

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

**July 11, 2019**

A meeting of the Land Development and Transportation Committee was held on Thursday, July 11, 2019 at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Marilyn Lewis, Chair  
Richard Carlson  
Jeff Brown  
Ruth Daniels (arrived at 1:10 p.m.)

**Committee Members absent were:**

Rob Peterson, Vice Chair

**Staff Members present were:**

Emily Liu, Director, Planning & Design Services  
Joseph Reverman, Assistant Director, Planning & Design Services  
Brian Davis, Planning & Design Manager  
Joel Dock, Planner II  
Julia Williams, Planning Supervisor  
Jay Lockett, Planner I  
Dante St. Germain, Planner II  
John Carroll, Legal Counsel  
Chris Cestaro, Management Assistant (minutes)

**Others Present:**

Beth Stuber, Transportation Planning

The following matters were considered:

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**Approval of Minutes**

**Approval of the June 27, 2019 LD&T Committee Meeting Minutes**

00:04:02 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on June 27, 2019.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, and Lewis.**

**NOT PRESENT: Commissioners Peterson and Daniels.**

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**New Business**

**Case No. 19SUBDIV1001**

**\*NOTE: Commissioner Daniels arrived at 1:10 p.m.**

<b>Request:</b>	Petition for evening hearing
<b>Project Name:</b>	The Breakers at Prospect
<b>Location:</b>	7800 Sutherland Farm Way
<b>Owner:</b>	Marjorie M. McCall
<b>Applicant:</b>	Strobo Barkley, PLLC – Petitioner
<b>Representative:</b>	Strobo Barkley, PLLC – Petitioner
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	16 – Scott Reed

**Case Manager: Joel Dock, AICP, Planner II**

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:04:52 Joel Dock said Planning & Design staff received a petition on June 27, 2019 for a night hearing. Because the case was already scheduled to be heard at the July 18, 2019 Planning Commission public hearing, this would just be a rescheduling of the case for a night hearing. He noted that the Louisville Water Company had some concerns when the case was originally heard at the June 28<sup>th</sup> LD&T meeting.

**The following spoke neither for nor against (“Other”):**

Kay Ball, Louisville Water Company, 550 South Third Street, Louisville, KY 40202

**Summary of testimony of those neither for nor against:**

00:06:30 Kay Ball, representing the Louisville Water Company, said she has been working with the EPA, the Division of Water, and Louisville MSD trying to

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understand what the applicant is proposing and how to protect the water systems while building the subdivision. She said the Water Company cannot give a timeline for their evaluation until the new schematics are reviewed. She requested a deadline be given to the developer to produce final design plans for their proposed infiltration system. This site is in a Wellhead Protection Area and may take extra time for review.

00:10:09 Commissioner Brown asked how many septic tanks and cisterns are within the Wellhead Protection Area now. Ms. Ball said they have been working to remediate those, and MSD is working to expand their sewers. She said she believed the number was in the 50's, and most of those are in the James Taylor subdivision.

00:11:11 John Carroll, legal counsel for the Planning Commission, and Ms. Ball discussed who is responsible for preparing a final plan for the infiltration system. Commissioner Lewis asked if two weeks before a public hearing would give the Water Company enough time to review the plans. Ms. Ball explained that that depends on what the plan is (see recording for detailed discussion.)

**The following spoke in favor of the request:**

(Applicant's Representative) Patrick Dominik, Sabak Wilson & Lingo,

**Summary of testimony of the applicant's representative:**

00:14:22 Patrick Dominik, the applicant's representative, said the design has not changed since the presentation made two weeks ago. He said he has met with Ms. Ball and other Water Company representatives. He said the applicant has alternatives; no specific plan for an infiltration system; no construction plans yet. He said he can do some schematic-level design and present two or three alternatives to the Water Company. He said they have already agreed to provide their construction plans to the Water Company in addition to MSD and Public Works. He committed to providing non-construction plans by July 23, 2019.

00:20:13 Emily Liu, Director of Planning & Design Services, said the applicant has agreed to pay for off-site related costs (facilities, equipment, and two security personnel.) Randy Strobo, an applicant's representative, stated that the applicant has agreed to pay for all associated costs of the night hearing.

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00:21:21 Commissioner Carlson asked Ms. Ball if there are certain performance standards that she could write as conditions of approval before the hearing.

**An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

00:22:04 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby schedule this case to be heard at a special meeting of the Louisville Metro Planning Commission on **Monday, August 12, 2019 at 6:30 p.m. at the KCD Theater, located at 4001 Springdale Road, Louisville, KY.**

**YES: Commissioners Brown, Daniels, Carlson, and Lewis.**

**NOT PRESENT: Commissioner Peterson.**



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**New Business**

**Case No. 19MINORPLAT1087**

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00:25:21 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the evidence and testimony heard today, was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby APPROVE the requested release of the 75-foot landscape buffer easement on property at 5489 Clearwater Farm Boulevard.

**YES: Commissioners Brown, Daniels, Carlson, and Lewis.**

**NOT PRESENT: Commissioner Peterson.**

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**New Business**

**Case No. 19STREETS1004**

<b>Request:</b>	Closure of Public Right-of-Way
<b>Project Name:</b>	Stoneware Alley Closure
<b>Location:</b>	731 Brent Street
<b>Owner:</b>	Louisville Metro
<b>Applicant:</b>	PPT1, LLC
<b>Representative:</b>	Kelli Jones - Sabak, Wilson & Lingo
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith

**Case Manager:** **Jay Lockett, AICP, Planner I**

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:26:40 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

00:27:31 In response to a question from Commissioner Carlson, Mr. Lockett said that all notified agencies either said they had no issues with the proposal, or did not respond. He said he has not specifically heard from the Fire Department. Mr. Lockett said they were definitely notified. He will re-check with the Fire Department for their comments.

**The following spoke in favor of the request:**

Kelli Jones, Sabak Wilson & Lingo, 608 South Third Street, Louisville, KY 40202

**Summary of testimony of those in favor:**



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**Case No. 19STREETS1004**

00:29:06 Kelli Jones, the applicant's representative, briefly described the proposal and the reasons for the proposed alley closure (see recording for her presentation.)

**The following spoke in opposition to the request:**

No one spoke.

**An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

The Committee by general consensus scheduled this case to be heard at the **August 15, 2019** Planning Commission public hearing.

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**New Business**

**Case No. 19STREETS1005**

<b>Request:</b>	Closure of Public Right-of-Way
<b>Project Name:</b>	Hycliffe Avenue Alley Closure
<b>Location:</b>	4106 Hycliffe Avenue
<b>Owner:</b>	City of St. Matthews
<b>Applicant:</b>	KENLIE, LLC
<b>Representative:</b>	Mark Willmoth - Willmoth International, PSC
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	26 – Brent Ackerson

**Case Manager:**                      **Jay Lockett, AICP, Planner I**

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**Agency Testimony:**

00:30:58      Jay Lockett presented the case and showed the plat (see staff report and recording for detailed presentation.) This will be a recommendation from the Planning Commission to the City of St. Matthews for final approval or denial.

**The following spoke in favor of the request:**

Mark Willmoth, 205 S. Birchwood Avenue, Louisville, KY 40206

**Summary of testimony of those in favor:**

00:32:06      Mark Willmoth, the applicant's representative, presented the applicant's case (see recording for his detailed presentation.)

**The following spoke in opposition to the request:**

No one spoke.

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**New Business**

**Case No. 19STREETS1005**

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**New Business**

**Case No. 19ZONE1031**

**Request:** Change in zoning from C-1 to C-2, with Conditional Use Permit for mini-warehouse, and a Detailed District Development Plan with Binding Elements

**Project Name:** North Hurstbourne Storage

**Locations:** 10330 Morat Avenue

**Owner:** One Fourteen LLC

**Applicant:** One Fourteen LLC

**Representative:** John Talbott – Bardenwerper Talbott & Roberts PLLC

**Jurisdiction:** City of Lyndon

**Council District:** 18 – Marilyn Parker

**Case Manager:** **Dante St. Germain, AICP, Planner II**

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:34:39 Dante St. Germain presented the case and showed the plan (see staff report and recording for detailed presentation.)

**The following spoke in favor of the request:**

John Talbott, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway 2<sup>nd</sup> Floor, Louisville, KY 40223

Kent Gootee and Nathan Wright, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

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**Case No. 19ZONE1031**

**Summary of testimony of those in favor:**

00:38:28 John Talbott, the applicant's representative, presented the applicant's case and showed a Power Point presentation (See recording for his detailed presentation.)

00:47:37 In response to a question from John Carroll, legal counsel for the Planning Commission, Mr. Talbott discussed traffic patterns and said the traffic from the site would exit onto Dorsey. There is a traffic light there.

00:48:05 In response to a question from Commissioner Brown, Ms. St. Germain noted that this site is in a transition zone and said the maximum building height here would be about 45 feet. Commissioner Brown asked if a pedestrian connection from the building to the public sidewalk is required. Ms. St. Germain said the pedestrian connection was going to be to Morat Avenue sidewalks; however, the City of Lyndon has requested no sidewalks on Morat. She said it did not seem appropriate to make a pedestrian connection of a mini-storage facility to Hurstbourne Parkway. Commissioner Brown asked that hours of operation be presented at the Planning Commission hearing. Mr. Talbott said that would be presented at the hearing. Also, regarding the sidewalk issue, he said he understood that there is no requirement to make that connection.

00:49:44 Commissioner Brown also requested that elevations be shown to the Planning Commission showing how the applicant will mitigate the impact of the height on surrounding properties.

**The following spoke in opposition to the request:**

Mallory Disbrow, 11715 Wetherby Avenue, Louisville, KY 40243

**Summary of testimony of those in opposition:**

00:50:29 Mallory Disbrow, an employee of the Stonecrest Living Facility, said residents are concerned about view. Hurstbourne is now a scenic parkway. She said the area is "saturated" with mini-storage. She said traffic accidents happen about once per week; a traffic study may be warranted. She said the developer is taking away greenspace from senior residents and nearby preschool students.

**Rebuttal**

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**Case No. 19ZONE1031**

00:53:28 Nathan Wright, with Mindel Scott, discussed landscaping. He said North Hurstbourne is a parkway, so parkway standards will be followed and landscape buffering will be provided between the site, the pre-school and the senior living facility. Renderings will be provided at the Planning Commission hearing.

00:54:12 Joe Reverman, Assistant Director of Planning & Design Services, asked about the sidewalks. Mr. Wright said that, as far as a sidewalk connection to North Hurstbourne, that was not addressed. He said the City of Lyndon does not want a sidewalk along Morat. He explained the contacts he had had with Jim Burch (City of Lyndon), Ms. St. Germain and other Planning & Design staff, and said he was told that a sidewalk waiver request would not be required. Ms. St. Germain explained that, when this issue first came up, she discussed it with Olivia Troehler (Planning & Design Engineer) and Beth Stuber (Engineering Supervisor). Both of them said that, because it is Lyndon's road, that Lyndon is entitled to not ask for a sidewalk along it. Julia Williams, Planning & Design Supervisor, said that if it is required by the LDC, then the City of Lyndon can make the determination about the sidewalk when the development is recommended to the City of Lyndon by the Planning Commission. She suggested that the applicant should ask for a sidewalk waiver and a pedestrian connection waiver.

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The Committee by general consensus scheduled this case to be heard at the **August 1, 2019** Planning Commission public hearing.

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**New Business**

**Case No. 18ZONE1077**

**Request:** Change in zoning from R-4 to PEC and a Detailed District Development Plan with Binding Elements

**Project Name:** Collins Lane Truck Lot & Repair

**Locations:** 3315 Collins Lane

**Owner:** 3311 Collins Lane LLC

**Applicant:** 3311 Collins Lane LLC

**Representative:** Glenn Price – Frost Brown Todd LLC

**Jurisdiction:** Louisville Metro

**Council District:** 17 – Markus Winkler

**Case Manager:** **Dante St. Germain, AICP, Planner II**

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The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:57:45 Dante St. Germain presented the case (see staff report and recording for detailed presentation.)

**The following spoke in favor of the request:**

Glenn Price, Frostbrown Todd, 400 West Market Street Suite 3200, Louisville, KY 40202

Nick Schade, 3311 Collins Lane, Louisville, KY 40245

**Summary of testimony of those in favor:**

01:00:40 Glenn Price, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for his detailed presentation.)

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**Case No. 18ZONE1077**

01:04:15 Commissioner Carlson asked if trucks parked on the lot would be loaded or empty. Nick Schade, the lot owner, discussed whether or not the trucks would loaded or empty. Commissioner Carlson said he is concerned about trucks parked with hazardous material. Mr. Schade said hazardous materials are neutralized before it is brought to their lot. Commissioner Carlson asked for a binding element stating that trucks that are required to be placarded as a hazardous materials vehicle shall not be stored on the lot more than 24 hours. Mr. Schade said that could depend on what law enforcement would require (for example, if law enforcement needs to hold a vehicle for an investigation, etc.) He added that both Middletown and Worthington fire districts are notified if something like that would be stored there.

01:07:35 In response to a question from Commissioner Brown, it was decided that the old binding elements from both parcels would be deleted and new binding elements applied to the entire parcel, not just the portion being rezoned.

01:08:29 In response to a question from Commissioner Brown, Mr. Schade said this is a 24-hour wrecker operation; office hours are 9 a.m. to 5 p.m.

**The following spoke in opposition to the request:**

No one spoke.

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The Committee by general consensus scheduled this case to be heard at the **August 1, 2019** Planning Commission public hearing.



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**New Business**

**Case No. 18ZONE1074**

**Request:** Change in zoning from R-5 to R-5B, and a Detailed District Development Plan with Binding Elements

**Project Name:** Howard and Coyte Duplex

**Locations:** 117 North Jane Street

**Owner:** Peggy Sue Howard & David Coyte

**Applicant:** Peggy Sue Howard & David Coyte

**Representative:** David Coyte

**Jurisdiction:** Louisville Metro

**Council District:** 9 – Bill Hollander

**Case Manager:** **Dante St. Germain, AICP, Planner II**

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**Agency Testimony:**

01:09:23 Dante St. Germain presented the case (see staff report and recording for detailed presentation.)

01:12:08 Commissioner Brown asked why a rezoning was being requested for an accessory apartment, instead of a Conditional Use Permit. Ms. St. Germain said it was because the owner does not live on-site (see recording for detailed discussion.)

**The following spoke in favor of the request:**

David Coyte, 2223 Sycamore Avenue, Louisville, KY 40206

**Summary of testimony of those in favor:**

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**New Business**

**Case No. 18ZONE1074**

01:12:56 David Coyte, the applicant, presented his case (see recording for detailed presentation.) He noted that there has been no opposition from neighbors.

01:14:13 Commissioner Brown asked why the applicant would not go through the Conditional Use Permit process, as opposed to a rezoning.

**The following spoke in opposition to the request:**

No one spoke.

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The Committee by general consensus scheduled this case to be heard at the **August 1, 2019** Planning Commission public hearing.

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**New Business**

**Case No. 18ZONE1075**

**Request:** Change in zoning from R-5 to R-6, with a Waiver for landscaping, and a Detailed District Development Plan with Binding Elements

**Project Name:** Coyte & Howard Multi-Family

**Locations:** 107 North Jane Street

**Owner:** David Coyte & Peggy Sue Howard

**Applicant:** David Coyte & Peggy Sue Howard

**Representative:** David Coyte

**Jurisdiction:** Louisville Metro

**Council District:** 9 – Bill Hollander

**Case Manager:** **Dante St. Germain, AICP, Planner II**

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**Agency Testimony:**

01:15:24 Dante St. Germain presented the case and showed the site plan (see staff report and recording for detailed presentation.) She noted that she received a letter of opposition this morning from a neighbor across the street – that letter was distributed to the Commissioners prior to the beginning of today’s Committee meeting.

**The following spoke in favor of the request:**

David Coyte, 2223 Sycamore Avenue, Louisville, KY 40206

**Summary of testimony of those in favor:**

01:18:43 David Coyte, the applicant, said there will be no change in the footprint of any of the buildings. The existing buildings will be utilized. He said parking will be at the rear of the site off the alley, with no need for off-site parking.

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**Case No. 18ZONE1075**

There are five parking spots in the back plus two spaces in front. Also, the two apartments are efficiencies, so any prospective tenants will probably be one-person renters.

**The following spoke in opposition to the request:**

No one spoke.

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The Committee by general consensus scheduled this case to be heard at the **August 1, 2019** Planning Commission public hearing.

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**The meeting adjourned at approximately 2:21 p.m.**

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***Chairman***

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***Division Director***