

**DRAFT MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, AUGUST 10, 2004 -- 6:30 P.M.
CITY COUNCIL CHAMBERS**

The Regular Meeting of the Planning Commission was held on this date with the following members present:

Mr. Kevin O'Halloran
Mr. John Fink
Ms. Karen Firehock
Ms. Kathy Johnson Harris
Mr. Eldon Wood

Absent:

Mr. Craig Barton, Chair
Ms. Cheri Lewis, Vice Chair

Staff Present:

Jim Tolbert, AICP, Director of NDS
Claudette Grant, Neighborhood Planner
Mary Joy Scala, Neighborhood Planner
David Neuman, Ex-Officio, UVA Office of Architect
Lisa R. Kelley, Deputy City Attorney

City Council Members Present:

Mr. David Brown, Mayor Mr. Kevin Lynch, Vice Mayor
Mr. Blake Caravati
Ms. Kendra Hamilton
Mr. Rob Schilling

I. REGULAR MEETING

Mr. O'Halloran, serving as Chair in the absence of both Mr. Barton and Ms. Lewis, called the meeting to order at 6:31 p.m.

A. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA

Mr. O'Halloran called for matters not on the agenda.

Mr. John Yellott, of 311 East Market Street, stated he was the proponent of the ordinance, which would require notice and comment on permanent parking changes. He thought the people who were to be regulated ought to have some voice in what was done to them and to the punishments and prohibitions to which they would be subject. Mr. Yellott then made a brief presentation regarding proposed parking ordinance changes.

There were no additional matters from the public.

B. MINUTES

1. July 13, 2004 -- Regular Meeting

Mr. O'Halloran called for any changes to the July minutes.

Ms. Firehock thought the word "having" had been accidentally dropped from the fifth line on page 12. She also mentioned the third paragraph on page 15 would be clearer if the speaker's comment of "200 to 230,000" actually spelled out 200,000. Ms. Firehock also asked Mr. Fink to clarify the statement credited to him in the third paragraph on page 17. Mr. Fink stated his belief his statement had been they had opinions from professional architects on their commission and they had concerns about the feasibility of some of the design elements on this particular project. It was his preference to defer to their professional acumen and point of view with regard to design elements on this project. The statement should read "Mr. Fink's resistance came from listening to the comments of the professional architects on the Commission and wondering if things would work on this scale."

Mr. Fink moved to approve the minutes as amended. Ms. Johnson Harris seconded the motion which carried unanimously.

C. LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY

Ms. Johnson Harris moved to approve the list of site plans and subdivisions approved administratively. Mr. Fink seconded the motion. Mr. O'Halloran called the question by acclamation. The motion carried unanimously.

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

7/1/04 TO 8/1/04

1. File No. Venable Court 400 Block 13th St & 14th Sts. NW
T-04-000003 Apartments & John Street
2. File No. Dog Daycare - 805 Albemarle Street
T-03-000012 Outdoor Runs
3. File No. Frank IX Building - 201-239 Elliott Avenue and
T-04-000007 City Center – Phase 1C 2nd Street, SE

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

7/1/04 TO 8/1/04

1. Consolidation of Tax Map 4, Parcels 119, One consolidated multi-family
120, 124 and 130 lot
13, 14 & John Streets Venable Court, LLC
File No. 1322 Preliminary & Final
Final Signed: 7/2/04
2. Division of Lots A, B & C into six lots Six single-family attached lots
Existing Units at 2512-2516 Naylor Street Bevely F. & Carolyn B. Butler
File No. 747-B Preliminary & Final
Final Signed: 7/7/04

D. COMMISSIONERS' REPORTS

Mr. Fink had been away on business and therefore unable to attend the MPO Tech Committee meeting. He stated the members of the Charlottesville Planning Commission Nominating Committee would be meeting within the next two weeks and present recommendations to the Chair after that.

Mr. Wood attended what may be the final meeting of the McIntire Park Advisory Committee; he stated he would defer to Ms. Firehock to update that. Mr. Wood had been asked to meet with the architect of the Fifth Street project to present concerns of the Charlottesville Planning Commission.

Ms. Firehock stated the McIntire Park Committee had met and prepared a final report of the draft Master Plan to submit to City Council along with comments received from the public; the report will be presented at the October 18th City Council meeting. She also stated the Parks Advisory Board had met and received a report about the summer programs and the good behavior of the kids attending the programs. The Water Protection Ordinance Committee held an Open House August 3rd.

Ms. Johnson Harris stated the School CIP Committee and the Housing Committee did not meet. She had not received any correspondence from the Neighborhood Federation; Mr. Tolbert thought they were on summer hiatus. Ms. Johnson Harris had not received any feedback to the E-mails she had sent out regarding what to do in memory of Herman Key; she would be presenting a letter to City Council during the comments from the public portion of their August 16 meeting.

E. CHAIR'S REPORT

Mr. O'Halloran gave his report as acting Chair. The Board of Zoning Appeals was doing well under the able tutorship of Ms. Ashley Cooper, Zoning Administrator. He also stated CDBG had not been meeting but would start meeting soon.

F. 3D MAP PRESENTATION

Mr. Tolbert stated an agreement had been entered into with the University's School of Architecture to produce a digital model of parts of Charlottesville. The first priority would be the Downtown Mall and West Main Street. Architects would be asked to present development projects in digital form to be inserted into their place in the block to see how they will fit. Mr. Tolbert recognized Professor Earl Mark who gave a PowerPoint presentation demonstrating the 3D map.

II. JOINT PUBLIC HEARINGS

G. JOINT PUBLIC HEARINGS

1. Neighborhood Area Plans -- Capital Improvement Projects FY'05-07: Proposed Capital Projects to be undertaken in neighborhood areas over the next three years as identified by neighborhoods.

Mr. Tolbert made a PowerPoint presentation showing what had been done in past years and what was proposed as well as the intervention area projects. The vast majority of the projects requested by the neighborhoods for the last three years had been sidewalks and drainage with some traffic calming. Proposed projects included the North Berkshire drainage project and the Chesapeake sidewalk.

Mr. O'Halloran called for questions from the Commissioners. He then opened the public hearing and called for comments from the public.

Ms. Jane Foster, of Gildersleeve Wood, JPA Neighborhood Association, was interested to see if anybody else got any of the things they asked for. For three or four years they have discussed improvements and nothing ever happens. Mr. Tolbert explained that the previous project requests from the JPA Neighborhood Association ended up being not doable for various reasons.

Mr. Bill Emery, of 1604 East Market Street, wanted to second Ms. Foster's comments. He also asked if the level of lighting built into the bridges over Locust Street and Park Street was totally necessary.

2. Water Protection Ordinance: An ordinance to amend Chapter 34 of the City Code (Erosion and Sediment Control) and to re-designate Chapter 10 as the City's Water Protection Ordinance. The ordinance, if enacted, will accomplish the following:

1. Amend and update the City's local erosion and sediment control program, by enacting regulations and standards consistent with the current provisions of Virginia's Erosion and Sediment Control Law (Va. Code §§10.1-560 et seq.) and regulations promulgated by the Virginia Soil and Water Conservation Board, including, establishment of a schedule of civil penalties for violations.

2. Establishment of a local storm water management program consistent with the provisions of Virginia's Storm water Management laws (Va. Code §§10.1-603.2 et seq.) and regulations promulgated by the Virginia Department of Conservation and Recreation, including requirement of an approved storm water management plan prior to commencement of land development activities; standards for storm water management/BMP to control peak rate and velocity of stormwater runoff; and penalties for noncompliance with the ordinance.

3. Establishment of 100-foot wide stream buffers across properties adjacent to the Rivanna River, Moore's Creek, and Meadow Creek, wherein indigenous vegetation must be preserved and protected, subject to regulations allowing certain property maintenance and development activities within the buffer. This portion of the proposed ordinance would require an approved mitigation plan for certain development activities within a required buffer area.

4. Establishment of a local stormwater management program consistent with state and federal laws and regulations enacted pursuant to National Pollutant Discharge Elimination System (NPDES) requirements for municipal separate storm sewer ("MS4") systems. This portion of the proposed ordinance prohibits illicit discharges and connections to the city's storm sewer system, and prescribes penalties for violations of the ordinance.

Ms. Scala gave the staff report. The Commission was being asked to consider and make recommendations on a proposed water protection ordinance. The process began a year ago when the Stream Protection Task Force was convened to implement several goals within the City's Comprehensive Plan.

Ms. Firehock and Kristel Riddervold gave a PowerPoint presentation which would be posted on the City's website.

Mr. O'Halloran opened the public hearing.

Mr. Vance High, of 338 Cleveland Avenue, stated this was fine for the three major water systems in the City. There were ten small streams in the system, which were tributaries. He wanted to know about the

protection of those small streams. Ms. Firehock explained this was the first phase because it would have the most impact from the big buffer; the second phase would go city wide.

Mr. Angus Murdock, of the Rivanna Conservation Society, read a prepared support the Stream Protection Ordinance and to consider extending these protections to all perennial streams within City limits.

Ms. Diana Foster, president of the Rivanna Trails Foundation, publicly acknowledged the tremendous amount of work done by the Task Force. With no one else wishing to speak to the matter, Mr. O'Halloran closed the public hearing. He then called for discussion among the Commissioners.

Mr. Fink acknowledged Ms. Firehock and Ms. Riddervold for the excellent presentation. He felt this was cutting edge legislation that he hoped would lead the way for other communities.

Mr. O'Halloran echoed the commendation of the committee for the outstanding job. He was in favor of moving the proposal forward.

Ms. Johnson Harris also thought the presentation was excellent.

Mr. Fink moved that they recommend to Council that Council adopt this ordinance as written and that there may be some additional recommendations that Council can consider at its next meeting. Mr. O'Halloran offered a friendly amendment that they ask staff to work with Ms. Lewis, Ms. Slaughter and others who had some minor concerns about the proposed ordinance. Mr. Fink accepted the friendly amendment. Ms. Johnson Harris sought clarification of the concerns. Mr. O'Halloran explained that E-mails had been received in the last several days. Ms. Firehock stated her understanding that Ms. Lewis asked for clarification of language in the proposal; nothing sought substantive changes to the intent. Mr. Tolbert stated that one E-mail asked that people could continue to garden in a buffer area. Ms. Firehock stated she was suggesting an amendment to the ordinance along those lines. Ms. Johnson Harris seconded the motion. Mr. Caravati sought clarification to the requirement in Section 10-42, Paragraph 1, sub-paragraph 1 and 3 for a Certified Program Administrator, Certified Plan Reviewer and Certified Project Inspector since that ability already existed in-house and how it would impact staff in general in working on storm water management. Mr. Tolbert stated the ordinance allowed one person to hold all three certifications. Mr. Tolbert further stated the ordinance did not add additional E&S responsibilities. He further stated additional help was needed whether or not the ordinance was adopted. Mr. Caravati also suggested the word "replace" be added to section 10-39. Mr. Caravati also felt Section 10-43 did not meet statutory limits. Ms. Hamilton wanted to know to what degree the ordinance would be retroactive. Ms. Firehock explained that anything which was going forward already would not need to go back and be redone. Mr. Caravati asked that Staff flesh out the public education process and how to go about putting that in place over time. He also asked that a financial impact on property owners be done. Mr. Schilling asked how many property owners would be affected in the first phase. Ms. Firehock stated it would be approximately 170; Ms. Scala felt it would be 260. Ms. Kelley explained that household gardening was exempt to the provisions of the stream buffer ordinance. Mr. Tolbert called the question. The motion carried unanimously. Mr. Neuman asked that the University be considered as a participant in analyzing the second phase.

3. ZT—04-5-12: An ordinance to amend and re-ordain the following sections of the City Code, Chapter 34 (Zoning Ordinance).

1. §34-82: Renders initiation of land-disturbance or construction without a permit unlawful
2. §34-251: Amends regulations applicable to manufactured homes in flood hazard areas
3. §34-253: Requires subdivisions and site plans to show base flood elevation data.
4. §34-254: Prohibits encroachments of more than (1) foot into special flood hazard areas.
5. §34-273: Corrects addresses for protected properties; deletes properties situated within a district.
6. §34-275: Corrects an erroneous code section citation.
7. §34-280: Clarifies that certificates of appropriateness (COAs) do not serve as building permits.
8. §34-282: Clarifies application process for COAs in design control districts; eliminates requirement that exterior features be visible to view from public street.
9. §34-285: Identifies specific aggrieved persons who may initiate appeals from BAR decisions.
10. §34-286: Specifies that aggrieved persons may initiate appeals from BAR decisions--companion to proposed §34-285.
11. §34-287: Proposes changes to composition of the BAR
12. §34-309: Clarifies that in entrance corridors (ECs), modifications of 25% or more of the gross area of a building require a COA.
13. §34-312: Conforms application procedures in ECs to those of BAR
14. §34-314: Conforms appeal process in ECs to those of BAR; identifies specific aggrieved persons who may initiate appeals (ref. proposed §34-285, -286 above)
15. §34-353: Corrects typo to establish certain front yards as average of those on adjacent properties; deletes reference to uses not allowed in certain districts; and establishes side yards for non-residential uses in R-1S districts
16. §34-367: Allows City Council to limit the number bedrooms per dwelling in high-density developments, R-UMD and R-UHD districts
17. §34-420: Amends uses permitted within certain residential zoning districts
18. §34-480: Amends uses permitted within certain commercial zoning districts
19. §34-491: Clarifies that uses permitted within a PUD are those

referenced within an approved PUD development plan.

20. §34-492: Requires residential PUDs to contain more than (2) dwelling units.

21. §34-493: Amends the open space requirements for certain PUDs.

22. §34-500: Clarifies that the dimensional standards within a PUD are limited to those referenced in the PUD regulations or shown within the approved PUD development plan.

23. §34-502: Specifies that the City's general landscaping standards will apply to every PUD.

24. §34-503: Deletes reference to "floodway fringe" as an area that must be left undisturbed within a PUD.

25. §34-504: Specifies that as part of the approval of a PUD the City may establish the number and configuration of required parking spaces; otherwise, general parking standards will govern.

26. §34-517: Requires additional information, and a "development code," to be provided within PUD applications

27. §34-518: eliminates reference to final subdivision plats as being required prior to commencement of a development within a PUD.

28. §34-558: amends streetwall regulations (Downtown Corridor District)

28. §34-560: Establishes 21 DUA as min. density for Multi-family development; allows up to 200 DUA by special use permit (Downtown)

30. §34-562: Amends limitation on ground floor uses (Downtown)

31. §34-578: Reduces required setback from 15 to 10 feet; specifies how to identify a front primary street (Downtown Extended Corridor District)

32. §34-580: establishes 21 DUA as min. density for multi-family development (Downtown Extended)

33. §34-582: Increases maximum SF of residential use of mixed-use building, from 75% to 90% and amends limitation on ground floor uses (Downtown Extended)

34. §34-583: Deletes open surface parking limitation for certain uses (Downtown Extended)

34. §34-598: Reduces required setback from 15 to 10 feet (Downtown North Corridor)

35. §34-600: Applies density limitation of 43 DUA to mixed use buildings

having 25% to 90% residential uses (Downtown North)

36. §34-602: Increases maximum SF of residential use of mixed-use building from 75% to 90% (Downtown North)

37. §34-603: Increases from 20 to 50 the number of parking spaces that will be subject to surface parking limitations (Downtown North)

38. §34-619: Reduces from 25% to 10% the GFA of a mixed-use building that must be designed/occupied for non-residential use (West Main North Corridor)

39. §34-621: Applies density limitation of 43 DUA to mixed use buildings having 10% GFA designed/occupied for non-residential use (reduced from 25%) (West Main North)

40. §34-640: Reduces from 25% to 10% the GFA of a mixed-use building that must be designed/occupied for non-residential use (West Main South Corridor)

41. §34-641: Applies density limitation of 64 DUA to mixed use buildings having 10% GFA as non-residential use (reduced from 25%); allows up to 200 DUA by special use permit; and establishes 21 DUA as min. density for multi-family development (West Main South)

42. §34-642: Amends restriction on ground floor residential uses; increases from 20 to 50 the number of parking spaces that will be subject to surface parking limitations (West Main South)

43. §34-681: Allows use of landscaped buffer to separate parking areas from public streets (High Street Corridor)

44. §34-698: Reduces required stepback from 15 to 10 feet (Neighborhood Commercial Corridor)

45. §34-738: Limits applicability of required setback to one primary street frontage (Highway Corridor District)

46. §34-758: Limits applicability of required setback to one primary street frontage (Urban Corridor District)

47. §34-778: Reduces required stepbacks from 15 to 10 feet; limits applicability of required setback to one primary street frontage (Central City Corridor)

48. §34-781: Reduces from 25% to 10% the GFA of a mixed-use building that must be designed/occupied for non-residential use (Central City Corridor)

49. §34-796: Amends the uses permitted within certain mixed-use corridor

districts

51. §34-827: Adds information required within preliminary site plans.

52. §34-828: Amends requirements for final site plan submissions.

53. §34-932: Requires dumpsters to be screened by 6-foot opaque fencing, in developments subject to a site plan

54. §34-973: Deletes repetitive parking waiver provision, substitutes reference to the parking waiver standards of §34-986

55. §34-975: Precludes certain parking spaces from being designed to allow backing into street

56. §34-976: Prohibits driveways from being located closer than 3 ft to adjacent property lines

57. §34-984: Establishes off-street parking requirements for private ambulance companies

58. §34-986: Requires planning commission to hear all requests for parking waivers

59. §34-1101: Increases height that appurtenances may extend above rooflines; amends provisions specifying the circumstances under which porches may extend into required yards.

60. §34-1103: Allows (2) single-family detached dwellings on a single lot, within R-2 districts

61. §34-1104: Clarifies relationship between zoning applications and the process of reviewing certificates of occupancy under applicable building code regulations; allows NDS to charge a fee for approval of certificates of occupancy for portions of a development

62. §34-1123: Corrects typo by specifying lot area requirements for townhouses

63. §34-1147: Allows expansion of certain non-conforming residential structures

64. §34-1200: Adds a definition for "bedroom"; deletes unnecessary reference to balconies and porches from "yard" definitions (ref. proposed changes to §34-1101, above)

Mr. Tolbert gave the staff report. It was not intended for the Commission to take any action at this meeting. This has been before the Commission previously and had undergone a great deal of revision and clarification. It has been on the City's website. He asked that a work session be set to talk about these proposals; City Council would be welcome to join the work session. It had been asked that the requirement for a Charlottesville Planning Commission member to serve on the Board of Architectural Review be removed; that position should be taken by a landscape architect or professional contractor. Mr. Tolbert stated an E-mail had been received from Keith Woodard asking that they consider increasing the density allowed in the Downtown District. Mr. Tolbert reiterated that no action was intended for tonight's meeting and that a work session be held before taking action.

Mr. O'Halloran opened the public hearing.

Mr. Daniel Ortiz, of 411 Altamont Circle, stated he and his neighbors had concerns with 1101, 285, and a technical concern about section 1200.

Mr. Keith Woodard, owner of properties on the Downtown Mall, expressed his concerns about the density allowed. He was also concerned about the 101 foot height currently allowed which is restricted to nine floors. He felt the designer and development team should have flexibility to decide what happens in the 101 feet.

With no one else wishing to speak, Mr. O'Halloran closed the public hearing and called for discussion from the Commissioners.

Mr. Fink thought Mr. Woodard had a valid point, given different methods of construction more floors could be accomplished in less height. Mr. Tolbert stated height had been discussed; the decision was to regulate height by floors rather than height but a maximum height was needed. Mr. Tolbert explained the number of floors had a correlation to the number of uses that could occur.

Mr. Caravati asked that any other proposed changes staff has considered that are not part of the document, particularly those forwarded by members of the community asking for changes in the ordinance, be presented at the work session. Mr. Tolbert stated he had not received comments or suggestions from anyone other than Mr. Woodard.

Mr. O'Halloran stated that a work session would be held in September.

Mr. O'Halloran closed the public hearing session of the evening.

III. REGULAR MEETING ITEMS (Continued)

H. SITE PLANS

1. Willoughby Townes -- Fifth Street Southwest at Harris Road -- 40 new townhouses

Mr. Tolbert stated this item had been withdrawn.

2. RiverBluff (PUD) -- North end of Riverside Avenue -- 22 new units

Ms. Grant gave the staff report. The parcel contains approximately 855,518 square feet or 19.64 acres. The open space comprises 682,292 square feet. The applicant proposes to build 22 single-family detached units. The site is currently vacant. A preliminary site plan conference was conducted in June. The staff memo in the members' packets had changed due to the receipt of an updated site plan received from the applicant late in afternoon of 9 August. Staff has not had an opportunity to review that site plan.

Mr. Fink stated it was perfectly clear the only action they could take was to deny the application until staff has an opportunity to make recommendations to the Planning Commission.

Mr. Richard Price, the applicant, stated it was not their intention to submit the plans today for Planning Commission review. They sought review and approval of plans submitted July 2nd.

Mr. O'Halloran agreed with Mr. Fink's assessment.

Ms. Firehock asked if storm water issues had been provided in the second submittal. Mr. Price stated they were present to discuss the storm water issue. Mr. Price also stated there were only minor language changes between the two submittals.

Mr. Fink felt it was important for the Commission, Staff and the public to have an opportunity to review the E&S plan.

Mr. Tolbert stated that in the past the Commission has reviewed things and approved them with a laundry list of things. However, two meetings prior, the Commission directed Staff not to bring plans back until all I's were dotted and all T's were crossed.

Mr. Fink asked that in the future, Staff not put items on the agenda if they don't have a level of comfort that all issues have been addresses. Mr. Tolbert reiterated that one applicant withdrew because of that. Mr. Price apologized in light of Mr. Tolbert's statements.

Mr. Fink felt this was a very good project but there were ground rules and guidelines and the process must unfold.

Mr. Fink moved to deny. Ms. Johnson Harris seconded the motion. Mr. O'Halloran called for discussion. Mr. Price asked if he could withdraw the application. He stated he would have withdrawn it if he had known it was an issue. Mr. Price stated, given what they had heard, they were happy to withdraw the plan and resubmit later. Mr. Fink stated he would be happy to withdraw his motion if the applicant withdrew his plan. Ms. Johnson Harris, as seconder, accepted the withdrawal of the motion. Mr. O'Halloran stated the record would reflect the withdrawal of the proposal.

I. PRESENTATION OF REZONING CONCEPTS/DISCUSSION OF ISSUES

1. Moore's Creek PUD – Blincoe Property at Avon Street & Palatine Avenue

Ms. Grant gave the staff report. MGR Development Corporation sought rezoning from R-1S Residential to Planned Unit Development. The property is located at 706 Palatine Avenue. The applicant seeks the zoning change in order to build a higher density on the buildable portion of the site; to build smaller lots; to build less lots with less street frontage. They would like to protect some of the green area located in the floodplain and floodway. The site is 4.1 acres with a by-right use allowing 29-30 single-family detached units. The applicant proposes to build 21 single-family detached units. Only 92,074 square feet of the site is buildable; the by-right density would allow approximately 15 single-family detached units. The Land Use Plan calls for the property to be zoned single family. At issue with the site is a question about the existence of two alleys and Ridgemont Avenue that needs to be addressed. Staff has advised the applicant to meet with the neighborhood.

Mr. Massimo Rampini stated this was a work in progress. He would be presenting the plan to the Belmont Neighborhood Association on 13 September.

Mr. Fink wanted to know if the applicant had notified property owners adjacent to the entrance of his proposed roadway. Mr. Rampini stated he had not yet. He reiterated he was just starting the process.

Mr. Fink stated the Commission would want to see a very well developed E&S plan since the property abutted Moore's Creek.

J. OTHER PLANNING ITEMS

1. Presentation on Proposed Parking Ordinance Changes

Mr. Tolbert stated Mr. Yellott had made a compelling argument on his proposal. CPC would not usually be involved with this type of ordinance. However, City Council asked that CPC discuss this matter and then, if appropriate, make recommendations to Council. The only issue Neighborhood Development Services had with the proposal was with the logistics of the public process outlined and staff time to make that process happen. Mr. Tolbert saw no issues with the remainder of the proposal.

Ms. Johnson Harris suggested they table the matter until the September meeting when they could have more Commissioners present and could have a public hearing on it. Mr. O'Halloran and Mr. Fink felt that was a good idea.

Ms. Firehock commended Mr. Yellott for writing an ordinance. Ms. Firehock asked that public notice be arranged for any permanent changes to the parking challenged areas of the City.

Ms. Johnson Harris felt this was a serious issue and suggested tabling it to the next meeting. Mr. O'Halloran concurred.

IV. DEPARTMENT OF NDS/STAFF REPORTS

Mr. Tolbert had no report to give.

Mr. Fink moved to adjourn until the 14 September meeting and joint public hearing. Ms. Johnson Harris seconded the motion. The motion carried unanimously whereupon the meeting was adjourned at 9:06 p.m.

Respectfully submitted,

Mr. James E. Tolbert, Secretary

Approved,

Mr. Kevin O'Halloran, Acting Chair