

## PLYMOUTH PLAN COMMISSION

May 3, 2023

The Plymouth Plan Commission met in regular session in the Council Chambers of the City Building, 124 North Michigan Street, Plymouth, Indiana on May 3, 2023, at 7:00 p.m.

Commission President Doug Feece called the meeting to order for Commissioners Mark Gidley, Beth Pinkerton, Linda Secor, Bill Walters and Paul Wendel answering roll call whom were physically present. Commissioners Alex Eads, Randy Longanecker, Angela Rupchock-Schafer and Fred Webster were absent. Others present were Advisory Member David Hostetler, Building Commissioner Manuwal, City Attorney Surrisi and Plan Consultant Booker. The public was able to see and hear the meeting through Microsoft Teams.

Commissioners Pinkerton and Gidley moved and seconded to approve the minutes of last regular meeting of April 4, 2023. The motion carried.

The following legal notice was advertised in the Pilot Newspaper on April 20, 2023:

116 Legals	
<b>NOTICE OF PUBLIC HEARING</b> The Plan Commission of the City of Plymouth, Indiana will hold a hearing on May 3, 2023 at 7:00 p.m. in the Council Chambers of the City Building, 124 N. Michigan St. (Garro St. entrance), Plymouth, Indiana	on the following matters: <b>PC 2023-07: ADDD Equities LLC, 1906 N. Oak Drive, Plymouth, IN 46563:</b> An exception to Article 6, Section 190, Paragraph B.2 and 3. requesting a six (6) foot setback to build a five (5) foot sidewalk and an agreement to install said sidewalk at a time when the contiguous neighbors install sidewalks on 1619 N. Oak Drive, Plymouth, IN 46563, parcel 50-42-31-402-025.002-019, Zoned I, Industrial District.  Information on these matters may be obtained at the office of the Clerk-Treasurer, 124 N. Michigan St., Plymouth, IN and telephone #574-936-2124. Written objections to the proposal filed at the Clerk-Treasurer's office will be considered and oral comments will be heard. The hearing may be continued from time to time as may be found necessary. If you are disabled and need special accommodations, please call the ADA Coordinator at 574-936-2948. Kyle Williams, Recording Secretary, Plan Commission, April 20, 2023

**PC 2023-07:** ADDD Equities LLC, 1906 N. Oak Drive, Plymouth, IN 46563: An exception to Article 6, Section 190, Paragraph B.2 and 3. requesting a six (6) foot setback to build a five (5) foot sidewalk and an agreement to install said sidewalk at a time when the contiguous neighbors install sidewalks on 1619 N. Oak Drive, Plymouth, IN 46563, parcel 50-42-31-402-025.002-019, Zoned I, Industrial District.

Plan Consultant Booker reviewed the findings of fact and the request from the applicant. He read aloud Article 6, Section 190, Paragraph B 2 and 3. He read the applicant's letter aloud. See attached letter below.

**B. Sidewalks**  
All developments shall be required to install public sidewalks along any public streets within and adjacent to the development unless an exception is granted by the Commission and approved according to the exception procedure of the City of Plymouth Complete Streets Policy.

1. All sidewalks shall be constructed in the right-of-way or in a sidewalk easement adjacent to the right-of-way.
2. Sidewalks shall be separated from the back of curb of the adjacent street by a planting strip which is a minimum of ten (10) feet in width along arterial and collector roads and six (6) feet in width along local streets.
3. Sidewalks shall be a minimum of five (5) feet in width in residential areas and eight (8) feet width in nonresidential and mixed use areas, and constructed of concrete consistent with all applicable City of Plymouth construction standards.
4. Refer to 96.061 for corporate limit sidewalk regulations

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ADDD Equities LLC

1906 N. Oak Dr.

Plymouth, Indiana 46563

Letter of Intent

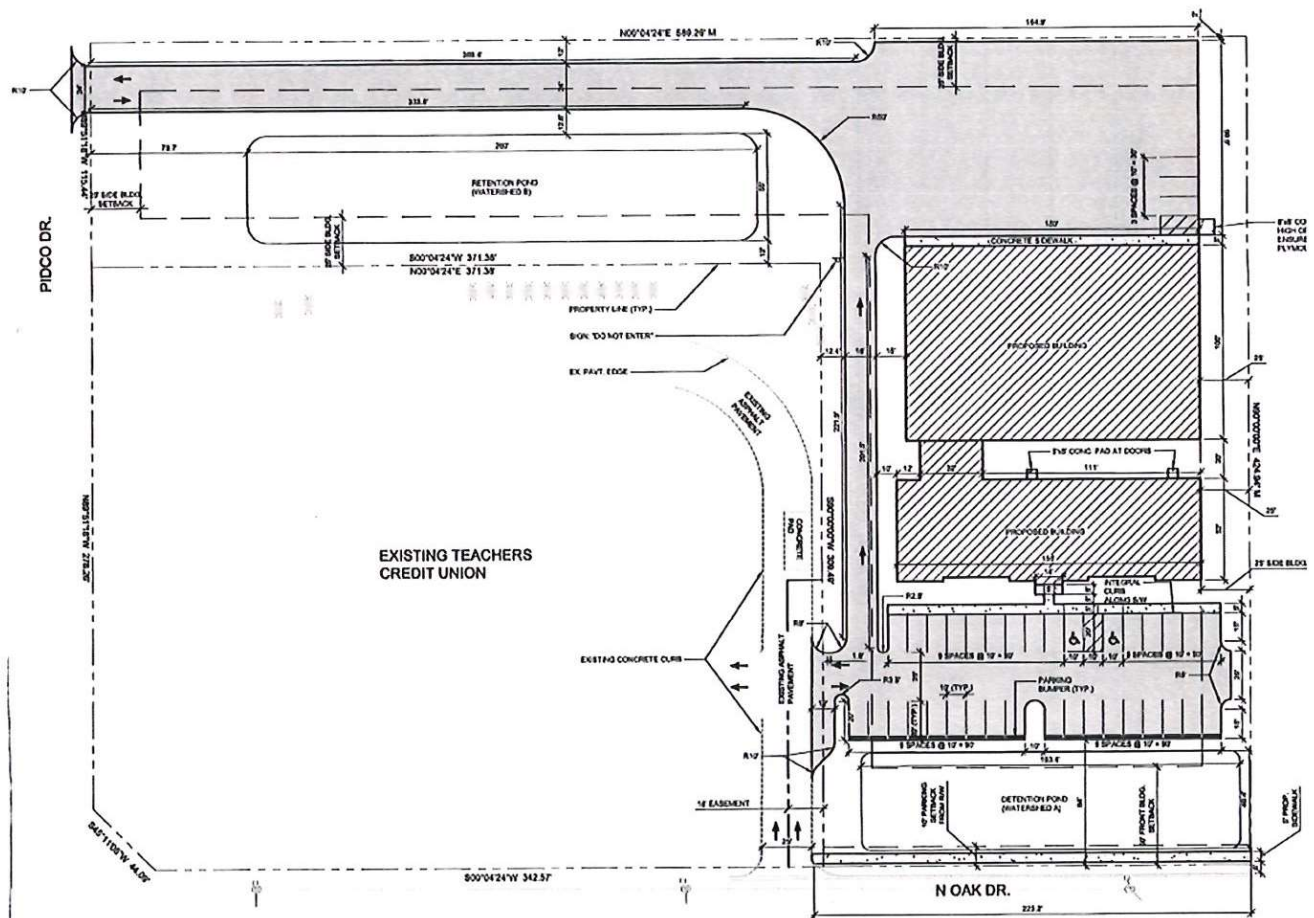
Plymouth Board of Zoning Appeals,

ADDD Equities LLC respectfully requests a variance from setback and sidewalk requirements prescribed by the Plymouth Zoning Ordinance for sidewalks in all non-residential areas. The zoning ordinance requires a 10' setback with an 8' sidewalk.

ADDD Equities LLC is designing and is nearly ready to apply for a building permit on a new warehouse and office building to be located at the 1600 block of Oak drive in Plymouth. Given the size, shape, and characteristics of the parcel and the neighboring parcels, ADDD is requesting a reduction of the setback and sidewalk dimensions to a 6' setback and a 5' sidewalk. ADDD would further request a variance from the requirement to install this sidewalk during construction but to install the sidewalk at a time that is agreeable with the neighboring parcels and at a time when the local community has determined if, where, when, and how it wants a sidewalk to be constructed along Oak drive.

Very truly,

  
Alan R. Collins  
Managing Member  
ADDD Equities LLC



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Booker states there are a lot of street regulations in the inner core of Plymouth.

Surrisi states that is so a new development can match what is currently being done in the area. He explains that you cannot put a 5-foot sidewalk when the rest of the sidewalk is larger.

Booker explains this request was originally submitted as a variance to the zoning ordinance but he believes it would be better to go to this board as they are asking for an exception versus a variance. He adds there is another idea that is going around that is coming from the Complete Streets Committee. He states the suggestion is to have each entity donate a 10-foot right-of-way to the city in order to build a sidewalk. He explains that was not approved by any community but instead has just come from the Complete Streets Committee and there may be some who wish to speak for that at this meeting.

### **Burke Richeson (1906 N. Oak Drive, Plymouth, IN 46563)**

Richeson addresses the board and introduces himself as the in-house counsel for the developer. He states this will be a new office space with a new warehouse that they are planning on building. He explains that is where the current construction and property management company would go to and that would be a little bit south from where they are now at 1906 N. Oak Drive. He states when they went through designing this development that it was really based off the warehouse that is behind the office building. He expresses the need of access for semis to come in and deliver large loads of lumber and any other types of materials and they need a certain amount of space to be able to make a turn and be able to access the warehouse properly. He states in doing so that left them with a very few numbers of areas for water retention and one of the major areas is in the front portion of the development which is to the east of the parking lot. He states even from this design here they have gone in and reduced that water retention area down as far as they can and keeping it as shallow as necessary to not create a concern of depth of water there with people that would be accessing or walking through there. He states their engineer is here to answer any questions in regards to that if any exist but the depth is not lower than 3 ft. total across the whole basin so they do not have any standing water there or retained water as it will all flow out within the 24-hour requirement. He states they will still leave enough room for that 6foot setback with a 5 foot sidewalk.

Richeson states their thought process with requesting this variance is how they look at all along that corridor is how they would find 18 feet anywhere. He explains there are certain sections where if you are on the other side of the road that you will be in the cemetery. He states next to MAAX there is only four feet of grass and then a cliff that falls off so there is no 18 feet to do that. He states their concern on this is to work with the community and find a way to build a cohesive sidewalk there that makes sense and not to put something in to just comply with a variance request. He states if they agree to have a variance from the requirement they have (18 feet) and agree to work with the community on a plan that is most cohesive with the road then at that point and time they would participate in that addition of a sidewalk in that area. He states if they were to try to take 18 feet out there and put in the necessary setback then that would adjust that water retention area to make it deeper which would require a fence around the whole thing and a whole lot of other expenses that would not be sightly and would be not be cost efficient to have that type of water retention in that area. He states they have moved some of that water retention to that back portion that comes off some of that hard surface there into that back water retention area and it is not as big as what is pictured there. He states the hard surface and the design of the building have stayed the same and they have taken as much care to have a big enough sidewalk there that they could and also to try to put a design together that they think would fit with what may come down the road for other property owners that would be putting a sidewalk together for future additions.

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He states he has recently had a discussion with the city and working with the Complete Streets Committee on putting together a plan and us being willing to donate or have an easement that would run along that property there to be part of that plan and his client is fully willing to do that and consider what options there may be to participate in that plan. He states that is 10 feet versus the 11 feet they planned for and that was well within their parameters that they designed because at the end it builds a cohesive sidewalk as opposed to something that gets chopped up and looks wider and shorter in different areas.

Feece expresses that he would be happy with any kind of sidewalk out there.

Wendel states there is nothing in writing and there is no plan so what they would really have to do is come up with a plan for that whole corridor.

Secor clarifies they still have standards.

Wendel states they do have the 10-foot and 8-foot requirement.

Walters states they would obviously like to see all the existing ordinances complied with but it is virtually impossible along that stretch so he believes they need to make some exceptions and accepting a plan like this that appears to be acceptable. He states that it sounds like they are working with the Complete Streets and the city.

Richeson states with full disclosure that he is part of the source of this problem as he was part of the committee that created this Complete Streets Policy. He explains that he has created his own monster here to deal with but he believes it is a good policy and if they can implement it in a way that makes sense for the existing infrastructure and existing buildings then that would make more sense in this particular situation. He states the worst thing would be for them to put in something and then have to tear it all out as a new plan comes into place and you would have the added back and forth cost for everybody.

Feece understands the concern of making just them put in a sidewalk and not anyone else. He states it would be worthless then.

Wendel asks what the construction timeline looks like.

Richeson responds by stating as far as the timeline they are hoping to break ground here as of June 1<sup>st</sup> as their breaking of ground for the office building. He states the warehouse would then be behind that but their plan is to be done by the end of the year with the building as a whole.

Wendel states there has been a lot of discussion about this but not a lot done about anything so he is wondering if they can table it.

Booker states they have to have the public hearing first.

Richeson states as they have looked at this analysis, they do not have to have an approval or granting of this question to start building. He states that it is very likely they will start moving dirt this month and start working on the project. He states they are in the process of putting in a silt fence today before a few measurements they needed to do. He restates they are going to start moving dirt here pretty quickly

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but with this being so far out they may be able to adjust whatever down the line to put in what is needed. He states the plan right now is to put up landscaping and things to make it look nicer. He states one of their concerns with the busy roadway there is trash blowing into their retention area so there is likely to be bushes and things along there to keep trash from blowing in as well. He states there is a lot for them to do in the meantime.

Pinkerton asks Wendel what his objection to that is.

Wendel responds by stating he was wondering when they were going to break ground but he just answered that question. He states they can hold off on approval or disapproval and it would not stop their progress.

Commissioners Gidley and Pinkerton moved and seconded to open the public hearing. The motion carried.

**Jeff Houin (217 Elliott Street, Plymouth, IN 46563)**

Houin informs those who may not know that he is a City Council member and a member of the Board of Public Works and Safety. He states he also serves on the Complete Streets Committee that has been referenced. He states he is here tonight to suggest the idea that we have been talking about at the Complete Streets Committee. He expresses they have been very active as a committee in trying to come up with a better plan for Oak Drive and as it has been mentioned tonight as a very dangerous street to try to navigate when in a car. He states even in a car it can be very dangerous and the biggest challenge is there is very little right-of-way. He states there is only a couple of feet on each side of the street that they have to work with. He explains they have started working with MACOG to do some conceptual design work of what it could look like, how it could be redesigned and how they could fit continuous sidewalks up and down ideally both sides of Oak Drive. He states that is in the very early stages but the bottom line is there is not much they can do without more space. He states they came up with the idea that what has been done with other applicants that has been suggested tonight is that ADDED Equities would not build their sidewalk immediately which would leave an empty space with no sidewalk and nothing the city could do. He states if and when they do build a sidewalk that it would be on private property which would give the city very little control. He states what they would like to see happen is an agreement where by they would not be required to build a sidewalk but instead would donate 10-feet of right-of-way along Oak Drive to the city. He explains that would give them much more space to work with as they plan for the future and they believe they could leverage that to approach other property owners up and down Oak Drive and get similar donations up and down Oak Drive. He states gradually they would accumulate enough space in right-of-way that they can design Oak Drive to be more accommodating for pedestrians and other types of traffic that is not in a car while still making it function properly for the cars. He states as Richeson mentioned he believes the property owner here is very amenable to the idea and he has discussed this personally with the City Attorney and the Mayor and he believes there is a lot of support for this plan. He states this would not happen soon and it would take a lot of time to develop the plans and find the funding to make the changes but this would be the first step in making it possible to increase the safety for traffic on Oak Drive.

Feece states that he would like to see him come down Jefferson Street also and he knows that is a big wish.

Houin adds they are not only looking at Oak Drive and they are looking at other places around the city.

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Feece states that Jefferson Street has been a bad area for his whole life so he has seen the area and what it has done.

Houin states one of their biggest priorities right now in the community is to identify locations where they can make immediate changes while also making a long-term plan for the bigger changes. He states that Jefferson Street is a much bigger project along with Oak Drive. He references some of the Tactical Urbanism projects they have done which are the temporary installations. He lists they have done one on Jefferson Street in front of the Coffee Lodge, one downtown on Michigan and Garro Street and they are about to install two projects with one being in front of the High School on Randolph Street and the other by the old Lincoln Junior High at the corner of Liberty and Gibson Streets. He states they are working very hard to identify things they can do to make Plymouth a safer city for all types of traffic be it pedestrians, bicyclists, strollers or wheelchairs to make everyone safer.

Pinkerton asks how this request fits into his plan.

Houin responds by stating the biggest advantage is that it gives the city additional right-of-way they have control over. He explains they are in the conceptual stage right now trying to get ideas of what Oak Drive would look like. He states one of the ideas is to reduce it from four lanes to three lanes with one lane in each direction and a center turn lane. He believes that could handle more traffic than what is currently there right now in a much safer way. He explains that would give them more space and combined with an extra 10-feet of right-of-way that this would give them space to put in something equivalent to the Greenways Trails so they would have much better access and a good buffer from vehicle traffic.

Gidley asks if those Greenways Trails would be in lieu of a sidewalk then along Oak Drive.

Houin responds by stating it could be but those are all ideas right now. He clarifies there is no definite plan as they are working on conceptual ideas to see what they can do. He explains the city is working on plans right now for a trail on Harrison Street that would run from the Conservation Clubhouse all the way to Oak Drive. He states if they could tie into that and connect into a sidewalk and trail system on Oak Drive that they could eventually connect through Jim Neu Drive on the back way to the Aquatic Center. He explains they have looked at a lot of ways to connect different parts of the city for any type of traffic.

Gidley asks Houin as not only a member of the Complete Streets but as a City Councilmen that he wanted to tell him he has regretted his votes personally to waive some of these sidewalk requests. He states what they are proposing as a long term out that it sounds like the beginning of a plan, he has been waiting to hear for 16 years so he is pleased they are getting that far. He states one of the things he has done and not off the subject is that ever since that young man was killed at that intersection of Oak and Pidco that it has made it even harder for him to say they should waive these sidewalk requests. He states he has noticed one thing at that intersection and it is something that can be dealt with immediately. He explains there are two mast sets at that intersection that he thinks were street lights that hung out over that street to light that intersection and they are gone. He states the mast is there but there is no fixture at the end. He states he could be wrong and it could be one of those old sensors that would change the light for fire trucks. He states there are two mast heads with no light fixtures on them. He states in the short run one of the things they can do is get those light fixtures put up at that intersection.

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Houin appreciates his comments and is glad he sees it that way. He explains as far as the lighting there they have also discussed that at their Complete Streets meeting. He states as a matter of fact the Street Superintendent is investigated that right now and hopefully at their next meeting... Gidley interjects and asks if he is aware of the two mast heads with no fixtures on them. Houin responds by stating he is and he is looking into options to install lighting at that intersection and several other locations.

Gidley states he is not suggesting those lights may or may not have saved that kid's life but in the very shortest of runs that is something they can do there for much less expense than sidewalks.

Houin agrees and states that is one of the things they are looking at.

Richeson wished to briefly add on to what Houin stated. He states a dedication of a portion of ground is something they do on a regular basis in dealing with streets. He explains that is a process they are familiar with where they can work with the city on as they come up with a description for that area. He states that is something they would be more than happy to do and work with the community to find the right solution that fits everyone's needs as opposed to putting in something that won't be workable in some areas and would have to be adjusted.

Gidley asks Richeson from his understanding that this 10-feet has been discussed and he is agreeable to it.

Richeson responds agreeably as it is even less footage than what they've planned for as they planned for 11-feet.

Gidley jokingly states they can do 11-feet then.

Richeson states they would be fine to do up to 11-feet but if the request was to donate 20 feet, then that would be into the water retention area.

Gidley asks if the 10 feet would be taken immediately.

Richeson responds by stating there is a survey in the process.

Gidley states that realistically within the time of a survey and some paperwork they could have that 10-feet donated to the city.

Richeson states that is certainly something they can do and he has spoken to his client and he is fine with it.

Gidley states in making a motion to approve this that it would have to require the donation of that 10-feet.

Richeson explains as it states now is this request is somewhat of a variance from having to build the 18-foot sidewalk and it is their agreement to work the community to do whatever the plan is. He states if that plan is to put in that 10-foot donation of that area then they are happy to do that. He states if the plan is to put easements to access that ground, then they would be happy to do that as well.

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Gidley state he would just like it to be worded correctly for the motion. He states that sometimes how they have worded things has caused people to come back and question what was said instead of what was meant.

Richeson looks at this more as an agreement in lieu of a Comprehensive Plan and their agreement is to cooperate and participate with the rest of the community for whatever is determined within that 10-feet. He restates if it is an easement, a donation, them building the sidewalk in there or however it works. He states they would be happy to do that.

Houin states that he probably should have clarified but his suggestion would be that they table this request tonight so they can work out the details of the agreement. He believes a donation would require approval from the Board of Public Works and Safety for the dedication of transfer of ownership and probably also a setback variance because that would move back the property line and a variance would allow them to build within the same location where they have it planned now. He states at the end of the day he is unsure if this agreement works and everyone else approves it that there would be any reason for them to entertain the request and it would simply be dismissed. He states he would suggest they table this tonight while the parties try to work out an agreement.

Richeson states the only comment he would add to that is that they are fine with working on that. He states that obviously they have months before they apply for a certificate of occupancy but they cannot obtain a certificate of occupancy until a variance or something is granted for that area. He states if they came to a point where they were not able to come to an agreement that they would ask for some determination of a variance that is still workable with the community but allows them to get a certificate of occupancy so they are not held up at that point.

Houin states that tabling it would allow them to pick it back up later if that becomes a situation and they need an approval quickly then they can pick it back up and try to approve it at that point. He states that hopefully they have other details worked out before then and they would not need to.

Booker adds they would not have to reapply as it is tabled.

Commissioners Wendel and Pinkerton moved and seconded to close the public hearing. The motion carried.

Commissioners Gidley and Wendel moved and seconded to table PC 2023-07 while the parties presented above work on the details of a potential agreement for the future of Oak Drive. The motion carried by roll call vote.

Yes: Gidley, Pinkerton, Secor, Walters, Wendel and Feece

No: None

Absent: Eads, Longanecker, Rupchock-Schafer and Webster

### **Amendment to R-1 Rural Residential Zone:**

Booker explains that for the last year or so the Board of Zoning Appeals (BZA) has had several requests of people who want to have small 4-H like livestock operations on their property. He explains in the rural residential zone, which used to be their old agricultural zone many years ago when they adopted the new zoning ordinance when they could do that. He reads aloud the definition of an R-1 Zone.

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## Rural Residential District

Rural Residential represents the lowest density of residential development in the Plymouth planning jurisdiction. The designation exists largely in the outlying areas of the jurisdiction that remain primarily agricultural in nature with scattered rural home sites. The Rural Residential category is intended to help preserve the rural nature of the land while allowing limited residential growth.

Booker lists the permitted agricultural uses of an R-1 Zone.

### Permitted Uses

#### Agricultural Uses

- Crop Production
- Forestry and Logging
- Horses and Other Equine Production
- Nursery and Greenhouse
- Sawmill (Portable)

Booker states you can have horses but you can't have any other livestock. He states you cannot have a chicken or even a duck legally. He states that his argument that makes sense is that there are several hundred people that have a duck, a chicken or something out there.

Feece explains they have that even within the city limits. He explains that he hears roosters every morning.

Booker expresses that is another issue there as there are some communities that have allowed poultry in the jurisdiction of their cities as there are more and more people who want to be self-sufficient and want to raise their own kind of produce or livestock. He lists the special agricultural uses which would be something that is allowed but would have to be given permission from the Board of Zoning Appeals.

### Special Uses

#### Agricultural Uses

- Animal Production
- Confined Livestock Feeding
- Dangerous and Exotic Animals
- Farm Implement Sales and Service
- Livestock Auction
- Livestock Composting (accessory use to livestock production or confined feeding)
- Livestock Distribution
- Livestock Incineration (accessory use to livestock production or confined feeding)

Booker states if you want to have a tiger on your property, sell a tractor, sell livestock, livestock distribution or even burn livestock that you would need a special use. He states other kinds of livestock

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are not even a special use but rather a variance of use because it is not listed in either of these two. He states this was brought before the Plan Commission before maybe five or six years ago. He explains this is not a hearing but rather a suggestion on this moving forward. He states he would like to create a definition called agriculture limited. He explains this could be included in the definitions and then would be put in as a permitted use. He states this would be a use of land for animal production limited to 4-H projects and home consumption with no retail or outside sales.

Gidley asks what zoning districts he is proposing this for.

Booker responds by stating this would be just for the R-1 District.

Gidley asks for clarification that this would not be in subdivisions.

Booker responds by stating this proposal tonight would only be in R-1. He states if they would want to go further then they could add this as a special use in some of the other districts if they wish. He states they would have to advertise this and have a public hearing next month and whatever they would pass would have to go to the City Council for their final approval. He believes this should be added because if someone would want to do a 4-H project in the 2-mile zone then they would have the ability to do that. He states for the case they had last month that they had a family that wanted to raise four steers for their family that they would consume but they had to come here.

Gidley states in that case they had 5 acres with only 4 steers. He asks if there should be some acreage requirement or property space requirement. He states you wouldn't need an acre for chickens but for five steers you need some acres.

Booker states there was one south of town that had a smaller lot and they had a chicken pen they put in. He states they could put an acreage requirement on certain types of livestock like cattle, goats and sheep to have a minimum acreage. He states he could study that and put it in the proposal.

Feece asks about pigs.

Wendel asks about tigers.

Booker responds by stating most of the 4-H projects from his memory is young people buying a young pig in the Spring, feed it, sell it at the auction and then it is done. He states they do not have many hog farms in the county anymore. He states he is aware of maybe one or two. He agrees there may need to be an acreage requirement for hogs as well.

Secor asks if there needs to be something in place dependent on how close you are to your neighbor. She provides the example of a fence being right up against your property.

Booker responds by stating most of the properties in the R-1 Zone are fairly large and the houses are spaced apart. He states if they do not want to pursue this then they do not have to.

Walters believes there needs to be some more consideration to some of these things that were just brought up as far as acreage and so forth, maybe it needs to be tabled for now and brought up with some more study and conversation.

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Surrisi believes Booker may be able to work up some new proposed language that has some additional standards and do another informal consideration when he has time.

Booker states that his argument for making this is that a lot of people want to be self-sufficient. He states his particular opinion is that they have no way to enforce this. He states if you can't enforce it then why have it. He states it is really easy to go to ACE hardware and get some chickens.

Feece adds that is sort of a sore subject for many years getting anything done in the 2-mile zone.

Manual explains he likes Booker's idea about the R-1 District. He references what Booker said about people being more self-sufficient and he agrees with tabling it right now because he believes there needs to be some type of restriction on the number of large animals per acre. He states you wouldn't want to have 20 pigs per 5 acres.

### **Other Business:**

Surrisi states they are undergoing the process this year of revising their Comprehensive Plan and there is a Steering Committee of 20+ people who are guiding that. He states in the last couple of weeks there has been a series of three stakeholder meetings where he would say 50 or more people have attended among the three sessions. He adds that some of the Plan Commission have been there because he remembers seeing Gidley there. He explains they are getting a lot of good input there and in the coming months they will be taking all this information from these stakeholder meetings and refining the plan a little more. He adds they are working with MACOG, their regional planning, to guide them in this. He believes they will soon be having draft material coming to them and some public meetings to have more input. He explains a lot of the topics are about sidewalks, trails and specific goals and strategies on how to achieve those things over the next 15-20 years. He states once it is fully finalized that it will be coming to them for their review and the Plan Commission is the first approval step before coming to the Common Council for final adoption.

Feece explains he has sat through two of those in his tenure here and it is quite an undertaking to do but the more input you have from the public the better it will be received and taken care of.

With there being no other business to come before the Commission, Commissioners Wendel and Gidley moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 7:46 p.m.

*Kyle L. Williams*

Kyle Williams, Recording Secretary