

MINUTES
NOME PLANNING COMMISSION
REGULAR SCHEDULED MEETING
September 2, 2008

Commissioner Weiss called the regular scheduled meeting of the Nome Planning Commission to order at 7:00 P.M on September 2, 2008 in the City Council Chambers in Nome City Hall located at 102 Division Street.

ROLL CALL:

COMMISSION

MEMBERS PRESENT:

Jerald Brown, Jeff Darling, Greg Smith, and Charlie Weiss

COMMISSION

MEMBERS ABSENT:

Tom Sparks, Irene Anderson, Jimmy Adams

ALSO PRESENT:

Camille Ten Eyck, Deputy City Clerk, Peter Hallgren, City Manager, Randy Romenesko, Consultant, Pat Hahn, Building Inspector

AUDIENCE PRESENT:

Sandra Medearis, Nome Nugget Newspaper, Nikolai Ivanoff, Alaska Gold, Bill Potter, Donna Morgan, George Krier Telephonically

APPROVAL OF AGENDA:

Commissioner Weiss called for any changes or additions to the agenda.

A motion was made by Commissioner Brown and seconded by Commissioner Smith to approve the agenda with adding the Handout Memo from Jim Vogel, City Engineer RE: Second Beach Subdivision comments.

Hearing no objections, the motion CARRIED.

APPROVAL OF MINUTES:

The July 2, 2008 rescheduled meeting minutes were presented for approval.

A motion was made by Commissioner Darling and seconded by Commissioner Smith to approve the Rescheduled Meeting Minutes of July 2, 2008.

Hearing no objections, the motion CARRIED.

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The August 15, 2008 Special Meeting Minutes were presented for approval.

A motion was made by Commissioner Darling and seconded by Commissioner Smith to approve the Special Meeting Minutes of August 15, 2008 with a typo correction on page 3.

Hearing no objections, the motion CARRIED.

COMMUNICATIONS:

Commissioner Weiss read through the communications presented on the agenda and asked if there were any comments or questions to the communications in their packet. Bill Potter's letter was included and Commissioner Weiss asked him to address the body next during Citizen Comments.

CITIZENS COMMENTS:

Bill Potter: My name is Bill Potter and I have lived here for 5 years and I am in the process of building a new house. I stopped by Pat's office to tell him I was building a light gage steel construction plan. Pat said it would never meet energy standards. I got another set of plans and they were turned down on 6/20/08. These are the same plans turned approved a month and a half later. After my original plans got turned down, I contacted an architectural firm and had them send up the plans I wanted and they met all the requirements of the international building code 2005. There is not 2005 building code. They followed the addendums they get in. I received a letter back from Pat saying the latest plans do not meet the standards for Nome. I understand Nome has adopted the 2000 international building code for Nome. If you adopt a code, you are stuck with its standards. I then took back to Pat the original plans and asked Pat what I needed? He said I needed this little drawing included and the plans were approved. I then received a letter from Pat saying he needed an engineering design for the concrete beam and do not load the foundation until the matter is cleared. That shut down the job. I stopped in to see the city manager. My question to the city manager is it normal to have a building process take 6 weeks and for an engineered set of plans to be turned down? When I stopped in to see the city manager, Pat was in the next room and I said maybe you would like to have the pin head there too. I was talking to the secretary. Pat said please don't refer to me in that manner and the city manager can not override my ruling. I was talking to the secretary not Pat. The city manager recommended I call Pat not go see him. In my younger days, if I was younger I would have been in jail and Pat would be in the hospital. I would have thrown him down the stairs. I asked to see copies of the last 5 years building permits. After reviewing the permits, I noticed there were many inconsistencies in the permits I reviewed. I also noticed the fees were higher on my permit than last year's permits. Why the big increase if you have the same code?

Pat Hahn: The fees are not based on the code. The city ordinance says is the latest additions of the ICC. Those come out once a month. It is consistent every year. Fees are based on the most current edition of that publication. I update the fees once a year over the winter. The amount per square ft going up \$35 a foot is consistent with actual building cost. Charlie can confirm that.

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C. Weiss: We actually have been complaining that cost is not high enough.

C. Brown: It says it right here in the ordinance "The total valuation of the proposed construction will be determined by the building official using the most recent valuation building data published by the International Conference of Building Officials or the applicant's estimation of value."

Bill Potter: So we could have a bunch of big increases and this board would not be aware of it.

C. Brown: We should be aware of it. The cost of construction has increased 70-80 percent in the last five years.

Bill Potter: In the building permits I looked through, I did not see any other engineering requirements for foundations.

C. Weiss: I can argue that point. I had to have an engineer to do my buildings.

Bill Potter: There are too many inconsistencies in your building permits.

C. Weiss: Bill you were using something new and what Pat was saying is that he wanted someone to engineer it because that is not his job.

Pat Hahn: The first rejections of this building permit application were because there was not enough information on it. I did not know who was doing the work or what work was being done. The second set was basically the same thing. The plans had no foundation and 2 x 4 walls. It was totally inadequate for Alaska construction. The side sketch I asked him to do had more information on it. It showed me the foundation and the walls. I wrote another letter asking for what was missing and approved the permit with the conditions that I needed these issues addressed. One of my main concerns was the concrete beams. I have no idea if they are strong enough. I need an engineer to tell me that. That is all I have been asking for. I did not get to inspect the pouring of the cement. I do not know about the steel support. All the information I requested was met with total resistance. All I need is information. I need to know what he is doing. One of the problems is that Bill has been circumventing me. He is going to everyone but me.

C. Brown: Is there a valid permit now? If so, is the job progressing?

Bill Potter: If the permit was approved in a timely manner the house would be done by now.

C. Brown: It sounds like you know what you are doing. What the problem is not communicating with the building inspector. For what you read on the plans it says you may do this, you should do that, it does not say this is how it will be done. I am conjecturing that is where the problems arose.

Pat Hahn: I must say I have never had this much trouble before. Usually, when I have asked for something the building permit owner complies. It is just information I am asking for. I need to know what you are doing.

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C. Weiss: There is not much we can do here. It should be addressed between you two.

C. Brown: What exactly are you asking from us?

Bill Potter: When I submitted the letter originally, I was shut down.

Pat Hahn: I never submitted a stop work order. It was just about the beams.

Bill Potter: I shut down because his letter said not to continue without the engineering report. I have an engineer on call. However, they sure can be slow. The house can be done before the engineering report is done. Those beams can be pulled out and replaced. The only potential problem could be if the 20 ft span is too much you can put another beam in for a 10 ft span. No reason to shut it down.

C. Brown: The only issue there is we do not require a certificate of occupancy for residential homes before it can be occupied so our enforcement is relatively limited once it is constructed. The enforcement actions would occur prior to or during construction.

Pat Hahn: I sent Bill another letter asking him to behave. He has threatened me on the job site.

Bill Potter: The quote was "It was unhealthy to be on the jobsite". My son and I spent 5 hours cleaning it up.

Pat Hahn: I took it as intimidating behavior. He has named called and made threatening maneuvers at city hall. I have asked for police protection when I inspect this place. It has been an issue. It has not been a friendly environment. You should be made aware.

Bill Potter: I just can not stand incompetence and that is what I see. The secretary was there and I was not aware of any threatening gestures.

C. Weiss: We are not going to solve anything tonight. You two will have to learn to work together and communicate.

C. Brown: I agree. So you know Mr. Potter that Pat Hahn has the confidence of this board. You need to work with Pat.

C. Darling: It appears communication has been the big problem. It got off on a bad foot and snowballed from there. Yes Pat should provide statutes when it doesn't meet code.

C. Smith: Pat pointed out that things are subject to the interpretation of the building inspector for local conditions. It is in the international code book 2000. He is just outlining safety conditions. He wants to make sure your foundation is not going to break in half at 20 below. All he wants is information from you. Would you consider a mediator?

Pat Hahn: No I have not. I just don't understand the reluctance to give information.

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STAFF REPORTS:

DEPUTY CITY CLERK

Permit Report:

1. Building/ Remodel - July

- 4 Building Permits Issued, Valuation: \$400,091.96 – Fees Collected \$3342.60
- 1 Remodel Permits Issued, Valuation: \$3,816.00 – Fees Collected \$97.25

JULY TOTAL VALUATION: \$403,907.96 JULY FEES: \$ 3,439.85

TOTAL JULY PERMITS ISSUED: 5

. Building/ Remodel - August

- 4 Building Permits Issued, Valuation: \$903,576.54 – Fees Collected \$6,737.20
- 1 Remodel Permits Issued, Valuation: \$500.00 – Fees Collected \$23.50

AUGUST TOTAL VALUATION: \$904,076.54 AUGUST FEES: \$ 6,760.70

TOTAL AUGUST PERMITS ISSUED: 5

2008 TOTAL VALUATION: \$3,951,125.48 TOTAL FEES: \$28,047.35

TOTAL PERMITS ISSUED: 27

2. Miscellaneous Permits – July

- 1 Fill Permits Issued
- 1 Move Permit
- 1 Excavation Permit

JULY TOTAL FEES: \$75.00 JULY PERMITS ISSUED: 3

Miscellaneous Permits – August

- 1 Excavation Permit
- 1 Fill Permit
- 1 General Permit
- 1 Variance

AUGUST TOTAL FEES: \$350.00 AUGUST PERMITS ISSUED: 4

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CITY BUILDING INSPECTOR

I have nothing to report right now.

C. Brown: May I ask you a question? I remember awhile back you mentioned we need to look at the building permit process. You were talking about local conditions.

Pat Hahn: The major problem is the 2000 code. It is a combination of the Uniform Building Code and the National Code. By combining those two the language became confusing and did not make sense. 2003 cleared a lot of that up. We never adopted 2003 and now 2006 are out. I submitted the changes to the city attorney. I am not sure whose court it is in now.

C. Weiss: Can you bring us a list of things for us to look at so we can send a resolution to the city council?

Pat Hahn: Sure.

CITY MANAGER

1. July 3, 2008 To: Pete Hallgren, City Manager From: Randy Romenesko, Acting Project Manager RE: Project Status
2. July 14, 2008
3. July 31 – August 8, 2008
4. August 2, 2008

City Manager: Basically these are the reports I place in the Council Packet. I don't have anything more to add to that. I have just this one thing to mention. If you are interested, there is an AMSA Town Hall meeting at the Nome Mini-Convention Center at 6PM on Wednesday 3 September 2008 regarding the Future Arctic Shipping Assessment.

UNFINISHED BUSINESS:

NONE

NEW BUSINESS:

- A. Memo from Peter Rob, RE: Detailing the Description of the City of Nome's Sandspit Lands Replat 2008.
- B. Preliminary Plat 1– City of Nome lands on the Nome Sandspit, - Replatting of Lots 1-29,

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Block 1; Lots 1-18, the south 75 ft of the west 25 ft. of Lot 19, Lots 24-43, & Lot 69, Block 2; a portion of Gold Avenue and vacated Water Street into Lots 1A & 21A, Block 1 and Lots 17A, 27A, 30A, 33A, 36A, 39A, & 42A, Block 2 and an extension of West E Street

- C. Preliminary Plat 2— City of Nome lands on the Nome Sandspit, - Replatting of a Portion USMS 410; Reclaimed Tidelands; Lots 1A & 21A, Block 1; Lot 75, Block 2; Block 2B And Unsubdivided Portions of USS 451 into Tracts A, B, C, D, & E and Extensions of Gold Avenue and West C, D, and E Streets

C. Weiss: Since the memo and the both preliminary plats pertain to the same issue Randy can come and speak to them all.

Randy Romenesko: I have several maps and I will spread out and take some time to speak to the history of the project. One of the jobs the city did was to undertake the development of the Port Harbor Improvement Development Project. That dramatically changed the landscape of the city. One of the tasks we had to undertake in this project was to acquire all the real estate for that project. It involved over 100 parcels. One of the things that were very difficult in getting certification was proving ownership of real estate. The city acquired a lot of property; a lot was stipulated by this map which was actually developed by the Corp of Engineers. One of the things Peter Rob and I said when we accomplished this real estate and got it certified by the corp. which allowed them to do the construction was to try to prevent someone's head in the future by clearing up the real estate with this project. What you have before you are two plats what we believe is correct. We needed to provide permanent access to the break water and new revampment that got built around our entrance channel. Part of our planning was to provide access to the public to the beach that was created. The city obtained ownership of the entrance channel when they filled it because the city owns the tidelands. We needed to create real estate to come across there. Pete's memo does a good job of talking about these plats. It is a fairly complicated process. We broke it into two plats so we could logically go from one step to the other. Primarily we only wanted to involve the city in the planning process. The first plat only deals with block 1 and 2 and creates some right of way. Basically, what we are doing with this plat is consolidating many lots into larger lots which are some benefit to the city down the road if they wanted to lease them. It creates right of way across W E St. and clears up some Tideland issues over on the port. **As an aside, we will have to go to the council to get approval for vacation of right of way.** Gold Avenue gets vacated (Randy points to maps) from here all the way across.

The second part of the plat we consolidated further to create large parcels that are identifiable a have value to the city. Tract A is a combination of Block 1 & USMS 410 and Tract B is all the property along the sheet pile wall. The reason those two parcels were created was to be clearly identified as Port Property for Pilot Purposes. It will be given administratively to the port with the idea the port will pay pilot on that property because it is generating revenue for the city through port activity. Tract C will also provide potential to generate revenue. Tract D & E will go

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to the city for their management however they choose. Planning Commission has said they want to see that property retained as open space general use under the zoning code.

This memo outlines what will happen when the two proposed plats of the City of Nome lands on the Nome Sandspit are approved.

This replat was split into two sequential plats because of the complexity and difficulty of a single plat. A single plat would have required a complete replat of Blocks 1 and 2, the creation of Blocks 1A and 2A, and the involvement of all sandspit property owners. The intent of this replatting is to consolidate, organize and designate newly created and previously undesignated City lands.

- 1. The replatting of Lots 1 – 29, Block 1; Lots 1- 18, the south 75 ft of the west 25 ft of Lot 19, Lots 24 – 43, & Lot 69, Block 2; a portion of Gold Avenue and vacated Water Street into Lots 1A & 21A, Block 1 and Lots 17A, 27A, 30A, 33A, 36A, 39A & 42A, Block 2 and an extension of West E Street:**
 - a. This plat vacates all of the Lots within Blocks 1 and 2 that were located within the area of the new Snake River entrance channel cut.**
 - b. This plat vacates that portion of Gold Avenue located within the area of the new Snake River entrance channel cut and that portion of Gold Avenue west of the new channel cut.**
 - c. This plat creates Lot 1A, Block 1 by consolidating all remaining lots in Blocks 1 and 2 located to the west of the new channel cut and incorporating a portion of vacated Water Street.**
 - d. This plat creates Lot 21A, Block 1 by consolidating Lots 14 – 29, Block 1. This creates a single lot for Port Industrial use, from several small lots.**
 - e. This plat creates Lots 17A, 27A, 30A, 33A, 36A, 39A & 42A, Block 2 by consolidating several smaller lots into larger more usable ones. Lot 36A includes a public easement for USACE access to the new breakwater and for public access to the beach.**
 - f. This plat dedicates Lot 69, Block 2 as an extension of West E Street.**

- 2. The replatting of a Portion of USMS 410; Reclaimed Tidelands; Lots 1A & 21A, Block 1; Lot 75, Block 2; Block 2B; and Unsubdivided Portions of USS 451 into Tracts A, B, C, D & E and Extensions of Gold Avenue and west C, D, and E Streets:**
 - a. Tract A is created by combining Lot 1A, Block 1 and that portion of USMS 410 that lies east of Port Road. This creates one lot for Port Industrial use in association with the Turning Basin barge ramp.**
 - b. Tract B is created by combining Lot 21A, Block 1, unsubdivided portions of USS 451 and reclaimed tidelands. The reclaimed tidelands are filled areas next to the sheet pile revetment. This new tract is located east of the new entrance channel, north of Gold Avenue, west of Lots 30 and 42, Block 1 and south of the sheet pile revetment. This creates one tract for Port Industrial use in association with the sheet pile revetment on the east side of the new entrance channel and the south shore of the Turning Basin.**
 - c. Tract C is created by combining unsubdivided portions of USS 451 and reclaimed tidelands. The reclaimed tidelands are part of the filled old Snake River channel and filled areas next to the sheet pile revetment. This new tract is located to the west of Tract C and the Turning Basin, north of Block 1 and Gold Avenue, west of West E Street and south of River Street.**

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This creates one tract for Port Industrial use in association with the barge ramp in the south east corner of the Turning Basin.

d. Tract D is created by combining unsplit portions of USS 451 and reclaimed tidelands. The reclaimed tidelands are part of the filled old Snake River channel. This new tract is located east of West E Street, north of Gold Avenue, west of West D Street and south of River Street. This creates a tract for public use.

e. Tract E is created by combining Block 2B, unsplit portions of USS 451 and reclaimed tidelands. The reclaimed tidelands are part of the filled old Snake River channel. This new tract is located east of Lot 74, Block 2 and West D Street, north of the seawall, west of West C Street, and south of River Street and Gold Avenue. This tract contains the Mini Convention Center and the NJUS Water Treatment Facility; the remainder of the tract is for public use.

f. This plat dedicates extensions of West D and E Streets across the filled old Snake River channel to connect to Gold Avenue and dedicates an extension of West C Street between the Mini Convention Center and Block F.

3. A general public use easement and a permanent harbor facilities maintenance easement is reserved upon all unsplit land and tracts immediately adjacent the water bodies and rock structures in these two plats.

4. All lots and blocks not shown on these two plats that were portions of previous subdivisions of the property replatted by these plats are vacated and cease to exist.

Discussion:

Pat Hahn: Did tract E get the Mini Convention Center? Right now it is sitting in the middle of the street.

Randy Romenesko: Yes. That was part of the issues. We put in a 40 ft. street instead of a 60. 40ft meets the minimum subdivision code requirements.

C. Weiss: On the final plat will you show sewer treatment plant, the Mini Convention Center, and other buildings drawn in?

Randy Romenesko: We can do that.

A Motion was made by C.Brown and seconded by C. Smith to approve City of Nome Lands on the Nome Sandspit Preliminary Plat 1 Conditioned upon council approval of vacating Gold Ave west of Block 1, Lot 21A, and Block 2, Lot 17A

At the roll call:

Ayes: Darling, Brown, Weiss, Smith

Nays:
Abstain:
Hearing no Objections the Motion CARRIED

A Motion was made by C.Darling and seconded by C. Smith to approve City of Nome Lands on the Nome Sandspit Preliminary Plat 2 Conditioned upon including building drawings in Tract E, Water, Sewer & Force Mains in River St. West E & West D and Power Poles on River St.

At the roll call:

Ayes: Darling, Brown, Weiss, Smith
Nays:
Abstain:
Hearing no Objections the Motion CARRIED

D. Preliminary Plat – Second Beach Subdivision – Alaska Gold Lucky Two Bench & Juanita Bench Located in MS #1298 Section 25, Township 11 South Range 34 West, Kateel River Meridian Alaska The Whole Therof Containing 35.15 Acres more or less

E. Memo from James Vogel, Acting City Engineer, RE: Second Beach Subdivision Preliminary Plat

I have reviewed the revised preliminary plat(s) that George submitted via email on Sunday, 8/24, and have the following comments:

1. I originally recommended the drainage easement configuration that follows the existing topo thru Lots 7 and 8, Block 1. I reviewed the proposed drainage easement along lots 8 and 9 (“preferred plat”), and feel this alignment does have merit. I would recommend approval of this drainage easement approach if the final road design includes a satisfactory drainage ditch design to route any flows to this drainage corridor.
2. The results of the perc testing and test pits were reviewed. There are some areas that appear suitable; and I agree with the geotechnical report recommendation that a note be put on the final plat regarding the need for holding tanks if 1) there is insufficient area to install a drain field (and replacement area), and 2) if there is not sufficient distance (min. 4 feet) from groundwater levels and drain field. State regulations do require that all systems be designed by a qualified engineer. I would further recommend that the geotechnical report, prepared by

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Harry Bates, P.E., be made available to all perspective buyers of the lots in the Second Beach Subdivision.

3. The plat does include the needed snow storage/green belt set-aside, and the continuation of the drainage easement thru Tract C. The net area of these set-asides is approx. 1.65 ac., including the 100-foot drainage easement in Tract C.
4. I have discussed the proposed action by AGC to retain subsurface rights in the platted Ivanoff Loop road ROW (and possibly reserve those rights for future lot owners in Blocks 1 & 2) with the Nome City Attorney, Brooks Chandler. He has indicated that he has concerns about this issue. The ultimate resolution should be part of the final platting process.
5. The new subdivision regulations allow for lots to have lengths greater than 2.5 times the width if the width is greater than 100 feet. I do not recommend that any of the proposed lots be required to obtain a variance.
6. As part of the final plat process, the following will need to be provided:
 - Final road design, prepared by a P.E., including all necessary drainage channels and structures. This road will need to be constructed to City standards.
 - Plans for street lighting and electric service – constructed to NJUS standards.
 - US ACE wetlands fill permit for the subdivision.
 - Approval by AK DOT for the two road intersections with the By-pass Rd. This will be part of the road design package.

Discussion:

George Krier: Gold Company wanted to create this residential subdivision next to the hospital. We believe the soil conditions will support it.

C. Weiss: On your Ivanoff Loop Road you show a drainage ditch across four lots. Is that going to cause a problem with access to those lots?

George Krier: It shouldn't there will be culverts for the driveways. Currently, now in spring break up there is water flow through the area. Once the road is built the water will be brought backwards toward the drainage area or the west side of the subdivision. The purpose of the ditch is to address The concern of the city engineer that the existing drainage pattern continue on into the future.

C. Weiss: What about the west side. All these people are on the north side fill their lots and there is a continuous gravel pad where will the water drain.

George Krier: If you look at the contours, block 2 lot 1& 2 area on the north side you will notice a draining pattern.

C. Weiss: Is that drainage pattern addressed on this plat.

George Krier: Not at this time. It can be. As we go forward and do the road design and the wet plans design that is where these things will be addressed.

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C. Weiss: How far off the property line is the City of Nome's snow dump?

George Krier: Right now it is 300 ft from the west side, but it angles up over so where you get to north segment of Ivanoff Loop Rd. it would be 100 ft from the property line. If you have a recommendation as to where else they can be located that will be fine.

C. Smith: What are tracks A, B, C, & D being used for?

George Krier: They are unsubdivided portions of the parent tracks.

Nikolai Ivanoff: Maybe this area will be used as a buffer area.

C. Weiss: On those 40ft easement to the back lots, could that be widened so anyone could put a street back there they would not have to buy more land to make it a regular street.

George Krier: Actually I doubt there will much development on tracks A & B. If you go North, the area that has the 50 ft contour line is very swampy. Perma Frost is very high. Makes me think it would be a very long time before something happens there if anything at all.

C. Weiss: I notice there were no comments from NJUS or others in here.

Deputy City Clerk: I gave all the departments a copy of the plat and had no comments back.

C. Weiss: Will you include the notes on the final plat from Alaska Rim Engineering, Inc.?

George Krier: Yes as well as the recommendations and comments from Jim Vogel's memo.

C. Weiss: Is the subdivider responsible for the electrical?

George Krier: Yes we will put in the poles installed.

C. Darling: Why is it necessary to retain the subsurface rights to the Ivanoff Road?

George Krier: It is not the intent of the company to retain title, but to pass it on to the individual lot purchasers. The reason the mining is not contemplated, rather that drainage (and possible septage systems) could be impacted if the subsurface under the road was ultimately made less porous than in its natural state. Retention of subsurface rights is not unusual, and is found under highways in the Nome area. One option would be to title to the City with some covenants precluding a problem.

A Motion was made by C.Darling and seconded by C. Smith to approve the Second Beach Preliminary Plat with conditions lined out in the City Engineers Memo as well as an opinion needed from City

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Attorney pertaining to the subsurface title question.

At the roll call:

Ayes: Darling, Brown, Weiss, Smith

Nays:

Abstain:

Hearing no Objections the Motion CARRIED

COMMISSIONER MEMBERS REPORT:

Commissioner Adams: NONE

Commissioner Brown: NONE

Chairman Anderson: NONE

Commissioner Weiss: NONE

Commissioner Darling: NONE

SCHEDULE OF NEXT MEETING DATE: October 14, 2008 7:00pm

ADJOURNMENT:

C. Darling moved and C. Smith seconded a motion to adjourn.
Hearing no objection, the MOTION CARRIED
The meeting was ADJOURNED at 9:30 P.M.

SIGNED and DATED this 14th day of October, 2008.



Chairman Irene Anderson

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ATTEST:


Camille Ten Eyck, Deputy City Clerk

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