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**Planning & Historic Preservation Board**

Tuesday • December 15, 2020 • 7:00pm

**Minutes Regularly Scheduled Meeting**

1. Call to Order: 7:00 p.m.

2. Invocation & Pledge of Allegiance to Flag:

3. Roll Call:

Board Members

Ann Baird, Vice Chair -- Present

Marian Baron -- Present

Stephen Elder -- Present

Dakota Johnson -- Present

 Fro Warren, Chair -- Present

 Andrea Parker, Town Attorney -- Present

 Patty Polk, Deputy Town Clerk -- Present

4. Consent Agenda Approval:

1. Agenda Approval
2. Minutes of Regular Meeting November 17, 2020

***Motion made and seconded (Elder/Baron) to approve the agenda and November 17, 2020 Regularly Called Meeting Minutes as submitted; Passed 5-0***

1. Citizens Forum: None
2. Public Hearings
* Action: Concept Review – Minor Subdivision

Parcel: 16720-019-000

Location: 706 SW Charlie Ave (1st Ave), Micanopy, FL 32667

Owners: Elliot & Amber Larkin

Quasi-Judicial Hearing

1. The Board shall determine whether it has jurisdiction over the matter. *Yes*
2. Members of the Board shall, if necessary, state whether they have a conflict of interest or must otherwise disqualify themselves from hearing the case. *None*
3. Members of the Board shall disclose and place on the record any ex parte contacts relating to the matter before the Board. *None*

*Attorney Parker swore in the following: Elliot Larkin, Stoney Slaton, Bud DesForges, Jamie Warren, and Ed Hammond.*

1. Introduction of the petition by the Town. *Chair Warren read the application on short title as presented.*
2. Presentation of the Applicant’s case. *Elliot Larkin presented his desire to build a Minor Subdivision (Land Development Code (LDC) Article 8.01.02) by splitting the 2.47 acre parent lot into four lots. There is a single-family house on the parent parcel and that will remain; his mother-in-law will move into that house. Additionally, he intends to build three houses; one on each newly created lot. Each lot will be greater than the minimum requirement of ½ acre, and the houses will be similar to other houses in the area. The planned development will bring some nice residences to the neighborhood. Included in the application package is a draft floor plan for an 1,170 sq. ft. house with a two-car garage, and a porch. There is the possibility that one of the lots will have a different floor plan due to dense vegetation. Mr. Larkin lives in the Micanopy area, and he has experience building. Larkin has built three or four different projects in Gainesville and is working on some now. He appreciates Micanopy and would like to make it better.*
3. Presentation of Affected party’s case. *None.*
4. Presentation of Staff’s case. *None.*
5. Rebuttal by Applicant. *None.*
6. Rebuttal by Staff. *None.*
7. Rebuttal Affected Parties. *None*
8. Public Input – *Stoney Slaton (104 NE Seminary Ave) questioned if Mr. Larkin is the builder? Larkin responded that his brother is a general contractor, and he has been a foreman on several projects with him; he will be on site and the main contact. What is your time span? Larkin responded that he anticipates eight months or more with this process and another eight months of construction. Baird asked if all three houses will be built at the same time? Yes.*

*Bud DesForges (554 NW Seminary Ave) looked at the plan and commented that the way you divided the lots looks like this will be a nice addition to that area of the Town. Do you plan to live there? No, just his mother-in-law; their kids will be there often for daycare. The other three houses will be spec houses.*

*Jaimie Warren (211 SW Ed Glover St) just moved into the neighborhood. She was worried that this was going to be family compound building. She commented that there will be four separate lots which should not increase traffic very much. Jamie Warren stated that getting Alachua County to repair the county part of SW 1st St was a very difficult task and took two months. Larkin clarified that these three homes will be sold to three separate families. Baird questioned if the houses will be rented if unable to be sold? Larkin responded that he will rent them if he cannot sell them.*

1. Deliberation and Vote of Board. *Attorney Parker clarified that because this is a preliminary review, there is neither an approval or disapproval. We just need to make sure that we follow Sandra Joseph’s instructions from her email, which Chair Warren read to everyone. LDC 10.03.02(E). The Planning & Historic Preservation Board shall issue no order, finding or other indication of approval or disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any expression of any nature about the proposal, made by any person during the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form. This is strictly a concept review.*

*Board members comments: Ann Baird drove by there and it fits what is proposed. The house is planned, and even the land itself is flat without a lot of vegetation. It will enhance the neighborhood. Steve Elder read through the LDC, and he doesn’t see any conflict. Dakota Johnson has no concern. Marian Baron would like to look at our Comprehensive Plan a little closer and would recommend to the Board to do the same. We might find some information to judge conformity. Examples that might impact the model would be location and positioning of driveways, distance between driveways, and number of driveways on the street. Chair Warren stated to Mr. Larkin that when he’s ready to move forward, let us know**.*

*Mr. Larkin stated that all of the driveways will be off of paved roads, and he questioned how far a driveway needs to be from a stop sign? Attorney Parker directed Mr. Larkin to email his questions to town staff. LDC Article 8.01.02 defines a Minor Subdivision: The subdivision of a tract of land into not more than five (5) lots for which there are no internal streets, drains or other required improvements; where each lot has frontage on a maintained public street; and where the resultant lots comply with the standards of this Article and the Land Development Code. Larkin questioned how this Minor Subdivision will be assessed because they will use existing infrastructure and roads; whereas, a Major Subdivision has their own roads, signage, and things like that. He is looking for some clarity on what type of plat the surveyor will need to create; he brought a sample plat from a similar Gainesville project. Mr. Larkin has been holding off on hiring his surveyor until he knows exactly what is required. Attorney Parker responded that we will send this question to our land planner and they help with LDC requirements that have to be met. Larkin questioned if there is enough Town water to support these three houses and the answer is yes. When dealing with storm water issues, he understands that he has to meet St. Johns River Water Management District requirements; does the Town have additional requirements? Attorney Parker explained that Mr. Larkin will be back before this Board a few more times with his preliminary plat and again with his final plat. Those types of questions should go before our land planners for review of any concerns, and he should include this question, as well. Tree questions should be directed to our Town Administrator. Mr. Larkin would like to clarify at what phase the surety bonds will be required? Attorney Parker responded that this information can be found in LDC Article 10.03.06(A) and it is required with the final plat and it is conditioned for completion within 12 months of final plat approval.*

*Chair Warren stated that this is a concept review, so he will vary from the quasi-judicial hearing and ask if anyone else in the public would like to speak. Elizabeth Henderson (701 SW Charlie Ave, Grace Temple Outreach Ministries) is located across from Mr. Larkin’s parcel. They welcomed Mr. Larkin because of what they’ve heard and how it will benefit this area. She thought this development was going to be apartments instead of single-family homes; that’s perfect. Currently the front part of their ministry is used as a parsonage, they are living there; but in a few months they will be moving and the entire building will be used for ministry; they will be offering support for kids in the neighborhood and surrounding area.*

 13. Preparation of Final Order.

 14. Approval of Final Order.

7. New Business: None

8. Unfinished Business

* Street Light Discussion – Dorothy Pernu, Duke Energy, presented.

Initially Duke installed 4000K LED lights at the beginning of the year throughout Town. At the Town’s request, they installed four sample 40w 3000K lights on Tuscawilla Road. Prior to making a decision regarding those sample lights, a new Micro became available; it is a full cut-off structure light, meaning that the light shines straight down, with a smaller lighting pattern and less overflow. The Micro LED is a warmer, mellow light, although not a true amber. The Micro is cost efficient, costing less on a monthly basis and over time. Pernu does not know what will be available in a year but she does know that the Micro LED lights are the best that is available today Two sample Micro LED lights were installed; one on Division Street and one on Ocala Avenue. Dorothy advised that if we can get these into design quickly then the process could move faster. The availability of the turtle-type lights was questioned, and initially the quote to replace all these lights was approximately $200/light, which is about $5 more per light. The turtle lights are 1000K, would not provide safe lighting in Town, and would require a waiver to put them in Town; Dorothy does not recommend them.

Pernu summarized that the Micro LED lights would cost about $1,110/month as opposed to the current 4000K LED lights which are costing $1,150/month. There are 126 lights that would be changed out in Town and the new installation quote is $10,915. Duke is expecting the Micro light design before Christmas and estimates four weeks from the date of the agreement to start of construction. Ann Baird questioned if the Micro lights could be phased in over time. Dorothy would not recommend phasing the lights in because you’re going to have different sized light fixtures, different lighting patterns, and 4000K in one place and Micros in another. Even though they may be in different parts of Town, it might get residents in a kerfuffle. From this point forward, any lights that need to be replaced will be replaced with the Micro light.

Baron stated that the Town sent out an email asking for comments, concerns, or responses from people who are personally affected by the street lights and today was the deadline to respond. She thinks that we should consider changing only the lights that are affecting specific people. Baron questioned the cost of the revised pricing and if it is contingent on changing out all 126 lights; and she thought that there were a total of only 111 lights. Dorothy Pernu would have to go back to leadership and ask if this price is contingent with changing out all the lights or just some of the lights. Also, Pernu confirmed that there were 111 Micro lights and an additional 15 various other lights. It was thought that the ballpark lights should be dimmer, but Pernu explained that you would have consistency across the board with 150w LED lights.

Public Input: Stoney thanked Duke for the information. He has requested that his light be changed out with the Micro light. What is the lifespan of the LED lights? Pernu responded an average of ten years. Stoney likes the idea of a uniformity of overall lighting in the Town. Stoney questioned if these lights will be FDOT approved and the answer is yes. Baird questioned whether other Towns are using these lights and if they are happy with them; Pernu responded that there is interest from other Towns. It is possible that Micanopy could be the first Town to switch to the Micro LED lights. Bud DesForges recommends to the Board that you send this proposal to the Commission and let them decide. It sounds like it’s the best thing to change them all out at the same time. The Town can probably afford the $10,915 and then we would have consistent lighting throughout the Town. Megan Forbes *(206 E Ocala Avenue)* said that she had missed the written deadline to respond to the email regarding the lights. She hates to be the lone dissenting voice, but she believes that the Micro lights are still both too bright and too white. The Micro cannot have a backshield installed. The 40w 3000K lights are just a little bit yellower and are preferable. She knows that you want uniformity, but we also have different uses throughout the Town, such as on Cholokka Blvd.

Ann Baird questioned if the Micro lights have more upward light and Dorothy Pernu responded that the answer is no, as they are full cut-off light that shine straight down. Baron wanted Dorothy Pernu to clarify that statement because it’s been made many times. Baron’s research showed that a full cut-off does not mean that it goes straight down; it means that it does not go higher than 80 to 90 degrees up; and that has been misunderstood. Pernu answered that she is going by industry-standard terminology and it is called a full cut-off light. Baird questioned that if we wanted to go with all 40w 3000K lights, would we be able to get them? Pernu responded that Duke’s recommendation is for 40w 3000K Micro lights, but if you chose to go with the 40w 3000K lights, it is no longer the industry standard so we would be going backward instead of forward. Baird questioned what the cost would be, and Pernu responded that the price is more on a monthly basis and your savings over ten years would not be as great. Chair Warren answered that this Board is more interested in aesthetics than cost. Baron questioned what the majority of the lights we currently have are; 50w 4000K? The question is, do we want to spend $10,000 on essentially a smaller profile light that is brighter? Pernu responded that it is not brighter, both lights have a warmer amber tone; there 40w and 50w LEDs. The original recommendation was to try to be consistent or try to hand pick where to put the 40’s and 50’s. Because this is no longer the industry standard, the recommendation is to move to the 50w 3000K Micro lights. If you wanted to carve out the 11 lights at the ballpark, instead of going for consistency with all 150w lights, the Town would end up with 112 50w 3000K Micros and 11 150w Micros at the ballpark. Pernu will email this proposal to the Town office.

Chair Warren thanked Ms. Pernu for her presentation. Attorney Parker stated that if you want to make a recommendation to the Commission you will need a motion. If you want to do a summary, you will not need a motion. You have been toying with two options. Baron thinks that the P&HPB should consider a second option as an alternative to accepting the full proposal. Megan Forbes is not a fan of the Micro light; she thinks it is too bright, too white, and it cannot be shielded. However, the current new lights are 4000K, which are higher than the American Medical Association recommends. While she would be thrilled with changing everything; at least the Micro light would meet industry standards. Steve Elder questioned if the 40w 3000K have the ability to be shielded? Pernu responded yes that they do, but on an *as necessary basis* as those lights are being phased out. Baron questioned if you’re talking about the sample lights on Tuscawilla Rd? The answer is yes.

***Motion made and seconded (Elder/Johnson) to leave the sample 40w 3000K lights on Tuscawilla Road as is and consider changing the rest of the lights to 50w Micro lights;***

Patty Polk commented that four of the complaints she has received could be fixed with backshields. Pernu stated that a backshield for the Micro is not available and cannot be designed; the cost to add a backshield to the 3000K or 4000K lights is $100, and it is recommended that backshield placements be done at the same time to save money. Baron expressed that we have to consider what the people on the comment list have said. Baron’s neighbor loves the new, bright light in front of their driveway; they would be upset if their light was changed. She doesn’t think we should change out all the lights, as it may cause more problems. Baron is concerned about this motion because the citizens don’t know that we are considering changing out all the lights, and we may have more complaints about the Micro lights. She would like to wait to see how the public feels about it. She personally is not sure if the Micro is the fixture that we really want and possibly next year another new light would be available that may not be so bright. Stoney stated that the public is here now; the public that cares has been here in person and on Zoom meetings. He thinks the Micro light is the solution because with narrow streets, it’s going to tighten up the pattern overall; the biggest problem people have is light trespass that it coming into their yards and houses.

Attorney Parker stated that this Board is going to make a recommendation to the Town Commission and the Commission will ultimately decide what changes will be made. Baron stated that one of the major beefs of the community was that the P&HPB made the recommendation to the Commission to accept Duke’s proposal without making certain contingencies and that Duke, after attending all the meetings and hearing all the concerns, never came back with an alternate proposal. If the P&HPB is going to make a recommendation, that motion has to be very specific. No further discussion was had with the citizens’ concerns, and she does not want that to happen again. Attorney Parker suggested that a power point presentation can be given at the Commission meeting with all the ideas discussed here to get some feedback from the Commission to help you with your decision. Chair Warren suggested writing a summary, getting some input from the Commission, and bringing it back up next month at the P&HPB meeting. Would that be reasonable? Steve Elder suggested having a meeting with the Commission and Chair Warren suggested setting up a joint workshop. Patty Polk suggested that Chair Warren give a report to the Commission at their next meeting and ask for a workshop. Elder stated that if we vote on a motion tonight, the Commission has to put it on their agenda, then our Chair can address the Commission and represent it, and give the Commission the paperwork in advance so they will be informed. If the information isn’t clear or they want more information, the Commission can send it back to us. He was on the Commission for twelve years and they did this stuff all the time.

Stoney discussed the email sent by the Town Office on November 19th asking for citizens’ comments regarding the street lights and reading as follows*: Duke Energy has installed sample LED lights at the below locations:707 N Division Street - Micro 50w 3000K LED Street Light, 104 E Ocala Avenue – Micro 50w 3000K LED Street Light, 702 N Division Street – 40w 3000K LED Street Light, 108 NE Evans Court – Backshield placed on a 50w 3000K LED Street Light, Tuscawilla Road – (3) 40w 3000K LED Street Lights, Comments about these sample lights will be compiled in advance and discussed at the P&HPB meeting on December 15th starting at 7pm. Please contact Town Hall by Thursday, December 10th with comments about the sample lights or with requests for existing lights. The P&HPB members will make a final recommendation to the Town Commission based on comments received by that date. The Town Commission and Staff wish all a Happy Thanksgiving!* Stoney’s opinion is that this letter implies that the P&HPB will go before the Commission next month.

Baird likes the idea of presenting a power point presentation to the Commission and getting their comments back, because we really aren’t getting enough comments back. Attorney Parker discussed the motion that is on the floor right now, and we have two options, either (1) to amend the motion to propose including either a presentation or a joint workshop, or (2) to vote on this current motion, and if it passes, that motion goes to the Commission; if it fails, have a second motion made regarding another possible solution. Elder questioned if he could amend the motion to include that our Chair present to the Commission explaining how we came about making our recommendation. Attorney Parker explained that she meant adding to the motion to ask for a joint workshop. If you are simply explaining what our recommendation is, then that doesn’t have to be part of the motion and can be explained during P&HPB comments at the Commission meeting. Chair Warren stated that at the next Commission meeting, he will give a summary of this meeting and then ask for interest in holding a joint workshop. Steve Elder commented that, because of a lack of other options, the only recommendation we have right now is the new Micro lights. ***Motion amended and seconded (Elder/Johnson) to amend the motion to include asking for a joint workshop with the Town Commission;***

Megan Forbes questioned how many households are in Micanopy? Chair Warren responded that there are about 400 households. Forbes went on to summarize that if 11 people have concerns with the lights, that would be almost 3% of the population, so that is something to keep in mind. Baird stated that we are optimistically working towards a solution. Stoney thought that comments aren’t being received at this point because people are burnt out on it because it is has taken so long to get to where we are now. Given the fact that there are new lights available, and we are being told that is what the future holds for us anyway; the only decision to be made is whether or not to keep the three lights on Tuscawilla Road that are liked by Marian and a bunch of other people, including himself. Baron feels like we should wait to see if the residents are interested in the Micro lights; she wants to wait maybe for up to a year for a better light to be available. Pernu repeated that we would be the first Town to change to the Micro lights. Additionally, she responded that Duke does not manufacture the lights. Pernu summarized that the challenge is that people were saying that we have a problem, asked for a solution about a year ago, we now have a solution, and you may not want to wait another year. Chair Warren thinks that we should be able to wait another month and make a summary to the Town Commission, get input, come back to this Board next month, and push the ball forward at that time. Baird doesn’t want to go through all this talk, present to the Commission, and then they go with something else. Warren responded that that can happen no matter what, but he can type up a summary that encapsules everybody’s views that were here today. Baron stated that it is possible to present two options. The first option is we could say the motion that is on the floor would be the 126 lights less the 3 on Tuscawilla Rd, and the second option could be to have the P&HPB give further consideration to replace the lights selectively at the citizens’ requests. Steve Elder stated that the Commission is going to make that decision; they didn’t want to spend the money in the first place. Chair Warren can represent us, and he can negotiate with them on this. They may make the decision and not send it back to us. Elder doesn’t like the current lights and prefers the Micro lights, as they don’t blind him when he’s driving his car. His other complaint is that he doesn’t have a street light in front of his house.

Warren stated that the motion on the table is: 123 lights would be changed to Micro lights, the three Tuscawilla Road lights would remain the way they are now. Pernu stated that there are 126 total lights, but there are only 112 actual Micro lights and there are other lights that are in LED roadways in varying wattages but we were going to make them consistent across the board. There are 11 lights, 7 of them are at the ballpark which are 220w LEDs and 4 150w LEDs which we were going to make all 150s LEDs for consistency. You would be reducing the ballpark lights from 220w to 150w in response to complaints that the ballpark was too bright. You end up with 109 Micro lights. Attorney Parker suggested a motion to recommend adopting Duke’s proposal with the exception of leaving the three sample lights on Tuscawilla Road that are 40w 3000K.

***Amend the above motion and seconded (Elder/Johnson) to ask for a joint workshop with the Town Commission for the purpose of recommending acceptance of Duke’s proposal to change all the lights to the 50w Micro LED lights, except the three sample 40w 3000K LED lights on SE Tuscawilla Road; Passed 4-1 (Baron opposed)***

Chair Warren stated that this motion will be proposed to the Town Commission in January 2021. Baird questioned the motion and thought we were doing a second motion and Attorney Parker responded that the motion was amended several times to ultimately keep Duke’s recommendation excluding the sample lights on Tuscawilla Road. Chair Warren stated that we will be back to discuss this again.

Dorothy Pernu asked for clarification if you’re moving forward with the recommendation? Chair Warren responded that right now they are not recommending anything. The above motion is only for the summary he is going to write and present to the Commission. Baron misunderstood the motion and would not have voted against the motion if she had known that it was just for a summary. Steve Elder was also going to put in the summary that this is the best recommendation that we can come up with at this time. If the Commission wants to send it back to us; he would like to pass the decision off to them. Attorney Parker clarified that a motion was not necessary for this, as the motion was just for the purposes of a summary and that the Chair presented a summary every month, and Attorney Parker summarized that for the minutes the motion that was made and seconded and voted on was to ask for a workshop with the Commission and to submit a summary of what we talked about with a potential recommendation implementing Duke’s proposal minus the three lights on Tuscawilla Road, getting Commission feedback, and discussing at the next P&HPB meeting.

* Speeding on Tuscawilla Road and Seminary Ave – Possibility of more stop signs and/or speed humps – Discussion ensued.

Marian Baron stated that her understanding was that a workshop is scheduled and Stoney Slaton incorrectly confirmed that it is January 19, 2021 at 6:00 pm. However, that Town Commission workshop was scheduled to discuss Town Charter Changes. Chair Warren stated that Patty Polk reported to the Town Commission the P&HPB members desire to add *Stop* signs and speed humps. Whereas, Mayor Aufmuth appreciated Ms. Polk’s summary, he felt that a member of the P&HPB should present a monthly report to the Commission. Chair Warren will give a report to the Town Commission next month.

9. Board Member Comments:

* Marian Baron (Seat 1) – In general, she would love to see beautiful street lights, and she doesn’t like to make hasty decisions and feels that we should communicate with the community. She thinks the Town Hall holiday lights and other lights in Town look wonderful, but especially in front of Town Hall. We are getting there when it comes to the lighting issue and with the speeding issue.
* Ann B. Baird (Seat 2) – Town looks charming with all the decorations.
* Stephen (Dakota) Johnson (Seat 3) – He has been in this seat for one year and it feels comfortable.
* Stephen Elder (Seat 5) – He has been in this Town for thirty five years, and he likes very little change. He would like to know where were going with Alachua County’s Growth Management Area amendment that gives them the right to have planning purview over Micanopy and all other areas. Check out McIntosh, because they have layered out their entire Town underneath the historic district, and if the Growth Management amendment had happed in Marion County, McIntosh would be protected. If anyone wants to see their LDC, he has a copy he can forward through the Town staff. Chair Warren responded yes send it.

10. Chair Report Fro Warren (Seat 4) – Regarding Alachua County’s Growth Management Area amendment, Alachua County does not get to tell us what to do in Micanopy; but, if we annex property into Town they reserve the right to do zoning for that property. Attorney Parker responded that is correct and there is a map of the growth management area, and if the annexed land falls within that map area, then they retain that right. Her office is currently representing several other municipalities as well, the cities of Newberry and Archer are fighting a lawsuit with the County on the growth management area and they had a motion for summary judgment yesterday and they are waiting to get that ruling, but it will likely be February before we hear the results. Chair Warren discussed it with numerous people and none of them knew what they were voting for or against. In his opinion, the wording was so poorly written, that it should never have made the ballot. Is that the crux of the lawsuit? Attorney Parker agreed stating absolutely it was not clear. Ann Baird stated that it read like it was a conservation to her understanding.

Chair Warren questioned if it is true that Alachua County put a six month moratorium on building permits in the county for major developments. Attorney Parker stated that she is not sure about that.

Chair Warren stated that at the last Town Commission meeting, a former member of this Board, Tom Brady, was handed a wonderful proclamation in which he was recognized for all his years of service to the Town. Chair Warren wants to also say that he loves what Tom has done for this Town and that we should carry on what has been laid down for us.

Chair Warren asked if the suggestion to change the footprint for commercial buildings was brought back up? No, he will bring it up at the next Commission meeting.

As for the sun dial and vegetation in the northern-most downtown median, he doesn’t have an answer yet; it is still on his agenda. Stoney recommends moving the sun dial to the southern-most island and will draw up a plan to give to Chair Warren to present to the Commission.

11. Adjournment 8:50 pm.

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MINUTES APPROVED:

As submitted\_\_\_\_As amended\_\_\_\_ at Planning & Historic Preservation Board Meeting\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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JP Warren, Chair Patty S Polk, Recorder