

**Minutes of Regular City Council Meeting
held Monday, March 18, 2013, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



CALL TO ORDER:

Mayor Charlie Latham called the meeting to order.

OPENING CEREMONIES:

Invocation was by Council Member Vogelsang, followed by the Salute to the Flag.

ROLL CALL:

Mayor: Charlie Latham

Council Members: Keith Doherty Steve Hartkemeyer Christine Hoffman
Tom Taylor Phil Vogelsang Jeanell Wilson

Also present was City Manager George Forbes, City Department Directors, and Nancy J. Pyatte, Assistant City Clerk.

APPROVAL OF MINUTES

It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, and passed, to approve the following minutes, as presented:

- Council Workshop held February 25, 2013
- Regular City Council Briefing held March 4, 2013
- Regular City Council Meeting held March 4, 2013
- New Council Orientation on March 6, 2013
- Council Workshop held March 6, 2013, as amended, to include Council Member Hoffman in attendance

ANNOUNCEMENTS

Councilmember Keith Doherty

- Mr. Doherty stated that the St. Paul's Carnival starts this week on Thursday, through Sunday. This will be the 30th year for the carnival.
- On November 19, 2013, Mr. Doherty stated, he will preside over the First Annual Jacksonville Celtic Festival at the Seawalk Pavillion. He said it will be a family-friendly event for one day, and it is free.

Mayor Charlie Latham

Mayor Latham made the following announcements:

- Workshop on March 6, 2013 was very informative and a good first step to exploring the City's options. Thanks to BEAM, Mission House, Sulzbacher Center, Chamber of Commerce and our own Police Department for their participation.
- On March 8th I threw out the first pitch of the season for the Jacksonville Beach Baseball Association. The facilities were beautiful and the crowd was huge!
- March 9th was the Beach Hut Café's 25th Anniversary. I awarded Richard and Desi Downing a proclamation on behalf of the City and we designated March 9th as 'Beach Hut Café Day'.
- We're continuing to gather additional information from homeless advocacy groups. I spoke with Cindy Funkhouser last week, and Chief Dooley and I will be visiting her at the Sulzbacher Center on Monday, March 25th. I also met with Pastor Harry Divido last week and we discussed the homeless issue from his prospective. I've also researched what other cities have done to deal with the issue and spoken with other Florida mayors to exchange ideas. I would anticipate another workshop in the next few weeks to discuss some options with city council.
- Mayor Pro-Tem Taylor, City Manager George Forbes, and CFO Harry Royal and I will be on a legislative delegation to Tallahassee tomorrow and Wednesday (19th & 20th). We will be meeting with several legislators and focusing on supporting pension reform, opposing changes to communications service taxes, and opposing future modification of local business taxes. Office hours [for Mayor Latham] are cancelled for this week.
- On March 26th at 6:30 PM there will be a Business Workshop at the Jacksonville Beach Community Center. It will be hosted by the Small Business Development Center of UNF, the Chamber of Commerce, and Florida First Capital Financial Corporation. The purpose of the workshop is to provide resources for local businesses and provide a business exchange.

Councilmember Keith Doherty

- Mr. Doherty announced there is the Great Atlantic Seafood Festival on Saturday March 23rd from 12:00 PM to 9:00 PM.

COURTESY OF THE FLOOR TO VISITORS

Mayor Latham stated that the speaker cards (8) submitted pertained to agenda items and those people will be called on to speak at that time.

MAYOR AND CITY COUNCIL

Proclamation of Wednesday, April 17, 2013, as Military Family and Community Covenant Day.

Mayor Latham read the Proclamation into the record.

CITY CLERK

CITY MANAGER

(a) Monthly Financial Reports – Month of February 2013

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, and passed, to approve the monthly financial reports for the Month of February 2013.

Roll call vote: Ayes: Doherty, Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, and Mayor Latham; motion carried unanimously.

(b) Authorize the City Manager to Designate Locations Throughout the City for Parking Licensed Golf Carts and Low Speed Vehicles.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to authorize the City Manager to designate parking for licensed golf carts and low speed vehicles as described in a memo from the Interim Police Chief, Patrick Dooley, dated March 6, 2013.

Speakers:

- Lee Grube, 3624 Ocean Drive, Jacksonville Beach
Mr. Grube stated he is in favor of the proposal for low speed vehicles parking. He also stated that he was not in favor of altering any of the beach access locations to create parking areas.
- Thad Moseley, 3701 Duval Drive, Jacksonville Beach
Mr. Moseley expressed his appreciation to all the attention given to this issue, and thanked everyone involved in the process – Council, City Manager, Police Chief, and City staff. He said this proposal gives and does not take away.
- Jon Cummins, 3704 Duval Drive, Jacksonville Beach
Mr. Cummins stated he is in favor of providing low speed vehicles parking, but not by taking away from any of the beach access locations. He stated the plan looks like a good compromise and should be good for all.
- Lee Ligo, 3938 Duval Drive, Jacksonville Beach
Mr. Ligo stated he has resided on Duval Drive since the 80s and is a voting citizen in Jacksonville Beach, even though he splits his time between here and Slippery Rock, Pennsylvania. Being a past president of the Slippery Rock Burrough Council, Mr. Ligo stated he is aware of need for balance in the community and commended everyone for this proposed program. He stated this plan will work for all concerned.

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- Jim Overby, 21 Burling Way, Jacksonville Beach
Mr. Overby stated all of the beaches in Duval County are public beaches. The majority of public beach access locations are north of 16th Avenue South. He stated there is a lack of public parking on the southend. Mr. Overby stated it was important to open the southend for beach access in the same way the northend has been opened.

The City Manager referred to the proposed low speed vehicles parking locations:

- | | |
|---|----------|
| • 16 th Avenue North | 2 Spaces |
| • 6 th Avenue North | 2 Spaces |
| • Pier Lot | 2 Spaces |
| • 1 st Avenue South | 5 Spaces |
| • 12 th Avenue South | 5 Spaces |
| • 16 th Avenue South | 3 Spaces |
| • 1 st Street S. @ 32 nd Ave. | 1 Space |
| • 1 st Street S. @ 36 th Ave. | 1 Space |

Total 21 Spaces

He stated this is a pilot program and was developed based on the public comment received at the workshops. Mr. Forbes commended Interim Police Chief Dooley and Mr. Mosely for their efforts to help put this proposal together.

As shown, there will be a total of 21 spaces provided, 6 on the northend from the Pier parking lot to 16th Avenue North, and 15 on the southend from 1st Avenue south to 36th Avenue South. Mr. Forbes stated that all the locations are already paved and the City will just have to paint the lines for each space. The City Manager said this program will be monitored and he can make changes as needed.

Mr. Vogelsang stated this was a hot-button issue he encountered during his campaign and was pleased to have reached a solution so quickly since November.

Mr. Hartkemeyer stated he was not in favor of preferential parking for some, but acknowledged it is a hot topic. He said he will support this program.

Mr. Taylor thanked all who participated and helped with the solution. Mr. Taylor noted that former Council Member Rick Knight previously said that this (City) will eventually be a golf cart community. He would like to see more spaces for the southend but this is a good start.

Ms. Wilson expressed her appreciation to all the attention given to this issue, and thanked everyone involved in the process – the citizens, City Manager, Police Chief, and City staff. She said there is more public parking available on the northend and didn't think there needed to be as many low speed vehicle parking spaces there. Ms. Wilson said she didn't want to see money spent on spaces that probably will not get used, 5 at 1st Avenue S. and 5 at 12th Avenue S. Ms. Wilson stated that more spaces might be needed on the southend.

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Mr. Doherty inquired as to how quickly this program - if approved - could be implemented? Mr. Forbes replied that it would take approximately 30 days to complete the painting of lines for the spaces. Mr. Doherty stated that it would be good to monitor over the summer months and review in October or November.

Mayor Latham expressed a 'hardy well done' to the citizens, City Manager, Police Chief, and City staff. The Mayor stated that this proposed program gives the City Manager flexibility. It's the start of transition.

Mr. Forbes addressed Ms. Wilson's comments, stating this proposal will allow for adjustments as we monitor the use of the spaces. He said they can be removed if not being used and relocated if there is a demand to increase another area.

There was no further discussion and the Mayor called for a roll call vote.

Roll call vote: Ayes: Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, Doherty, and Mayor Latham; motion carried unanimously.

(c) Authorize the Downtown Parking Program.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to authorize the Downtown Parking Program, as detailed in a memo from the City Manager dated March 7, 2013. Authorize the City Manager to expend the funds for the security program from the Unallocated General Fund, or through the Redevelopment Agency, whichever is applicable.

Speakers:

- Rick Knight, 827 8th Avenue North, Jacksonville Beach
Mr. Knight stated paid parking works and he thought it should be metered hourly. This will offset the costs to clean up after the visitors leave the City. Mr. Knight said he sees the trash and hears the filthy language when the crowds of people come to the beach. Mr. Knight said that the Kimley-Horn parking study revealed 70% of the vehicles have out-of-town tags. He stated that not all the downtown businesses provide parking spaces for their customers and they should. Mr. Knight expressed his support for metered parking. He closed stating that nothing is free today - except the Lord's salvation - somebody else always has to pay for it.
- Sandy Golding, 1203 18th Avenue North, Jacksonville Beach
Ms. Golding said she did not approve of suspending the current paid parking program while researching a permanent program. She stated the Kimley-Horn parking study showed only 4% of Jacksonville Beach residents used the downtown parking, the rest were from out-of-town. Ms. Golding stated there needs to be an hourly parking program.
- John Galarneau, 2002 Grove Street, Jacksonville Beach

Mr. Galarneau stated the City should keep the current paid parking and maintain the public/private partnership. He said spending \$105,750.00 to implement a new program for the police department to take over the security is not a wise use of taxpayer money. Mr. Galarneau stated the City should keep the existing security.

The City Manager reviewed the 5 recommendations as follows:

1. Approve the temporary suspension of the paid parking while researching a permanent paid parking program, or continue the current parking program until new equipment is selected and installed.

Mr. Forbes recommended continuing with the current paid parking because now is the time to have it and this is when the problems start.

2. Approve a plan for the Police Department to take over the security for the parking lots when paid parking is enforced.

Mr. Forbes explained security will be improved by having the police department replace the security guards. This could be done with up to 10 non-sworn part-time employees, called Community Service Officer II (CSO II), receiving 70 hours of training. These CSO II personnel will be assigned to the Pier parking lot and the Latham Plaza parking lot, along with a Police Officer. Their combined presence should provide a better level of security. They will be equipped with radios and 2 street ready golf carts. Mr. Forbes reviewed the estimated costs for this program detailed in the memo.

3. Authorize paid parking to be in effect during daylight savings time (March 10, 2013 through November 3, 2013).

Mr. Forbes said more people start coming to the beach during this time. It makes sense to have paid parking during peak season and eliminate it when there isn't the demand.

4. The City Manager will take the action necessary to replace the orange barricades with a movable gate system.

Mr. Forbes said the movable gate system will have a much better look and provide the same purpose. He said the City is currently using this movable gate system at Lakeside Drive.

5. If continuation of the current paid parking system is approved, authorize the City Manager to begin a pilot program of validating parking for restaurants.

Mr. Forbes stated that items 1 and 5 are linked as both involve the current paid parking program. Mr. Forbes distributed to Council a sample of a parking validation receipt, referred to in item 5.

Mr. Forbes said that many businesses have expressed an interest in a parking validation program if the City continues with the current paid parking program. He said there are two ways to do this, calling the following examples a hard way or an easy way.

The **hard way**: the City will use a numbered parking ticket/receipt system, giving half to the customer, keeping the other half. The customer then takes the ticket to a participating merchant to validate. If the parking is \$5, and the customer makes a minimum required \$20 purchase (for example), then the merchant deducts the \$5 for parking from that purchase. The merchant will send the validated parking tickets and receipts to the City for rebate. This system is more labor intensive for both the merchant and the City for tracking and verification of the tickets and receipts. This is a voluntary program but it would take more staff time for processing.

The **easy way**: the City will use a numbered parking ticket/receipt system, giving half to the customer, keeping the other half. The customer then takes the ticket to a participating merchant to validate. The parking fee could be lowered to \$3, the customer makes the required purchase, then the merchant sets their own validation program for their customer and the City is out of the process.

The City Manager addressed the installation of an automated parking system. He referred to the paid parking system used at the airport as an example. There are advantages with this type of system, one being able to charge hourly, as well as disadvantages. Mr. Forbes questioned the cost effectiveness because the equipment would not be used for 4 months out of the year and, in peak season, only used 3 days per week plus holidays. Mr. Forbes stated the advanced systems come with heavy start-up costs and he didn't think it would be cost effective.

Mayor Latham referred to the previous Council's Parking Utilization Study by Kimley-Horn (Study) where it included the requirement to have a formal review by November 2013 to determine the effectiveness. The Mayor stated that our responsibility is not to echo the Study but to receive input from the residents and businesses to identify the strengths and/or weaknesses in order to make decisions that would benefit the City.

Ms. Wilson stated her preference is for the current manned system, with security, over an automated system and she noted that this system has shown a decrease in criminal activity. She questioned the expense of \$105,750 for the Police Department taking over security and asked what the cost difference is between Giddens Security and our Police?

Mr. Forbes responded that the initial capital costs for the 2 low speed vehicles and the uniforms is the only cost difference between the two security programs. For the same costs the City will have a better security system with the Police Department replacing the security guards.

Regarding the proposed parking validation program, Ms. Wilson stated she thought the rebate option would be too cumbersome. She said she was in favor of lowering the parking fee and having the businesses manage their own validation program.

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Ms. Wilson wished to reiterate Mr. Forbes comments about the expense of automated parking equipment and the hours of paid parking, stating these will probably be revisited at the end of season.

Mr. Hartkemeyer referred to an excerpt from the Parking Utilization Study by Kimley-Horn (copy on record) that he provided to Council where it shows less than 5% of those surveyed were Jacksonville Beach residents. The majority of people surveyed were from out of town or out of state and Mr. Hartkemeyer stated they should pay for parking to offset the related expenses. He stated that burden should not be put on our tax payers.

Mr. Hartkemeyer agreed with Ms. Wilson to lower the parking fee and having the businesses manage their own validation program. This will be a draw for the local merchants to attract business.

Mr. Taylor stated he is in favor of keeping the current paid parking system (no parking meters) and implementing the parking validation program. He prefers the option of decreasing the parking fee and having the businesses manage their own validation program. Regarding the police department taking over security, Mr. Taylor said he would have liked the Council to have had a little more time to review this item and the costs.

Ms. Hoffman said she was in favor of continuing with the current parking program, advocating a lower rate. Whether the Police Department or an outside company provides security, the goal should be that the City is breaking even to cover those costs. Ms. Hoffman inquired if the additional police capital costs would be paid from the Trust fund. The Parking Utilization Study by Kimley-Horn had a lot of information about on-street parking, making that 2-3 hour short term parking and Ms. Hoffman noted that has not been addressed.

Ms. Hoffman asked if the motion could be re-read. Mayor Latham replied that it would, after all discussion and comments were completed.

The City Manager addressed Ms. Hoffman's questions, stating that we would ask the Community Redevelopment Agency to cover some of the additional police capital costs from TIF funds. Mr. Forbes said that we also have funds from the parking program to help pay the expenses.

Mr. Forbes stated the short term on-street parking would have to be a metered program. It is very expensive and would also require hiring new employees, a maintenance program, etc.

Mr. Vogelsang stated that he was not in favor of continuing the current parking program. He asked about putting a proposal out for automated parking in the future.

A lengthy discussion ensued about the current parking program, an automated parking system, start-up expenses and long term cost effectiveness of both (parking), revenue from paid parking, parking validation, moveable gate system, and security.

Mayor Latham and the City Manager clarified that this is the transitional proposal (for parking) while researching for a better solution for a parking program.

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There was discussion about the original motion on the floor. The results of the discussion were to either vote on the original motion with modifications, or vote to withdraw the original motion and move to vote individually on items 1 through 5 listed under 'action requested'.

Amended motion: An amended motion was made by Mr. Taylor, seconded by Mr. Hartkemeyer, to authorize the Downtown Parking Program, as detailed in a memo from the City Manager dated March 7, 2013, with the modification to individually vote on the action requested items 1 through 5. Authorize the City Manager to expend the funds for the security program from the Unallocated General Fund, or through the Redevelopment Agency, whichever is applicable.

Mayor Latham stated parking is a complex issue and a challenge for the City. He stated their responsibility is to make recommendations to modify the existing system so that it facilitates the needs of the City's residents, businesses, and visitors. Mayor Latham stated the parking validation program should be available for all, including the Pier parking lot.

Mayor Latham called for a vote on the motion on the floor, amended with the modifications to individually vote on the action requested items 1 through 5.

Discussion ensued for clarification of the motion, on item 5, resulting with changing restaurants to merchants.

Motion, #5: If continuation of the current paid parking system is approved, authorize the City Manager to begin a pilot program of validating parking for merchants.

Roll call vote: Ayes: Hoffman, Vogelsang, Wilson, Doherty, Hartkemeyer, and Mayor Latham
Nays: Taylor

Motion carried with a vote of 6 to 1.

Motion, #1: Approve the temporary suspension of the paid parking while researching a permanent paid parking program, or continue the current parking program until new equipment is selected and installed.

Roll call vote: Continue Paid Parking
Ayes: Doherty, Hartkemeyer, Hoffman, Vogelsang, and Mayor Latham

Suspend Paid Parking
Nays: Taylor, Wilson

Motion carried with a vote of 5 to 2, to continue paid parking

Motion, #2: Approve a plan for the Police Department to take over the security for the parking lots when paid parking is enforced.

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There was a brief discussion about security and Chief Dooley clarified how the proposed CSO II program will operate with the Police Department in the paid parking lots.

Roll call vote: Ayes: Wilson, Doherty, Hartkemeyer, Hoffman, Taylor, and Mayor Latham

Nays: Vogelsang

Motion carried with a vote of 6 to 1.

Motion, #3: Authorize paid parking to be in effect during daylight savings time (March 10, 2013 through November 3, 2013).

Roll call vote: Ayes: Wilson, Doherty, Hartkemeyer, Hoffman, Taylor, Vogelsang, and Mayor Latham; motion carried unanimously.

Motion, #4: Authorize the City Manager to take the action necessary to replace the orange barricades with a movable gate system.

Roll call vote: Ayes: Doherty, Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, and Mayor Latham; motion carried unanimously.

- (d) Approve a Draw for SWAT Team Entry Vests (Four Vests) From the Local Law Enforcement Trust Fund.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the draw of \$7,375.24 from the The Local Law Enforcement Trust Fund to Purchase four SWAT Body Armor Vests as described in a memo from the Interim Police Chief, Patrick Dooley, dated March 6, 2013.

The City Manager explained these will replace the vests that are currently in use, which are seven years old. The recommended life for these vests is five years.

Roll call vote: Ayes: Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, Doherty and Mayor Latham; motion carried unanimously.

- (e) Allocate \$5,000 for Overtime Personnel to Cover the Fire Marshal's Position.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve \$5,000 for overtime to cover the Fire Marshal's position as described in a memo from the Fire Chief, Gary Frazier, dated March 5, 2013.

Mr. Forbes explained that the Fire Marshal is on leave for the next 4 – 5 weeks, due to major surgery. It is necessary to have experienced plans and code reviewers to meet with the contractors and builders about fire codes. This overtime funding will provide staff 3 days per week until the Fire Marshal returns.

Chief Frazier stated that the Fire Marshal's schedule will be covered by the 3 shift

commanders as well as their state certified inspectors.

Roll call vote: Ayes: Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, Doherty, and Mayor Latham; motion carried unanimously.

- (f) Approval for Crazy Fish Jacksonville Beach, Inc., to Construct Two (2) Parking Lots Designated for Restaurant Customers, Change the Name of the Business From Crazy Fish Jacksonville Beach, Inc., to Old Florida Fish Camp and Seafood Shack, Inc., and Extend the Lease for Five (5) Years.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Amendment #2 to the existing lease agreement with Crazy Fish Jacksonville Beach, Inc., as described in a memorandum from Diana Pratt, Property Management Supervisor, dated March 11, 2013.

The City Manager stated that the current tenant has leased this building from the City since March 15, 2010 and has made several improvements. Mr. Schruft has remodeled the interior of the building, added a deck and a floating dock, and has done extensive landscaping. This amendment to the existing lease is to construct 2 parking lots for the restaurant, change the name, and extend the lease for 5 years, terminating on February 14, 2024.

Ms. Wilson had questions about the amount of rent, the square footage of the building, and extending the lease, and permitting.

Mr. Forbes responded that they pay the City \$43,050.00 annually, \$3587.56 monthly, \$2.24 per sq. ft. monthly and it is a 1600 sq. ft. structure, with a 4% annual increase. All the construction will be approved and permitted per City codes. The lease is transferrable only with the City's permission and Mr. Forbes stated that he has amended the attached lease to allow construction of two parking lots in two phases. Phase 1 will include 22 spaces across the street, north of the building, to be completed by September 2013. Phase 2 will include 15 spaces plus 1 handicapped space on the northeast side of the building, to be completed by March 2015.

Roll call vote: Ayes: Hoffman, Taylor, Vogelsang, Doherty, Hartkemeyer, and Mayor Latham

Nays; Wilson

Motion carried with a 6 to 1 vote.

RESOLUTIONS

ORDINANCES

- (a) Ordinance No. 2013-8025 – FIRST READING

Mayor Latham requested that Ordinance No. 2013-8025, be read by title; whereupon Ms. Pyatte read the following:

“AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP BY REPEALING SECTION 34-467 FLOOD HAZARD AREA IN ITS ENTIRETY AND BY ADOPTING A NEW SECTION 34-347 FLOODPLAIN MANAGEMENT REGULATIONS; ADOPTING FLOOD HAZARD MAPS, DESIGNATING A FLOODPLAIN ADMINISTRATOR, ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY, REPEALER, AND SEVERABILITY CLAUSES; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8025, approving new Floodplain Management Regulations coordinated with the 2010 Florida Building Code, adopting local administrative amendments to the Florida Building Code, and adopting updated Flood Insurance Rate Map panels for the City of Jacksonville Beach, as described in a memo from William Mann, Senior Planner of Planning and Development, dated February 28, 2013.

The City Manager reviewed the action requested by this ordinance stating that it does not increase any regulations applicable to development in floodplain areas in the city. He stated there are no major changes to the delineated flood hazard areas on the panels. The Planning Commission conducted the required public hearing on February 25, 2013 and recommend its approval by the Council.

Roll call vote: Ayes – Taylor, Vogelsang, Wilson, Doherty, Hartkemeyer, Hoffman, and Mayor Latham; motion carried unanimously.

ADJOURNMENT

There being no further business coming before the Council, Mayor Latham adjourned the meeting at 8:50 p.m.

Submitted by: Nancy J. Pyatte
Assistant City Clerk

Approval:

/s/William C. Latham

William C. Latham, Mayor

Date: April 1, 2013