

CITY OF BURTON
SPECIAL PLANNING COMMISSION WORKSHOP MINUTES
MARCH 2, 1999, 5:00 P.M., COUNCIL CHAMBERS

THE REGULAR MEETING IS CALLED TO ORDER BY HOMER BERRY AT 5:00 P.M.

MEMBERS PRESENT: Berry, White, Perez, Walls, Bertram, Brawner, Grantner

MEMBERS ABSENT: Bertram, Mayor Smiley

OTHERS PRESENT: Doug Piggott, Rowe Engineering, Jeff Major, DPW Director, Attorney Richard Hamilton, Julie Adams, Clerk's Office.

PURPOSE OF THE MEETING: Workshop on Master Plan

PRESENTATION:

Mr. Piggott said at the last meeting there was discussion on alternative concepts regarding the Plan, presented by the DPW Department and the City Attorney. He was asked to review the concepts and present them to the Planning Commission in a format where the Commission can compare and contrast their thoughts in relationship to the original concept presented two meetings ago. The general principle they were looking at, changing or proposing as alternative, starts with the open space concept. In the original draft future land use map concept they proposed, most of the undeveloped land particularly in the southeast quadron would be incorporated into a new zoning classification that would promote open space development by encouraging development. When the lot was developed and the parcel split, the density of development would increase if the developer agreed to provide a portion of the site as open space. The details would have to be worked out when the ordinance was adopted, but it would be an incentive based approach in that regard.

Mr. Piggott spoke further regarding areas on the map that represents schools, other government areas, former right-of-ways, Consumer Power right-of-ways, drain easements and flood plains. Those areas could be left open, and would allow for open space, and the remaining property could be zoned to R-1A and still have a network of open space within the community. One of the concerns driving this concept as an alternative to the open space, is recognition that the open space district, depending on how it is structured, could be viewed by developers as an additional burden to development in a community as comparison to the current districts. Mr. Piggott said their feeling was that the development that occurred within the City, in the last seven or eight years, has occurred because the City is viewed as being development friendly and worked towards providing a circumstance where people who want to develop in the community can do so. If regulations are adopted that are too restrictive, it could turn off the cap and result in a significant drop in the amount of development in a community, stopping the growth and property values that allow the City to expand their services to residents.

Mr. Piggott spoke at length regarding Commercial Development. He indicated that in the initial conceptual plan that was presented to the public and Planning Commission, they proposed three general commercial areas. Two at the interchanges and one along Saginaw Street, and that would be the two primary commercial areas with the intention being, other commercial areas would be primarily corner type of developments providing a neighborhood level of commercial services to the residents of that area. Mr. Piggott said that results in implementing that, the original proposal they submitted as far as the future land use map, would allow significant amount of re-zoning of property that is currently zoned for commercial land along Center Road down to either office or single family residential uses. Some of this land is currently being used for single family residential and some are vacant, but because of the fact it does not comply with the concept, in essence the development had occurred at the amount that was proposed in the current zoning ordinance. You would end up with a fourth commercial district which would be the entire length of Center Road, from interchange south. They are trying to reflect what they viewed as being the agreement of the Planning Commission with the idea of having three commercial areas.

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Mr. Piggott spoke regarding the C-1, C-2, and C-3 zoning. He indicated they proposed to combine the commercial districts into one district, and make gas stations and other uses like that into a special use permit. He spoke further regarding neighborhood level commercial, down-zoning and other commercial uses.

Mr. Berry inquired regarding C-1, C-2, and C-3, and if adult entertainment fit in that or a special use permit.

Mr. Piggott stated it should be addressed as you draft zoning legislation regarding that specific issue, and that may also be a reason for maintaining one separate district. He spoke further regarding problems with adult uses, and of establishing criteria that would affect the location, and special use permit. Mr. Piggott said when drafting your zoning ordinance, you probably want to look at maintaining the adult uses in a district that is relatively easy to control and not widespread throughout the community.

Brief discussion following regarding C-2, C-3 zoning, gas stations and other uses. Attorney Hamilton stated the differential between C-3 and C-2, is primarily that a C-2 requires all activity be within an enclosed building, where C-3 are uses that have outdoor functions, such as car dealerships where they are displaying outdoors, motels, or where part of the business is outdoor activity.

Mr. Piggott spoke regarding high density residential development areas. In the original concept, one of the items proposed was combining the three high density residential zones R-M, R-M1, and HRM into one district and making the more intensive uses that are permitted in the R-M1 and HRM by special use permit. There are instances where density permitted is more significant than other higher zoning classifications. High rise apartments are not permitted except in the HRM district. It was discussed that you could rationalize the three by having one district, and have the more intense uses permitted by special use permit. Mr. Piggott said one of their goals was to more directly relate the zoning map to the general land use classification. There are three residential and use classifications in the previous land use plan, but you had eight zoning districts. He indicated it is hard to make the connection between how the zoning relates to the Master Plan because the one land use classification could represent three different zoning districts. They are proposing more of a direct connection between the land use classification and the zoning classification that are represented if you were to implement the plan. In doing that, it will cut down on some of those classifications.

Mr. Piggott said in their recommendation for land uses for high density residential classification, is to group them around areas of either cluster commercial development, or existing areas of high commercial development, with the expectation the development will include pedestrian pathways connecting to these commercial areas so people living in these complexes could walk to where they work, or shop. Again, taking advantage of the density of the development and putting them in close proximity to commercial uses. Mr. Piggott said they recommended a couple of spot locations throughout the City where high density residential uses proposed serve as a buffer between low density residential or at least single family residential development, and other more intensive uses. Mr. Piggott said they also recommended some changes regarding taking multi-family residential out of the total list of uses. They proposed by the interchange at Center Road to take an area designated previously high density residential, and move it to shopping center commercial. It will expand the amount of shopping center commercial and promote that area for a shopping center district.

Mr. Piggott said they recommended two areas that were not currently designated, such as property north of the drain and south of the Grand Trunk Railroad right-of-way off Genesee Road, would be converted from a light industrial classification to a multi-family to serve a better buffer between the single family residential development to the south, and general industrial designation to the north. In addition, they opposed the idea of combining the various zoning classifications into one primarily for the reason when making a zoning decision, it is easy to defend the decision then if it is an administrative decision like a special use permit, because you always have the presumption of validity.

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COMMISSION DISCUSSION:

Mr. Berry stated he is in favor of the alternative concept.

Mr. Grantner said he likes the original from his perspective because of the word development, and stated further, when you look at the open space you designated, that is pretty much status quo. That is what exists right now and he does not see that changing, there is no development there. At the series of meetings and the input obtained, the concern was what is going to happen in all of this other land which is all the room we really have for significant development. The only real concern is the one issue raised whether or not this would be viewed as friendly to developers coming to the City. Mr. Grantner said what he has seen the last four or five years when we talked about wanting to do this kind of thing, most of developers said, we will work with you. So he does not see this as an overriding factor to throw it out. The original concept more accurately reflects where we were going in the first place.

Mr. Brawner asked if the original concept is going to be more restrictive for people wanting to build.

Mr. Piggott indicated yes, as it is outlined. The concept as outlined suggests a density development. If zoning is established and development is approved, in order to get the same density development if zoned R-1A today, you would have to give up 20% of the buildable land on that property as some form of open space. One approach that may be a compromise if you want to maintain the open space concept but want to make it more attractive to development, is to increase the density somewhat. As currently proposed in the plan, the developer would get the same number of lots as they would under R-1A, but the lots would be smaller because 20% of the buildable land would have to be given up for open space. Most developers would view that as being more restrictive. Under R-1A they would always have the right to develop open space if they wanted to, but this makes it mandatory if they want that same density. The open space concept is not mandatory and you can always develop using regular lots, but the density would be the same as SE, so there is a significant incentive to provide the open space.

Mrs. Walls inquired as to right-of-ways, wetlands and other areas where FIMA bought out as being open space.

Mr. Piggott said some of the wetland areas are considered open space. He does not have an accurate map of all the wetlands in the City, or know if they can be developed or not. The flood plains that have been mapped, drainage easements, publicly owned land and highway right-of-ways are shown on the map as being open space. He does not know if FIMA is prohibited from selling the property but under FIMA regulation, a piece of property is non-buildable below the high water level and below the flood plain, but it can be developed above it. So if an individual was willing to incorporate flood proofing elements into the site and build the building above the flood elevation, they would be allowed to build.

Mrs. Walls expressed her concerns regarding telling a developer they have to leave 20%. She stated that the lay of the land sort of directs that anyway and possibly all of their land would not be suitable for building, but to tell them they have to have 20% is exorbitant. She indicated she is for the alternative concept.

Attorney Hamilton spoke briefly regarding various areas on the map of significant pieces of land they felt would always be in open spaces. He discussed areas such as For-Mar, Brookwood, school properties, Consumer and railroad right-of-ways, and drains. Attorney Hamilton stated that setting aside his position with City, and giving a little benefit of his experience with developing and selling land in this area, people that develop land in the City of Burton are competing with people that develop land in Genesee Township, Grand Blanc Township, Davison Township, Flint Township, etc. This is a market place that is affected by what we do in Burton, because in the market a lot of times what is more critical than the township lines and City limits, is the School district lines for market acceptance.

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Attorney Hamilton continued, that the problem of selling lots for residential development, is if you are going to go into a situation where to get the same number of lots for a parcel you have to designate 20% of the land, then not only are you making 20% of the land non-productive, you are actually reducing the size of the lot someone is going to buy. Attorney Hamilton spoke further regarding substantiating the costs to develop the land, putting in the sewer, water, curb and gutter, roadway, gas, electric and power. Mr. Hamilton said there is an additional problem of the 20% set aside of defining the responsibility for maintaining. Some of this land that will be developed residential is former agricultural fields that will go to weeds unless someone maintains it. Generally, the City is not anxious to take on small little parks in subdivisions. There are very few successful subdivisions associations that are able to maintain them. Killarney Park has a small park they maintain, but he cannot think of another subdivision community in the City that has maintained a subdivision park with private funding. The issue of taxability of those common areas is another issue. Attorney Hamilton re-iterated they are taking inventory of where we are, what is open space and what is available. He stated that you don't want to put a Burton developer at a disadvantage compared with a Davison or Grand Blanc developer.

Mr. Major spoke regarding Grand Blanc Township's open space plan and possible problems with it.

Mrs. Dargel commented regarding Hamburg Township's presentation at the City of Fenton's meeting.

Mr. Major suggested possibly reviewing and/or speaking with them before they enact it, and find out if it has affected them positive or negatively.

Mr. Piggott spoke at length with regards to Fenton Township and Hamburg Township. He indicated Hamburg Township has established an open space district as an incentive model that they have proposed here. The difference between the density permitted by right and density permitted by incentive, was not significantly different. Since adopted about 6 years ago, they had 34 subdivision developments and 33 of the developers chose the open space approach. Mr. Piggott spoke further regarding density, lot size and the cluster concept.

Attorney Hamilton said they have a different situation in Fenton Township, and they do not have universal utilities like we do. There are vast portions of that township that have no utilities, and we are virtually completely sewer and water. They also have primarily an upscale market and you will find that the upscale will accept a higher density with cluster styling, better than the more affordable housing. Attorney Hamilton spoke further regarding market incentives.

Mr. Major suggested comparing Fenton and Hamburg Township to the City of Burton. He inquired if Hamburg Township is another upscale community, and the City of Burton are more of a working class community.

Mr. Piggott said he does not think that necessarily the open space is a commodity that only affluent couples can appreciate. Studies done of affluent developments that have occurred in other states show there is a 10-20% bonus in the value of those parcels in comparison to similar size parcels, without the open space. Mr. Piggott spoke further regarding studies that were done approximately 6 years ago on open space developments in the Connecticut River Valley, and that it documented increased values for parcels in open space. Mr. Piggott said Hamburg Township is relatively an affluent and rural community and spoke further of their size lots.

Mr. Piggott said a potential or compromising approach between the two concepts would be if there was established an open space classification rather than using the SE as the base entity. The R-1A would be used as the base entity, and then provided in the order of a 20% to 50% bonus density for the open space as the approach. The density by right would be the R-1A density, which is the recommended alternative, but you would still maintain a bonus incentive to provide the additional open space, if the market would bear it. Mr. Piggott stated further, that if it is rezoned to just an R-1A, there are provisions in the ordinance to allow for open space, but no incentives because they do not get any more units. If developers feel the market primarily recognizes large lots compared to open space, they will not do it. If they can get 70 building sites on the property to 90 sites, it may be worth it to them to take the risk to cluster into smaller lots and provide the open space because there is financial benefit at the end of that risk. The total density of development within the City would increase beyond the density then if you simply rezoned all the property that is currently SE to R-1A.

Mr. Major spoke regarding homeowners boats, motor homes, snowmobiles and trailers and stated they will end up in the back yards of new subdivisions. He said if you narrow those lots down, everything will sit out in the front yards. Burton is still an area where residents love their toys.

Attorney Hamilton said from experience, the biggest lots go first, even if they are priced higher. People want their ranch and their areas. He inquired as to when was the last time they did a new subdivision in other than an R-1A.

Mr. Major said Sabo's subdivision might have been an R-1B except the fact he was almost forced to do the open space concept because of the flood plains, and had to do it that way to make it work.

Mr. Piggott spoke briefly regarding the areas on the map that is zoned R-1B.

Mr. Perez said he likes the concept of preservation of certain lands, but he is not certain you could turn that into a nice park area. The only way you could really maintain it is to collect an association fee, and is that enforceable? He does not like the idea of getting below three units per acre because you are getting into a situation of not being able to get into the back yards. Mr. Perez spoke further regarding small lots and said he does not like the idea of everyone having to come to the Zoning Board of Appeals for variances, and that we may be making a lot more work for ourselves than we need to. He inquired as to how to make it mandatory that someone preserves a certain amount of space. He indicated that in looking at Neil Martz subdivision, and going through there in the summer, you see all kinds of people out riding bikes and walking. It would have been nice back by the pond area to have a nice park for those people to use, but again, you are taking the most marketable lots he has, and it is a matter of money for the developer as to how many lots he can sell.

Mr. Piggott said using Hamburg as an example, because they have 30 plus developments, most of the developments have been developed using the site condominium process, so there is a condominium association that is established and responsible. Some of the sites have been deeded over to conservation organizations with the intention the area remain as wild area, and therefore, would not be maintained any more than they were before. They would simply be held in trust as open space. The community has a right as far as the process, to ensure as the condition of approval of an open space development, that the procedure be put in place, there is a body responsible and resources to maintain it. That would be another condition the developer would have to look into and satisfy through the community in order to get that density.

Mrs. White commented that she has a 72 ft. lot, a 28 ft. boat in her front yard because she cannot get it into her back yard. She stated she prefers the alternative concept.

Mr. Grantner said this is really developing into a sticky situation, we asked for input and got it with the public. His concern is we may be setting ourselves up for some real negative public relations in our community.

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Attorney Hamilton said he does not think this is a problem. We go to R-1A density as a base and then give bonus for open space.

Mr. Grantner expressed the need for good communication with the public. He was in a couple of groups that were very out-spoken to addressing open space. Mr. Grantner spoke further regarding taxes, small parks in other towns, costs involved, liability and who will maintain.

Brief discussion followed regarding communicating to the public, translating what the limitations are, and generating more working capital.

Mr. Piggott indicated revising the concept for the open space area to reflect an R1-A as the base density, so the plan would be those areas currently SE, and would be permitted to change zoning classification to a district that is R-1A as a base, but to provide an incentive. A bonus in addition to that, would be provided in return for open space. He stated that you may not want to specify in the plan the exact density. We could include that there are areas of open space that are currently available. Mr. Piggott spoke further of providing for inter-connection of open space to create trailways in the community.

Mr. Piggott spoke briefly regarding commercial development. He spoke of the principle issue of going from several commercial classifications to a general commercial development. Also, a shopping center commercial district and retaining areas along Center Road that are closed, in their concept, reverted to a less intense development to some sort of commercial, and what is the appropriate level of development.

Mr. Berry said he feels comfortable with the alternate concept of putting C-1, C-2 and C-3 together, and the future land use plan.

Mr. Grantner spoke regarding commercial development on Center Road and indicated he likes the idea of preserving the three commercial areas.

Mr. Piggott commented that there are a lot of single family residents now along Center Road.

Attorney Hamilton said Davison Township on M-15 between the south city limits and Lapeer Road on the east side, was a similar situation. M-15 went to five lanes and there were a lot of very narrow small houses sitting row by row that sat on the market for a long time and could not be sold for residential purposes other than rental purposes. The Township eventually zoned that C-2 commercial, and there was removal and re-development that took place. The problem the Township of Davison experienced was these narrow and deep lots have a tendency to lose the value of what is really excess depth there. They came up with a concept plan where the access on M-15 was limited, and a service drive concept that could collectively have three or four commercial sites serviced off of one drive access onto the roadway. Attorney Hamilton stated that it presented a legal problem and went to Court. There was an amendment of the State Act to permit those localized plans to take care of areas like this, where you have largely expanded road capacity and existing small narrow deep lots.

Discussion continued regarding development on Center Road.

Mr. Piggott spoke regarding restrictive office, single family residential, commercial, and their recommendation of combining C-2 and C-3. He stated another alternative concept is to incorporate all 3 commercial classifications except the shopping center commercial, into one classification. Mr. Piggott spoke further regarding the special use permit for the more intensive use.

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Attorney Hamilton spoke regarding C-1, C-2 and C-3 classifications, and indicated almost all the uses are C-2, and therefore, to combine C-1 and C-2 together, bring the C-3 down as special permitted uses in a commercial district, and take those uses and permit them if appropriate.

Mr. Major inquired if a future land use designation of zoning can be broad enough to show various commercial classifications.

Mr. Piggott said the issue you have to address is to provide some direction in the plan as to when within the zoning classification it is appropriate to zone one thing versus another. Without any policy direction in the plan, the Planning Commission is left to hold up their hand when someone states they have property that is C-1 and they want it zoned C-2. If the Plan does not address it in any way, shape or form as to when C-1 is appropriate but C-2 isn't, where are they going to look for the basis. Mr. Piggott said they tried to have a correlation between a proposed zoning classification and a future land use designation just to simplify and make it more understandable. He indicated the problem is when you have 17 land use classifications, differentiating one from another as far as a basis for having location criteria. Mr. Piggott spoke further of the possibility of having two land use classifications, shopping center land use and general commercial land use classification.

Mrs. Walls said her concern is Center Road, she wants it to be a beautiful place when people drive along it, and she is not happy with some of the things that have been done with it. She wants to make sure Center Road is taken care of properly.

Mr. Piggott spoke regarding recommendations as to making it more pedestrian friendly and of encouraging access roads and shared driveways.

Mr. Major spoke regarding the problems the Planning Commission has had in the past with implementing those areas. Brief discussion followed regarding those concerns.

Discussion followed regarding the areas of Howe Road off of Court St., Genesee and Court Street, commercial, restricted office and residential classifications.

Attorney Hamilton said he and Mr. Major discussed the advisability of merging office with commercial, and that Mr. Piggott indicated that offices do provide a useful purpose as a buffer with residential and commercial.

Mr. Piggott spoke regarding the suggested changes as far as the alternative concept. The first idea is down-zoning the area on Center Road to residential office classification. The second, to represent on the land use plan all the commercial uses other than the shopping center commercial as being in one classification. The third concept is to re-designate the property along Court Street, both the south and north of the street, and a strip to the north of the street, to the commercial designation whether it is C-1, C-2, or C-3, to be determined later. The fourth, is the frontage of GM property on the south side of Davison Road to a commercial classification.

Mr. Piggott spoke at length regarding the issue of high density residential development. The original concept was to cluster and create one classification that included all the high density residential other than a mobile home park development, into one district. The recommendation on the alternative included several. He suggested changing some of the property to the north, the shopping center, from high density residential which it is currently zoned, to a shopping center classification to provide more shopping center land currently vacant, and designate multi-family. The alternative would keep this as high density residential and also zone the light industrial property across the river and immediate north of the subdivision also to multi-family, to provide a buffer between the GM property to the north and subdivision to the south of the creek. Mr. Piggott continued discussion regarding single and multi-family residential areas.

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Attorney Hamilton said with the aging of the population, smaller multi-family units will become more popular developments. In looking for areas to provide them, they thought about the location of Red Arrow and Hemphill Road area, which is a fairly substantial vacant area with good utilities and transportation. Attorney Hamilton spoke further regarding the property owned by Jeff Wright, who has indicated a desire to develop condominiums just north of City Hall.

Mr. Major said it would tie into the existing multi-family they have at the corner.

Discussion followed regarding the Davison and Belsay Road area. Attorney Hamilton stated that significant wetlands in the area prevented multi-family from going in, and it was suggested to make the north half commercial. Mr. Major indicated some commercial along the Belsay Road frontage also. Mr. Piggott said the recommendation is that the northern portion of multi-family will go to light industrial.

Discussion regarding Ogorek's property in the Davison Road area followed. Attorney Hamilton indicated there are a lot of wetlands in there, also a creek and large pond. Mr. Major said at one time there was a proposal by Mr. Ogorek for upscale apartment complexes. Mr. Piggott spoke of the criteria for multi-family being along a major road and not adjacent or near any commercial.

Attorney Hamilton said they may want to look at the area in the southeast of the City and see if there is potential multi-family sites.

Mr. Piggott said the last time they did the calculation, there was a couple hundred acres of multi-family property that was vacant. He spoke further regarding density and number of dwelling units.

Attorney Hamilton said there is a lot of acreage tied up in the large parcel of land south of Atherton Road.

Mr. Major said Blake Rizzo currently has a proposal for multi-family off of Maple Road.

Mr. Piggott said currently in the existing zoning ordinances, you allow multi-family use in high residential development and a percentage of the homes can be townhouses in comparison to single family attached homes. Even if maintained at an R-1A district, it would still allow for some multi-family, up to 20% of the unit. If you maintain the criteria that the development is to be along a major road and in general location with a commercial center, and also maintain the idea there is not going to be any significant commercial centers in the southeast quadron, then the southeast quadron is not an acceptable area other than directly adjacent to Center Road for multi-family development. The plan as laid out concentrated future multi-family development in the area where you already have other urban type uses, and reserves once the open space in the southeast area for a lower density residential pattern, providing for multi-family in that area alters that approach. You need to come up with a rational basis for where the areas are appropriate other than just the fact you have a developer that wants to develop it.

Attorney Hamilton commented on the Saginaw and Maple Road northwest corner, which he indicated is a large parcel that is shown as single family, and there has been some recent interest in that property for commercial development. It has historically always been commercial. Attorney Hamilton said Gould Engineering and a used car lot is there, and also, west of that was re-zoned for multi-family for adult care.

Mr. Piggott said commercial and office would be appropriate for that area as well. Mr. Piggott continued, that final issue is designation for multi-family, and inquired if the Commission wants to show designations for all various multi-family low density, multi-family high density and multi-family high rise. They propose one designation and one zoning district.

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Mr. Perez asked if that would include mobile homes.

Mr. Piggott said mobile homes would still remain another designation.

Attorney Hamilton said their thoughts are they are not going to have many high rise multiples.

Mr. Piggott spoke regarding one multi-family residential classification and designate the three zoning classifications.

Attorney Hamilton said for the purposes of future use map, no. He thinks the direction of the future will be medium density multiple family, not high density multi-family, but townhouse, cluster house, and those kinds of things. He thinks it would enhance ourselves greatly to have a real nice medium density zoning classification and some appropriate land to put it into, because the market would absorb that real well.

Mr. Piggott said they will have a revised set of classifications ready for the meeting of next Tuesday, and if accepted, they could be ready for a public hearing, or possibly the Commission may want a month to think about it. He indicated they are a month and a half behind now, but it has been very helpful to have input from the Commission, other council people here and staff. Mr. Piggott said they could set the public hearing for the April meeting, have the public hearing in May and then adopt it in May or June.

Mr. Berry stated the next regular scheduled meeting is next Tuesday, March 9, 1999, at 6:00 p.m.

Meeting adjourned 7:32 p.m.

JRA