Tuesday - February 6, 1996 - 2:00 p.m.

Worksession

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

OUTWARD BOUND

Ms. Mary Decker, Professional Development Program Director for Outward Bound Professional Development, explained that Outward Bound is the kind of program that really challenges and strengthens a team. When working with corporate clients they do not pull a preset itinerary off the shelf and offer it to each client. They work with each group to determine the unique needs, situation and challenges facing the team. Using this information, they interactively design a program that impels participants into improved interpersonal and organizational dynamics.

She then shared some of the services that Outward Bound provides and invited Council to visit their base camp near Tablerock to experience for themselves the power of Outward Bound.

Mayor Martin thanked Ms. Decker for briefing the Council.

PRESENTATION BY THE WATER RESOURCES DEPARTMENT LX TEAM - "THE CLEAN WATER ACT" FROM THE WATER MAINTENANCE DIVISION

Mr. Mike Holcombe, Water Resources Director, said that in the spring of 1993, the Water Maintenance Division of the Water Resources Department formed an LX team called the "Clean Water Act." Team members include Lane Roberts (co-team leader), Billy Gevedon (co-team leader), Steve Rice, John W. Collins, Dennis Morgan and Aairon Calloway. They were the first team in the City of Asheville to complete the seven step LX process. Team members successfully used the LX process to resolve a long-standing problem that left customers without water for extended periods while repairs and maintenance tasks were completed. This problem was identified and corrected by stocking commonly used repair parts on service vehicles.

The "Clean Water Act" presented their problem solving achievements to Council to demonstrate that the person closest to the situation can best resolve problems. LX can empower employees to improve customer services and increase customer satisfaction. This presentation shows the positive benefits and results of the City's LX continuous improvement process in resolving problems.

Mayor Martin, on behalf of the City Council, thanked the team members for their outstanding work.

OPTION TO PURCHASE MURRAY HILL PARK PROPERTY

Mr. Ed Vess, Field Services Coordinator, said that David B. Douglas of Douglas Company, on behalf of Overview Apartments Limited Partnership, has tendered an Option to Purchase the Murray Hill Park property.

Murray Hill Park is located off Bartlett Street adjacent to Bartlett Arms

elderly housing. The proposed Option will allow David -2-

Douglas to explore the feasibility of developing a plan for purchasing the property and constructing 48 units of elderly housing along with a passive recreation park (which park design and construction will be subject to the Recreation Advisory Commission and City Council approval) for special populations in the Asheville community.

The stated purchase price in the Option is \$96,000; however, the purchase price shall not be less than the appraised value and is subject to the upset bid process as provided in G.S. 160A-269. The Option is also subject to Overview Apartments Limited Partnership being the successful bidder.

Mr. Irby Brinson, Parks & Recreation Director, said that this is a good opportunity to have another park in Asheville and they are in support of the project.

Mr. David B. Douglas briefed the Council on the plans for the area noting that there would be cooperation between the Housing Authority, the City of Asheville Parks & Recreation Department and the developer. He explained the financing and showed slides of a similar project. He said that the City will be responsible for maintaining the park.

Mr. Vess, along with Mr. David B. Douglas, answered various questions from Council, some being, but not limited to: what if Overview Apartments Limited Partnership is not the successful bidder, could someone submit a bid for a different use of the property, can the City require that a park be built, what the approximate rental price per unit would be, what does the 2010 Plan suggest for land development in that area, is home ownership a feasibility, and what is the cost of each unit.

Mr. David Jones, Executive Director of the Housing Authority, said that this project ties in with the Housing Authority's long range plans for single family housing in the area and spoke in support of it.

It was the consensus of Council to proceed with appropriate action at the next formal Council meeting.

EAGLE/MARKET STREETS DEVELOPMENT CORPORATION

Recognize and Endorse

Mr. Marvin Vierra, Community Development Director, said that this matter was brought up on November 8, 1995, and it was the consensus of Council, that the Housing & CD Committee discuss this item at an upcoming meeting. Mr. Vierra then briefed Council by saying that the Eagle/Market Streets Development Corporation is a non-profit Community Development Corporation ("CDC"). The purpose of the CDC is to facilitate the physical redevelopment of the Eagle/Market Street area "The Block." The purpose further is to create an atmosphere conducive to African American entrepreneurship through provision of technical assistance and access to resources.

The Board of Directors of the CDC is composed of property owners, tenants, grassroots and community leaders.

The Eagle/Market Streets Development Corporation has requested a resolution from City Council approving and endorsing the Eagle/Market Streets Development Corporation.

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Contract for Administrative Support

Mr. Vierra said that this contract will provide \$57,517 to the Eagle/Market Streets Development Corporation (CDC) for administrative support.

The CDC has requested CDBG funds in the amount of \$67,400 for administrative cost to hire staff and establish an office to facilitate the redevelopment of the South Pack Square area (Eagle/Market Street area). The current balance of CDBG funds appropriated for the South Pack Square Redevelopment project is \$57,517. This represents 85% of the request from the CDC. This resolution will authorize a contract not to exceed \$57,517 for administrative support for the CDC.

He passed out a new Scope of Services that included the following language: "The work program shall include a Business Plan that will include at a minimum the following elements: economic feasibility of proposed redevelopment activities, proposed funding resources and timetable for implementation for next five years, pro forma data for all proposed activities, jobs to be created and increase in tax base for proposed redevelopment activities."

Councilman Hay said that the Housing & Community Development Committee did review these matters and recommended Council's support.

Councilman Skalski voiced concerns about this project and the F.A. Johnson report. Although he wanted to see the South Pack Square Redevelopment Project get completed, he felt the scope of the committee was too small to succeed.

Dr. John Grant, President of the CDC, felt that the board members are very broad based, noting the makeup is of City representation, the business community, tenants, grassroot organizations, and property owners. He asked Councilman Skalski to tell them what other kind of representation he felt they should have on the board.

A member of the CDC said that one of the reasons this area has become blighted is because it has been totally ignored over the years. Had they received support in the past, they would not be suffering with the present conditions. She invited Councilman Skalski to come to their meetings. She felt that if the City puts up some good faith money, the CDC would then feel good about asking state and federal agencies for money too.

It was the consensus of Council to proceed with appropriate actions at the next formal Council meeting.

CITY/COUNTY SOLID WASTE AGREEMENT

Mr. Mark Combs, Public Works Director, said that Buncombe County seeks a formal agreement with the City for the disposal of the City's residential waste in a County-owned and operated landfill for a period of five years.

Presently the City deposits approximately 25% of the solid waste going into the Buncombe County landfill. With the promulgation of regulations based on Federal legislation passed in the 1980's, and the impending closure of its old landfill, Buncombe County had to choose between the construction of a landfill meeting the new requirements or acquiesce to the private sector for the provision of disposal services for Buncombe County residents.

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Analysis has proven that disposal cost economies-of-scale begin at approximately 400 tons per day (to be competitive with privately-operated

landfills). Buncombe County's volume is presently approximately 400 tons. Also, while difficult to quantify, the potential for long-term liability concerning landfill contamination issues can be lessened through stricter local control mechanisms, potentially avoiding millions in future liability costs.

Buncombe County has made the commitment to provide local disposal services for its residents for these reasons. Last year the County purchased property in the Alexander community for \$3.5 million. Facilities, roads, and first phase (lined cell) construction will cost an additional \$8.1 million. This landfill is currently under construction with a projected operation date of late Autumn, 1996. The County paid cash for the property but borrowed funds for facilities and cell construction, and thus seeks to guarantee financial mechanisms for the repayment of its debt service for the initial five-year cell phase.

The Service Agreement is summarized as follows: (1) Five-year duration from opening date of new landfill (with no rate escalators); (2) County will own and operate the landfill under federal and state regulations to exclude out-of-County wastes; (3) per ton disposal fee of \$31; (4) County will operate a transfer station to receive and transport waste to the new landfill for \$3 per ton; (5) County will operate or contract for two (of the current four) drop-off recycling sites located within City limits. The City currently pays for all four sites; (6) County will fund a recycling/reduction education program to include the City; (7) County to accept demolished house debris for reduced rate of \$24 per ton; and (8) County will grant City a \$2 per ton "recycling credit" if City has household recycling program.

The Public Works Department recommends adoption of the transfer, transportation and disposal agreement with Buncombe County. The agreement authorizes the City Manager to sign the agreement. This agreement will be mutually beneficial to each party, and in consideration of the alternatives available today, it is the best long-term solution to the community's solid waste disposal dilemma. The guarantee of a fixed five-year disposal fee in conjunction with local control mechanisms for cost and potential liability are advantageous to each party.

With the help of a slide program, Mr. Combs reiterated that Buncombe County seeks a formal agreement with the City of Asheville for services to guarantee financing of debt service for initial landfill "cell" construction, and to insure "economy-of-scale" in landfill operations to be competitive with private landfill operations. The City agrees to a formal agreement (1) to ensure continued disposal service at a five-year fixed rate; (2) to participate in local control of disposal methods; (3) to minimize long term potential responsibility in contamination issues related to commercial "mega-landfills" and (4) to get the best balance of service and cost for citizens. He then reviewed the service agreement finances and the issues surrounding privatization.

Mr. Combs answered various questions from Council, some being, but not limited to, why it is good to keep control over our own solid waste, privatization concerns, and the length of the agreement and how it's to the City's advantage.

Ms. Leni Sitnick suggested Council try to get a topic on the agenda for the National League of Cities meeting in March - the topic being reducing solid waste.

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It was the consensus of Council to proceed with appropriate action at the next formal Council meeting.

MEDIA DAY

Mayor Martin said that City Council is interested in having a Media Day for the purpose of enhancing their relationship with the media. He suggested the purpose of Media Day be to facilitate an exchange of ideas on ways to enhance the relationship between the media and the City of Asheville. He suggested an agenda consisting of: areas of improvement for the City, areas of improvement for the media, obstacles to success and future plans. He anticipated the meeting lasting one hour.

It was the consensus of Council to go forward with Media Day at an upcoming worksession agenda, to begin at 2:00 p.m., in Room 623 of the City Hall Building. It was agreed that a panel be comprised of City representation - Ms. Robin Westbrook, Water Efficiency Coordinator; a member of City Council and someone from the City Attorney's Office; and media representation.

REZONING PETITIONS

YORKSHIRE/BROOKSHIRE/REED STREET NEIGHBORHOOD

Mr. Gerald Green, Senior Planner, said that residents of the Yorkshire/Reed Street neighborhood have petitioned for rezoning of 91 lots in their neighborhood (approximately 48 acres) from R-3 to R-1A. Section 30-11-1 (c) of the Zoning Ordinance permits residents of an area to petition for rezoning of the area if the property owners signing the petition comprise a minimum of 51% of property owners in the area and own at least 51% of the property within the area for which the rezoning is requested. The petition meets these minimum requirements. Rezoning is requested to protect the existing character of the neighborhood.

The current R-3 zoning of the neighborhood permits single family development with a minimum lot size of 8,000 square feet and multi-family development of up to 16 units per acre. The requested R-1A zoning permits single family development with a minimum lot size of 5,400 square feet and prohibits multifamily development. Certain non-residential uses, such as churches and schools, are permitted in both districts.

The petition has been reviewed by the Planning staff and meets the requirements for a valid petition. City Council must consider whether to initiate a special zoning study of the area to determine whether a change in the zoning of the area is warranted. If the zoning study is initiated, the request will be forwarded to the Planning & Zoning Commission for review and recommendation. The request will then be presented to City Council, with the recommendation of the Planning & Zoning Commission, for a final decision.

The Planning Department recommends that any zoning study of this area await the completion of the Unified Development Ordinance ("UDO") and be conducted as part of the UDO mapping process. Mr. Green said that the goal of the Planning Department is to "keep our eye on the UDO and if we keep taking small bites, we can't get to the full picture."

Upon inquiry of Councilman Hay, Mr. Green said that the work involved in this study would be useful in the overall UDO mapping.

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Vice-Mayor Field asked Ms. Julia Cogburn, Planning Director, if this study would slow up the UDO process and how it would slow it up. Ms. Cogburn replied that it would slow up the process and explained the necessary steps involved with a rezoning study. As a result of that response, Vice-Mayor Field said that her goal is to finish the UDO as quickly as possible and anything that deters the Planning Department from doing it, she has a concern about. Upon inquiry of Councilman Worley, Mr. Green said that there are at least three other rezoning petitions that will eventually come before City Council asking for a study of their area to R-1A.

Councilman Worley was interested in completing the UDO as quickly as possible; however, he expressed concern for the people to have to wait another year for the mapping to be completed when any number of things could happen in that year. He was inclined to study this area, along with the Morningside Park neighborhood petition, and then no more studies until the UDO mapping was completed.

Mayor Martin said the rezoning study already in progress for the Haw Creek area was different. At this time, he would rather not tie up anymore staff time doing individual rezoning studies, but let them spend their time in completing the UDO.

Councilman Hay felt it was unfair for the City to institute a new zoning classification (R-1A) and not let citizens ask to have their property rezoned to it.

When Councilman Skalski asked if a neighborhood plan might be a solution, Mr. Green replied that a small area plan takes close to nine months to complete.

When Vice-Mayor Field asked if there was a threat of development in these areas, Mr. Green replied that there is a threat in the Yorkshire area dealing with a Housing Authority project.

Mr. David Jones, Executive Director for the Housing Authority of the City of Asheville, said that the Housing Authority owns the Yorkshire property and it meets their needs. He explained that there is a dentist interested in doing something different with that site and they have been negotiating with the dentist to help them find other suitable sites. He had a concern because the issue here could be a fair housing issue. The reason communities are asking for the rezoning is to keep low income people out of neighborhoods.

When Vice-Mayor Field inquired how the rezoning study would affect the Housing Authority's plans, Mr. Green explained that the Housing Authority is proposing a duplex and the R-1A zoning would only allow single-family. Mr. Green further explained that if the Housing Authority presents their site plan prior to any final action on the rezoning, then the site plan is valid and their project is okay, as long as it meets the ordinance requirements.

It was the consensus of Council to proceed bring this issue up at the next formal Council meeting, along with the following rezoning study request.

MORNINGSIDE PARK NEIGHBORHOOD

A petition has been received that requests 105 lots in the Morningside Park area off Brevard Road be rezoned from R-3 Medium Density Residential to R-1A Single Family, Moderate Density Residential. -7-

The subject property is approximately 41.75 acres. The 105 lots are located within the area called Morningside Park which is directly west of Brevard Road behind the Laurelwood Condominiums. The 2010 Plan recommends this area to be low density residential.

Of the 105 lots, 72 have single family residential structures and 33 lots are currently vacant with two of these vacant lots being owned by a governmental agency. Of the 105 lots, 103 of them conform to the R-1A standard which is a minimum lot size of 5400 square feet and minimum lot width of 50 feet. The

petition contains 74 verified property owner signatures or 70% of the property owners and the 74 lots constitute 66% of the land area.

The Planning staff recommends that the Morningside Park rezoning petition be held aside until the Unified Development Ordinance process is completed.

CONSENT:

Bids: Purchase of Two Trash Handling Systems

Summary: Sealed bids were received to furnish two trash handling systems for the Public Works Department, Sanitation Division. Seven bids were received. Staff recommends that the award be made to the low bidder, Cavalier Equipment Corporation, Cloverdale, Virginia, in the amount of \$122,988.32 for the purchase of two 1996 Ford F-800 cab and chassis with Petersen trash handling systems. The following bids were received:

<u>Vendor</u> <u>Net Cost</u>

Cavalier Equipment Corp., Cloverdale VA \$61,494.16

Cavalier Equipment Corp., Cloverdale VA \$68,545.00*

Carolina Truck Centers, Hickory, NC \$61,921.00

Nu-Life Environmental Inc., Easley, SC \$62,874.00

Nu-Life Environmental Inc., Easley, SC \$69,435.00*

Amick Equipment Company, Lexington, SC \$65,874.00

Carolina Truck & Body Co., Asheville, NC \$72,000.00

*Alternate Bid

Funds for this purchase are to be from the Sanitation Division's appropriations.

Establish Value for Disposal Parcel 6A

Summary: Disposal Parcel 6A has been appraised, the appraisal reviewed and it is necessary to establish Fair Reuse Value in order to market the property.

Disposal Parcel 6A is located at the northeast corner of Montford Avenue and Cherry Street. It is an irregular shaped parcel containing 12,595 square feet. The property has frontage on Montford Avenue in two places and along Cherry Street. Approximately 2,166 square feet in the southeastern corner is encumbered by an access easement and the subject benefits from rights to an approximate 2,017 square feet parking easement which fronts Cherry Street and adjoins the subject. It is zoned CG Commercial General and its highest and best use per the appraisal is commercial. The CG district is intended primarily to serve the surrounding neighborhood, providing goods and services that are dayto-day needs. Businesses which might tend to be a nuisance to the -8-

immediately surrounding residential development are excluded. Retail stores may not exceed 30,000 square feet gross floor area.

Disposal Parcel 6A was appraised by David Moore, MAI, at a value of \$69,250. The appraisal was reviewed by Francis Naeger, MAI, who concurred and recommended the appraisal value of \$69,250 as Fair Reuse Value.

Authorize City Clerk to Advertise for Bids for Disposal Parcel 6A

Summary: The bid of Montford Partners in the amount of \$69,250 for the purchase of Disposal Parcel 6A in the Head of Montford Redevelopment Project is not less than the established minimum price of \$69,250. Disposal Parcel 6A is a CG Commercial General lot at the corner of Montford Avenue and Cherry Street comprising 12,595 square feet. The bid from Montford Partners for Disposal Parcel 6A includes the proposal to build a two story commercial building containing a total gross building area of 4,610 square feet, for retail and office space at an anticipated cost of \$245,000. Montford Partners consists of Frank S. Smith, Canie B. Smith, and Dr. Charles T. Rowe. This resolution will initiate the sale of the property through the upset bid process.

Intent to Close Alley off Coleman Avenue

Summary: This resolution is to public hearing for March 12, 1996, to consider closing an unnamed alley running northerly off of Coleman Avenue.

Resolution for Bonds for City Employees and Amounts of Bonds

Summary: This resolution is required by Statute, and City Charter to set not only the amounts for fidelity/honesty bonds, but to establish which employees are required to have bonds.

In 1979, the City Council adopted Resolution 79-267 which placed separate bonds on the Finance Director and all City employees. The amount of the bond was \$50,000 and the amount for all City employees was \$15,000. The statute specifies that the "true accounting and faithful performance" bond for the City's financial officer be separate from all other bonds required.

Since 1979, the amount of the bond has periodically increased, presumably at the recommendation of various agents and brokers providing the City with advice.

Approximately three years ago (after a formal in-house risk management function was established) the amounts of the bonds were reviewed. It was learned that sometime since 1979, a bond was put into effect for \$50,000 on the Finance Director, and a separate bond was in effect for the Deputy Revenue Collector (now Collections Supervisor), and still a third bond was in effect for all other City employees in the amount of \$15,000.

Based on an assessment of the City's needs for surety, and an examination of competing markets, a decision was made to drop the bond for the Deputy Revenue Collector, and place one bond for all City employees. Further, based on minimum premium rules employed by most brokerages in recent years the City was able to increase the limits of the bonds to \$250,000, at no increase in premium.

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Several months later when the bond for the Finance Director renewed, it was decided to increase the limits for it to the same \$250,000 limit provided to all other employees.

Since State law and the City Charter require the Council to set the limits for bonds, and to establish exactly who is to be covered by bonds, this resolution will recognize the current status of our fidelity/honesty bonds, and the appropriateness of our coverages.

Claims Administration Contract Amendment No. 1

Summary: The Claims Administration Contract, dated as of September 1, 1993, between the City and Asheville Claims Corporation includes the Operating Memorandum. These documents, in conjunction with several others, provide the vehicle to allow the City to implement, capitalize and operate our risk management program.

To finance the capitalization of the risk management program, Asheville Claims Corporation (a non-profit corporation organized to assist the City in risk management and claims administration) issued \$10 million of Certificates of Participation, the net proceeds of which were immediately placed in a trust. In accordance with the terms of the trust indenture, Asheville Claims Corporation also conveyed to the Trustee "all rights, title, and interest in and to the City's Payment Obligations under the Contract ..." and "all moneys and securities from time to time held by the Trustee under this Indenture" As a result, the Asheville Claims Corporation has no assets or liabilities. Therefore, the requirement that Asheville Claims Corporation annually furnish the City audited financial statements is unnecessary and wasteful.

The proposed resolution consents to eliminating the requirement for annual audits. The consent of the Trustee (First Union National Bank of North Carolina) and the Credit Provider (Wachovia Bank of North Carolina, N.A.) must also be obtained for the change to take effect.

Report on Disposal of City-owned Property

Summary: Property disposals for the Fleet Management Division and the Water Resources Department during July 1, 1995, through December 31, 1995.

Contract for Affordable Housing Study and Budget Amendment

Summary: Funds will be transferred from the Employer Assisted Housing program to the Affordable Housing Study contract with the National Development Council.

Funds have not been utilized in the City's Employer Assisted Housing Program account which was created in January 10, 1994. Higher interest rates of bonds issued by the N.C. Housing Finance Agency have caused the Employer Assisted Housing Program not to be able to compete with the private mortgage interest rates. The Affordable Housing Study will survey the City's housing needs and assess the capability of non-profits to help the City better address its housing needs. Recommendations will be made on how to improve the housing program and increase production.

The Housing and Community Development Committee has reviewed the consultant proposals and recommends adoption of the budget amendment and the contract with the National Development Council.

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<u>Authority to proceed with design, engineering & contract administration for</u> <u>Transit Transfer Center</u>

Summary: This resolution would authorize the architect to proceed with the design, engineering and construction for the new downtown transit transfer center.

City staff recommended contracting with Moser Mayer Phoenix Associates, P.A., to provide the design and engineering of a new downtown transit center. The transit transfer center is to be relocated from Pritchard Park to Aston Street, between Asheland Avenue and Coxe Avenue. As some questions arose from the surrounding property owners, the City Council decided that the architect should

proceed only with the schematic design phase for the transfer center. In Resolution No. 95-18, adopted on February 7, 1995, the City Council authorized the City Manager to execute a contract with Moser Mayer Phoenix Associates, P.A., to proceed only with the schematic design phase at that time.

As the issues raised by surrounding property owners have now been addressed, City Council desires to proceed with the remaining design, engineering and construction administration services for this project. In that Resolution No. 95-18 provided limited authority for Moser Mayer Phoenix Associates, P.A., to provide services, it is necessary to provide them with further direction.

It was the consensus of Council to proceed with appropriate actions on the Consent Agenda at the next formal meeting.

BOARDS & COMMISSIONS

Board of Adjustment

It was the consensus of Council to postpone action on these appointments until Pre-Council on February 13, 1996.

CLOSED SESSION

At 4:20 p.m., Councilman Sellers moved to go into closed session in order to consult with the City Attorney in order to preserve the attorney-client privilege as authorized by G.S. 143-318.11 (a) (3); and (2) as authorized by G.S. 143-318.11 (a) (6) to consider the performance of an individual public officer or employee. This motion was seconded by Councilman Worley and carried unanimously.

At 5:05 p.m., Councilman Worley moved to come out of closed session. This motion was seconded by Vice-Mayor Field and carried unanimously.

ANNUAL GOAL SETTING PROCESS

Due to weather conditions over the past weekend, City Council was unable to complete their annual goal setting process. The following are 11 top goals arrived at by City Council: (1) Complete and adopt the Unified Development Ordinance (staff work completed by 12/31/96 and public review and adoption by 6/30/97); (2) Adopt and support "community oriented government; (3) Encourage and support police/community resource centers; (4) Address planning for and funding of City facilities/projects (Stephens-Lee Community Center, Civic Center long range improvements, Transit Transfer Center and Municipal Building); (5) Parks long range plan priorities; (6) Proceed with enforcement of the sign ordinance; (7) Maintain or improve the City's financial strength -11-

(maintain or improve City's bond ratings, adhere to City's Fiscal Policy, no ad valorem tax increase and maintain or increase City's fiscal reserves); (8) Encourage and support City employee relations (support Legacy of Excellence, encourage "risk taking", address pay plan issues and decentralize government and empower employees); (9) Adopt and begin a phased residential solid waste recycling program on July 1, 1996; (10) Work toward addressing City School educational performance disparities with the use of a task force; and (11) Continue efforts toward the City's 2010 Plan, Bicentennial Celebration, and seek the All American City designation. These top eleven goals were arrived at after 53 smaller topics were introduced and combined.

ADJOURNMENT:

CITY CLERK MAYOR