

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

June 12, 2012

The June 12, 2012, meeting of the Charter Township of Oakland Board of Trustees was called to order at 7:00 p.m. in the Township Hall.

PRESENT: Joan Fogler, Supervisor
Judy Workings, Clerk
Sharon Creps, Treasurer
Michael Bailey, Trustee
Marc Edwards, Trustee
Sharon McKay, Trustee
Kathrine Thomas, Trustee

James Creech, Manager
Steve Joppich, Attorney

ABSENT: None

A quorum was present.

PLEDGE OF ALLEGIANCE

Supervisor Fogler led the Board, staff and those present in the Pledge of Allegiance.

APPROVAL OF MINUTES

MOVED BY BAILEY, SECONDED BY CREPS, to approve the minutes of the April 10, 2012, meeting as revised and presented this evening, and the May 8, 2012 meeting.

MOTION CARRIED (Abstentions by McKay and Thomas regarding the May minutes).

AMENDMENTS TO AND APPROVAL OF AGENDA

MOVED BY BAILEY, SECONDED BY CREPS, to approve the agenda as presented.

MOTION CARRIED.

CITIZENS

Supervisor Fogler invited those present to comment at this time on an item that is not on this evening's agenda. Further, she stated that if someone wishes to comment on an item that is on this evening's agenda, they may do so at an appropriate time when the Board is considering that item.

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Jan Olson: Millrace Issues

Jan Olson of 4190 Orion Road shared a photo of a water ladder that has been installed on her neighbor's property, at the side of Paint Creek where the dam was removed. She said this is what she and others had initially suggested as a solution in lieu of removing the dam and causing the subsequent loss of the millrace. She said she is very upset by this, and said she still has many questions about how the Clinton River Watershed Council plans to resolve the numerous problems at this site. Supervisor Fogler said she would contact Clinton River Watershed Council Executive Director Anne Vaara and try to have her present at the July meeting.

John Markel: Memorial Day Speech

John Markel of 245 Birch Hill Drive thanked Supervisor Fogler for representing Oakland Township at the Avon Cemetery for the Memorial Day observance. He questioned if she read the poem of thanks in its entirety, and she responded that she did. Mr. Markel said he is thankful to those who have served our country.

PAINT CREEK CENTER FOR THE ARTS: Oakland Township Award

Clerk Workings and Supervisor Fogler stated that Tom Asmus and Bill Kroger are the recipients of the 2012 Charter Township of Oakland Paint Creek Center for the Arts Regional Arts and Culture Award. This award recognizes their contributions, which have enhanced the arts and heightened the level of cultural and historical awareness within Oakland Township.

Clerk Workings shared a long list of the many things these men have done over the years, including rebuilding the "big wheels" in front of the Paint Creek Cider Mill, and disassembling, moving and reconstructing both the corn crib and the Flumerfelt Barn at Cranberry Lake Farm.

Supervisor Fogler and Clerk Workings presented the awards to Mr. Asmus and Mr. Kroger. The Board thanked them for their commitment to our community.

RESOLUTION 12-04: SEWAGE DISPOSAL RATES

The Board considered the proposed resolution from the Water Resources Commission regarding water supply and sewage disposal system rates. The water supply system rates will remain the same, but the sewage disposal system rates will increase. The new rates will be effective July 1, 2012.

MOVED BY THOMAS, SECONDED BY BAILEY, to adopt Resolution 12-04, a resolution regarding the Charter Township of Oakland Amended Sewage Disposal Rates, as presented.

MOTION CARRIED UNANIMOUSLY.

A copy of the resolution is attached as a part of these minutes.

CABLE FRANCHISE AGREEMENT

The Board considered the proposed Uniform Video Service Local Franchise Agreement with Comcast.

MOVED BY WORKINGS, SECONDED BY BAILEY, to adopt Resolution 12-05, a Resolution Granting Approval of a Uniform Video Service Local Franchise Agreement with Comcast as presented.

MOTION CARRIED UNANIMOUSLY.

A copy of the resolution is attached as a part of these minutes.

SCHOOL SPEED LIMIT SIGNS

The Board considered agreements for installation of two school zone speed limit signs with flashers along Dutton Road for Musson Elementary School. The cost for these signs is shared equally between the Road Commission for Oakland County, Rochester Community Schools, and the municipality. In this situation, Oakland Township and the City of Rochester Hills will share the one-third to be paid by the local municipality. The total cost for each sign is \$15,979.

MOVED BY BAILEY, SECONDED BY WORKINGS, to pay one-half of the one-third total project cost assigned to the local municipality for the installation of two school zone speed limit signs with flashers, to be located along Dutton Road for Musson Elementary School as discussed this evening.

MOTION CARRIED UNANIMOUSLY.

Supervisor Fogler said that she would like to see similar signs installed along Rochester Road for Living Word Lutheran School. Judy Keyes of 1887 High Meadows Boulevard said she is a parent at this school. She stated that the school instead wants to put money aside for acquisition of a digital sign, and that they are upset because Supervisor Fogler has told them that they may not have one. Supervisor Fogler said she has never told the school that they may not have a digital sign, although she may have told them that they might need to take this request to the Zoning Board of Appeals. She continued that she will contact the principal of Living Word School tomorrow and inform ~~him~~ her that she has never discussed the digital sign with the school.

SMART CREDITS TRANSFER

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Each year, SMART (Suburban Mobility Authority for Regional Transportation) makes money eligible to the Charter Township of Oakland for local municipal transportation or to transfer to another community or entity. If the municipality chooses to transfer this money, it transfers in an amount equal to approximately half of the eligible credit.

Last year, Oakland Township was eligible to receive \$16,492.00 in municipal credits, and this year Oakland Township is eligible to receive the same amount. If we choose to transfer these funds to the OPC, they will transfer in the amount of \$8,246.

In the past, Oakland Township has transferred these monies to the Older Persons' Commission, which serves the communities of Oakland Township, the City of Rochester, and the City of Rochester Hills. The Older Persons' Commission is willing to provide the necessary match.

MOVED BY WORKINGS, SECONDED BY THOMAS, to transfer the Charter Township of Oakland's Suburban Mobility Authority for Regional Transportation ("SMART") municipal credits for the 2013 program year, in the amount of \$16,492.00 to the Older Persons' Commission, with the understanding that the OPC will receive \$8,246.

MOTION CARRIED UNANIMOUSLY.

SERIES 2001 BOND REDEMPTION

Manager Creech reviewed his memorandum of June 7th. He is recommending that the Board redeem the Older Persons' Commission General Obligation Unlimited Tax Levy bonds in October. He discussed this matter with the Township's financial consultant, and reviewed the redemption process with the Board. If the Township redeems these bonds, it will save \$371,868.75 in interest, and will alleviate the public of the remaining \$1,575,000 principal obligation. There are no fees associated with this process. Manager

Creech said that even with this payment, there will still be adequate funds in the General Fund balance.

MOVED BY EDWARDS, SECONDED BY McKAY, to exercise call option for all the outstanding Charter Township of Oakland Older Persons' Commission General Obligation Unlimited Tax Bonds, Series 2001, for redemption on October 1, 2012, and to authorize the Township Manager to send a letter indicating that fact to the Bond Registrar and Paying Agent.

MOTION CARRIED UNANIMOUSLY.

MOVED BY WORKINGS, SECONDED BY CREPS, to transfer \$1,575,000 from the undesignated General Fund Balance to the Older Persons' Commission debt service fund before October 1, 2012.

MOTION CARRIED UNANIMOUSLY.

John Markel of 245 Birch Hill Drive asked how this will affect the Township's fund balance. Manager Creech responded that there will be approximately \$4.7 million remaining in the General Fund reserves, and explained that this would cover the Township's operational costs for approximately two years.

Bob Sirna of 5823 Wellwood Court asked if there are any other bonds or debt obligations that the Board should consider paying off. Manager Creech responded that there are no other bond obligations that the Township may pay off at this time. There was a bond issue in 2008, but Manager Creech explained that there is a penalty if a municipal bond issue is paid off within the first 10 years.

BLOSSOM RIDGE SENIOR HOUSING DEVELOPMENT

Developer Dominic Mocerri was present along with Landscape Architect Don Westphal and Landscape Assistant Jennifer Blankenship in anticipation of the introduction and first reading of an ordinance to amend Ordinance No. 16, the Zoning Ordinance, and the Zoning Ordinance Map, to rezone the approximately 41.842 acre parcel located at the northwest corner of Dutton Road and Adams Road from MRD (Medium Density Residential) to RM-PRRO (Multifamily Residential Density with Planned Residential Rezoning Overlay) for the proposed Blossom Ridge senior housing development.

Supervisor Fogler recalled that the Board did not take action on this matter at the last meeting because two of the Board members were absent.

In response to concerns raised at the last meeting, Supervisor Fogler had Building Director and Fire Chief Benoit look into the anticipated impact that this development would have on the Oakland Township Fire Department. Chief Benoit responded in his memorandum of May 23rd. His memo indicates that he expects this development will add approximately 180 calls per year, including emergency transports to a hospital, simple requests for assistance (e.g., someone has fallen and needs help getting back up) and false

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fire alarms. His memorandum points out that this building will be covered 100 percent by fire suppression sprinklers, so any fire would be quickly contained. Additionally, Chief Benoit points out in his memo that all of the surrounding fire departments that have this type of facility have automatic mutual aid set up in their dispatch system. Therefore, if there were a fire call, a number of surrounding fire departments would automatically be dispatched to the fire, which would include ladder trucks from Orion Township, Auburn Hills and Rochester Hills, and an engine from the City of Rochester. Finally, Chief Benoit's letter reflects that any development (including single family) increases the burden on the Township's Fire Department, but he points out that it also generates increased tax revenue and ambulance fee revenue for use of the emergency services.

Clerk Workings said she still has concerns about how quickly a senior housing center could be evacuated, especially if the residents have limited mobility. Manager Creech pointed out that Oakland County periodically conducts "table top" exercises, which Oakland Township participates in, to practice emergency procedures. Mr. Mocerri added that there are only 30 assisted units, and these are all located on the ground level. There will also be full-time staff who would assist with any evacuation. He continued that there will be two private mini busses to help transport residents in wheelchairs. Mr. Mocerri invited the Board to include as a condition of approval the development of an emergency procedure.

Supervisor Fogler opened the floor to residents to comment.

Bob Sirna of 5823 Wellwood Court asked if there will be a traffic light installed at the Adams Road entrance to Blossom Ridge.

Linda McQuade of 5605 Muirfield Drive asked what would happen if a person moved into Blossom Ridge and later needed assisted living. She asked if such a person would be required to move to a first floor unit. Supervisor Fogler said this scenario is beyond the scope of matters before the Board.

John Markel of 245 Birch Hill Road cautioned that the Board should have a full understanding of how this proposed development may impact the Township before making a decision. He recalled that there were some problems following the Township's approval which allowed the Paint Creek dam removal project to proceed, and he does not want to see a similar situation occur with the Blossom Ridge development.

Fredricka Simmons of 5595 Muirfield Drive said she feels this is a business type activity, and she does not feel it fits in well with the single family residential neighborhood. She questioned how the development would be maintained if it were sold.

Jim Hollenbeck of 2055 Aberdeen Court recalled Chief Benoit's memorandum indicating an anticipated 180 additional calls per year. Mr. Hollenbeck questioned what the cost will be for this. Manager Creech explained that the development will be generating additional revenue, which will offset the cost of these services. Trustee Edwards added that often the ambulance transportation costs are paid by medical insurance. Supervisor Fogler stated that Chief Benoit's letter will be made available for residents to view. Mr. Hollenbeck continued that he has been in the corporate relocation business for over 30 years and, in his opinion, the value of the homes in the area will decrease. Supervisor Fogler said the Township discussed this matter with an appraiser, and the appraiser did not feel the development would have a negative impact on the value of neighboring homes.

AnnaLisa Hollenbeck of 2055 Aberdeen Court asked the Board to carefully consider this matter, as their decision to allow a senior housing development will have a long term impact on the community. She is opposed to the proposed development as she feels it will disrupt the fabric of the residential setting, and that it does not fit with the Oakland Township community. She followed up on her husband's comments regarding decreased value of surrounding homes, stating that there was a very similar situation in Cleveland, Ohio, and there was indeed a decline in real estate values. Finally, Mrs. Hollenbeck asked that there be "mutuality," and commented that she feels there is a lack of civility at these Board meetings.

Jan Olson of 4190 Orion Road commented about fire alarms and evacuation. She said her mother was in a similar facility. The fire alarm went off routinely and, after a while, residents did not pay any attention to it.

Roger Schmidt of 455 S. Rochester Road said he is aware of nine similar developments in the Rochester and Rochester Hills area. When he contacted them, only one indicated that there had ever been full occupancy. He questioned the need for such a facility in Oakland Township.

Colleen Gentry of 2839 Addison Circle urged the Board to allow residents to vote on whether or not they want this senior housing development in their neighborhood. She said such a development will drastically impact residents' lives and their property values.

Judy Keyes of 1887 High Meadows Boulevard shared an assortment of comments. She pointed out that she believes many senior citizens are opting for in-home care instead of living in a senior housing facility. She continued that she fears Blossom Ridge will become an even bigger problem for residents than the problems experienced by residents following the removal of the Paint Creek dam. She added that she understands there are other residents who are opposed to this development, but who are afraid to attend the Board meetings. Finally, Ms. Keyes commented that it is her understanding that senior housing properties are routinely bought up by national companies.

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Connie Brown, who lives on Buell Road, said she is 86 years old. She would like to live in a place like Blossom Ridge where she can remain in the same community, but where someone else will take care of the grounds and maintenance.

At this point, Supervisor Fogler closed the floor to residents, and invited comments from the Board members.

Supervisor Fogler stated that Oakland Township is required to offer areas for uses such as senior housing. While there are three areas in Oakland Township that are zoned for this use, the Blossom Ridge location is the only one that has city water and sewer services available.

Trustee Edwards said he has worked with Supervisor Fogler and Manager Creech to develop a list of proposed conditions, and would like to offer a motion for the Board's consideration. Clerk Workings said that she would also like to offer a motion.

Attorney Joppich stated that the Zoning Ordinance sets forth a specific procedure for a Planned Residential Rezoning Overlay. This evening, the Board may consider introduction and first reading of the ordinance amending the Zoning Ordinance, and consider any preliminary conditions for the development. If the Board chooses to go forward with this, then the Board should direct him to work with the applicant to formulate a PRRO Agreement. At a subsequent meeting, the Board may hold a second reading and consider adoption of the ordinance. Alternately, the Board may make a motion to deny the request and direct ~~the~~ him to formulate a finding of fact supporting the denial.

MOVED BY EDWARDS, SECONDED BY CREPS, to determine that the Township Board may approve the application for the Blossom Ridge Rezoning with Planned Residential Rezoning Overlay (“PRRO”), as amended to date, to introduce the Blossom Ridge Rezoning with PRRO as amended for first reading, to direct the Township Attorney to prepare and negotiate a PRRO Agreement with the applicant, and to specify the following tentative PRRO Conditions:

1. The location, size, height and other measurements for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, open space and other features as shown on and described in the PRRO Site Plan, as amended and supplemented through the date of this motion, subject to these tentative conditions.
2. The maximum density and number of units as shown and described in the PRRO Site Plan, as amended and supplemented through the date of this motion, being no more than 238 units (134 in Blossom Park, 44 units in Duets, and 60 units in ranch homes), with a limit on the ranch homes to no more than 4 units per grouping, or 4-plex units, at a length not to exceed 116’.
3. Berms and landscaping as illustrated in the color version of the PRRO site plan and section details, as amended and supplemented through the date of this motion.
4. Consideration shall be given during site plan review to the Dutton Road entry to ascertain whether features and signage can be introduced in an effort to foster the use of this entry by residents, guests and service providers as a primary entry.
5. Acceptance and implementation of the Applicant’s voluntary offer to place in a created Township Traffic Safety Fund, as a condition of the issuance of a certificate of occupancy of each unit, \$1,000.00 to be used for road upgrades within ¼ mile of Blossom Ridge, but not to be utilized for improvements at the Blossom Ridge Boulevard and Adams Road or Orchid Trail and Dutton Road intersections which will be improved by and at the separate expense of the developer.
6. Compliance with all Township, County and State laws, ordinance and rules including but not limited to the Township Tree Protection Ordinance, the Township Wetlands Protection Ordinance, sewer and water regulations, and storm water regulations.
7. Architectural sketches of the units and buildings contained in the submissions, as amended, by the applicant and all other architectural, environmental and site amenities represented in the April and May submissions.
8. All buildings and structures shall not exceed 35’ in height as defined in the Oakland Township Zoning Ordinance, Ordinance 16.
9. The residential living units permitted on the property shall be designed and structured to accommodate and be used for senior housing as specified by this

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- application package, as amended and supplemented through the date of this motion. Other uses permitted include a community building, parking areas, and walking trails designed and layout to facilitate a senior living environment. Per the Applicant's submission, the senior housing is not to include a nursing care facility or a memory care facility.
10. There shall be a minimum perimeter setbacks as represented in the applicant's submissions, as amended and supplemented through the date of this approval, and such areas are to be used and maintained exclusively as landscaped open space.
 11. The Adams Road frontage shall contain landscaped berms designed to screen the view of the Blossom Park and other housing units from Adams Road to maintain a country setting adjacent to the Adams Road.
 12. Landscaping proposed on the PRRO site plan shall be promoted to maintain to the maximum extent possible the natural environment, natural vegetation and natural features.
 13. All signage, lighting, landscaping, and building materials shall be as or close to the intent illustrated in the plans submitted as part of the application package.
 14. A written understanding shall be made for the permanent maintenance of natural resources, features and facilities to address drainage and water quality, traffic, open space and other features and improvements, including provision for authorization and financing of such maintenance by or on behalf of the Township in the event the property owner(s) fail(s) to timely perform.

Discussion:

Trustee Thomas referred to condition 14 and questioned who would be responsible for this. Mr. Mocerri responded that the land owner would, but added that there are many different form of ownership. Attorney Joppich stated that when the Township approves a development, Oakland Township typically requires that provisions be included in the deed restrictions to give future owners notice regarding such obligations, and to give the Township the option of doing what needs to be done and then be reimbursed by the property owner.

Trustee Thomas said that, while she does not live near the proposed Blossom Ridge development, she was involved in the Harvest Corners development, and she distinguished the two. She believes that Blossom Ridge will be a benefit to our community, and that it will not have a negative impact on traffic or property values. Further, she said she feels the level of the Blossom Ridge development will fit in well with this area of Oakland Township.

Trustee Bailey referred to condition 2 regarding density. He said he still feels that 134 ~~assisted-living~~ units is still too many. He acknowledged that the proposed density now is much better than what was originally proposed.

Treasurer Creps concurred with Trustee Thomas and said she feels Blossom Ridge will be a benefit to the Township, and that it will provide long term residents with an opportunity to continue to live in Oakland Township even when they are no longer able to continue living in their own homes. Treasurer Creps added that she has spoken to people who are pleased to see this proposed development.

Clerk Workings expressed her concerns about the density, stating that she would like to see it come in line with the three to five unit standard. She also has concerns about the anticipated increase in emergency calls.

Trustee Edwards said he feels the Board needs to move forward with approval of this project.

Trustee McKay said she feels the density is still too great, and she also has concerns about the size (especially the length) of the building.

AYES: Fogler, Creps, Edwards, Thomas
 NAYS: Workings, Bailey, McKay
 MOTION CARRIED.

MANAGER'S REPORT

Millrace

Manager Creech provided the Board with the report from Wade Trim engineer Jason Kenyon regarding their work on the millrace project. Trustee Bailey said he looks forward to hearing Mr. Kenyon's presentation.

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Wyndridge

Manager Creech reported that he met with the developer who purchased the seven lot development on the south side of Silver Bell Road, east of Brewster. The developer plans to develop the site with homes similar to the one already on this site.

Detroit Sewerage and Water Department Meeting

Manager Creech will meet with the Detroit Sewerage and Water Department in July to discuss if it will be possible to extend city water to any other part of Oakland Township.

TRUSTEE THOMAS'S REPORT

Recycling

Trustee Thomas reported that, now that the Township only offers recycling once a month, there has been a significant reduction in use of this service. She speculated that many people may be using curbside recycling, which is offered by many waste hauling service providers.

The Board discussed the new recycling schedule. Trustee Bailey said he feels the recycling schedule has been somewhat erratic lately, although Trustee Thomas said the only change in the recycling schedule was on Easter weekend.

The Board agreed to wait until September to make any additional change to the recycling program currently offered, and discussed soliciting resident input via the Township newsletter and an online questionnaire.

SUPERVISOR FOGLER'S REPORTS

Household Hazardous Waste Day

Supervisor Fogler reported that she worked at the Household Hazardous Waste Day event held on June 2nd. There were 1,211 participants.

Historic District Commission: Letter of Resignation from Janice Derry

Supervisor Fogler stated that Janice Derry is no longer able to serve on the HDC.

MOVED BY WORKINGS, SECONDED BY THOMAS, to accept the letter of resignation from the Historic District Commission submitted by Janice Derry.

MOTION CARRIED UNANIMOUSLY.

TRUSTEE EDWARDS'S REPORT

Curamus Terram Race

Trustee Edwards reported that he will again coordinate the *Curamus Terram* race, which is held in September in conjunction with the Goodison Good Tyme event.

TRUSTEE McKAY'S REPORT

Millrace Cleanup

Trustee McKay stated that she worked with residents over three Saturdays to clean up this area, which now looks beautiful. She would like pictures of this project posted on the Township's website.

APPROVAL OF INVOICES

The Board reviewed the list of invoices.

MOVED BY THOMAS, SECONDED BY BAILEY, to approve payment of the invoices as presented, dated May 18, 2012, in the amount of \$694,225.99, and June 8, 2012, in the amount of \$266,807.57.

MOTION CARRIED UNANIMOUSLY.

A copy of the lists of invoices is attached as a part of these minutes.

CLOSED SESSION

MOVED BY BAILEY, SECONDED BY WORKINGS, to move to a closed session of this meeting at 9:20 p.m. for the purpose of discussing the acquisition of real property, and a privileged attorney-client legal opinion from the Township Attorney.

AYES: Fogler, Workings, Creps, Bailey, Edwards, McKay, Thomas

NAYS: None

ABSENT: None

MOTION CARRIED.

The regular session of the meeting was reconvened at 10:02 p.m.

ACQUISITION OF REAL PROPERTY

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Attorney Joppich explained that Oakland Township has been recommended for a grant to create a trail connector along Adams Road. The Township also plans to complete the safety path along Silver Bell Road, west of Adams Road. In order to accomplish these trail connections, the Township needs to obtain easements from three property owners. The Township has had each of the properties appraised, and has had a qualified review appraiser examine those appraisals. If the Board considers these appraisal amounts to be appropriate, an offer to purchase the necessary easements will be made to the property owners. If the owners accept, the projects can move forward. However, if the owners do not accept, the Township will be forced to take this matter before a court.

MOVED BY BAILEY, SECONDED BY EDWARD, to adopt Resolution 12-06, a Resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking regarding parcel number 10-19-400-003, with the understanding that the amount specified should be \$26,400 (not \$26,100).

MOTION CARRIED UNANIMOUSLY.

A copy of this resolution is attached as a part of these minutes.

MOVED BY BAILEY, SECONDED BY EDWARD, to adopt Resolution 12-07, a Resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking regarding parcel number 10-19-400-002.

MOTION CARRIED UNANIMOUSLY.

A copy of this resolution is attached as a part of these minutes.

MOVED BY BAILEY, SECONDED BY THOMAS, to adopt Resolution 12-08, a Resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking regarding parcel number 10-30-300-002.

MOTION CARRIED UNANIMOUSLY.

A copy of this resolution is attached as a part of these minutes.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Approved,

Ingrid R. Kliffel
Recording Secretary

Judy Workings
Clerk