

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
JUNE 12, 2018**

CALL TO ORDER Chairman Carter at 5:30 p.m.

Members Present: Chairman Doug Carter, Vice-Chair Jane Fleming and Board Members Eddie Martin, Sr., Ryan Thompson, Rich White and Kelvin Simmons

Members Absent: Board Member Carmen Delgado

Staff Present: Community Development Director Rusty Ligon, Planning Manager Matt Tate and Recording Secretary Judy Foster

Others Present: Council Members Barbara Brooks, George Wangemann and Zack Thompson

MINUTES OF MAY 8, 2018

There was a motion to approve the minutes as presented.

Motion made by Board Member Martin
Motion seconded by Board Member Thompson
Vote – 6 favor, 1 absent (Delgado)

OLD BUSINESS

A. Annexation Request

- 1) Request from **Limestone Greenway, LLC** to annex a 75.12± acres tract located on the southwest side of the intersection of Jesse Jewell Parkway and Limestone Parkway, having road frontage on Lakeview Drive, Highland Street, Spring Street and Victory Street (a/k/a **0 and 2065 Limestone Parkway**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s): 00-082-003-001
Request: Mixed-use development

There was a motion to remove the agenda item from the table.

Motion made by Vice-Chair Fleming
Motion seconded by Board Member White
Vote – 6 favor, 1 absent (Delgado)

Chairman Carter stated there has been a major modification to the annexation request and asked the applicant's representative to share those changes.

Modification of Request: **Jim Walters**, attorney representing the applicant, stated the applicant has modified the request to exclude the residential single-family homes and apartments and include only the commercial component of the former request which consists of approximately 33 acres to be annexed into the City of Gainesville. He stated they provided a revised site plan showing only the commercial components of the proposed development. Mr. Walters stated he took the staff recommendation report and made changes marked in red which eliminated any of the residential references in the report which

no longer applied, as well as some changes to proposed conditions. This was presented to the Board and he reviewed the changes he recommended including the elimination of conditions 3, 4, 7, 10, 11 and 15; deleting portions of conditions 13 and 14; and his reasoning for the proposed changes to the conditions.

Chairman Carter reviewed the condition changes as proposed by Mr. Walters, noting the elimination of conditions 10, 11 and 15 were not related to the residential component of the proposed development.

Chairman Carter asked for full disclosure in regards to the plans for the residential component. Mr. Walters stated that would be in the future and they are not asking it to be annexed into the City, nor do they have plans to annex it into the City.

In regards to the Lakeview Drive issue, Mr. Walters stated there was no vision that this parcel would be given access to Lakeview Drive so it would be acceptable to the applicant to only eliminate "except for the road proposed for the single-family homes" portion of condition 15.

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to annex the subject property with a zoning of Planned Unit Development (P-U-D) for the purpose of utilizing city sewer. The original request was for a mixed-use development to include 189,400 square feet of office, retail, restaurant, hotel space, 252 multi-family residential units and 33 single-family homes. With the modified request, the scope and size has changed dramatically, reducing the request to 33.87± acres.

The property is currently zoned Agricultural Residential-III (AR-III), Residential-II (R-II) and Highway Business (H-B) within unincorporated Hall County and is adjacent to the city limits to the north and east. In addition, the property is located within the Limestone Parkway Overlay Zone, is heavily wooded with numerous mature trees and consists of sloping terrain and a stream (Limestone Creek) that traverses the property.

Adjacent and nearby uses include single-family homes, duplex homes, New Holland Village, church, and Brenau University Sports Complex. Significant uses within the surrounding area include Gainesville Middle School, Frances Meadows Aquatic Center, Lakeview Academy, Northeast Georgia Medical Center and Atlanta Botanical Gardens.

Specifically, the amended proposal includes up to 189,400 square feet of office, retail, restaurant, hotel space and is designed as a town center concept with green space and public gathering areas similar to "The Forum on Peachtree Parkway", "Avalon" and "The Collection at Forsyth".

Access is proposed from Limestone Parkway. A total of two driveways are proposed from Limestone Parkway and Jesse Jewell Parkway for the commercial out parcel lot.

A Traffic Impact Study was completed for the proposed development which is summarized in the staff recommendation report.

The Gainesville City School System commented on the proposal. A copy of the letter dated April 27, 2018 was included with the staff report.

The Gainesville Public Works Department has recommended transportation improvements which are included with the Transportation / Traffic zoning conditions within the staff report.

According to the Georgia Department of Transportation (GDOT), the applicant will need to coordinate with GDOT since this development will impact the State Route System.

A Development of Regional Impact Study (DRI #2803) was submitted for this development. At this time, the Georgia Mountains Regional Commission finds that the proposal does not present any potential adverse inter-jurisdictional impacts. However, it was suggested that the City and developer examine options for improving pedestrian accessibility and an alternate access point to compliment the Limestone Parkway intersection.

The Gainesville Future Development Map places the subject property within the *Low-Medium Density Residential* land use category, *Mixed Use General* land use category and the *Parks / Recreation / Conservation* land use category. The subject property is located within the *Historic Mill Villages* Character Area.

The Planning Division staff recommended conditional approval of the modified annexation request with Planned Unit Development (P-U-D) zoning, based on the Comprehensive Plan and the adjacent residential and non-residential land uses.

Original Proposed Conditions

Development Standards

1. The development standards within the applicant's narrative, concept plan and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval. Any zoning conditions adopted as part of this zoning ordinance that conflict with the applicant's narrative, concept plan and architectural renderings shall take precedence over the applicant's development standards.
2. Prohibited commercial uses shall include motels or hotels with rooms accessed from the exterior of the building, adult novelty stores, adult entertainment centers, pawn shops, tire stores, auto parts stores, dollar-type stores, massage parlors except for practitioners licensed by the State of Georgia, vaping stores, auto body shops, automobile sales establishments, marine sales or repair stores, automated or non-automated car washes, coin-laundry facilities, truck stops, tattoo parlors, psychics, fortune tellers, clairvoyants and the like. A gas station shall be prohibited except for the proposed outparcel lot at the corner of Jesse Jewell Parkway and Limestone Parkway.
3. Apartments, townhomes and condominiums are an approved use for the multi-family residential portion of the proposal. The applicant may receive an occupancy permit for no more than 100 apartment, townhome or condominium units prior to receiving an occupancy permit for the construction of at least 100,000 square feet of the proposed commercial space.
4. In addition to the proposed buffers stated as part of this proposal, a minimum 25-foot wide buffer shall be required along Lakeview Drive for the entire development. The buffer shall contain a mixture of evergreen and deciduous trees. The Community Development Director shall have the final determination on the number, location and type of trees to be planted.

5. The proposed erosion control and water quality measures for the development shall at minimum meet the Georgia Storm Water Management Manual requirements. The developer shall also construct additional bioretention facilities within the development strategically designed and located to minimize sedimentation and to filter runoff from yards, pavement, and buildings, with the goal of minimizing the amount of unfiltered runoff, fertilizer, and other contaminants entering Lake Lanier from the development. The City of Gainesville shall approve the final design of all water quality measures.
6. All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent residential uses, public and private roads.
7. All of the front yards of the proposed new single-family residential dwellings shall be sodded with grass.

Transportation / Traffic

8. All required access/traffic/sidewalk improvements associated with the proposed development shall be reviewed and approved by the Georgia Department of Transportation and the Gainesville Public Works Director and any additional improvements shall be at the full expense of the Developer.
9. The Developer shall meet all requirements of the Georgia Department of Transportation, but at a minimum shall construct the following roadway improvements identified in the Traffic Impact Study dated March 29, 2018:
 - a) Limestone Parkway at Beverly Road – Construction of a separate eastbound exclusive right turn lane on Beverly Road. A protected/permissive left turn phasing for the northbound left turn volume on Limestone Parkway will need to be evaluated and submitted for review and approval by the Georgia Department of Transportation.
 - b) Limestone Parkway at Kroger Access – An addition of the fourth approach for the Limestone Greenway site will need to be approved and permitted by the Georgia Department of Transportation. The existing northbound U-turn lane on Limestone Parkway will be restriped as a left turn lane. The signal at the intersection will need to be upgraded for the addition of the fourth approach. The existing southbound right turn lane and northbound left turn lane should be lengthened to satisfy Georgia Department of Transportation auxiliary lane length standards. A protected/permissive left turn phasing for the northbound left turn lane will need to be evaluated and submitted for review and approval by the Georgia Department of Transportation.
 - c) Limestone Parkway at Jesse Jewell Parkway – An addition of a southbound right turn lane on Limestone Parkway in order to accommodate a shared through/right plus a new exclusive right turn lane. Overlap phasing of the intersection will need to be evaluated and submitted for review and approval by the Georgia Department of Transportation.
10. In addition to the identified roadway improvements, the newly constructed Limestone Greenway roadway should include either a center turn lane or a raised median with left turn lanes into the retail access.
11. The proposed cul-de-sac shown on the concept plan shall be designed and constructed as a roundabout per approval of the Gainesville Public Works Director.
12. Improvements at the signalized intersections should include video detection and fiber connection to the City's ITS facility.

13. All new streets, alleys, driveways and sidewalks shall meet the standards within Article 9-13-10 of the City's Unified Land Development Code, but shall be privately maintained. Pervious paving, not including gravel, may be allowed for the single-family homes per the approval of the Gainesville Public Works Director.
14. All new streets shall include a minimum 5' sidewalk along both sides of the street, in accordance with Section 9-13-9-26 of the City's Unified Land Development Code. In addition, a minimum 5' wide sidewalk shall be constructed along Lakeview Drive for the entire length of the subject property. A crosswalk shall be provided from the subject property across Lakeview Drive to the existing side/rear entrance to the Gainesville Middle School and Frances Meadows Aquatic Center. The Gainesville Public Works Director shall have the final determination on the exact design and location of the new sidewalk and crosswalk.
15. There shall be no access allowed from the subject property onto Lakeview Drive except for the road proposed for the single-family homes.

Mr. Tate stated in light of the modified request, condition 3, 4, 7, and parts of 13, 14 and 15 could be omitted. He stated since the modified request is a reduction from what was originally proposed, staff is sticking with the recommendation of approval with modified conditions.

Board Member Thompson asked for clarification of the change to condition 15 in regards to restricting access on Lakeview Drive. Mr. Tate stated the last part "except for the road proposed for the single-family homes" could be deleted, leaving the remaining portion of the condition intact.

Applicant Presentation: **Jim Walters** stated the applicant has been working on the development of this challenging piece of property for 2.5 years and is excited about the project. He felt the proposal would be a beautiful development, an upscale venue unlike anything else in the area and comparable to improvements made in Midtown. He referred to the aerial location map and noted the huge parking area at the Kroger shopping center where there is no green space. Mr. Walters stated the proposal has green space allotted within the concept plan, noting a huge part of the property would not be developed. The project would be developed in the spirit of the Avalon center in Alpharetta, would be designed by well-known architect firm Wakefield Beasley, and would be a stark contrast to other strip mall developments in the City providing a unique experience by eliminating large parking lots and provide space for people to gather and mingle. He stated it sits well off of Limestone Parkway or other streets. The applicant requested the application be tabled last month to give them time to consider changes so as not to burden City schools. Mr. Walters stated there no changes to the proposal except the removal of the residential component. The applicant has considered impacts on streams, provided adequate buffers and protections as regulated by the City, EPD and the Army Corps of Engineers. There was an extensive traffic study completed which went up to Enota and Cleveland Highway. The applicant is agreeable to make improvements at the intersections as noted within the proposed zoning conditions with the exception of Limestone Parkway at Beverly Drive since those improvements are needed whether this development occurs or not and he felt the applicant should not be burdened by improvements in which the City is obligated to complete. He stated there is a drop off where the right turn lane is proposed and it would be very expensive to infill the area if there is not enough room for the installation; therefore, the applicant is requesting that intersection be removed from the required improvements. In conclusion, Mr. Walters stated the proposed development would increase the tax base for the City and school system, increase sales tax revenue, and provide quality employment.

He commented on the good reputation of the principal applicant Wendell Starke. Mr. Walters reiterated the only concerns of the applicant are the Beverly Drive intersection improvements and the proposed roundabout in condition 11 which would resolve itself during the permitting process. He asked to reserve time for rebuttal.

FAVOR: None

OPPOSE: **Otis Sisk**, 31 Quarry Street, stated he reviewed the original proposal, compared it to City ordinances, and prepared a petition listing incompatibilities with the ordinances in which now the majority of it is no longer valid with the residential component removed. He stated he was an arborist so his main concern is with the tree law, particularly within the Limestone Parkway Overlay Zone, and felt there was no way to build 33 acres of commercial development without dealing with a mass grading situation. He asked if this was a preliminary plan because the topography could cause environmental concerns if the footprint changed and he did not want to see a duplication of the Kroger development where the tree ordinance was not followed in his opinion. He stated it was great for him as an adjacent property owner to see they are not going to build the single-family homes because the terrain is awful and felt it was a much better development without the denser residential component. He was concerned with the building height of the proposed hotel which is 6 stories, noting the Limestone Parkway Overlay Zone only allows one story according to Section 9-8-3-4 of the Unified Land Development Code. Mr. Sisk stated the tree density does not meet re-establishment standards of a forest. Even though trees would be replanted, it would not be enough to handle the amount of water, oils, and debris going into the retention pond and eventually into Limestone Creek.

Chairman Carter clarified the proposal is a preliminary concept plan and if the request were approved, the developer would complete engineered plans which must meet development standards as part of the plan review process.

Mr. Sisk stated that as a county resident, during the process of circulating his petition, City and County residents alike wondered how the proposed development would affect their property taxes. Chairman Carter stated this Board does not deal with property tax assessments and suggested he contact the Hall County Tax Assessor.

Mark Vantassel, 530 Lakeview Drive, stated his property is adjacent to the residential component which has now been removed from the proposal. He appreciated the proposed green space and non-parking lot and did not have as much of an objection with the residential portion removed. He commented that the commercial component did appear upscale and very nice, but the formerly proposed homes and apartments were not upscale compared to other homes along Lakeview Drive which was his concern and he wondered if he was missing anything. He was concerned with the future use for the remaining acreage after the removal of the residential component and thought it could be green space or park space, but felt the future use should fit the character of the area.

Marie Skinner, 837 Lakeview Drive, stated she was concerned with traffic on Lakeview Drive and was glad to hear the project would not have access on Lakeview, noting it is already an access road similar to Limestone Parkway. She was also concerned with water runoff on Lakeview Drive which does not currently have adequate draining and any additional runoff would make matters worse as the creek already floods during heavy rainfall.

Beverly Nordholz, 1779 Fairview Drive, questioned whether the applicant has any plans to develop the residential component within the County, noting they would not have to annex into the City to develop as a residential area. She hoped if the applicant does plan to develop the residential in the County that the County would use the same courtesy of notifying surrounding property owners as the City did.

Upon inquiry by Chairman Carter, Jim Walters stated he did not have liberty to address any plans in regards to the residential component acreage which was removed from the request.

Planning and Appeals Board Comments: Board Member Simmons agreed with Mrs. Nordholz and felt someone needs to answer the question regarding the remaining acreage so the community is not misled in any way.

Upon inquiry by Board Member Martin, Planning Manager Matt Tate confirmed the remaining acreage is currently zoned Residential-II in Hall County which is a single-family zoning within the County.

Board Member Martin asked if staff was agreeable to the changes in conditions as proposed by Mr. Walters. Mr. Tate stated staff was agreeable with the exception of conditions 10 and 11 which should be kept. In regards to condition 15, even though the commercial component does not touch Lakeview Drive, to be safe he would like to keep a modified version in the conditions.

Board Member Martin asked about the traffic study conditions regarding the Beverly Drive intersection and the roundabout. Mr. Tate stated these conditions were provided by the Public Works Department based on the traffic study and he would not recommend changing or omitting those conditions.

There was a motion to recommend conditional approval of the modified request annexing 33.87± acres for commercial uses only and establishing zoning as Planned Unit Development (P-U-D) with the following conditions:

Conditions

Development Standards

- 1. The development standards within the applicant's narrative, concept plan and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval. Any zoning conditions adopted as part of this zoning ordinance that conflict with the applicant's narrative, concept plan and architectural renderings shall take precedence over the applicant's development standards.**
- 2. Prohibited commercial uses shall include motels or hotels with rooms accessed from the exterior of the building, adult novelty stores, adult entertainment centers, pawn shops, tire stores, auto parts stores, dollar-type stores, massage parlors except for practitioners licensed by the State of Georgia, vaping stores, auto body shops, automobile sales establishments, marine sales or repair stores, automated or non-automated car washes, coin-laundry facilities, truck stops, tattoo parlors, psychics, fortune tellers, clairvoyants and the like. A gas station shall be prohibited except for the proposed outparcel lot at the corner of Jesse Jewell Parkway and Limestone Parkway.**

3. **The proposed erosion control and water quality measures for the development shall at minimum meet the Georgia Storm Water Management Manual requirements. The developer shall also construct additional bioretention facilities within the development strategically designed and located to minimize sedimentation and to filter runoff from yards, pavement, and buildings, with the goal of minimizing the amount of unfiltered runoff, fertilizer, and other contaminants entering Lake Lanier from the development. The City of Gainesville shall approve the final design of all water quality measures.**
4. **All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent residential uses, public and private roads.**

Transportation / Traffic

5. **All required access/traffic/sidewalk improvements associated with the proposed development shall be reviewed and approved by the Georgia Department of Transportation and the Gainesville Public Works Director and any additional improvements shall be at the full expense of the Developer.**
6. **The Developer shall meet all requirements of the Georgia Department of Transportation, but at a minimum shall construct the following roadway improvements identified in the Traffic Impact Study dated March 29, 2018:**
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 - c) **Limestone Parkway at Jesse Jewell Parkway – An addition of a southbound right turn lane on Limestone Parkway in order to accommodate a shared through/right plus a new exclusive right turn lane. Overlap phasing of the intersection will need to be evaluated and submitted for review and approval by the Georgia Department of Transportation.**
7. **In addition to the identified roadway improvements, the newly constructed Limestone Greenway roadway should include either a center turn lane or a raised median with left turn lanes into the retail access.**
8. **The proposed cul-de-sac shown on the concept plan shall be designed and constructed as a roundabout per approval of the Gainesville Public Works Director.**
9. **Improvements at the signalized intersections should include video detection and fiber connection to the City's ITS facility.**

10. **All new streets, alleys, driveways and sidewalks shall meet the standards within Article 9-13-10 of the City's Unified Land Development Code, but shall be privately maintained.**
11. **All new streets shall include a minimum 5' sidewalk along both sides of the street, in accordance with Section 9-13-9-26 of the City's Unified Land Development Code.**
12. **There shall be no access allowed from the subject property onto Lakeview Drive.**

Motion made by Board Member Martin

Motion seconded by Board Member White

Vote – 5 favor, 1 opposed (Thompson), 1 absent (Delgado)

NEW BUSINESS

A. Variance Requests

- 1) Request from **Donald T. Hunt** to vary the front yard setback requirement from Bradford Street on a 0.22± acre tract located on the northeast side of the intersection of North Avenue and Bradford Street (a/k/a **0 and 430 North Avenue, NW**), having a zoning classification of Planned Unit Development (P-U-D).

Ward Number: Two

Tax Parcel Number(s): 01-040-001-021

Request: Porch addition

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is requesting to vary the front yard setback from 30-feet to 15-feet along Bradford Street for a covered porch addition. The property is zoned Planned Unit Development (P-U-D) which requires a front yard setback of 30-feet. The subject property is 0.22± acre in size and is part of a two unit townhome development originally constructed in 2006. The adjacent properties include single-family homes, duplex townhome and undeveloped property. Specifically, the proposed porch is 14' deep x 16' wide. The addition is to be located on the left side and second story of the existing townhouse above an existing private courtyard area and will be architecturally similar to the existing front porch facing North Avenue. The applicant is basing the hardship on the corner lot configuration with two front yard setbacks and an existing 30' wide sanitary sewer easement located partially within the property.

The Planning Division staff is recommending conditional approval of this variance request based on the property having two road frontages and the existing location of the structure, with one condition.

Applicant Presentation: Brian Rochester stated the applicant had an outdoor living area at their former residence which is something they miss since living in the City. They would like to have a screened in porch and it would be designed to match the front porch. He stated one of the poles of the porch would be offset so it does not interfere with the garage door. The top of the porch may have railing as well for aesthetic purposes but would not be accessible as there is actually a window there instead of a door but would give them an option.

FAVOR: **Joe Biddy**, 428 North Avenue, stated he lived in the other townhome unit, noting the doors were installed because there always needed to be a porch. He commented he may do the same on his townhome someday too.

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to vary the front yard setback requirement from 30-feet to 15-feet along Bradford Street for a porch addition with the following condition:

The proposed porch addition may include a one or two story design and shall be generally consistent with the standards depicted on the architectural renderings submitted with the application.

Motion made by Board Member Thompson

Motion seconded by Board Member White

Vote – 6 favor, 1 absent (Delgado)

- 2) Request from **Shady Vent Construction** to vary the front yard setback requirements from Atlanta Highway and Ray Street on a 0.943± acre tract located on the southwest side of the intersection of Ray Street and Atlanta Highway (a/k/a **1708 Atlanta Highway, SW**), having a zoning classification of General Business (G-B).

Ward Number: Five

Tax Parcel Number(s): 01-133A-001-002

Request: Fuel canopy expansion

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is requesting to vary the front yard setback requirements from 40-feet to 21-feet along Atlanta Highway for a fuel canopy expansion. The property is zoned General Business (G-B) which requires a front yard setback of 40-feet. The subject property is 0.943± acre in size and is located within the Gateway Corridor Overlay Zone. The property contains a gas station/convenience store, small restaurant and a pallet company. According to tax records the convenience store was constructed in 1977 and the canopy was constructed in 1987. The adjacent uses include a grocery store, retail shops, used auto sales, coin-laundry and a single-family home. The proposal will expand the existing 20' x 20' canopy an additional 13-feet (20' x 33'), but the canopy would be no closer to Atlanta Highway. As well, the applicant desires to vary the front yard setback from Ray Street from 40-feet to 29.5-feet for the existing convenience store building in which no additions are planned. The existing fuel canopy and convenience store building are grandfathered in and are considered legal non-conforming structures. The applicant is basing the hardship on the existing placement of the canopy and building.

The Planning Division staff recommended conditional approval of this variance request based on the property having two road frontages and the existing location of the structures, with one condition.

Applicant Presentation: **James Dugger**, with Shady Vent Construction, stated the existing canopy is 20' x 20' with two fuel pumps and the canopy is not large enough to cover the customers when it is raining. He stated they plan to use the existing column and add another in order to complete the expansion.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to vary the front yard setback requirement from 40-feet to 21-feet along Atlanta Highway for a fuel canopy expansion and vary the front yard setback requirement from 40-feet to 29.5-feet along Ray Street for the existing convenience store building with the following condition:

The proposed canopy shall be generally consistent with the standards depicted on the architectural rendering to include brick support columns to match the exterior of the existing convenience store.

Motion made by Vice-Chair Fleming
Motion seconded by Board Member White
Vote – 6 favor, 1 absent (Delgado)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:44 p.m.

Motion made by Board Member Simmons
Motion seconded by Board Member Thompson
Vote – 6 favor, 1 absent (Delgado)

Respectfully submitted,

Doug Carter, Chairman

Judy Foster, Recording Secretary