locke, Whittington and Withrow. NAY: Councilman Davis.

AWARD OF CONTRACTS.

 Councilwoman Locke moved award of contract to the low bidder, The Leslie Company, in the amount of \$21,943.50 on a unit price basis for bunker suits. The motion was seconded by Councilman Withrow, and unanimously carried.

The following bids were received:

The Leslie Company		\$ 21,943.50
Action Fire & Safety, Inc.		22,474.50
Triad Fire & Safety Co.		22,659.00
Burgess Fire Equipment Co.	100	22,993.50

2. Motion was made by Councilman Whittington, seconded by Councilwoman Chafin, and carried unanimously, awarding contract to the low bidder, Motorola C & E, Inc., in the amount of \$166,487 on a unit price basis for two-way radio communication equipment.

The following bids were received:

Motorola C & E, Inc.		\$166,487.00
General Electric Company	•	192,609.00

3. On motion of Councilwoman Chafin, seconded by Councilman Whittington, and carried unanimously, contract was awarded to the low bidder, Gilbert Engineering Company, in the amount of \$416,704, on a unit price basis, for sanitary sewer construction for Gum Branch Outfall.

The following bids were received:

Gilbert Engineering	\$416,704.00
Sanders Brothers, Inc.	438,417.25
Ben B. Propst	460,806.95
Rea Brothers	468,754.40
Dellinger, Inc.	500,560.50
Rand Construction	534,529.59
Blythe Industries	534,829.50
Dickerson, Inc.	536,452.50
Abernethy Construction	544,102.00
Hickory Sand Company	656,514.00
Bobby E. Matthews Construction	664,610.05

4. Motion was made by Councilman Whittington, seconded by Councilwoman Chafin, and carried unanimously, awarding contract to the low bidder, Mosley Electric Inc., in the amount of \$5,475, for security lighting for Mint Museum of History.

The following bids were received:

5. On motion of Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, contract was awarded to the only bidder, Environmental Products, Inc., in the amount of \$11,408, on a unit price basis for two horizontal sewage pumps.

6. Councilwoman Locke moved award of contract for ready mix concrete for the Sugar Creek Erosion Control Project as recommended, which motion was seconded by Councilman Whittington, and carried unanimously.

The contract was awarded as follows:

- (a) To Charlotte Concrete Company, 40% of the business for a total of \$34.980.
- (b) To Concrete Supply Company, 60% of the business for a total of \$52,470.

The following bids were received:

Concrete Supply Company Charlotte Concrete Supply \$87,450

87,450

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY FOR THE DISCOVERY PLACE PROJECT.

On motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Carl Roediger Estate located at 301 North Church Street, in the City of Charlotte, for the Discovery Place Project.

The resolution is recorded in full in Resolutions Book 13, at Page 110.

CONSENT AGENDA APPROVED.

Councilwoman Chafin moved approval of Consent Agenda items as follows.

The motion was seconded by Councilwoman Locke, and carried unanimously.

1. Adoption of a resolution approving the exchange of property in the West Morehead Community Development Target Area between the City and James Lewis Griffin and wife, Mary M. Griffin.

The resolution is recorded in full in Resolutions Book 13, at Page 111.

- 2. Approval of a proposed settlement in the City of Charlotte v. Marshall Lee Herrin, Executor and Trustee, 77-CVS-7503, sanitary sewer to serve North Park Mall, Parcel 1, in the amount of \$6,000.
- 3. Approval of an application from Belhaven Limited, Inc. for the construction of 750 linear feet of 6-inch water main and one fire hydrant, to serve Belhaven Movile Home Park, outside the city, at an estimated cost of \$6,500, all in accordance with the Water/Sewer Extension Policy.
- 4. Adoption of a resolution authorizing refund of certain taxes in the total amount of \$513.75, which were collected through clerical error and illegal levy against 14 tax accounts.

The resolution is recorded in full in Resolutions Book 13, at Page 112.

- 5. Adoption of ordinances ordering the removal of weeds, grass and abandoned motor vehicles:
 - (a) Ordinance No. 824-X ordering the removal of an abandoned motor vehicle at 3115 Rush Avenue.
 - (b) Ordinance No. 825-X ordering the removal of weeds and grass from 1226 East Boulevard.
 - (c) Ordinance No. 826-X ordering the removal of weeds and grass from 2605 Derita Avenue.

- (d) Ordinance No. 827-X ordering the removal of weeds and grass from vacant lot 2214 Carmine Street.
- (e) Ordinance No. 828-X ordering the removal of weeds and grass from vacant lot rear of 2208 Cummings Avenue on Custer Street.
- (f) Ordinance No. 829-X ordering the removal of weeds and grass from 536 Beatties Ford Road.
- (g) Ordinance No. 830-X ordering the removal of weeds and grass from vacant lot adjacent to 518 Beatties Ford Road.
- (h) Ordinance No. 831-X ordering the removal of weeds and grass from 1101 Reece Road.

The ordinances are recorded in full in Ordinance Book 25, at Pages 92 through $\,^{99}\cdot$

- 6. Approval of the following property transactions:
 - (a) Acquisition of 30' x 546.97' of easement on 12 acre tract off Meridian Street, Cornelius, N. C., from Marvin K. Brotherton and wife, Vernie C., at \$1,500 for McDowell Creek Outfall, Phase III.
 - (b) Acquisition of 30' x 507.99' of easement on west side of Highway No. 21 and Mt. Holly-Huntersville Road, from John C. Van Pelt, at \$1,000 for Torrence Creek Outfall, Phase III.
 - (c) Acquisition of property for Five Points Target Area:
 - 1.) 10,150 sq. ft., at 701-09 Campus Street, from G. Howard Webb, at \$7,500.
 - 2.) 15,028 sq. ft., at 425 Campus Street, from Sadie K. Smith, at \$4,800.
 - (d) Acquisition of property for West Morehead Target Area:
 - 1.) 86 sq. ft., at 1304 Jefferson Street, from F. L. Richardson at \$250.
 - 2.) 10,270 sq. ft., at 1301 S. Mint Street, from F & J. Corporation, at \$18,000.
 - (e) Acquisition of 15,000 sq. ft., at 305 Skyland Avenue, from Heirs of Minnie Moore Bell, at \$9,750 for Grier Heights Target Area.
- 7. Approval of the dates of Monday, December 12, at 3:00 o'clock p. m., and Tuesday, December 13, 1977, at 7:30 o'clock p. m., for Public Hearings on the Fourth Year Community Development Grant Application.

NEIL WILLIAMS NOMINATED TO MUNICIPAL INFORMATION ADVISORY BOARD FOR UNEXPIRED TERM.

Councilman Whittington placed in nomination the name of Neil Williams to fill the unexpired term of Ms. Kitty Huffman on the Municipal Information Advisory Board.

In answer to a question, Mr. Underhill, City Attorney, advised that Mr. Williams can hold one elected office and appointed office simultaneously without violating the dual office rule.

NON-AGENDA ITEM CONSIDERED BY COUNCIL.

Councilwoman Chafin moved that Council consider placing an item on the agenda for consideration by Council at this time. The motion was seconded by Councilman Davis, and carried unanimously.

EXECUTIVE SESSION OF CITY COUNCIL SET FOR MONDAY, NOVEMBER 21.

Councilwoman Chafin moved that the City Council hold an Executive Session on Monday, November 21, 1977, at 12:00 Noon, in the Second Floor Conference Room, City Hall, for the purpose of conferring with the City Attorney regarding the Kannon and Harris lawsuits pursuant to G.S. 143-318.3. The motion was seconded by Councilman Withrow, and carried unanimously.

ADJOURNMENT.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the meeting adjourned.

Ruth Armstrong, City Clerk