

AVON PLANNING COMMISSION REGULAR MEETING MINUTES 9-21-16

MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, SEPTEMBER 21, 2016 IN COUNCIL CHAMBERS OF CITY HALL

The meeting was opened by Chairman Carolyn Witherspoon at 7:00p.m.

REZONING OF PPN 04-00-024-116-032 LOCATED AT THE CORNER OF JAYCOX AND MILLS ROAD FROM M-1 TO R-1. The public hearing was opened by Chairman Witherspoon at 7:01P.M. Peter Miroewski says that the area is residential and light industrial and Mr. Miroewski says it doesn't suit the area anymore. James Tesmer says that area is not a residential area. Mr. Tesmer says that area is all light industrial area on both Avon and Ridgeville side. Mr. Tesmer says it doesn't make sense to have residential homes there.

There being no further question or comments, Chairman Witherspoon closes the public hearing at 7:03P.M

SPECIAL USE PERMIT FOR COLUMBIA GAS TO INCLUDE A REGULATOR STATION

The public hearing was opened by Chairman Witherspoon at 7:03P.M. There being no one present in the audience, Chairman Witherspoon closes the Public Hearing at 7:04P.M

BUILDING TO BE LOCATED ON COLORADO AVE NEAR MILLER ROAD. The public hearing was opened by Chairman Witherspoon at 7:04P.M. There being no one present in the audience, Chairman Witherspoon closes the Public Hearing at 7:04P.M

INSTALLATION OF A SMALL CELL UTILITY POLE TO BE LOCATED NEAR 4859 CENTER ROAD. The public hearing was opened by Chairman Witherspoon at 7:05P.M. There being no one present in the audience, Chairman Witherspoon closes the Public Hearing at 7:05P.M

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD ON WEDNESDAY, SEPTEMBER 21, 2016 IN COUNCIL CHAMBERS OF CITY HALL

Present: Mary Berges; Bill Fitch; Bryan Jensen, Mayor; Jim Malloy; Carolyn Witherspoon; Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Rick Schneider, Zoning Enforcement Officer; and Jill Clements, Secretary.

MINUTES OF THE REGULAR MEETING-AUGUST 17, 2016

A motion was made by Mr. Malloy, seconded by Mayor Jensen to dispense with the reading of the minutes of the Regular Meeting held on August 17, 2016, and to approve the said minutes as published. The vote was: "AYES" All. The Chair declared the motion passed.

CORRESPONDENCE

None

ADDITIONS/DELETIONS

A motion was made by Mr. Malloy, seconded by Mayor Jensen to add item 6A. CEI informal presentation. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to accept the agenda as amended. The vote was: "AYES" All. The Chair declared the motion passed.

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PETER MIROEWSKI-FIRST PRESENTATION-REZONE

PL20160077

Peter Miroewski is requesting approval and the recommendation to Council for approval to rezone PPN 04-00-024-116-032 from M-1 to R-1 located at the corner of Jaycox and Mills Roads.

Ms. Fechter says there isn't a big presentation that is to be given as there is no project as of yet, just the request for rezoning. Ms. Fechter says she isn't sure how to move forward with the objection from the neighbor. Mr. Miroewski says that area is surrounded by residential and still doesn't think putting light industrial is the best fit for the area. Ms. Fechter explains that back in 2007 the City did a review of their master plan and identified that area as future land use area 16 and it was decided that area should be rezoned Commercial. Ms. Fechter says that area is light industrial or could have the commercial overlay and she isn't sure what the Commission would like to do if they would like to look at that area again. Mr. Gasior asks if the gentleman who objects is a property owner and it was determined yes he is just north of the area in question. It was determined that Tesmer's are surrounded by industrial land and discussion is who is who on the map shown. Ms. Fechter says it's been a number of years since this has been looked at and questions what the Commission would like to do. Mrs. Berges says looking at the area she thinks it's strange to have residential area completely surrounding by light industrial. Mr. Malloy says if it rezoned to residential depending on how it is laid out there could be a number of cuts on Mills road and just south of that is all light industrial. Mr. Fitch says acre lots were mentioned and asks how many lots he was looking to have. Mr. Miroewski says now M-1 has to be 150 foot frontage and has to have an acre. He is looking to possibly do 8 residential lots with 100 foot frontage. Mr. Miroewski says the traffic would increase with light industrial and thinks it would be nice to be residential. Ms. Fechter asks what Mr. Tesmer concern is and Mr. Tesmer says there is already a lot of traffic in the area doing deliveries and feels it's just seems like lots of accidents could happen. Mr. Miroewski says with a light industrial complex who knows what could go in there and Ms. Fechter says that a gas station could go to that corner and Mr. Tesmer says so be it, it's not a residential area. Ms. Fechter suggests that this be first presentation and allow the Commission and administration some time to look at the area again since it has been so long. Mr. Gasior says that 135-07 the legislation was passed and identified certain area and there could be circumstances that could have changed but thinks it could be difficult to come out and do something different. Mayor Jensen says the only concern he has is that with not all the parcels coming in together it makes it difficult to sandwich it between light industrial and would not be in favor of that. Mr. Tesmer says Landmark is already there and it gets pretty noisy and doesn't see why anyone would want to live there. Mr. Gasior says he cannot point anyone out, if someone comes in with a plan for the whole area, it could be considered but with it only being a portion that is being requested, he doesn't feel it is a good idea.

No action was taken, the Chair declared this first presentation.

CEI-INFORMAL PRESENTATION

Ms. Fechter says that Karen Kirsch and Dave of First Energy are coming in as they are preparing to change out the transmission lines and she thought it would be nice to show this to the Commission. Per the Ohio revised code they do not have to come in for approval for design or location, but we did ask that they come in to explain the project. Dave Eschalin says they are rebuilding the transmission lines and substation as Avon has two mono poles with concrete base that will be replaced. The project goes from Lorain through Sheffield and into Avon. They have received all their easements and access points and anticipate beginning the project in October when the crops are done and they should be starting to the actual work in November with completion being May. Mayor Jensen asks if they are going to bore. Dave says they are doing soil samples. Mr. Cummins says they have reviewed the access and SWPPP and have no issues. Mr. Gasior says all work is within the easement and that is confirmed. Mr. Eschalin says hours will be typically 7am-7pm but most work will be completed by 5. Mayor Jensen asks if they anticipate residential push back and he say hopefully not, it's all within easements and CEI will replace any damage.

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Mayor Jensen asks since they are using larger wire does it pose any threats or environmental issues and it is confirmed no, none at all.

DOROTHY HRICOVEC-FIRST PRESENTATION-LOT SPLIT/CONSOLIDATION PL20160078

Dorothy Hricovec is requesting approval of taking a 12.5 acre parcel and splitting that into two parcels leaving Parcel A with 9.6308 acres and Parcel B with 2.8804 acres. Parcel B will then be consolidated with 3375 Long Road to give that a total of 3.5225 acres.

Dorothy Hricovec explains she is looking to split some land and consolidate it her sons yard. Mr. Cummins says they have reviewed the lot split and issued minor comments and are waiting for resubmittal and would recommend a contingent approval.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the taking of a 12.5 acre parcel and splitting that into two parcels leaving Parcel A with 9.6308 acres and Parcel B with 2.8804 acres. Parcel B will then be consolidated with 3375 Long Road to give that a total of 3.5225 acres. The vote was: "AYES" All. The Chair declared the motion passed.

MR. TIRE-FIRST PRESENTATION-MINOR MODIFICATION PL20160080

Jeremy Mitter of Star Builders representing Mr. Tire is requesting approval of the site plan for a 200 sq. ft. tire storage enclosure to be located at the existing Mr. Tire, 38080 Colorado Ave.

Jeremy Mitter of Star Builders explains they are looking to do a 200 sq. ft. tire enclosure with brick and trim to match the store. Mayor Jensen asks if this will help stop people from stealing tires and it was confirmed hopefully yes as it will be gated and locked. Mayor Jensen says this has been an issue with stealing the tires and it was mentioned they are also stealing batteries. Ms. Fechter asks Mr. Mitter to double check to make sure the dumpster is in a good location.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan for a 200 sq. ft. tire storage enclosure to be located at the existing Mr. Tire, 38080 Colorado Ave. The vote was: "AYES" All. The Chair declared the motion passed.

COLUMBIA GAS-FIRST PRESENTATION-SPECIAL USE PERMIT PL20160079

Adam Woodie of Columbia Gas is requesting approval and the recommendation for Council approval to amend the Special Use Permit to include a 16'8"x14' regulator station building to be located at on Colorado Ave.

Adam Woodie of Columbia Gas explains they are going to construct a building over their regulator setting. The block building will have two tone brick, glass block windows and sky lights and no electricity inside. Ms. Fechter says this is over a high pressure line and it was requested by the fire department. Mr. Woodie shows the drawing of the building that is being proposed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

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A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve and to recommend for Council approval to amend the Special Use Permit to include a 16'8"x14' regulator station building to be located at on Colorado Ave. The vote was: "AYES" All. The Chair declared the motion passed.

BET TRUCKING-SECOND PRESENTATION-SPECIAL USE PERMIT

Ms. Fechter says that BET trucking was here last month and it was determined they were looking to do some dirt moving and came to a stalemate about if they need a SWPPP or not. Mr. Cummins says they did not submit anything. Mr. Pagona says they did not feel they needed to invest in that as they are not sure if they will get approval. Mrs. Witherspoon says it will be difficult for them to make a decision without any information. Mr. Cummins says no lay out was presented or the size or any other information other than a marker that outlines composite area. Mr. Pagona says that is what they needed to do to submit to the EPA. Ms. Fechter says that there is residential area and there are some concerns as they do have a composite facility in the city and have a number of complaints. Mr. Gasior says that he did some research on a Class 4 and it processes soil and would like to see what was submitted to the EPA. Mr. Gasior say while he was researching it was very different as a number of the sections for the code have been repealed. Mr. Gasior continues to say that the EPA has some fact sheets and the odor is the number one problem and he feels that the city needs more specific information from them and would like to discuss the operation in more details. Mr. Gasior says that in 2012 the law was changed and he would like to get some more information from the EPA. Ms. Fechter says what they are looking to do is not permitted and reasonable provisions could be placed on the project. Mr. Gasior asks to see what was submitted to the EPA. Mayor Jensen says he gets weekly calls and complaints and would not be in favor of this project is in fact like their competitors.

No action was taken, the Chair declared this to be second presentation.

MCINTOSH FARMS SUBDIVISION PHASE 1-FIRST PRESENTATION-FINAL PLAT PL20160072

Jim Saylor of Reitz Engineering and Richard Batt are requesting approval of the final plat and the recommendation to Council for approval to create a Subdivider's Agreement for McIntosh Farms Subdivision, 31 new home Phase 1 located west of Moon Road.

Ms. Fechter says at the request of the applicant they would like to table this until the October meeting to work through a few details. The Chair declares this item tabled until October.

CHESTER ROAD DEVELOPMENT-FIRST PRESENTATION-GENERAL DEVELOPMEN PLAN PL20160084

Carl Frey representing NWQ Jaycox/I 90 LLC is requesting approval of the general development plan for development on Chester Road.

Carl Frey on behalf of the Jacobs Group would like to keep the Commission up to date and where they are with new development along Chester Road. The drawing shows some buildings that are in the works and they decided to do this to help with design and layout. Mr. Frey says most of the information is for access and how to manage the storm water and utilities. They are late in getting a new traffic study to help address some concerns and access points to include signals. Mr. Frey says the general configuration will have shared access and share storm water basins and allows for cross access. Ms. Fechter says that the Jacobs Group worked very closely with the City on the Chester Road work and it has worked out very well. Mr. Cummins said he did just get the traffic study and has concerns on a couple access point and will follow up with them to work through the details. Mr. Cummins says he is not prepared to make any recommendations tonight. Mr. Frey says they were not looking for approval tonight he just wanted to get the design and layout out there for the Commission to look at. Mr. Frey wanted to demonstrate there is a plan and they are all trying to make sure it works best for everyone.

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No action was taken, the Chair declared this first presentation.

CITY CENTRE OF AVON-FIRST PRESENTATION-LOT SPLIT/CONSOLIDATION

PL20160081

Dale Haywood of KS Associates and Patrick Sirpilla of Deville Developments are requesting approval of splitting and consolidating to create two parcels, Parcel A being 1.2219 acres and Parcel being 1.4093 acres located east of Center Road.

Dale Haywood of KS Associates shows the drawing and says it's the last piece of the puzzle. Mr. Haywood shows the location of the proposed Sherwin Williams and to get that parcel they need to move the boundary lines. Mr. Cummins says they have reviewed the lot split and consolidation and recommends approval. Mayor Jensen asks what the hours are. Mr. Sirpilla says they typically have early hours to make it available to contractors but those have not been released. Mayor Jensen is concern of the parking. Mr. Gasior asks if they will own the property and it was determined they will be leasing and parking could be shared between Sherwin Williams and Winking Lizard. Mr. Gasior is concerned on the Winking Lizard parking requirements to make sure they have adequate parking.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by mayor Jensen to approve splitting and consolidating to create two parcels, Parcel A being 1.2219 acres and Parcel being 1.4093 acres located east of Center Road. The vote was: "AYES" All. The Chair declared the motion passed.

CITY CENTRE OF AVON-FIRST PRESENTATION-GENERAL DEVELOPMENT

PL20160082

Dale Haywood of KS Associates and Patrick Sirpilla of Deville Developments are requesting approval of the general development plan for City Centre of Avon Out lots, LLC.

Ms. Fechter says in general terms in the lay out of the center, it is nice but there are a few issues that need to be addressed. Ms. Fechter says she will check the Winking Lizard parking requirements. Ms. Fechter adds there have been some issues brought up regarding the sidewalk in that area and asks for a contingent approval to see what they can do with the location of the sidewalk. Mr. Sirpilla says when they did the winking lizard they knew there would be some overflow parking and they added the other north lot and will have cross easements and they are in a good place now. Mayor Jensen says the one issue is the north parking lot does not connect and they would like to see that happen for better flow. Ms. Fechter says when the license agreement was done, it did state a sidewalk would be installed. Mr. Sirpilla asks where it was to go and it was determined by the fence area and there are some issues that could be worked out to find a good location for that sidewalk. Mr. Fitch asks if the Sherwin Williams has the maximum parking that could be put for that building. Mr. Sirpilla says that had to look at that to accommodate delivery trucks as well to keep out of the flow of traffic and parking spaces. Mayor Jensen says they are looking for a good compromise to get the walk to connect the two parking lots things should work out ok and keep it safe.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the general development plan for City Centre of Avon out lots, LLC contingent upon Planning Coordinator working out parking requirements and sidewalk issues. The vote was: "AYES" All. The Chair declared the motion passed.

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SHERWIN WILLIAMS-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN PL20160083

Dale Haywood of KS Associates and Patrick Sirpilla of Deville Developments are requesting approval of the site plan for a proposed 5,110 sq. ft. Sherwin Williams store to be located east of Center Road within City Centre of Avon.

Jim Evans of Sherwin Williams shows the drawing of the building and Ms. Fechter adds that this has been submitted to Mr. Burik for review and has approval. Mr. Evans says they will be using the brick that matches the Winking Lizard so they will look similar. The building will have 3500 sq. ft. for Sherwin Williams and then will have 1500 sq. ft. for future tenant. Mr. Cummins says they have reviewed the site plan and found that to be acceptable but noticed something out of the ordinary Mr. Cummins says there are no curbs anywhere on the site plan. Mr. Cummins says it's very flat to the building and saw the advantage being adjacent to storm water management area but on the entrance drive there is no curbing, just pavement, gravel then grass. Mr. Cummins wanted to make the Commission aware of that and if they are not ok with that then plans will need to be revised. Mr. Haywood says the setup is for surface water run off to drain off the parking lot into the bio swale. Mr. Cummins says there is little difference as there are some curbing by the sidewalk and entrance way and the island but it does have an inlet. Mr. Cummins is concerned about the northern side especially in the winter time not having a curb. Mr. Fitch says that the water will disperse more evenly and Mr. Haywood says that is what the plan is. Mr. Haywood says maybe they could put in some curbs in some area. Mayor Jensen said he would like to see some curbing. Mr. Fitch says in plowing snow what keeps them from tearing up the grass and it was determined nothing. Mr. Haywood does see the advantage of curb in that area. Mrs. Berges asks about the traffic flow and asks if any additional stop signs will be added. Mr. Cummins says it will be pretty much the same and no additional signage will be added.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan for a proposed 5,110 sq. ft. Sherwin Williams store to be located east of Center Road within City Centre of Avon contingent upon Engineering approval. The vote was: "AYES" All. The Chair declared the motion passed.

LOVE'S TRAVEL STOP-SECOND PRESENTATION-FINAL DEVELOPMENT PLAN PL20160074

Nicholas Hershberger of CESO, Inc. along with Chad Brunner of Love's Travel Stops are requesting approval of the site plan for a proposed 16,000 sq. ft. Love's Travel Stop and Country Store to be located on Chester Road.

Ms. Fechter asks at the request of the applicant this item be tabled until the October Meeting.

No action taken, the Chair declared this item tabled until the October Meeting.

CROWNE CASTLE-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Jennifer McFarland of Crown Castle is requesting approval of the site plan for the installation of a new wooden utility pole for node antenna and associated equipment to be located near 4859 Center Road.

Justin Butterfield of GDP and Paul Gilbert of Crown Castle explain they have received approval for 5 antennas already and would like to add another. Mr. Butterfield explains that GDP represents Crown Castle as they are a small public utility company involving small cell networking. Mr. Butterfield came about from the relocation and will look to put it in the round about area. The utility pole is 35 feet wood

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pole with antenna and radio equipment on the pole as well. Mr. Butterfield says they have been working with Ohio Edison for power to the pole and fiber is being worked out with the utility department. Mr. Butterfield says they think they are going the overhead route and all that is being worked out with the existing poles. Mayor Jensen asks if any conversation has taken place about the pole. Mr. Cummins says the roundabout construction is being planned there and is going to end where the existing apron is and there are plans for lighting. Mr. Cummins says if this pole is permitted they would like to have the matching pole and possibly have matching light fixture on the pole and it will all look the same. Mr. Butterfield says he believes that is something they can do as they work with the City's. Mayor Jensen would like to have matching pole with lighting. Mr. Cummins says they do not have exact pole yet, that is still in the design stages. Mr. Gilbert asks if it could be something they can come in to do after the fact and use a temporary pole now and Mayor Jensen says that's fine. Mr. Gilbert says they would work with the City and they can figure out what works best for both. Mr. Cummins says he does have a few comments and it was proposed on City property and not right of way. Mr. Butterfield says they did relocate the pole last week and they moved the pole to the right of way as there is an existing gas line in the way. Mr. Cummins asks if there is a water main in the area and it was determined no and asks the plan be contingent for engineering review. Mr. Gasior says Mr. Cummins needs to review the drawing to make sure it is in fact in the right of way. Mr. Gasior also asks something in writing about the wooden pole and then a decorative pole with lightening upon completion of the City's round about. A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan for the installation of a new wooden utility pole for node antenna and associated equipment to be located near 4859 Center Road contingent upon engineering review confirming the pole is in the right of way and letter concerning decorative light pole in the future. The vote was: "AYES" All. The Chair declared the motion passed.

UN-TABLE SPEEDWAY-FINAL DEVELOPMENT PLAN

A motion was made by Mr. Malloy, seconded by Mayor Jensen to un-table the Speedway Final Development Plan. The vote was: "AYES" All. The Chair declared the motion passed.

Ms. Fechter explains that Speedway has withdrawn their application due to the limitation for access. Mr. Gasior says there needs to be a motion to postpone the item indefinitely.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to table the Speedway request indefinitely. The vote was: "AYES" All. The Chair declared the motion passed.

UN-TABLE ITB UTILITY- FINAL DEVELOPMENT PLAN

A motion was made by Mr. Malloy, seconded by Mayor Jensen to un-table the ITB Utility Final Development Plan. The vote was: "AYES" All. The Chair declared the motion passed.

ITB UTILITY-SECOND PRESENTATION-FINAL DEVELOPMENT

PL20160060

Robert Knopf of ITB Utility is requesting approval of the site plan to install two utility poles to be located on Center Road and French Creek Road and the recommendation to Council for approval to create a developer's agreement.

Ms. Fechter asks that the Commission table this request until the October meeting at the applicant's request.

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A motion was made by Mr. Malloy, seconded by Mayor Jensen to table the ITB Utility Final Development Plan to the October meeting at the applicant's request. The vote was: "AYES" All. The Chair declared the motion passed.

UN-TABLE REFERRAL TO COUNCIL-SANITARY SEWER DISTRICT

A motion was made by Mr. Malloy, seconded by Mayor Jensen to un-table the Sanitary Sewer District Modification. The vote was: "AYES" All. The Chair declared the motion passed.

REFERRAL TO COUNCIL-SECOND PRESENTATION-SANITARY SEWER DISTRICT MODIFICATION

Chuck Szucs of Polaris Engineering representing Lawrence and Mary Rak is requesting approval of the modification of the Master Sanitary Sewer District. Per Article VII, Planning Commission (d) Mandatory Referral of the Council, Avon Planning Commission is recommending Council approval of site plan for the modification of the master sanitary sewer district.

Ms. Fechter says they are still working out some details asks the Commission to table this request until the October meeting at the applicants request.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to table the Sanitary Sewer District Modification to the October meeting at the applicant's request. The vote was: "AYES" All. The Chair declared the motion passed.

COMMENTS

Mr. Fitch says he noticed a change at the French Creek Tavern or whatever it is called now and asks if they redesigned the flow going into that lot. Ms. Fechter says that is being addressed as they repaved the parking lot and put in new spots but they did not put them in the way they were directed to do so. Ms. Fechter says the Zoning Enforcement was working on that as well. Mr. Fitch is concerned the entrance is so close to Detroit Road. Ms. Fechter says that ITB is working with hired counsel in regards to cell poles and locations and until all the details get worked out they do not want to bring it until that is completed. Ms. Fechter says the sanitary sewer district is the same, the original plan brought needed more information.

ADJOURN

A motion was made by Mr. Malloy, seconded by Mayor Jensen to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting was adjourned at 8:36P.M.