

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, April 9, 2002**

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Judith A. Spalding, Administrative Assistant to BOCC (Recorder)

CALL TO ORDER

The meeting was called to order at 10:05 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Raley moved, seconded by Commissioner Anderson, to accept the agenda as amended (to add an executive session on litigation and to move County Commissioner Time where time allows. Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to authorize Commissioner President Randall to sign the Check Register. Motion carried.

APPROVAL OF MINUTES

Commissioner Anderson moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, March 26, 2002, as corrected. Motion carried.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the minutes of the Zoning Ordinance Work Session of March 26. Motion carried.

In addition the Commissioners gave concurrence to approve the FY 03 Budget Work Sessions.

COMMENDATION – JOE CROSS

The Commissioners presented a Commendation to Video Technician, Joe Cross, who will be leaving County Government.

DEPARTMENT OF HUMAN RESOURCES

Present: Randy Schultz, Director
Dawn Drew, Deputy Director

Length of Service Awards

The Commissioners presented Length of Service Awards to the following individuals:

15 Years

Joseph A Saunders, OOA
Edward Boswell, EMA
Jeff Jackman, DPZ
Margaret Lewis, DPW&T
John E. Hall, DPW&T
Gary Holley, DPW&T
Richard Corcoran, EC
Bernard Alvey, P&I
Kenneth Shirriel, OS/Corrections
James Wathen, OS/Corrections
Joseph Wheeler, OS/Corrections
Ann Emery, SAO

Twenty Years

Mary Walters, OOA
Joseph Holly, DECD
Mary Winters, DPW&T
DFC Mark Clark, OS
Helen Fritz, SAO

Twenty-five Years

Michael E. Mattingly, DPW&T
William B. Rhodes, EC
Shirley L. Wood, EC

Thirty Years

Howard Adams, DPW&T

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas – April 16 and 23, 2002
2. Budget Amendments
 - a. Sheriff's Office (\$2,000)
Allocation of Contribution/Donation to Training – Conference, etc.
 - b. Sheriff's Office (\$3,904)
Allocation of Unanticipated Child Support Incentive Funds

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the Budget Amendments for the Sheriff's Department as presented. Motion carried.

3. Office on Aging

Present: Gene Carter, Director, OOA
George Donley, OOA

- a. FY 2003 Memorandum of Understanding with Md. Dept. of Health and Mental Hygiene for Medical Adult Day Services (State Funding: \$81,994)

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the MOU as presented. Motion carried.

- b. Retired and Senior Volunteer Program Grant Application (second year of three-year grant) (\$45,628 – Federal; \$29,292 – County)

Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the RSVP Grant Application. Motion carried.

4. Walden/Sierra
Fiscal Year 2003 Operation Grants for residential and outpatient substance abuse services.(\$1,860,000 - No County Match)

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Grant document. Motion carried.

5. FY 2003 Cooperative Reimbursement Grant Agreements
Child Support Enforcement Administration

- a. Sheriff's Department (\$131,806 – Federal; \$80,026 – County)

Present: Lottie Bell, Sheriff's office

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the Grant Agreement. Motion carried.

- b. State's Attorney (\$200,546 – Federal; \$118,612 – County)

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Grant Agreement. Motion carried.

- c. Circuit Court (\$53,600; Federal; \$3254 – County)

Present: Teresa Yeatman, Circuit Court

Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Grant Agreement. Motion carried.

ST. MARY'S COUNTY HEALTH DEPARTMENT STATUS OF PERCOLATION TESTS

Present: Dr. William Icenhower
Tom Russell, Deputy Director, MetComm
(former Director, Environmental Health)

Dr. Icenhower and Mr. Russell appeared before the Board to discuss the status of "wet month season" and percolation tests. Dr. Icenhower reported that because of the drought the Health Department will not have a "wet season" in Southern Maryland, and the Maryland Department of Environment recommends that perc tests should not be performed this year. He pointed out that because of the hardship of having no test would cause, that the Health Department did a review of the applications and determined that 17 tests could be done in the dry season. However, he would have to make a determination whether it would be prudent to proceed with those tests. Mr. Russell advised that should weather conditions change, there was a possibility that perc tests could be conducted in the fall.

Other areas of discussion included whether to do something for clients' projects "in the mill"—to exempt them from the new zoning ordinance requirements; setting a cut off date of March 13 for applications that were in Planning and Zoning; to qualify a lot adjacent to a lot that has an approved perc test, as long as the property was at the same topographical level; the importance of the monitoring wells and the need for frequent check of the monitors.

The Commissioners offered their support if the Health Department needed approval from MDE for any alternatives to the wet season they may develop.

In closing the Commissioners requested the Director of Permits and Inspections to provide the Board with a listing of perc test applications, giving location, size of lot, and how many per tests are being requested.

(Kaaren Burke recorded the following portion of the meeting.)

PUBLIC HEARING - TRITON METALS

Present: John Savich, DECD
Ms. Timmy Ruppertsberger. Venable Baetzer and Howard LLP

The Commissioners conducted a public hearing on the request of Triton Metals for the County to authorize the sale of tax-exempt revenue bonds in the amount not to exceed \$3.75 million for Triton Metals Inc. to purchase the Minitec building (soon to be the "Triton" building).

Appropriate notice was published in a local newspaper on March 22, and March 29, 2002 pursuant to this issue.

Specifics:

- Triton Metals operates a precision manufacturing business which has been in business for seven years.
- Clients include BAE Systems, NASA, NLX Corporation, J. F. Taylor, etc.
- Triton employs 30 employees and expects to add 15-20 jobs in the next five years.
- Expansion will enable Triton to develop a more diversified product mix and customer base as the national and regional economies recover.
- Under federal and state law, the county may issue tax-exempt small-issue bonds for manufacturing facilities. The tax-exempt status enables a lower interest rate for the borrower.
- These are non-recourse bonds that create no obligation on part of the county. They will not affect the county's credit rating or debt capacity. All transaction costs are borne by the borrower.

Benefits to County:

- Increased tax base
- Job growth potential
- No costs – a win-win situation

Members of the Board commented that it was good to have a new business in town. The transfer of jobs means the potential for families relocating into St. Mary's County. Also this type of transaction helps St. Mary's County move forward in attracting mid-tech level jobs.

The hearing was opened for comments from the public:

Bill Scarafia, St. Mary's County Chamber of Commerce

- Strongly encourages the Board to approve the revenue bonds for the positive impact it would have on the County. Congratulations to the Department of Community Development for their fine work in this effort.

Hearing no further comments, the public hearing was closed.

Commissioner Mattingly moved, and Commissioner Guazzo seconded the motion to approve the resolution for issuance and sale of non-recourse development revenue bonds for Triton Metals' purchase of the former Minitec building.

Commissioner Anderson recommended to Triton Metals a program currently in operation as part of the Local Workforce Development Program named MetroTech. MetroTech will provide funding for the training of new employees (per agreement).

PUBLIC HEARING – SUPPLEMENTAL APPROPRIATIONS

Present: Elaine Kramer, Director of Finance
Gene Carter, Director Office on Aging

Office On Aging

The Board had already approved this grant award for \$12,000 on March 26, 2002 but because it wasn't originally included in the FY02 budget, it represents an increase in revenues and a supplemental appropriations hearing is required. An announcement was printed in The Enterprise on March 27, and April 3, 2002.

Hearing no comments from the audience, the public hearing was closed.

Emergency Management Agency

Per Ms. Kramer, pertinent information is not available on the Emergency Management Agency appropriation for \$67,169.64. Further discussion is precluded.

Commissioner Mattingly asked if the public hearing could commence today and simply keep the record open for public comment. Mr. Norris, Acting County Attorney, concluded there was no legal reason the public hearing could not be held and that the record could then remain open the normal period of time. This item can be returned to the agenda at a future date for action.

Commissioner Mattingly stated this funding will provide a much needed HAZMAT Unit which the County currently does not have.

Hearing no comments from the audience, the public hearing was closed.

PROCLAMATIONS

Commissioner Raley presented the following Proclamations:

- International Building Safety Week
- Child Abuse Prevention Month
- St. Mary's County Day of Hope
- National Crime Victims' Rights Week

Commissioner Anderson introduced the barbershop quartet with a song of his own to celebrate:

- Harmony Month
 - The quartet livened up the meeting with their rendition of *America the Beautiful* and *Sweet Adeline*.

COMMISSIONERS' TIME

Commissioner Anderson

Had a discussion with Mike Schwartz about a BMX track. The parent group is planning to organize a 501C3 certification and is seeking contributions toward track expenses.

John David, ABA, provided the following information:

- ABA will build the track at no County expense
- ABA will send representatives from Arizona to assist
- ABA will fly two representatives from SMC to Arizona for training on track operations, marketing, etc.
- A \$11 million insurance policy with wide coverage is provided by ABA

Commissioner Anderson is in favor of the Board giving direction to Phil Rollins, Director Parks and Recreation, favoring a BMX track and requesting him to bring recommendations back to the Board for decision.

Commissioner Mattingly recommended the Hermanville property be closely examined for the BMX track.

The Legislature passed the Thornton Commission Bill. While the amount was disappointing, it is a tremendous step in the right direction for the entire state. This year, SMC will receive close to \$600,000 as a result of this legislation. *Recommends Elaine Kramer and Dan Carney get together and develop a presentation on how these funds impact public education and present their findings to the Board.*

Pursuant to the percolation testing problems presented earlier, it is strikingly obvious there is a problem with our water situation. A couple of weeks ago he requested a presentation from the Commission on the Environment and the Water Policy Task Force for their assessment. A presentation to the Board will be coming up shortly.

On Friday, April 5, went to Annapolis with Donna Sasscer, DECD, and Gita van Heerdan to support our application to the Rural Legacy for Huntersville and the St. Mary's River Rural Legacy projects. They were joined by Chris Tanner, from St. Mary's College and the St. Mary's River Project, and Torre Meringolo from Historic St. Mary's City. Hopefully, Huntersville will be funded in total and St. Mary's River Project will be designated.

Had requested a list of county-owned lands to assess and utilize for affordable housing. *Appreciated the list, but requests that staff give the Board their assessment and recommend specific properties for affordable housing. He also requested staff to assess the houses that the County assumes through tax sales be looked at as affordable housing potential.*

Commissioner Guazzo

Congratulations to the Sleep Inn and to Lenny's Restaurant. The Rebarchick's celebrated 50 years of business at Lenny's Restaurant and the opening of their new motel. A family celebrating *fifty* years of continued service to St. Mary's County is praiseworthy!

Attended the grand opening of Hyper Space, which is a dynamic family play area. Congratulations to the Hollyers' and Mrs. Goldsborough and best wishes for continued success.

Commissioner Raley

Congratulations to the Rebarchicks' and family and to Hyper Space – also a family run business.

St. Mary's Hospital celebrated their 90th anniversary and a wonderful time was had by all.

In the spring edition of the 2002 *Southern Maryland: This is Living* magazine, there is a very nice article on the history of Ridge.

There is an Agricultural (Tobacco) Commission meeting that will be held April 15, at 8:00 p.m. at the Tri-County Council in Hughesville.

Commissioner President Randall

Thanks to Commissioners Guazzo, Anderson, and Deputy County Administrator, George Forrest, for making the long trek to Baltimore to attend the Maryland Top 100 Women recognition event.

(Judith Spalding recorded the minutes of the Executive Session)

EXECUTIVE SESSION

Commissioner Anderson moved, seconded by Commissioner Raley, to meet in Executive Session to discuss a matter of Litigation, as provided for in Article 24, Section 4-210(a)8. Motion carried.

Litigation

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8

Time Held: 11:50 a.m. – 12:35 p.m.

Action Taken: The Commissioners discussed settlement issues and gave direction to staff.

(Kaaren Burke recorded the minutes for the remainder of the meeting.)

(Commissioner Guazzo was not present for the remainder of the meeting.)

PUBLIC HEARING

ROAD NAME CHANGE REQUESTS

Present: Jeffrey Jackman, Senior Planner, Planning & Zoning

The request amends official road names and requires 51% of the property owners to sign a petition prior to being considered. The appropriate notice of this hearing ran in the newspaper on March 22 and 27, 2002. Lucy Lane (on the original request) did not meet the minimum petitioner requirement, and therefore, the request was withdrawn. The hearing was opened for comments from the public.

Happyland Road to St. Mark Church Road

Ms. Robin Johnson, 45299 Happyland Road, Valley Lee

In 1924, the Happyland Club was built by her father, Leroy Thompson, and his brother, as a gathering place for the African-American community. Leroy Thompson earned the Good Citizen Award, was appointed Supervisor of Elections, Justice of the Peace, served on the Board of Department of Social Services, and made many more contributions to the community over the years. As a legacy to her father for all he has done for the community, Ms. Johnson wants the road to remain Happyland Road.

Jimmy Thompson, 45283 Happyland Road, Valley Lee

Instead of changing the name it should be considered as a historic landmark. Happyland Road offered the community a wealth of everyday community activities. Happyland Road is rich in heritage and is a legacy handed down from the past. Please do not change the name.

Elfreda M. Mathis, 41185 Delegate Court, Valley Lee

Happyland Road was her Uncle Leroy Thompson's state of mind. He raised 13 wonderful children there, but his extended family was far greater in number. He was a spiritual man, political man, a civic leader, a businessman, and a happy man. Please do not change the name.

Joseph S. Statesman, 19620 Ellis Statesman Lane, Valley Lee

As a representative of the St. Mark Church congregation, naming Happyland Road after the church would be beneficial and would not destroy the legacy of Leroy Thompson.

Peaches Hide Away to Timber Lane or Forest End Lane

Melissa Griffin, 25053 Peaches Hide Away, Hollywood

Leroy Jones, her father, granted lots to herself and her brother and they built their homes there. The lots required a road that cost them \$28,000. The road was named before any others moved into the area. Her father named the road for her daughter, his granddaughter, whom he called "Peaches." Please do not change the name.

Brad and Christina Anderson, 25120 Peaches Hide Away, Hollywood

The road name is very personal to the Jones's and alienates other homeowners. 51% of the landowners have signed the petition to have the name changed.

Kathy Menard, 25085 Sotterley Road, Hollywood

She and her family have legal rights to this road and the road should not have a family name but something neutral.

Andrea Jones, 25057 Peaches Hide Away, Hollywood

The neighbors have not communicated at all about these issues. Mostly it's hearsay and could have been rectified.

Commissioner President Randall suggested the homeowners have a meeting and discuss this within the next ten (10) days and respond to her if a consensus is reached.

Timothy Thompson Lane to Evans-Buckler Lane

Mrs. Timothy Thompson, 40820 Old Horse Landing Road

Mrs. Thompson appeared and stated the name change request is totally uncontested.

Mattapani Boulevard to Carver School Boulevard

Venture Drive or George Washington Carver Boulevard were both considered for names because there are too many Mattapani(y) roads nearby. Since there is a 25-character limit for street names, Carver School Boulevard would be acceptable. There was no public comment.

Hearing no further comments the public hearing was closed; the record will remain open for ten days for written testimony, after which it will be placed back on the agenda for the Commissioners' consideration.

PUBLIC FORUM

Carol L. Moody, 23392 Esperanza, Lexington Park

A parent shapes the character of her child. It is inappropriate for anyone else to decide the boundaries for my child or me. It is inappropriate for any person, group, or filtering device to decide what we see or read.

Alan V. Cecil, 44706 Beechwood Court, California

Violence and pornography on the Internet should be a non-issue. The Library Trustees and staff should be likened to childcare providers and licensed as such.

Ann Hardman, 21749 Pinehurst Court, Leonardtown

As an individual, unattached to any group, filtering software on computers in the Library makes good sense. Referenced a book called *Kids Online* written by Donna Hughes for additional information. (A petition with signatures was submitted to the Board.)

Spurgeon Terry, 24644 Tippet, Hollywood

There is easy access to pornography in the Library. Although parents should be responsible for their children, keep in mind that some youth have no one to monitor their activities. Filtering computers in our Library is a good idea.

Chris Sullivan, 41810 Paw Paw Hollow, Leonardtown

The current Library policy is ineffective and, librarians should not be babysitters. On ABC news, in Chesterfield County, VA a two-day audit on the Library computer system uncovered 6,000 hits on pornographic sites. Computers need filters and parental approvals in written form. (A video copy of the piece was presented to the Board.)

Joie Brunger, 44070 Grape Ivy Lane, California

Yes, it's a parent's job to raise and protect children. However, the Library needs to use filters on their computers to protect everyone. Librarians should not be babysitters.

Mike Schwartz, Mike's Bikes, Lexington Park

A parents group has begun - Southern Maryland BMX - and they are completing the paperwork to obtain a non-profit status, and have \$500 seed money. Only one track is required - a second track would be self-defeating. (Videotapes of BMX races were given to the Board for review.)

Joe Gass, representing May God Bless Our Community

Suggest an audit be performed on the Library computers to determine how many pornographic sites have been accessed. We expect teachers to protect our children and we expect Librarians to do the same. Filtering computers is important for all citizens.

Terri Doughty, 21825 N. Essex Drive, Lexington Park

Brought magazines on BMX racing for the Board to read. The disabled are racing BMX. In Pennsylvania, there is a week of racing. It would be great to have a week of racing in Southern Maryland. It would boost our economy.

Kee Abell, Mechanicsville

Supports BMX because it's a good healthy and productive sport. The children learn to work on their bikes so it's a constructive sport as well.

David Triantos, River Winds Drive, Medley's Neck

Why is St. Mary's County income taxes 22% higher than Calvert and 9% higher than Charles County?

Cece Price, 43721 Redman Road, Leonardtown

Librarians do a wonderful job. Minors do not have the same rights as adults. A solution might be what Loudon County is doing by requiring parents to sign waivers of access. Look at the placement of adult computers or use a "smart card." Give choices to users. Suggests the BOCC use their influence on SMC Library Trustees to pursue these avenues.

Steve Wible

Supports BMX because it's a diversified sport.

William Doughty

On his 42nd birthday, his son built him a bike and he's been racing BMX ever since. St. Mary's County needs a BMX track

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Minutes Approved by the

Board of County Commissioners on 4/16/02

Judith A. Spalding
Judith A. Spalding, Administrative Assistant
to the Board of County Commissioners

**NOTES OF COUNTY COMMISSIONERS ZONING ORDINANCE DISCUSSION
Tuesday, April 9, 2002**

All Commissioners were present, as were Jon Grim, DPZ Director; John B. Norris, III, Acting County Attorney; and Peggy Childs, DPZ Recording Secretary.

The Commissioners directed the following changes to the draft Zoning Ordinance:

Page 27-1, under 27.3 - Add new paragraph 6: "The Growth Allocation projects that are currently in the public hearing process before the Planning Commission will be allowed to proceed to public hearing before the Board of County Commissioners under current zoning ordinance requirements."

Page 50-14, Item 63, Personal Storage – Add "P" as permitted use in the RCL.

Page 50-16, Item 73, Retail Sales General – Change "L" to "P", permitted use in the RCL.

** Mr. Grimm will go through the Inventory of Uses and if there is an existing use "on the ground" that is not listed as a Permitted Use in the RCL, he will make the adjustment and report back to the Commissioners.

Chapter 70 – Staff has received language from Mr. Joe Guyther, representing the Fire Board, to allow developers to provide residential sprinklers instead of a full fire hydrant system in their development community. Mr. Grimm will insert this language and bring it back in the final document.

Page 70-6, after Line 11 – Add new subparagraph "d. The development is located within designated revitalization areas and/or development districts where the County wants to encourage new development or redevelopment. These developments would be allowed to proceed in certain areas experiencing unacceptable levels of service, provided that transportation improvements are made which would result in an improvement in traffic operations beyond what would have been expected if the development had not occurred. In addition, mitigation measures may be required by the Planning Commission to comply with the standards specified in Section 70.7.3.b."

Page 70-6, Line 14 – After "Transportation Research Board" add "or other acceptable methodology"

Rezone the following properties in Charlotte Hall to Industrial - Tax Map 4,
Parcel 297 – approx. 40 acres,
Parcel 21 – approximately 53 acres, and Parcel 453 – approximately 32 acres.

Page 81-1, Lines 16-17 – Strike "of a business enterprise" Sentence will read: "This subsection shall not apply to a vehicle on premises devoted to the repair, renovation, or servicing of vehicles; ..."

TDRs – The Commissioners will bring TDRs back later on in the spring and get additional information on how to strength our TDR Program in the County.

Density

Following a lengthy discussion, in which a motion made by Commissioner Anderson and seconded by Commissioner Raley to approve a 1:20 density in the RPD failed by a vote of 1-4, and a second motion made by Commissioner Randall and seconded by Mr. Anderson to approve a 1:10 density in the RPD failed by a vote of 2-3, Commissioner Raley made the following motion:

WHEREAS, THIS BOARD OF COUNTY COMMISSIONERS SEEKS TO ESTABLISH A MEANS TO CONTROL AND MANAGE THE GROWTH OCCURRING IN OUR COUNTY; AND

WHEREAS, THIS BOARD OF COUNTY COMMISSIONERS SEEKS TO PRESERVE OUR COUNTY'S RURA LAND AND OPEN HERITAGE WHILE AT THE SAME TIME NOT TOTALLY ELIMINATING RURAL AND FAMILY DEVELOPMENT WHICH IS DESIRED BY MANY EXISTING AND NEW RESIDENTS, AND

WHEREAS, EACH COMMISSIONER HAS MADE SUBSTANTIAL CONTRIBUTIONS TO ACHIEVE THE IMPROVEMENTS CONTAINED WITHIN PROPOSED ORDINANCE; AND

WHEREAS, PASSAGE OF THIS ORDINANCE WILL GREATLY IMPROVE THE QUALITY OF FUTURE DEVELOPMENT AND LESSEN THE IMPACT OF THAT DEVELOPMENT UPON OUR LANDS; AND

WHEREAS, THIS DRAFT ORDINANCE WILL ACCOMPLISH THE GOALS OF THE COUNTY COMPREHENSIVE LAND USE PLAN;

I NOW MOVE THAT THE DRAFT ZONING ORDINANCE THAT WENT TO PUBLIC HEARING ON FEBRUARY 26TH AND 27TH 2002 BE APPROVED WITH THE CHANGES IN MAPPING AND TEXT THAT THE MAJORITY OF THE BOARD OF COUNTY COMMISSIONERS HAS AGREED UPON UP TO AND INCLUDING TODAY. THE EFFECTIVE DATE OF THIS ORDINANCE TO BE THE START OF THE BUSINESS DAY OF MAY 13TH 2002.

THE MOTION WAS SECONDED BY COMMISSIONER MATTINGLY.

DURING DISCUSSION, COMMISSIONER RALEY STATED THAT IF, AFTER 24 MONTHS, DEVELOPMENT IN THE RPD IS STILL TOO MUCH, HE WILL CONSIDER ADDITIONAL CHANGES TO THE DENSITY PROVISION OF THE ZONING ORDINANCE.

THE MOTION PASSED BY A VOTE OF 3-2. COMMISSIONER RALEY, COMMISSIONER GUAZZO AND COMMISSIONER MATTINGLY VOTED IN FAVOR; COMMISSIONER RANDALL AND COMMISSIONER ANDERSON VOTED AGAINST.

The meeting was adjourned at 4:59 p.m.