

CLARKSVILLE-MONTGOMERY COUNTY  
REGIONAL PLANNING COMMISSION

- MINUTES -

DRAFT

June 26, 2013

2:00 P.M.

PLANNING COMMISSION MEETING ROOM  
329 MAIN STREET

I. CALL TO ORDER/QUORUM CHECK:

Mr. Harrison called the meeting to order at 2:00 p.m.

MEMBERS PRESENT:

- Mike Harrison, Chairman
- Mabel Larson, Vice Chairman
- Russell Adkins
- Geno Grubbs
- Wade Hadley
- Mark Kelly
- Robert Nichols
- Bryce Powers
- Richard Swift

OTHERS PRESENT:

- David A. Ripple, Director of Planning
- Audrea M. Smithson, RPC Planning Manager
- J. Stan Williams, RPC Transportation Planning Coordinator
- Ruth C. Russell, RPC Planner/Address Manager
- Brad Parker, RPC Subdivision Coordinator/Planner
- Brent Clemmons, RPC GIS Manager
- John Spainhoward, RPC Planner/Zoning Coordinator
- Jill Hall, RPC Transportation Planner
- Judy Burkhart, RPC Office Manager
- Mark Riggins, City Engineer's Office
- David Shepherd, City Street Department
- Jack Frazier/Chris Cowan/Jeff Bryant, City Street Department
- Mike Baker/Justin Crosby, City Building & Codes Department
- Mike Frost, County Highway Department
- Rod Streeeter/John Doss/Elizabeth Warner, County Zoning Enforcement Office
- Mike Roberts/Ray Williams/Ricky Cumberland, Clarksville Fire Department
- Chris Brown, Ft. Campbell

II. APPROVAL OF MINUTES OF MEETING OF 5/29/2013

Mr. Harrison asked for a motion for approval of the minutes. Mr. Swift moved to recommend approval. The motion was seconded by Ms. Larson and carried unanimously. Dr. Ripple stated that the project engineer has requested deferral on case S-26-2013. There being no more discussion, Mr. Grubbs moved to recommend deferral. The motion was seconded by Mr. Kelly and carried unanimously.

III. CITY & COUNTY ZONING CASES:

CASE NUMBER Z - 8 - 2013 APPLICANT(S): Hettie Hutchinson

REQUEST: R-3 Three Family Residential District
to C-1 Neighborhood Commercial District

LOCATION: A parcel fronting on the south side of Vine St. at the terminus of Vine St. and an adjacent parcel fronting on the north side of Cedar St. at the terminus of Cedar St.

TAX MAP(S): 66-E-E PARCEL(S): 35.00 & 16.01 ACREAGE: 0.59 CIVIL DISTRICT(S): 12

REASON FOR REQUEST: To build child care center

Mr. Spainhoward read the case and gave the staff recommendation for disapproval. In the agency reviews, Clarksville Gas and Water commented that the proposed commercial development "may require water distribution system upgrades." The request is not consistent with the goals and objectives of the Adopted Lane Use Plan. Approval of this request could effect the stability of the surrounding residential properties. The C-1 commercial request is incompatible with single family residential uses that are adjacent to the request. The lot size and layout do not appear adequate to develop as commercial property. 40' front setbacks from Vine and Cedar Street and 25' side setbacks from the adjoining residential.

Ms. Ramona Rudolph, agent, asked what the reasons were for disapproval. Mr. Harrison read the staff recommendations. She stated that they do not plan to build a large building and may possibly rebuild a home in which to operate the daycare. She stated there will be about 16 children in different shifts.

Mr. Kelly asked about the City Building and Codes Department and requesting a Home Occupation Use for a daycare. It was noted that a Home Occupation Daycare was limited to six children

Mr. Harrison stated that if zoned Commercial, you cannot live in the home. Mr. Spainhoward then stated you can have only a caretaker residence in C-1 zoning. He then stated that the property is limited for development because of the set backs required by C-1 zoning adjacent to residential.

There being no more discussion, Mr. Swift moved to recommend disapproval based on staff recommendation and setbacks. He noted that, if the proposed child care center fell through, we would have commercial zoning in the middle of a residential area. There are other uses allowed in C-1 that could be negative for the neighborhood. The motion was seconded by Mr. Hadley and carried unanimously.

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CASE NUMBER Z - 9 - 2013 APPLICANT(S): George M Milton

Agent: Gaines Shearon

REQUEST: R-1 Single-Family Residential District
to R-4 Multiple-Family Residential District

LOCATION: fronts on the south side of Tracy Lane 655+/- feet west of the Black Jack Way and Tracy Lane intersection.

TAX MAP(S): 041 PARCEL(S): 045.01 ACREAGE: 0.46 CIVIL DISTRICT(S): 6th

REASON FOR REQUEST: Multi-family apartments.

Mr. Spainhoward read the case and gave the staff recommendation for approval. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan. Adequate infrastructure serves the site. No adverse environmental issues were identified relative to this request. Request is an extension of the existing R-4 zoning to the North, East and South.

There being no more discussion, Ms. Larson moved to recommend approval. The motion was seconded by Mr. Grubbs and carried unanimously.

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III. CITY & COUNTY ZONING CASES (CONT.):

CASE NUMBER CZ - 4 - 2013 APPLICANT(S): Tony Kennedy

Agent: Byrd Surveying, Inc.

REQUEST: C-2 General Commercial District  
to C-5 Highway & Arterial Commercial District

LOCATION: at the east terminus of Oakwood Road.

TAX MAP(S): 070 PARCEL(S): 051.01 ACREAGE: 3.19 CIVIL DISTRICT(S): 9th

REASON FOR REQUEST: Correct a warning of violation notice from Montgomery County Building & Codes Department by changing zoning.

Mr. Spainhoward read the case and gave the staff recommendation for approval. The proposed zoning request is consistent with the Growth Plan (as in the County) and adopted Land Use Plan. Adequate infrastructure serves the site. C-5 zoning is a Highway and Arterial Commercial District and the property has driveway access and visibility to U.S. Highway 79/SR 76/Dover Road. Outdoor storage shall meet the screening requirements set forth in the Montgomery County Zoning Resolution.

Mr. Deon Byrd, agent, stated that Kennedy Septic has 29 full time employees. He noted that an enforcement warning was relative to a prior site (St. Paul Road) and that Mr. Kennedy was trying to get his operation on a site with proper zoning. Mr. Kennedy had previously purchased a site to the west on U.S. 79 and had it rezoned to C-5, but discovered that cost of an on-site septic system for his employees was cost prohibitive due to the clayist soils. He stated that Mr. Kennedy needed the C-5 zoning for his operation for outdoor storage of the portable toilets. He explained the process of cleaning the portable toilets at the site of use. He stated that the pumped sewage is not disposed on this property, but at the city wastewater treatment plant. He noted that Sewer Bee with a similar operation was zoned C-5 on the southwest corner of the Bi-County Landfill.

Ms. Joy White, adjacent property owner, stated she was in opposition to this case. She stated this area is primarily residential and agriculture uses, and septic run-off would drain onto her property and bring bad odors, mosquitos and water problems.

Mr. Rod Streeter, Montgomery County Building and Codes Department, stated that his office issued the original violation for this property three to four years ago. He advised the property owner to get the St. Paul Road property rezoned or find suitable zoned area for this business. The C-5 request is to also allow for open storage for business equipment. The business can be located in C-2, but cannot store equipment out doors. Any outdoor storage allowed in C-5 must be screened. Mr. Streeter said that there can be no more water runoff than that previously from the property, and stated that Mr. Kennedy said that he would get an engineer to ensure no increase in water runoff on adjacent properties.

Ms. Byrd stated that Bi-County landfill has dumpsters, roll off's, etc. He stated that due to the incompatibility of the ground in the area, there cannot be a sewer system installed to handle any sewage.

Ms. White stated that she did not think the septic tank and portable potty business was something that should be approved for a residential and agriculture area. She claimed there was a smell from the west and was concerned about a possible accidental spill from the higher subject property to her property.

Mr. Byrd reiterated that the portable toilets were pumped out at the construction site and the affluent taken to the city waste water treatment plant.

There being no more discussion, Mr. Hadley moved to recommend approval. The motion was seconded by Mr. Powers and carried with Mr. Swift and Ms. Larson voting for disapproval.

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IV. SUBDIVISIONS:

CASE NUMBER: S - 25 - 2013      APPLICANT: McClardy Road Partners  
REQUEST: Final Plat Approval of ROSSVIEW PLACE SECTION 1A (CLUSTER)  
LOCATION: West side of Powell Road, south of Rossvie Road, west of Interstate 24  
MAP: 057 PARCEL(S): 109.00    ACREAGE: 11.53  
# OF LOTS: 33    CIVIL DISTRICT(S): 6  
STAFF RECOMMENDATION: Final Plat Approval.

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CASE NUMBER: S - 26 - 2013      APPLICANT: Danell Welch  
REQUEST: Preliminary Plat Approval of WELCH VILLAGE AND DEDICATION OF PERMANENT  
EASEMENT  
LOCATION: North side of Highway 41-A, approximately 1360' west of the intersection of Highway 41A and  
McAdoo Creek Road  
MAP: 082 PARCEL(S): 169.00 & 170.00    ACREAGE: 2.34  
# OF LOTS: 6    CIVIL DISTRICT(S): 11  
STAFF RECOMMENDATION: Defer for 30 days at the request of the Project Engineer

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CASE NUMBER: S - 29 - 2013      APPLICANT: Jeff Burkhart  
REQUEST: Final Plat Approval of CAMELOT HILLS SECTION 2 CLUSTER  
LOCATION: North of the termini of Russett Ridge Drive and Camelot Drive  
MAP: 031 PARCEL(S): 032.04    ACREAGE: 25  
# OF LOTS: 69    CIVIL DISTRICT(S): 2  
STAFF RECOMMENDATION: Final Plat Approval.

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CASE NUMBER: S - 34 - 2013      APPLICANT: Maynard Construction  
REQUEST: Replat Approval of REPLAT OF PEACHERS MILL COURT AND  
ABANDONMENT OF HIDDEN SPRINGS DRIVE  
LOCATION: West side of Peachers Mill Road, along Hidden Springs Drive  
MAP: 030L PARCEL(S): F 001.00-027.00    ACREAGE: 17.16  
# OF LOTS: 1    CIVIL DISTRICT(S): 3  
STAFF RECOMMENDATION: Final Replat Approval and abandonment approval

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IV. SUBDIVISIONS (CONT.):

CASE NUMBER: S - 35 - 2013      APPLICANT: Tom Edwards

REQUEST: Revised Preliminary Plat Approval of CLOVER HILLS SECTION 5

LOCATION: North of I-24, West of N. Woodson Road, South of Highway 76, south of the current terminus of Superior Lane

MAP: 063 PARCEL(S): 067 ACREAGE: 17.5

# OF LOTS: 45      CIVIL DISTRICT(S): 11

STAFF RECOMMENDATION: Preliminary Plat Approval, subject to the following condition(s):

1. Approval by the County Highway Department of road and drainage plans, for drainage structures within the proposed rights-of-way, before construction begins on site.
2. Approval by the County Building and Codes Department of all drainage, grading, and water quality and erosion control plans, for drainage structures outside of the proposed rights-of-way, before construction begins. No grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to the issuance of a grading, drainage, and erosion control plan.
3. Approval by the City Engineer's Office or the Utility District and the State Department of Environment and Conservation of all utility plans before construction of utilities begins.

VARIANCES REQUESTED: The applicant is requesting a variance from the maximum allowed block length of 1500' for Superior Lane. The reason given by the applicant is that due to extreme topography and the limited area for roadway improvements. The 5% or less grade at intersections, and 10% or less along the roadway as required per the Subdivision Regulations cannot be met.

VAR. STAFF RECOMMENDATION: Approval

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IV. SUBDIVISIONS (CONT.):

CASE NUMBER: S - 36 - 2013      APPLICANT: F & M Bank

REQUEST: Final Plat Approval of F & M BANK PROPERTY MADISON STREET LOT 1

LOCATION: South of and adjacent to Madison Street/US Highway 41-1 and west of and adjacent to Village Way.

MAP: 081 PARCEL(S): 123.05    ACREAGE: 3.97

# OF LOTS: 1    CIVIL DISTRICT(S): 11

STAFF RECOMMENDATION: Final Plat Approval by Minor Plat Provisions

NOTE: Prior to the City Street Department and the Director of the Regional Planning Commission signing the final plat, the 584' contour shall be tied down and located on Lot 1 of this subdivision plat. The 584' contour will be contained on Lot 1 and will not change the existing basin located on the site.

Having been pulled from the consent agenda, Mr. Parker read the case and gave the staff recommendation.

Mr. Chris Fielder, DBS, stated that he was present to answer any questions.

Mr. Hall Jenkins, adjacent property owner, stated he was in opposition to this case. He stated that he has concerns regarding a buffer not shown on plat, the retention basin being an eyesore, and the drainage easement not shown on the plat. He stated in 2007 there was a landscape buffer required adjacent to his property; the buffer is not shown on the submitted plat. He stated that only the middle of the drainage easement is shown on the plat and that it did not reflect the new stakes placed on the property. He also expressed concern about damage to the landscape buffer when the site is developed.

Mr. Bill Summers, City Council, stated that he is the council person for this area. He asked who is responsible for maintenance of the buffer and the spring on the property going to the drainage basin and why it isn't shown on the plat.

Mr. Fielder stated that F & M is trying to make this an official lot and easements will be shown on plat as in other cases. He noted that the retention basin was previously shifted out of the landscape buffer, that they were cleaning up the location of the retention basin, and that the spring would be added to the drainage easement. He added that all they are trying to do is plat the lot and make it a legal lot. There is a private maintenance agreement regarding the upkeep of the buffer and any drainage and buffer concerns will be addressed when the property is developed.

Mr. Kelly asked for clarification regarding the easement. Mr. Fielder responded that the final easement will be smaller than that shown on the draft plat. It was noted by RPC staff that landscape buffers are shown on site plans not subdivision plans although notes on the subdivision plan reference private agreements recorded on maintenance of the landscape buffer and drainage easement; further, the existing landscape buffer will be retained and additional landscaping required when a site plan is submitted for site development.

There being no more discussion, Mr. Powers moved to recommend approval based on the plat meeting minimum standards. The motion was seconded by Mr Adkins and carried with Mr. Swift abstaining from the vote and Mr. Kelly voting for disapproval.

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CASE NUMBER: MP - 38 - 2013      APPLICANT: Donald & Rhonda Hunter

REQUEST: Final Plat Approval of DONALD RAYMOND HUNTER II PROPERTY OLD CLARKSVILLE PIKE LOT 1

LOCATION: 5075 Old Clarksville Pike

MAP: 127 PARCEL(S): 016.02    ACREAGE: 1.5

# OF LOTS: 1    CIVIL DISTRICT(S): 10

STAFF RECOMMENDATION: Approval.

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REQUEST: Replat Approval of REPLAT OF PEACHERS MILL COURT AND  
ABANDONMENT OF HIDDEN SPRINGS DRIVE  
LOCATION: West side of Peachers Mill Road, along Hidden Springs Drive  
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Having been pulled from the consent agenda, Mr. Parker read the case and gave the staff recommendation.

Mr. Chris Fielder, DBS, stated that he was present to answer any questions.

Mr. Hall Jenkins, adjacent property owner, stated he was in opposition to this case. He stated that he has concerns regarding a buffer not shown on plat, the retention basin being an eyesore, and the drainage easement not shown on the plat. He stated in 2007 there was a landscape buffer required adjacent to his property; the buffer is not shown on the submitted plat. He stated that only the middle of the drainage easement is shown on the plat and that it did not reflect the new stakes placed on the property. He also expressed concern about damage to the landscape buffer when the site is developed.

Mr. Bill Summers, City Council, stated that he is the council person for this area. He asked who is responsible for maintenance of the buffer and the spring on the property going to the drainage basin and why it isn't shown on the plat.

Mr. Fielder stated that F & M is trying to make this an official lot and easements will be shown on plat as in other cases. He noted that the retention basin was previously shifted out of the landscape buffer, that they were cleaning up the location of the retention basin, and that the spring would be added to the drainage easement. He added that all they are trying to do is plat the lot and make it a legal lot. There is a private maintenance agreement regarding the upkeep of the buffer and any drainage and buffer concerns will be addressed when the property is developed.

Mr. Kelly asked for clarification regarding the easement. Mr. Fielder responded that the final easement will be smaller than that shown on the draft plat. It was noted by RPC staff that landscape buffers are shown on site plans not subdivision plans although notes on the subdivision plan reference private agreements recorded on maintenance of the landscape buffer and drainage easement; further, the existing landscape buffer will be retained and additional landscaping required when a site plan is submitted for site development.

There being no more discussion, Mr. Powers moved to recommend approval based on the plat meeting minimum standards. The motion was seconded by Mr Adkins and carried with Mr. Swift abstaining from the vote and Mr. Kelly voting for disapproval.

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IV. SUBDIVISIONS (CONT.):

CASE NUMBER: MP - 42 - 2013      APPLICANT: Triple J. Partners  
REQUEST: Final/replat Approval of TRIPLE J. PARTNERS PROPERTY NEEDMORE ROAD  
LOT 1 & A REPLAT OF THE EDDIE BURCHET  
PROPERTY NEEDMORE ROAD LOT 4

LOCATION: South side of Needmore Road just east of the its intersection with Trenton Road

MAP: 032 041 PARCEL(S): 082.01 013.00    ACREAGE: 4.14

# OF LOTS: 2    CIVIL DISTRICT(S): 6

STAFF RECOMMENDATION: Approval.

PLANING COMMISSION ACTIONS: Mr. Harrison explained that these cases are heard on a consent agenda and if anyone wanted a case heard separately to let him know at this time. See discussion for S-36-13.

Mr. Parker read the cases and asked for endorsement of MP-38-2013 and MP-42-2013.

There being no more discussion, Mr. Swift moved to recommend approval except for S-36-2013 which was pulled from the consent agenda. The motion was seconded by Ms. Larson and carried.

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**V. SITE REVIEWS AND/OR ABANDONMENTS:**

CASE NUMBER: SR - 16 - 2013 APPLICANT: UNITARIAN CHURCH

Agent: Jimmy Bagwell

DEVELOPMENT: UNITARIAN UNIVERSALIST CHURCH

PROPOSED USE: CHURCH ADDITION

LOCATION: 3053 HWY 41A SOUTH

MAP: 082, 143.00 ACREAGE: 1.15

CIVIL DIST.: 11

**STAFF RECOMMENDATION: APPROVAL, NO CONDITIONS**

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CASE NUMBER: SR - 18 - 2013 APPLICANT: JEFF BURKHART

Agent: Benny Weakley

DEVELOPMENT: LADY MARION CAR WASH

PROPOSED USE: CAR WASH

LOCATION: 2159 FT. CAMPBELL BLVD.

MAP: 019-P-F-001.00 (P) ACREAGE: 1.9

CIVIL DIST.: 3

**STAFF RECOMMENDATION: APPROVAL, SUBJECT TO THE FOLLOWING CONDITION(S):**

- CONDITIONS:**
1. Approval of all grading and drainage plans by the City Street Department.
  2. Approval from the Fire Department.
  3. Approval of a landscape plan.
  4. Approval by TDOT.
  5. Subdivision plat completed.

PLANNING COMMISSION ACTIONS: Mr. Harrison explained that these cases are heard on a consent agenda and if anyone wanted a case heard separately to let him know at this time.

Ms. Russell read the cases and gave the staff recommendation.

There being no more discussion. Ms. Larson moved to recommend approval. The motion was seconded by Mr. Grubbs and carried unanimously.

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**VII. PLANNING DIRECTOR'S REPORT:**

A. MONTHLY BUDGET REPORT: Dr. Ripple stated that the monthly budget report was available in the Commissioner's packets. He then asked for endorsement of the report. There being no discussion, Mr. Powers moved to recommend approval. The motion was seconded by Mr. Grubbs and carried unanimously.

B. NEXT YEAR'S BUDGET - CITY/COUNTY APPROVAL STATUS: Dr. Ripple stated that the city's portion of the budget will be heard tomorrow night and the County budget has already been approved.

C. AUTHORIZATION TO INITIATE ZONING TEXT AMENDMENT AND MAP AMENDMENT (FT. CAMPBELL PARCELS ) (COUNTY): Dr. Ripple stated that these are zoning map amendments for CZ-5-2013 and a text amendment for CZO-1-2013. There are 12 remnant parcels created by the relocation of U.S. Highway 79 owned by Fort Campbell that are without any zoning designation. The US General Services Administration initiated the online auction for these 12 Fort Campbell remnants on May 29th and bidding has not yet closed. Dr. Ripple then asked for separation actions by the Planning Commission to introduce/initiate the two zoning cases so that they may be heard at next month's Planning Commission Meeting .  
There being no more discussion, Mr. Swift moved to recommend approval for CZ-5-2013. The motion was seconded by Mr. Kelly and carried unanimously. Mr. Kelly then made a motion for approval of CZO-1-2013. The motion was seconded by Ms. Larson and carried unanimously.

D. REPORT ON MAYOR'S DESIGN REVIEW TASK FORCE (CITY): Dr. Ripple stated that these three reports were heard at the Information Meeting. No action was necessary.

E. REPORT ON MAYOR'S ACCESS MANAGEMENT ORDINANCE TASK FORCE (CITY):

F. REPORT ON SUBDIVISION REGULATION UPDATE:

G. REPORT ON PLANNING COMMISSION ANNUAL RETREAT: Mrs. Judy Burkhart stated that everything has been reserved and was still on track for the retreat.

**VII. ADJOURNMENT:**

The meeting was adjourned at 3:00 p.m.

**ATTEST:**

**MICHAEL R. HARRISON, CHAIR**