



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

Meeting Minutes
August 23, 2022

Commissioners Present

Robert Wesley, Chair
Carol-Anne Blower, Vice-Chair
Lynn Sorenson, Secretary
Harry Ryan
Leora Campbell
Robert Jewell

Staff Present

William Vandercook, Zoning Coordinator
Joanne Gurley, Assistant City Attorney
Jonathon Mateen, Planner I

Absent:

April Cook-Hawkins

ROLL CALL:

Chairperson Wesley called the meeting to order at 5:43 p.m. Roll was taken, and a quorum was present.

The meeting was held both in-person in the Council Chambers and via Zoom and phone conferencing as approved.

Roll Call:

Commissioner Ryan: appearing in-person
Commissioner Campbell: appearing in-person
Commissioner Blower: appearing in-person
Commissioner Jewell: appearing in-person

Commissioner Cook-Hawkins: absent
Commissioner Sorenson: appearing in-person
Chairperson Wesley: appearing in-person

ADDITIONS/CHANGES TO THE AGENDA:

William Vandercook asked that the case reviews be moved to the September 13th, 2022 meeting. Mr. Vandercook stated **Operation Grow, dba butter – 1110 Tower St.** is under review by the Attorney's Office for the four medical grow licenses. **Green Buddha III, LLC – 408 S. Center Rd.** has a legal opinion prepared that is under review by Zoning staff. **Holistic Vibes Flint, LLC – 2849 Miller Rd.** has a letter that is prepared that is under review by Zoning staff.

Commissioner Blower asked that posting agendas online be added under Old Business.

Commissioner Campbell asked that the two hour-long marihuana informational videos that were mentioned in the previous week be added under New Business.



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ADOPTION OF THE AGENDA:

Commissioner Wesley asked for a motion to approve the agenda. Commissioner Jewell motioned to accept the agenda as amended. Commissioner Blower seconded the motion.

M/S – Jewell/Blower
Unanimously carried by voice vote

MINUTES OF PREVIOUS MEETINGS:

Minutes of August 9, 2022

Commissioner Jewell asked Mr. Vandercook for clarification if “butter” in Operation Grow dba butter was meant to be lowercase. Mr. Vandercook confirmed it is correct.

Commissioner Sorenson noted on Page 3 that ‘Class C’ could be capitalized.

Commissioner Jewell made a motion to approve the minutes of August 9, 2022 as clarified and corrected. Commissioner Campbell supported this motion.

Roll Call:

Commissioner Ryan: yes	Commissioner Cook-Hawkins: absent
Commissioner Campbell: yes	Commissioner Sorenson: yes
Commissioner Blower: yes	Chairman Wesley: yes
Commissioner Jewell: yes	

M/S – Jewell/Campbell

6 yes – 0 no – 1 absent

The motion carried.

Minutes of August 17, 2022

In reference to Page 3, Commissioner Jewell asked Commissioner Blower for clarification if “food truck” was meant to describe a mobile unit and that “mobile marihuana truck” is an accurate description. Commissioner Blower agreed.

Commissioner Sorenson noted on Page 4 that “collocated” was spelled differently than in the ordinance as “co-located” and that a common spelling could be decided. Commissioner Sorenson also wondered if “licensce” in State licence needed to be capitalized.

Commissioner Campbell noted on Page 2 that standalone had an extra space in the word.

Commissioner Campbell made a motion to approve the minutes of August 17, 2022 as corrected. Commissioner Blower supported this motion.



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Roll Call:

Commissioner Ryan: yes

Commissioner Campbell: yes

Commissioner Blower: yes

Commissioner Jewell: yes

Commissioner Cook-Hawkins: absent

Commissioner Sorenson: abstain

Chairman Wesley: yes

M/S – Campbell/Blower

5 yes – 0 no – 1 abstain – 1 absent

The motion carried.

PUBLIC FORUM:

Victor Korea spoke on the differences of Microbusinesses and Class A Microbusinesses and asked if the Commission has a plan to accommodate the two in the Marihuana Ordinance. Mr. Korea also asked if there was a plan to move forward with consumption licenses.

Commissioner Jewell noted that it may be relevant to include Mr. Korea's commentary to the public hearing comments.

PUBLIC HEARINGS:

Permanent Marihuana Ordinance

Mr. Vandercook noted that discussions were on different ordinances, one being 50-183 which the Commission has revisions for. The other ordinances are 50-161, 50-163, 51-164, and 50-169. Mr. Vandercook noted there was a request for Group E's to not be allowed in D-2 or D-3 zoned districts, only in D-5 and D-6 zoned districts as currently allowed in 50-183. Mr. Vandercook also noted that in 50-161, 50-163, 51-164, and 50-169 Group F's are allowed to be placed in a D-5 and D-6 zoned districts, while 50-183 only allows them to be placed in E, F, and G zoned districts. Mr. Vandercook requested 50-161, 50-163, 51-164, and 50-169 be changed to reflect 50-183.

Attorney Gurley stated the ordinances that Mr. Vandercook referenced are ordinances that should be in the new Zoning Code and are not standalones. These should be checked against the Zoning Codes that were approved by the Planning Commission and City Council.

Page 1

Attorney Gurley noted a change from Marihuana Regulatory Agency to Cannabis Regulatory Agency and this change is consistent throughout the ordinance.

Attorney Gurley noted the addition of Temporary Marihuana Event (TME) license, which the Commission needs to discuss if this will be an included license or not. Under these changes it would be



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considered a Group E Special Regulated Use. The explanation of what a TME is was moved to a later section of the ordinance.

Page 3

Attorney Gurley noted the addition of the Class A Marihuana Microbusiness license, another item the Commission will need to discuss on whether to include this license.

Page 4

Attorney Gurley noted the explanation for Class A Marihuana Microbusiness is on this page and continues onto Page 5.

Page 6

Attorney Gurley noted the definition of Enclosed, Locked Facility has been updated to match the State's definition, with "registered qualifying patient" language removed.

Page 7

Attorney Gurley noted a renumbering for number 10, also including Licensed Home-Based Childcare Centers language. There is a subsequent renumbering up to number 17.

Page 8

Attorney Gurley noted language identifying the Medical Marihuana Facilities Licensing Act and Michigan Regulation and Taxation of Marihuana Act was added along with an added acronym for the Michigan Medical Marihuana Act.

Page 9

Attorney Gurley noted the removal of "..., as determined by the City Assessor's Office." in number 24. Places of Worship.

Attorney Gurley noted renumbering on this page. Attorney Gurley also noted under number 30, Temporary Marihuana Event is now included.

Mr. Vandercook asked if the zoning district designations would be changing. Attorney Gurley stated she believed Corey Christensen would be changing the zoning designations.

Page 10

Attorney Gurley noted the definition of Usable Marihuana was added.

Attorney Gurley noted that if a TME license will be offered, number 34 Designated Consumption Establishment will need to be addressed.



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Page 11

Attorney Gurley noted number 37 defines what a TME license would entail, including locational restrictions and defines what a youth center is.

Page 16

Attorney Gurley noted the addition that a background check will be in accordance with the master fee schedule.

Page 18

Attorney Gurley noted the addition of licensed home-based daycare center, youth center, substance use disorder center, and substance use disorder rehabilitation center which are licensed by the State.

Page 19

Attorney Gurley noted the addition of an attestation for applicant's stating that they could be sanctioned for violating the City's Ordinance after their license has been expired under State law.

Page 22

Commissioner Jewell noted number 8 has two asterisks and asked if they are of relevance. Attorney Gurley stated they were in the sense that this was one of the provisions requested by Mr. Vandercook.

Page 24

Attorney Gurley noted there was renumbering, and a definition added for Restricted Access which is accordance with State law.

Page 25

Attorney Gurley noted there was renumbering.

Chairperson Wesley asked if the language regarding drive-thru windows was stricken and asked if there had been examples identified. Attorney Gurley answered that this is a discussion item for the Commissioners to decide if this is something they want to make available.

Attorney Gurley noted this is where Class A Marihuana Microbusiness is defined and lists requirements.

Commissioner Jewell asked if this item was moved and related to State definitions and requirements per prior discussions. Attorney Gurley confirmed it was.

Page 41

Attorney Gurley noted under letter M. that the operating hours for the marihuana facilities retail, microbusinesses, and provisioning centers are from 8:00 am to 9:00 pm when it originally ended at 7:00 pm. This was a change suggested to coincide with the operating hours in surrounding communities.



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Page 42

Attorney Gurley noted that language for drive-thru windows was stricken. Attorney Gurley added that this is a discussion item for the Commission, but it is originally added so that drive-throughs will not be in the city.

Page 46

Attorney Gurley noted under letter N. there is a TME license which coincides with how the State defines a TME.

Page 47

Attorney Gurley noted under letter O. for the location of Group E Special Regulated Uses, licensed home-based daycare centers, youth center licenses, substance use disorder centers, and substance use rehabilitation centers licensed by the State were added to be a part of locational restrictions.

Attorney Gurley noted the locational restrictions under P. also includes licensed home-based daycare centers, youth center licenses, substance use disorder centers, and substance use rehabilitation centers licensed by the State.

Mr. Vandercook reminded the Commission that the zoning districts would need to be changed to reflect the future zoning districts.

Attorney Gurley noted under letter Q. that the location of Group G Special Regulated Uses added the language licensed home-based daycare centers, youth center licenses, substance use disorder centers, and substance use rehabilitation centers licensed by the State to locational restrictions.

Commissioner Blower asked if the Class A Marihuana Microbusiness would be a Group G Special Regulated Use. Attorney Gurley confirmed that is where it is placed now.

Page 50

Mr. Vandercook noted this page has zoning districts that will need to be updated.

Page 52

Attorney Gurley noted under Lawful Nonconforming and Grandfathered Locations, language stating "...and will become a legal nonconforming use." was stricken.

Page 53

Attorney Gurley noted under letter R. language of licensed home-based daycare centers, youth center licenses, substance use disorder centers, and substance use rehabilitation centers licensed by the State was added.



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Page 54

Attorney Gurley noted under letter U. the addition of police background check fees in accordance with the master fee schedule.

Page 61

Attorney Gurley noted a year and name change of the City Attorney.

Chairperson Wesley opened the floor to public comments.

Danny Amori spoke, stating that the Draft Ordinance was inaccessible online and that regarding the current Marihuana Ordinance the plant count for a Group F – Adult-Use Class C Grow is 1,500 plants but State law has it set at 2,000 plants. Mr. Amori requested that the 1,500 plant count be brought in line with State defined plant counts for adult-use, as the 1,500 plant count is for Medical Class C Grows.

Mr. Korea spoke more on Marihuana Microbusinesses and the reason the Class A Micro Businesses were created by the State. Mr. Korea stated there are no microbusinesses operating under the current designation because operating with 150 plants is unsustainable because they cannot purchase flowers from other growers, adding that Class A Microbusinesses are allowed up to 300 plants. Mr. Korea also spoke favorably of consumption licenses.

Chairperson Wesley closed the public comments.

Commissioner Sorenson noted on Page 5 that she is not sure if class a, class b, and class c should be capitalized. On Page 8 taxation is misspelled. On Page 30 under number 20 the word ‘of’ should be inserted in the section to replace “or”. On page 31 under number 7, a comma should be inserted after building. Commissioner Sorenson noted on Page 33 the same question if class a, class b, and class c will be capitalized. On Page 43 if the drive-through section will be removed this section will need to be renumbered. On Page 52 under number 3, it should read “section R.” not “section Q”. On Page 54 under letter T., there is needed renumbering.

Commissioner Jewell expressed concerns with allowing drive-thru windows, stating that there could be concerns with security, process, and procedure. Chairperson Wesley asked if any research was done on other communities that have facilities with drive-thru windows and what their experience is.

Chairperson Wesley stated he is not in favor of drive-thru windows but emphasized the need to investigate. Commissioner Sorenson added that originally you needed a medical marihuana card to enter a facility, but as this is not relevant anymore, asked what kind of security may be needed.

Commissioner Jewell responded that it is his understanding that medical provisioning, adult-use retail, and grow facilities have business that is conducted inside and related security both internally and externally. Commissioner Jewell added that there may be other concerns or issues to address with drive-thru windows and noted that there is a timeline to follow for the Proposed Marihuana Ordinance.



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Commissioner Jewell brought up the Temporary Marihuana Event license as a prior topic of discussion. Commissioner Blower expressed concerns about enforcement and how they would look in the city. Commissioner Jewell asked if it was within the purview of the Commission to establish conditions on a Special Regulated Use. Mr. Vandercook confirmed and added clarification pointing to Page 22 - F. License Evaluation – (7), reading “The Planning Commission may further impose any conditions or limitations upon the establishment, location, construction, maintenance or operations of regulated use as may in its judgement be necessary for the protection of public interest.” Commissioner Jewell noted a concern of enforcement, however, that does not invalidate the Commission’s ability to ask for certain criteria to be fulfilled and possibly with the requirement of informing staff when conditions are met. Commissioner Blower clarified that she was talking about concerns that were not necessarily things that could be addressed when for example reviewing a site plan and are more concerns with the ordinance itself that should be addressed now before moving forward with the ordinance. Commissioner Sorenson asked if a TME organizer could apply for a license to hold an event in another event such as Back to the Bricks and expressed concern that TME licenses need a lot more work. Commissioner Sorenson also expressed concern over the organizer being able to decide who can participate as well as whether businesses in other communities would be allowed to participate in TMEs or if they would be reserved for Flint businesses. Commissioner Sorenson expressed more concerns that the TME license in the Ordinance is not detailed enough and is loose ended. Attorney Gurley stated the TMEs are like craft shows in that the organizer could take applications from vendors or have vendors already in mind, however, all the vendors will need to be licensed by the State of Michigan. Attorney Gurley added that there has not yet been an opportunity to discuss this license with Flint Police or the County as to their thoughts and if they could patrol these events. The license can run from 1 day to 7 days and this must be pre-approved 90 days in advance on the State’s side, with other responsibilities falling on the City such as ensuring operating hours are being adhered to, signage is appropriate, making sure there are products on locked facilities, etc. Commissioner Sorenson asked if TMEs would be open to anyone who is licensed in the State of Michigan. Attorney Gurley confirmed. Commissioner Sorenson asked if the organizer needs to be licensed by the State of Michigan. Attorney Gurley confirmed an organizer needs to be licensed to get a Marihuana Event Organizer license through the State.

Mr. Vandercook suggested locational standards for TMEs. Commissioner Blower agreed and asked Attorney Gurley if it was correct that the Ordinance does not set locational standards for TMEs. Attorney Gurley confirmed. Commissioner Blower further asked if these specific events could potentially be held in parks and residential areas. Attorney Gurley confirmed, adding that constraints can be added by the Commission. Chairperson Wesley stated that TMEs should only be allowed in areas that permanent facilities are allowed to be regarding zoning. Commissioner Jewell noted his agreement along with Commissioner Campbell. Commissioner Ryan asked if there would be any legal issues if the City added locational restrictions not found in the State’s definition of TMEs. Chairperson Wesley stated he did not believe the State license governs over local municipalities. Attorney Gurley agreed with Chairperson Wesley, adding that if a municipality does not prohibit a certain license, then they are able to get a State license, but a part of the attestation process for the applicant with the State



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is that it is not prohibited in that municipality. While the State offers these licenses, the City is not obligated to offer them.

Chairperson Wesley referenced Page 53, Lawful-Nonconforming and Grandfathered Locations, asking if this section removes a grandfather status if a business has not been operational for more than 30 days. Attorney Gurley stated under the original verbiage there is an issue, and that excluding the last line would allow a license to be revoked due to nonoperation. Attorney Gurley stated this issue may be that the original language was intended for the original locations that were operating prior to the City's marihuana ordinances going into effect. Commissioner Blower asked if there is language in the ordinance that specifies a license is revoked after 30 days of a business be closed. Attorney Gurley stated she believes there is in the zoning code, not necessarily in 50-183. Mr. Vandercook noted that it is both in the zoning code and in 50-183 R. (3) on Page 51. Commissioner Campbell noted that in the minutes for August 17, 2022 the speaker said that as far as the State is concerned grandfathering was eliminated as of 2017 and if that is the case why is it still in the ordinance. Mr. Vandercook noted the reference of 50-162 in R. (3). Attorney Gurley noted the language refers to a Special Regulated Use and that a grandfathered status is a higher status that is difficult to abolish, and these can morph into a legal conforming use which is the highest status a facility can have. Mr. Vandercook expressed that he wishes to continue this conversation with Attorney Gurley regarding specific locations.

Mr. Vandercook asked for clarification under F. on Page 22 Limited Administrative Approval, if a Group E medical would allow the administrative approval of a Group E Adult-Use as the Ordinance states "related license". Additionally would a Group F Medical Grow allow for administrative approval of a Group F Adult-Use Grow. Attorney Gurley stated that at tis point this issue is a case in the circuit court and that interpretation of that section could change and she does not have an answer at this time. Mr. Vandercook noted the Zoning Coordinator has the right to pass cases on to the Planning Commission.

SITE PLAN REVIEW:

N/A

CASE REVIEW:

Applicant Case Review

All cases were adjourned to the September 13th, 2022 meeting.

City Council Action on Planning Commission Recommendations, Suzanne Wilcox, Director of Planning and Development

Mr. Vandercook sated that Ms. Wilcox is not online tonight and that he does not have a report at this time.

Commissioner Jewell read the memorandum dated August 19, 2022 that was provided in the Commissioner's packet regarding these cases.



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Zoning Board of Appeals Meeting Update

Jon Mateen said there was one application for a nonuse variance to allow for a 50% reduction in parking. This site plan will be presented to the Planning Commission in the coming weeks. The Zoning Board of Appeals discussed having a Planning Commission representative. Mr. Mateen noted that this topic has come up before and that they would like a representative to be appointed. Mr. Mateen also discussed the conversation the ZBA had on the PC representative being able to speak and vote on all matters except for those that have previously appeared before the Planning Commission. Chairperson Wesley stated that he will ask for a volunteer once the Planning Commission is back to a full number of commissioners. Commissioner Blower stated she had not voted on any appeal from the Planning Commission and that her role changed multiple times, stating there was a time where she presented at the beginning of a meeting, there were times where she would give a neutral report at the beginning of a PC appeal case by reading from the minutes stating what happened at the Planning Commission meeting, and then towards the end she was to recuse herself completely. Commissioner Blower stated that at that point she felt the role was effectively eliminated as she was not there to vote or speak on other matters, adding that the role changed as there were different Chairs and different City attorneys and that she felt the role had dissolved if she was not acting as a reference between the two bodies.

REPORTS:

Status of the draft Zoning Ordinance

Mr. Vandercook stated that it is his understanding that the draft Zoning Ordinance will be adopted October 29th, 2022.

Status of the Permanent Marihuana Ordinance

Attorney Gurley asked if she was keeping the Temporary Marihuana Event license in and the drive-throughs. Chairperson Wesley asked if not having drive-throughs in the Ordinance would signal that they are allowed. Attorney Gurley stated yes because the current marihuana ordinance prohibits them. Chairperson Wesley stated he thinks they should be left as prohibited until further research is done on this topic. Attorney Gurley asked about the TME licenses again, adding that with TMEs you can have product sales, or product sales and consumption which would require an On-Site Consumption license. Commissioner Blower states she does not feel comfortable with the TME license at this time and would like more clarification and discussion on enforcement and the location issues. Commissioner Sorenson agreed. Attorney Gurley asked for a formal vote on the three issues, these issues being the Temporary Marihuana Event license, the drive-through, and the Class A Marihuana Microbusiness.

Commissioner Blower asked for clarification on the finality of the proposals they are making. Commissioner Jewell stated it may be appropriate to work the proposals so that it is clear the Planning Commission will not include them at this time and will review them in the future.



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Commissioner Blower made a motion to not include the Temporary Marihuana Event license in the draft Marihuana Ordinance pending further discussion at a later date. Commissioner Sorenson seconded the motion.

Commissioner Jewell asked Commissioner Blower about the difference of using the word draft versus proposed and the addition of the word ‘Permanent’ as well as amending the proposal to say, "for discussion at a later date". Commissioner Blower agreed and clarified the motion to say proposed “Permanent Marihuana Ordinance”.

Commissioner Blower amended the motion to say, “to not include the Temporary Marihuana Event license in the proposed Permanent Marihuana Ordinance for further discussion at a later date.” Commissioner Sorenson seconded the modified motion.

Attorney Gurley suggested that after the three motions, the Commission should make a proposal to send this to City Council.

Commissioner Jewell called a point of order, stating there is presently a motion on the floor which is one of three that is recommended by the attorney, Commissioner Jewell said he thinks it is best that these three are voted on so that Attorney Gurley is clear on the Commission’s intentions for these items. After this it would be appropriate to determine what additional review is appropriate before sending it to Council. Chairperson Wesley noted the time constraints involved and said that amendments can be made after the Permanent Marihuana Ordinance is adopted. Commissioner Jewell added that the motions being made are for Attorney Gurley to have a clear understanding of what the Commission desires for these three issues and they are not for Council. Commissioner Campbell discussed the importance of being firm in their decisions before the Ordinance is sent to Council. Commissioner Jewell highlighted the differences between the motions requested by Attorney Gurley and the formal resolution to send the Ordinance to Council.

Roll Call:

Commissioner Ryan: no

Commissioner Campbell: no

Commissioner Blower: yes

Commissioner Jewell: yes

Commissioner Cook-Hawkins: absent

Commissioner Sorenson: yes

Chairman Wesley: yes

M/S – Blower/Sorenson

4 yes – 2 no – 1 absent

The motion carried.



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Commissioner Jewell made a motion to leave in the Ordinance, the prohibition of drive-through licenses in the proposed Permanent Marihuana Ordinance. Commissioner Blower supported the motion.

Roll Call:

Commissioner Ryan: yes
Commissioner Campbell: no
Commissioner Blower: yes
Commissioner Jewell: yes

Commissioner Cook-Hawkins: absent
Commissioner Sorenson: yes
Chairman Wesley: yes

M/S – Jewell/Blower

5 yes – 1 no – 1 absent

The motion carried.

Commissioner Blower made a motion to include the Class A Marihuana Microbusiness license in the proposed Permanent Marihuana Ordinance. Commissioner Sorenson supported the motion.

Roll Call:

Commissioner Ryan: yes
Commissioner Campbell: yes
Commissioner Blower: yes
Commissioner Jewell: yes

Commissioner Cook-Hawkins: absent
Commissioner Sorenson: yes
Chairman Wesley: yes

M/S – Blower/Sorenson

6 yes – 0 no – 1 absent

The motion carried.

Commissioner Jewell stated that he felt it was appropriate for Attorney Gurley to take the motions that were made, make the edits, and propose in an appropriate format the resolution that the Planning Commission is to send to City Council.

Commissioner Ryan called a point of order, asking Attorney Gurley if this is the last draft before going to City Council. Attorney Gurley responded that it is what she is intending.

The Commission discussed the possibility of a special meeting. Chairperson Wesley set September 7th at 5:30 pm for a special meeting for the resolution from Attorney Gurley.

Planning Commission Vacancies and Expired Terms, Bill Vandercook, Zoning Coordinator

Mr. Vandercook stated staff is working with the Clerk's Office to get an updated Ward boundary map and to determine the proper term staggering.



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Website Update

Mr. Vandercook stated that Ms. Wilcox has met with City staff to address the website and that there are still issues that need to be addressed.

RESOLUTIONS:

OLD BUSINESS:

Online Agendas

Commissioner Blower stated that she would like this to be a recurring item on the agenda while this situation is ongoing.

NEW BUSINESS:

CRA Video Presentation

Chairperson Wesley asked Attorney Gurley to send the 2-hour video from the CRA mentioned in previous meetings to the Commission.

ADJOURNMENT:

M/S – Blower/Sorenson

Unanimously carried by voice vote.

Meeting adjourned at 8:31 PM.