

**CITY OF DELAFIELD PLAN COMMISSION MINUTES**

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Mayor Phil Schuman  
Larry Chapman  
Michael Frede  
Chrys Mursky  
Keith Strege  
Roger Dupler, Planner  
Sarah Binkowski, Assistant Planner  
Gina Gresch, Clerk-Treasurer  
Marilyn Czubkowski, City Administrator  
Tom Maney, Building Inspector

Absent

Dan Jashinsky  
Ron Miskelley

**PUBLIC HEARING #1: DELC 0783.983**

CONDITIONAL USE PUBLIC HEARING FOR PROPERTY OWNED BY THE NAGAWICKA LAKE YACHT CLUB, 1131 MARINER DRIVE, HARTLAND, WI 53029. APPLICANT'S AGENT GERRY MAIER, 330 STONERIDGE ISLE, DELAFIELD, WI 53018, REQUESTS A CONDITIONAL USE TO UPGRADE THEIR FACILITY AND MAKE IMPROVEMENTS FOR ADA ACCESS. THE YACHT CLUB IS A HISTORIC INSTITUTION IN THE CITY OF DELAFIELD AND PREDATES CITY INCORPORATION. AS SUCH IT HAS EXISTED AS A LEGAL NON-CONFORMING USE. THIS CONDITIONAL USE WILL BRING THE YACHT CLUB INTO COMPLIANCE WITH CITY OF DELAFIELD ZONING CODE. THIS PROPERTY IS CURRENTLY ZONED RL-2 (RESIDENTIAL LAKE – SINGLE FAMILY).

Postponed until April 8, 2008.

**PUBLIC HEARING #2: DELC 0742.987**

CONDITIONAL USE PUBLIC HEARING FOR PROPERTY OWNED BY ALLEN STORAGE LLC, PO BOX 130, NASHOTAH, WI 53058; APPLICANT IS MOJO MARINE, 220 WATERTOWN PLANK ROAD, NASHOTAH, WI 53058. APPLICANT'S AGENT BADGER LIGHTING & SIGNS, 19355 JANACEK CT. #201, BROOKFIELD, WI 53045, REQUESTS A CONDITIONAL USE TO ALLOW SIGNAGE ABOVE THE WALL OF THE FLAT-ROOF BUILDING. PER CITY OF DELAFIELD ZONING CODE, SIGNS ABOVE THE WALL OF THE BUILDING CONSTITUTE A ROOF SIGN, REQUIRING A CONDITIONAL USE. THIS PROPERTY IS CURRENTLY ZONED M1 (INDUSTRIAL).

Postponed until April 8, 2008.

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**PUBLIC HEARING #3: DELC 0742.999**

CONDITIONAL USE PUBLIC HEARING FOR PROPERTY OWNED BY RICHARD & J GARDNER, N47W32811 OAKWOOD AVE, NASHOTAH, WI 53058. APPLICANT JASON DAVIS, 172 MAIN STREET, SULLIVAN, WI 53178, FOR MOTORSPORTS SERVICE & PARTS, LOCATED AT W11 EAST WISCONSIN AVENUE, NASHOTAH, WI 53058, REQUESTS A CONDITIONAL USE FOR MOTORSPORTS PARTS RETAIL AND SERVICE BUSINESS. MOTORSPORT RELATED PARTS AND RETAIL INCLUDES HELMETS, TIRES, BATTERIES, GLOVES, CHAINS, PROPS, LIFE VESTS, ETC. MOTORSPORT SERVICE INCLUDES SMALL ENGINE (ATVS, WATERCRAFTS, SNOW-BLOWERS AND GENERATORS), TRANSMISSION REPAIR, TIRE MOUNTING & BALANCING, IMPELLER & PUMP REPAIR, CARBURETOR & FUEL INJECTION CLEANING, AND THE INSTALLATION OF PARTS AND ACCESSORIES. THIS PROPERTY IS CURRENTLY ZONED B-4 (GENERAL BUSINESS).

Postponed until April 8, 2008.

1. APPROVE PLAN COMMISSION MEETING MINUTES OF FEBRUARY 27, 2008 MEETING.

**L. CHAPMAN MOTIONED TO APPROVE THE PLAN COMMISSION MINUTES OF FEBRUARY 27, 2008. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

2. DELAFIELD CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THIS AGENDA.

John Plats, 703 Milwaukee Street – Thanked the Plan Commission and White Oak Grill for listening to his concerns one year ago. He thanked Tom Aul for being a good neighbor and being sensitive to the neighbor's concerns.

Bob Borkowski, 4521 Vettleson Road – Discussed Item 3f, Village Square Property, Subway. The hours were unclear to him. He felt that if the hours went beyond 10:00 for any day of the week, he and several of his neighbors would oppose to that. There is a residential neighborhood adjacent to this property. He discussed night time snow removal disturbances at the Village Square property. He would like to control any noises coming from the property (day or night), specifically at night after 8 p.m. and before 8 a.m. The Police Department was contacted due to vehicles driving in the mud and getting purposely stuck in the late evening hours.

Email from Bill Restock, 4527 Vettleson – This email was included in the Committee member's packets and dealt with his concerns regarding the hours of operation.

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**M. FREDE MOTIONED TO CLOSE CITIZEN'S COMMENTS. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. CONSENT AGENDA (RECOMMENDED APPROVALS IN ACCORDANCE WITH THE STAFF REPORT).

R. Dupler requested to remove Item 3f from the Consent Agenda.

**M. FREDE MOTIONED TO APPROVE THE ITEMS ON THE CONSENT AGENDA (WITH THE EXCEPTION OF ITEM 3F). L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- a. TOWN OF DELAFIELD SEEKS APPROVAL OF AN EXTRATERRITORIAL PRELIMINARY PLAT FOR PARADISE VALLEY SUBDIVISION.

Approved. See above.

- b. **TAX KEY 0804.982, 2910 GOLF ROAD, DELAFIELD.** OWNER: JOSEPH A. PALMISANO. APPLICANT: CALVARY SALES & MARKETING, DBA DREAM TEAM PROSHOP. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A SPORTS MEMORABILIA AND COLLECTIBLES STORE. HOURS OF OPERATION ARE WEEKDAYS 10:00 A.M. TO 8:00 P.M.; SATURDAY 10:00 A.M. TO 6:00 P.M.; SUNDAY 12:00 P.M. TO 5:00 P.M. WITH 2 PART-TIME AND 2 FULL-TIME EMPLOYEES.

Approved. See above.

- c. **TAX KEY 0798.013.001, 613 MAIN STREET, DELAFIELD.** OWNER: RICK LIEBLANG. APPLICANT: GARY SCHOREDER, EARTH CARE WINDOW TREATMENT AND DESIGN. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR A RETAIL STORE FOR WINDOW TREATMENTS AND DESIGN. HOURS OF OPERATION ARE WEEKDAYS 9:00 A.M. TO 9:00 P.M.; SATURDAY 9:00 A.M. TO 6:00 P.M.; SUNDAY 9:00 A.M. TO 6:00 P.M. WITH 2 PART-TIME AND 3 FULL-TIME EMPLOYEES.

Approved. See above.

- d. **TAX KEY 0733.990.003, 3130 VILLAGE SQUARE DRIVE, HARTLAND.** OWNER: DELAFIELD INVESTMENT, LLC. APPLICANT: ANYTIME FITNESS. APPLICANT SEEKS APPROVAL OF SIGNAGE FOR ANYTIME FITNESS. PLAN COMMISSION MEETING AGENDA

Approved. See above.

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- e. **TAX KEY 0804.994.002, 2863 HERITAGE DRIVE, DELAFIELD.** OWNER: N D REALTY CORP. APPLICANT: WAL-MART. APPLICANT SEEKS APPROVAL FOR A TEMPORARY BUSINESS PLAN OF OPERATION FOR AN ART AND CRAFT FAIR ON SATURDAY, SEPTEMBER 27, 2008 FROM 9:00 A.M. TO 3:00 P.M.

Approved. See above.

- f. **TAX KEY 0733.990.003, 3059 VILLAGE SQUARE DRIVE, DELAFIELD.** OWNER: UNITED PROPERTIES. APPLICANT: RICHARD PASKO. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION FOR SUBWAY, A RESTAURANT. HOURS OF OPERATION ARE WEEKDAYS AND SATURDAY, 9:00 A.M. 11:00 P.M.; SUNDAY, 10:00 A.M. – 9:00 P.M., WITH 7 PART-TIME AND 3 FULL-TIME EMPLOYEES.

R. Dupler addressed the hours of operation. G. Gresch stated that the hours were posted as weekdays and Saturdays 9 a.m. – 11 p.m.; Sunday 10 a.m. – 9 p.m. with seven part-time and three full-time employees. R. Dupler stated that both he and G. Gresch had conversations with the Petitioner and had the expectation that the hours would be slightly different than what came through on the form. He stated that weekdays as proposed are 9 a.m. – 10 p.m. as per the business plan of operation form, hours on Saturday are 9 a.m. – 11 p.m. and on Sunday 10 a.m. – 9 p.m. These are the same hours of operation as the previous applicant and approved operation with the exception that Subway is proposing to stay open one hour later on Saturday.

Drew Johnson from United Properties/Delta Investment was present representing the Petitioner. He stated that he would ask the Petitioner if he would be willing to change the Saturday closing hour to 10 p.m. He asked for clarification of a restriction of the Roundy's hours. He was not aware of the originally approved PIV with a restriction of their hours to 10 p.m. R. Dupler stated that he was not aware of a deliberate restriction in regards to their hours; it was an operational decision. He reviewed Ordinance 17.39(24) which applied to Plans of Operation which limited hours of operation for all businesses permitted in that particular zoning district and stated that "no business may be open with lit signage to the public between the hours of 2 a.m. – 5 a.m."

Mayor Schuman stated that the Village Square Agreement was the result of a lawsuit against the City of Delafield for \$19 million. Based on the ordinance that R. Dupler read, he stated that the proposed hours of operation met the city's ordinances.

M. Czubkowski included all of the background that she could detail with the email received.

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Mayor Schuman stated that the Settlement Agreement specifically stated that the developer must remove the snow and that the only sounds coming from there are normal traffic. He felt that moving snow was normal traffic.

D. Johnson stated that he has received emails from adjacent properties and that he has been in contact with his property managers. He has also received complaints that snow has not been removed fast enough.

**M. FREDE MOTIONED TO APPROVE. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVAL.

- a. **TAX KEY 0793.014.001, 601 GENESEE STREET, DELAFIELD. OWNER/APPLICANT: LANG INVESTMENTS. OWNER/APPLICANT SEEKS APPROVAL FOR A MINOR CHANGE TO THE CONDITIONAL USE FOR SITE PLAN MODIFICATION FOR DELAFIELD SQUARE SITE PLAN.**

R. Dupler reviewed. The Petitioner submitted the revised site plan which had a drawing identifying those areas as they are constructed today. The City Engineer prepared a memo identifying the distinct variations that occurred on the site plan during the course of construction. The areas of variance include: 1) green space islands – not realized on the northeast corner of the building. Originally there was a curbed island at the corner of Gaglianos, however trucks and turning traffic with the island have a difficult time making the corner. A determination was made to eliminate it due to site function at the time of construction. 2) Two islands on each side of the entrance on Genesee Street. These were eliminated for the same purpose. 3) The intended barrier curb on the far west edge of the parking – due to the slope of the parking lot there is no need to catch the water on the west side of the parking lot. 4) Five parking stalls identified for patron use on the south side of the building along the Wells streetscape need to be striped. Overall the site plan was approved for approximately 70 parking spaces, but today is realized at 66 parking spaces. Because it is in the CBD1 District, it does not have any mandatory parking requirements. Petitioner is asking that this be considered a minor change to the approved site plan. 5) Trees proposed on the plan were not realized. He suggested that the Petitioner take this into consideration and place as many trees as possible on site. Petitioner is willing to make compensation to the City for relocation of trees not applicable on site or off site placement as well. One other item is that there is an issue with is the visibility of roof top units. The air handling units are not screened. He asked that the Petitioner consider putting a louvered screen or to paint them to make them somewhat discrete. With these recommendations, he recommended that this be considered a minor change and to recommend to the Council accordingly.

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Petitioner stated that he wished to donate the trees to the City for alternate placement. He was striving for good visibility for the retailers. In regards to the heating units, Petitioner offered to paint them the same color as the trim they are associated with.

C. Mursky felt that working with staff to come up with a solution to reduce the visibility of the air handling units would be a good idea. She felt that the trees would benefit the restaurant's outdoor seating and that some species could be chosen that would be acceptable and this should be worked out with staff.

**M. FREDE MOTIONED TO RECOMMEND TO COUNCIL AS A MINOR CHANGE WITH DETAILS FOR THE TREES AND SCREENING TO BE WORKED OUT WITH STAFF. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **TAX KEY 0783.983, 1131 MARINER DRIVE, HARTLAND.** OWNER/APPLICANT: NAGAWICKA LAKE YACHT CLUB. APPLICANT SEEKS APPROVAL FOR A CONDITIONAL USE PERMIT FOR THE NAGAWICKA LAKE YACHT CLUB, TO UPGRADE THEIR FACILITY AND MAKE IMPROVEMENTS FOR ADA ACCESS.

This will be discussed at the April 8, 2008 special Plan Commission meeting.

- c. **TAX KEY 0742.987, 220 WATERTOWN PLANK ROAD, NASHOTAH.** OWNER: ALLEN STORAGE LLC. APPLICANT: MOJO MARINE. APPLICANT SEEKS A CONDITIONAL USE PERMIT FOR MOJO MARINE TO ALLOW SIGNAGE ABOVE THE WALL OF THE FLAT-ROOF BUILDING.

This will be discussed at the April 8, 2008 special Plan Commission meeting.

- d. **TAX KEY 0742.999, W11 EAST WISCONSIN AVENUE, NASHOTAH.** OWNER: RICHARD & J GARDNER. APPLICANT: JASON DAVIS. APPLICANT SEEKS A CONDITIONAL USE PERMIT FOR MOTORSPORTS SERVICE & PARTS FOR MOTORSPORTS PARTS RETAIL AND SERVICE BUSINESS.

This will be discussed at the April 8, 2008 special Plan Commission meeting.

- e. **TAX KEY 0782.026.002, 2019 BAY POINT LANE, DELAFIELD.** OWNER/APPLICANT: ERIC & LORI LAATSCH. APPLICANT SEEKS

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CONSIDERATION OF MINOR CHANGE TO A CONDITIONAL USE-PLANNED DEVELOPMENT FOR A TWO STORY GARAGE.

R. Dupler reviewed. This is the southern most of the group of parcels. As part of the PUD any architectural or site plan modifications are required to go before the Plan Commission for approval. The site plan is very similar to what was originally approved with minor modifications to the driveway location. He felt that the proposed building was a very nice garage that worked well with the architecture of the building and the placement is in accordance to the original PUD.

E. Laatsch was present at the meeting and added that the rationale for the driveway relocation was to minimize the disruption of the oak trees' root systems. One of their primary objectives in the placement of the garage and driveway is to protect the trees. Once the access is gained from Baypoint, the driveway from Evergreen will be removed. R. Dupler added that this was the understanding when the PUD was approved.

The next Common Council meeting is April 7<sup>th</sup>. T. Maney stated that if the Council approved this, the Laatschs could come in the next day to get the permit.

It was clarified that there were no living quarters on the second story; there would be no running water or heat. It would just be for storage.

**L. CHAPMAN MOTIONED TO RECOMMEND TO THE COUNCIL AS A MINOR CHANGE. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- f. **TAX KEY 0787.079, 621 MILWAUKEE STREET, DELAFIELD.** OWNER/APPLICANT: TOM AUL. OWNER/APPLICANT SEEKS FINAL APPROVAL OF A BUSINESS PLAN OF OPERATION FOR SEASONAL OUTDOOR DINING FOR WHITE OAK GRILL, INC., A RESTAURANT. HOURS OF OPERATION ARE WEEKDAYS, 6:00 P.M. – 12:00 A.M.; SATURDAY, 6:00 A.M. – 2:00 A.M.; 10:00 A.M. – 9:00 P.M. FOR OUTDOOR DINING; CLOSED SUNDAY, WITH 6-10 FULL-TIME AND 6-10 PART-TIME EMPLOYEES.

R. Dupler reviewed. This has been operating under a one year temporary trial approval. There have been no complaints received. Earlier in the meeting a citizen expressed support of this item.

T. Aul was present at the meeting. The seating is placed in a small café style (two-tops).

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C. Mursky thanked T. Aul for taking the neighbors concerns in his planning. In response to her question, it was clarified that if complaints were received it would come back to Plan Commission.

**C. MURSKY MOTIONED TO APPROVE. THE HOURS OF OPERATION WERE DISCUSSED AND M. CZUBKOWSKI SUGGESTED MANAGING THE HOURS BY USING THE TIMES ON THE BUILDING. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN.

- a. OWNER/APPLICANT: CITY OF DELAFIELD. OWNER/APPLICANT SEEKS SELECTION OF RETAINING WALL MATERIALS FOR THE CUSHING PARK ROAD PATH PROJECT.

This is part of a long term grant application for a bicycle/multi-modal trail to connect Cushing Park with the Drumlin State Trail on Highway 18. This is being done in cooperation with the Town of Delafield and will also incorporate the DNR and State Forest in the planning. The Plan Commission needs to determine the materials for the portion of the trail that will be visible and will have some aesthetic impact (retaining walls). The material selection is needed in order to finalize the cost estimate. R. Dupler and S. Binkowski recommended approval. Discussion took place regarding grants that are being applied for.

**K. STREGE MOTIONED TO APPROVE THE SELECTION OF MATERIALS FOR THE RETAINING WALLS FOR THE CUSHING PARK ROAD PATH PROJECT. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

6. PRELIMINARY.

None.

7. ZONING AND ORDINANCE REVISION.

- a. DISCUSSION AND ACTION OF THE ZONING TEXT AMENDMENT, AN ORDINANCE ADDING 17.75 – POLITICAL SIGNS.

S. Binkowski stated that in the last amendments presented to the Plan Commission by the Sign Committee, the procedural proposal was approved but the Plan Commission asked the Sign Committee to reconvene to discuss advocacy signs. The Sign Committee met in February. The City Attorney helped the Sign Committee understand what is protected under the First Amendment (free speech). Two kinds of speech are protected: 1) Commercial, and 2) Non-Commercial language.



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Non-commercial language has more protection. The Sign Committee felt that to create enforcement to the non-commercial language may go against what is protected under the Amendment. However, they created clear rules for other types of signage in order to follow the enforcement procedure. The language presented tonight falls within what is allowed in the Wisconsin State Statute. The language has been reviewed by the City Attorney to ensure that it is in line with the Statute. S. Binkowski clarified that real estate signs are allowed in all districts. This discussion on political signs deals with any issue being taken up at an election, either a candidate or a referendum; something that has the papers filed and has a campaign period associated with it. M. Czubkowski stated that the City generally does not remove signs unless complaints are received about them. The Zoning Administrator would be concerned if the signs created a hazard, i.e. if the sign was in the vision triangle. In the past, if this happened, notification took place to remove the sign. S. Binkowski stated that if the Plan Commission approves, this would be an ordinance change that would go to public hearing and then be presented to the Common Council.

**M. FREDE MOTIONED TO SET A PUBLIC HEARING FOR THE ZONING TEXT AMENDMENT, AN ORDINANCE ADDING 17.75 – POLITICAL SIGNS. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

8. HEARING DATES.

The public hearings listed on this agenda will be heard on Tuesday, April 8, 2008. A public hearing for the political signs was also now set for April 30, 2008.

9. ADMINISTRATOR'S REPORT.

- a. ACCEPTANCE OF FINAL DRAFT OF SMART GROWTH CHAPTER 1 – INTRODUCTION.

R. Dupler reminded everyone of the intended pattern of approvals and review of this information. Chapter 1 is the introductory text. No requests for modifications have been received for Chapter 1. He stated that Chapter 1 referred specifically to the Comprehensive Plan of 1976 but neglected to reference the Comprehensive Plan of 1970. The opposite took place in Chapter 2. He stated that these change would be made.

**C. MURSKY MOTIONED TO ACCEPT THE FINAL DRAFT OF SMART GROWTH CHAPTER 1 – INTRODUCTION WITH THE ABOVE NOTED CHANGES. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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The open house is scheduled for April 16, 2008 from 10 a.m. – 4 p.m. and 7 p.m. - 9 p.m. at the Fish Hatchery as reflected in the newsletter. All were encouraged to attend and participate. The website will show the question and answer section. The concept of the Comprehensive Planning will be introduced and explained at the Open House as well as solicitation of input from those in attendance.

b. DISCUSSION AND POSSIBLE ACTION OF SMART GROWTH – CHAPTER 2-TRENDS, ISSUES AND OPPORTUNITIES.

R. Dupler stated that the intent of this chapter is to establish a base from which all subsequent analysis will be built upon. This identifies the City's history up to the present. Population, housing, income levels, education levels, growth over time, expansion of acreage in conversion from farm fields into urban development will be analyzed. He highlighted the following facts: that the amount of population in the County in the last ten years has grown from 46% of the population within cities to 56% of the population; population projections are shown by using two different types of projections - estimates based off of historical trends and projections which are based on existing patterns and introduces different criteria which may have an impact on the statistics. General discussion and review of Chapter 2 took place.

10. BUILDING INSPECTOR'S REPORT.

Total number of permits to date are 18. There were no occupancy permits and no new construction starts.

11. BOARD OF ZONING APPEALS - APRIL 10, 2008 HEARINGS

- a. 7:30 p.m. – 1543 Milwaukee Street. Gable Expansion.
- b. 7:45 p.m. – 2534 Woodland Park Drive. Attached garage and master bedroom suite.

12. CORRESPONDENCE

- a. Letter from Village of Oconomowoc Lake regarding Conditional Use and Zoning Amendment request of MLG, "The Colonies of Delafield".

13. ADJOURNMENT.

**K. STREGE MOTIONED TO ADJOURN FROM THE MEETING. M. FREDE SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 7:50 P.M.**

Minutes prepared by:

Accurate Business Communications, Inc.