CLEARFIELD PLANNING COMMISSION MEETING
December 7, 2016
7:00 P.M. - Regular Session

PRESIDING: Kathryn Murray Vice Chair

PRESENT:
- Ron Jones Commissioner
- Robert Browning Commissioner
- Michael Millard Commissioner
- Brady Jugler Commissioner
- Michael Britton Commissioner
- Steve Parkinson Alternate Commissioner
- Chris Uccardi Alternate Commissioner
- Mallory Baudry Alternate Commissioner
- Tim Roper Council Liaison

STAFF PRESENT:
- Stuart Williams City Attorney
- JJ Allen Assistant City Manager
- Spencer Brimley Development Services Manager
- Christine Horrocks Building Permits Specialist

VISITORS:
- Chris Call, Payden McRoberts, Brian King, Andrea King, Brandon McDougald

The Pledge of Allegiance was led by Vice Chair Murray.

Councilmember Tim Roper was welcomed as the new council liaison.

APPROVAL OF MINUTES FROM NOVEMBER 2, 2016 PLANNING COMMISSION MEETING

Commissioner Jones moved to approve the minutes from the November 2, 2016 meeting as written. Seconded by Commissioner Millard. The motion carried on the following vote:
Voting AYE: Commissioners Jones, Millard, Parkinson, Jugler, and Browning. Voting NO: None. Commissioner Britton abstained from the vote.

PUBLIC HEARING FOR CUP 1610-0001, A REQUEST BY JEREMY WITTE, FOR A CONDITIONAL USE APPROVAL FOR AN AUTOMOTIVE REPAIR SHOP, LOCATED AT APPROXIMATELY 405 NORTH 1000 WEST (TIN: 14-248-0001). THE PROPERTY IS APPROXIMATELY 0.44 ACRES IN SIZE AND IS LOCATED IN A C-2 (COMMERCIAL) ZONING DISTRICT

Vice Chair Murray declared the public hearing open at 7:02 p.m.

There was no public comment.
Commissioner Britton moved to continue the public hearing until the January 4, 2017 meeting. Seconded by Commissioner Jugler. The motion carried on the following vote: Voting AYE: Commissioners Jones, Millard, Parkinson, Jugler, Browning and Britton. Voting NO: None.

PUBLIC HEARING ON PSP 1610-0002, A REQUEST BY BRANDON MCDougald FOR PRELIMINARY SUBDIVISION PLAT APPROVAL, LOCATED AT 585 NORTH MAIN STREET (TIN: 14-071-0039) AND 567 NORTH MAIN STREET (TIN: 14-071-0040). THE PROPERTIES ARE APPROXIMATELY 0.62 ACRES AND ARE IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Vice Chair Murray declared the public hearing open at 7:02 p.m.

There was no public comment.

Commissioner Jones moved to close the public hearing at 7:03 p.m. Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Jones, Millard, Parkinson, Jugler, Browning and Britton. Voting NO: None.

PUBLIC HEARING ON CUP 1610-0003, A REQUEST BY BRIAN KING ON BEHALF OF KING’S AUTOMOTIVE, FOR A CONDITIONAL USE APPROVAL FOR AN AUTOMOTIVE REPAIR SHOP, LOCATED AT APPROXIMATELY 1181 SOUTH STATE STREET (TIN: 12-067-0081). THE PROPERTY IS APPROXIMATELY 0.56 ACRES IN SIZE AND IS LOCATED IN A C-2 (COMMERCIAL) ZONING DISTRICT

Vice Chair Murray declared the public hearing open at 7:04 p.m.

There was no public comment.

Commissioner Jugler moved to close the public hearing at 7:05 p.m. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Jones, Millard, Parkinson, Jugler, Browning and Britton. Voting NO: None.

PUBLIC HEARING ON CUP 1611-0001 A REQUEST BY C. DARWIN NELSON, ON BEHALF OF SAFEBUY AUTO SALES, FOR A CONDITIONAL USE PERMIT APPROVAL FOR A MOTOR VEHICLE SALES LOT, LOCATED AT APPROXIMATELY 1265 SOUTH STATE STREET (TIN: 12-066-0051). THE PROPERTY IS APPROXIMATELY 0.609 ACRES IN SIZE AND IS LOCATED IN A C-2 (COMMERCIAL) ZONING DISTRICT

Vice Chair Murray declared the public hearing open at 7:06 p.m.

There was no public comment.

Commissioner Britton moved to close the public hearing at 7:07 p.m. Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE:
Commissioners Jones, Millard, Parkinson, Jugler, Browning and Britton. Voting NO: None.

DISCUSSION ON PSP 1610-0002 AND FSP 1610-0002, A REQUEST BY BRANDON MCDougald FOR PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVAL, LOCATED AT 585 NORTH MAIN STREET (TIN: 14-071-0039) AND 567 NORTH MAIN STREET (TIN: 14-071-0040). THE PROPERTIES ARE APPROXIMATELY 0.62 ACRES AND ARE IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Spencer Brimley said on August 3, 2016 site plan approval was given for a Dollar Tree and a future unknown drive-thru retail establishment. The applicant requested a lot line adjustment that created a larger lot for the Dollar Tree parcel. Mr. Brimley said the site plan approval included shared parking, cross access and a single access to the site required by UDOT. The final subdivision plat contained the easement for the sewer line and other easements around the perimeter of the property. He said the escrow agreement was included as a condition of approval and was required prior to the recordation of the plat. Staff recommended approval of the preliminary and final subdivision plats as conditioned.

Commissioner Parkinson asked about the sewer easement. Spencer Brimley said it was an existing service line and each property would connect to the line.

Brandon McDougald, applicant, said the property line was being moved to give most of the parking to the Dollar Tree parcel. Commissioner Britton asked if the parking would be shared. Mr. McDougald said there was a cross parking/access agreement.

APPROVAL OF PSP 1610-0002, A REQUEST BY BRANDON MCDougald FOR PRELIMINARY SUBDIVISION PLAT APPROVAL, LOCATED AT 585 NORTH MAIN STREET (TIN: 14-071-0039) AND 567 NORTH MAIN STREET (TIN: 14-071-0040). THE PROPERTIES ARE APPROXIMATELY 0.62 ACRES AND ARE IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Commissioner Britton moved to approve as conditioned, PSP 1610-0002, a request by Brandon McDougald for Preliminary Subdivision Plat approval, located at 585 North Main Street (TIN: 14-071-0039) and 567 North Main Street (TIN: 14-071-0040), based on the discussion and findings in the Staff Report with the following conditions:

1) The applicant shall correct the Plat to include all red-lines from Planning, Engineering, and Public Works Departments, including but not limited to necessary easements, addresses, and other call-outs as required.

2) Pursuant to the Subdivision Ordinance § 12-4-5(D), an estimate of public improvements (as outlined in § 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any permits being issued for the properties or plat being recorded.
3) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

Seconded by Commissioner Jugler. The motion carried on the following vote: Voting AYE: Commissioners Jones, Millard, Parkinson, Jugler, Browning and Britton. Voting NO: None.

RECOMMENDATION ON FSP 1610-0002, A REQUEST BY BRANDON MCDougald FOR FINAL SUBDIVISION PLAT APPROVAL, LOCATED AT 585 NORTH MAIN STREET (TIN: 14-071-0039) AND 567 NORTH MAIN STREET (TIN: 14-071-0040). THE PROPERTIES ARE APPROXIMATELY 0.62 ACRES AND ARE IN THE C-2 (COMMERCIAL) ZONING DISTRICT.

Commissioner Jugler moved to recommend to the City Council approval as conditioned of FSP 1610-0002, a request by Brandon McDougald for Final Subdivision Plat approval, located at 585 North Main Street (TIN: 14-071-0039) and 567 North Main Street (TIN: 14-071-0040), based on the discussion and findings in the Staff Report with the following conditions:

1) The applicant shall correct the Plat to include all red-lines from Planning, Engineering, and Public Works Departments, including but not limited to necessary easements, addresses, and other call-outs as required.

2) Pursuant to the Subdivision Ordinance § 12-4-5(D), an estimate of public improvements (as outlined in § 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any permits being issued for the properties or plat being recorded.

3) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Jones, Millard, Parkinson, Jugler, Browning and Britton. Voting NO: None.

DISCUSSION ON CUP 1610-0003, A REQUEST BY BRIAN KING ON BEHALF OF KING’S AUTOMOTIVE, FOR A CONDITIONAL USE APPROVAL FOR AN AUTOMOTIVE REPAIR SHOP, LOCATED AT APPROXIMATELY 1181 SOUTH STATE STREET (TIN: 12-067-0081). THE PROPERTY IS APPROXIMATELY 0.56 ACRES IN SIZE AND IS LOCATED IN A C-2 (COMMERCIAL) ZONING DISTRICT.

Spencer Brimley said the request was for a conditional use permit for an automotive repair business. The site was just over a half-acre and had previously been an automotive repair business. He said the applicant desired to improve the building façade which would increase the look and feel of the property. Mr. Brimley stated conditions of approval previously placed on the site had not been completed and would be required to be done by the applicant. He said the carport had been removed and the dumpster enclosure was in poor condition. The enclosed area previously used as outdoor storage would be required to be screened if used for storage in the future. Staff recommended that the fence be made consistent with City Code. Mr. Brimley said
the applicant would be required to clean up the site and remove the weeds. It was recommended that the area by the pole sign not be designated as parking.

Mr. Brimley read the definition of automotive repair and stated the applicant would be doing automobile repair and not vehicle collision repair. He said there was a problem with outdoor storage citywide and therefore it was requested that any automobiles stored overnight would be in the building so there were no vehicles stored overnight on the west side of the property. He suggested outdoor storage be placed on the east side of the building. Mr. Brimley said a fence that would provide screening was required. 18 parking stalls were required for customer, ADA and employee parking, and must be striped and marked. The proposal from 2009 indicated that the south area of the property would be landscaped and has been included as a condition of approval.

Commissioner Millard asked where the cars would be parked overnight if the west side of the building could not be used. Mr. Brimley said staff recommended any vehicles kept at the site overnight would be stored inside the building. Commissioner Britton asked how the north and east side of the property was accessed. Mr. Brimley said there was a walkway to the rear of the property but if vehicles were to be stored in the rear an impervious surface would need to be installed. Commissioner Millard said if vehicles could not be parked overnight on the west side of the property there would not be the possibility of a drop box.

Brian King, owner, said the vehicles he worked on did not have body damage and he didn’t want vehicles that had been wrecked. He worked on engines, transmissions and other mechanical problems plus inspections and emissions.

Vice Chair Murray said if the tire storage racks were moved to the rear of the building it would create more area for parking. Mr. King said he would move the racks. Commissioner Jugler said if cars were parked on the lot it wouldn’t look different than the car lot on a nearby lot. When Mr. Brimley reviewed the use on the property he considered Clearfield City Code and determined what factors might cause a negative impact. He said the Commission could change the conditions of approval. The recommendations from staff helped clean up the site.

Mr. King said there would be about four to six cars on the lot at one time for service. Andrea King said the façade of the north portion of the building was in good condition but some rain gutter repair would be done. She said the roof was inspected by a contractor and repairs would be made from his recommendations. She said the storage structures would be removed and the parking lot would be cleaned and restriped. Mrs. King said they wanted a nice and respectable business. She said electrical work would also be done.

Mr. King said they would take care of the landscaping but he would like to keep the pole sign. He said he didn’t plan to have cars for a long time, the vehicles would be moved in and out quickly.

Vice Chair Murray reviewed conditions from 2009 and asked Mr. King if he was willing to meet those conditions. Mr. King said he wanted to keep the pole sign. Commissioner Parkinson suggested some flexibility with the parking requirements. Mr. Brimley said staff would be willing to consider the storage vehicles on the site. The big issue for the City was the pole sign, it was to
be removed as a condition of approval in 2009, but the previous property owner and tenant were not compliant. He said a monument sign was acceptable but the pole sign must be removed. Mr. Brimley explained that a monument sign could be eight feet tall with a one foot pedestal for total height of nine feet, the sign could be 64 square feet.

Mr. Brimley said automotive repair businesses occasionally had vehicles that were left after they were repaired and the recommendation from staff was an attempt to mitigate long term issues and worst case scenarios. He said it was okay if the Planning Commission determined there was justification of parking the vehicles up to 72 hours for the purpose of service.

Vice Chair Murray asked Mr. King if he was in agreement and would comply with the 2009 conditions of approval. Mr. King agreed to remove the pole sign. He was concerned with the requirement of vehicles on the site for no longer than 72 hours. Mr. Brimley told him that enforcement would be done on a complaint basis.

Vice Chair Murray reviewed the conditions of approval. After discussion the wording for condition of approval number four was changed to, “Except for vehicles awaiting repair there shall be no vehicles stored outside overnight. Keeping of inoperable vehicles overnight inside the building is acceptable.” The commissioners decided to add that vehicles awaiting repair should not be left on site for more than ten days.

Commissioner Parkinson said the City didn’t want cars parked in the front of the lot and asked if a few feet of landscaping could be added. Commissioner Millard said the new sign could be installed with a landscape buffer and parking to the east. The layout of the site with the changes to the landscaping, sign and parking would be reviewed and approved by staff.

APPROVAL OF CUP 1610-0003, A REQUEST BY BRIAN KING ON BEHALF OF KING’S AUTOMOTIVE, FOR A CONDITIONAL USE APPROVAL FOR AN AUTOMOTIVE REPAIR SHOP, LOCATED AT APPROXIMATELY 1181 SOUTH STATE STREET (TIN: 12-067-0081). THE PROPERTY IS APPROXIMATELY 0.56 ACRES IN SIZE AND IS LOCATED IN A C-2 (COMMERCIAL) ZONING DISTRICT

Commissioner Jugler moved to approve as conditioned, CUP 1610-0003, a request by Brian King on behalf of King’s Automotive Repair, for a Conditional Use Permit approval for an automotive repair shop, located at approximately 1181 South State Street (TIN: 12-067-0081), based on the findings and discussion in the Staff Report with the following conditions:

1) This Conditional Use Permit is for an automobile repair use, for King’s Auto Repair, located at 1181 South State Street (TIN: 12-067-0081).
2) No use shall be permitted that is not consistent with all conditions of approval, including conditions that were imposed by the Planning Commission in 2009 public hearing.
3) Absolutely no automotive repair services shall be conducted outside of the building’s service bays.
4) Except for vehicles awaiting repair there shall be no vehicles stored outside overnight. Keeping of inoperable vehicles overnight inside the building is acceptable.
a. A vehicle kept on site for repair shall not be allowed to remain for a period exceeding ten (10) days.

5) Fencing shall be kept in good repair. Applicant must provide slats for the chain link to create a more permanent screening option than is currently being utilized by the existing chain-link fence. Applicant is required to have fence in compliance prior to business license being issued.
   a. The outdoor storage for the use is limited to the fenced area on the east side of the building and must be screened from public view.
   b. No outdoor storage on the west side of the building is permitted overnight, including but not limited to, such items as materials, automobiles, automobile parts, or the like.
   c. Fencing is required to separate the residential and commercial uses and should be installed along the eastern boundary of 1265 South State Street.

6) All detached structures located on the site shall be removed prior to a license being issued for the business.

7) There shall be no overflow parking offsite (on the lots to the south or east, on the street, or otherwise).

8) Applicant will provide revised drawings with appropriately scaled stalls for customer and employee parking as required in City Code § 11-14-2(B). Customer and employee parking must be striped and marked shall include at least one ADA stall.

9) A minimum of eighteen (18) parking spaces (for employees and customers) shall be provided and maintained at all times. Parking stalls shall meet the minimum dimensions of City Code. The stalls shall be paved and striped, as appropriate. The parking lot shall be striped in a manner consistent to accommodate eighteen (18) stalls, and Clearfield City Code, as well as an ADA parking stall. At least one stall shall be ADA compliant. Striping shall also be made to delineate adequate ingress/egress from both drive access points. The striping plan shall provide for reasonable vehicular circulation through the site.

10) The site shall be maintained in a neat and orderly manner and have no abandoned or leaking automotive parts except in an enclosed container for disposal.

11) Keeping of hazardous liquids and rags used to clean up spills shall be kept in accordance with North Davis Fire District’s standards. Storage of any chemicals shall be inspected and approved by North Davis Fire District.

12) An oil separator is necessary for any floor drains, it shall be cleaned and in proper working order verified by the Public Works Department. It may be necessary to install a cap on top of the sewer line.

13) Any other businesses proposed to be located on the same site, prior to obtaining a business license, will require review and approval by the Planning Commission. Additional parking requirements necessary for additional businesses may require amending this Conditional Use Permit and any other conditions deemed appropriate to mitigate additional impacts on surrounding properties.

14) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.
15) The applicant shall provide a landscape buffer and parking along the frontage of the property between the drive approaches. Landscaping and parking for the site to be determined by Zoning Administrator.
Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Jones, Millard, Parkinson, Jugler, Browning and Britton. Voting NO: None.

**DISCUSSION ON CUP 1611-0001 A REQUEST BY C. DARWIN NELSON, ON BEHALF OFSAFEBUY AUTO SALES, FOR A CONDITIONAL USE PERMIT APPROVAL FOR A MOTOR VEHICLE SALES LOT, LOCATED AT APPROXIMATELY 1265 SOUTH STATE STREET (TIN: 12-066-0051). THE PROPERTY IS APPROXIMATELY 0.609 ACRES IN SIZE AND IS LOCATED IN A C-2 (COMMERCIAL) ZONING DISTRICT**

Spencer Brimley said the site was previously occupied by a motor vehicle sales lot and was vacated earlier this year. The parcel is approximately .609 acres and had an existing building and parking area. He said the area to the north of the building was not paved and was not useable for the business. The proposed parking layout was shown to the commissioners. Mr. Brimley said staff recommended not more than 20 cars for sale at one time on the lot and all inventory must be parked on the site. He said clean-up of the site and delineation of the stalls was required and no vehicles would be allowed to park on the public roadway. The conditions of approval were reviewed. Staff recommended approval of the conditional use permit as conditioned.

Commissioner Britton was concerned with the condition which stated, “No vehicle repairs are allowed on this or subsequent properties …” After some discussion it was determined that “subsequent” would be replaced with “adjacent.”

**APPROVAL OF CUP 1611-0001 A REQUEST BY C. DARWIN NELSON, ON BEHALF OF SAFEBUY AUTO SALES, FOR A CONDITIONAL USE PERMIT APPROVAL FOR A MOTOR VEHICLE SALES LOT, LOCATED AT APPROXIMATELY 1265 SOUTH STATE STREET (TIN: 12-066-0051). THE PROPERTY IS APPROXIMATELY 0.609 ACRES IN SIZE AND IS LOCATED IN A C-2 (COMMERCIAL) ZONING DISTRICT**

Commissioner Britton moved to approve as conditioned CUP 1611-0001 a request by C. Darwin Nelson, on behalf of Safebuy Auto Sales, for a Conditional Use Permit approval for a motor vehicle sales lot located at approximately 1265 South State Street (TIN: 12-066-0051), based on the findings and discussion in the Staff Report with the following conditions:

1) This Conditional Use Permit is granted to Safebuy Auto Sales, for the purpose of motor vehicle sales, located at 1265 S. State Street.

2) No more than twenty (20) cars for sale at any one time on the lot. The entire inventory must be able to be parked on site and cannot overflow onto adjacent roads or parcels. The site shall not have double parked vehicles and must maintain adequate circulation flow at all times. Off-site parking for the purposes of inventory shall be prohibited.
3) Applicant will provide revised drawings with appropriately scaled stalls for all vehicles for sale, customer and employee parking as required in § 11-14-2(B). Customer and employee parking must be striped and marked with signage and shall include at least one ADA stall.

4) No temporary lighting shall be permitted for the site. Lighting for the site, either parking lot or exterior to the building shall be shown and must meet City Code § 11-13-17.

5) No vehicle repairs are allowed on this or adjacent properties that may be purchased, leased or used by the applicant, and as such, no advertisement for any vehicle repairs shall be permitted.

6) CUP approval is subject to North Davis Fire District review and approval.

7) CUP approval is subject to UDOT review and approval.

8) Proposed signage must meet Title 11, Chapter 15 standards. Signs are not included as part of this Site Plan approval. Separate review and approval will be required.

9) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

Seconded by Commissioner Parkinson. The motion carried on the following vote: Voting AYE: Commissioners Jones, Millard, Parkinson, Jugler, Browning and Britton. Voting NO: None.

**TABLED** SP 1609-0007, A REQUEST BY JEREMY WITTE, FOR A SITE PLAN APPROVAL FOR A RETAIL BUILDING, FOR DECKING SALES, LOCATED AT APPROXIMATELY 385 NORTH 1000 WEST (TIN: 14-248-0002). CUP 1610-0001, A REQUEST BY JEREMY WITTE, FOR A CONDITIONAL USE PERMIT APPROVAL FOR AN AUTOMOTIVE REPAIR SHOP, LOCATED AT APPROXIMATELY 405 NORTH 1000 WEST (TIN: 14-248-0001). SP 1610-0001, A REQUEST BY JEREMY WITTE, FOR A SITE PLAN APPROVAL FOR AN AUTOMOTIVE REPAIR SHOP, LOCATED AT APPROXIMATELY 405 NORTH 1000 WEST (TIN: 14-248-0001).

Commissioner Britton moved to table SP 1609-0007, CUP 1610-0001 and SP 1610-0001 and continue them to the January 4, 2017 meeting. Seconded by Commissioner Jugler. The motion carried on the following vote: Voting AYE: Commissioners Jones, Millard, Parkinson, Jugler, Browning and Britton. Voting NO: None.

**DISCUSSION ITEMS**

Spencer Brimley said Title 12, Subdivision Regulations, was being reviewed by staff. Changes were being discussed that created a simple process for the adjustment of a property line. He said the changes would clean up language and practices that were outdated. Commissioner Parkinson asked why subdivision approval was a public hearing. Mr. Brimley said it was required by City Code and the procedure was being reviewed. He said regulations for motor vehicle sales in Title 11 were also being reviewed.
STAFF REPORTS

Spencer Brimley said Commissioner Britton was appointed as a regular member to replace Commissioner Mabey, and Mallory Baudry was appointed as a new alternate. He said additional changes would be made to the Planning Commissioner due to Councilmember Roper’s recent appointment to the City Council. He said a new chair and Vice Chair would be elected at the January meeting. The commissioners eligible to serve as the chair were Commissioners Millard, Murray, Jugler and Browning.

Training was presented from LUAU on public meetings and public hearings. Mr. Brimley said a public hearing was not required in State Code for a conditional use permit but was required for changes to ordinances and zoning maps and General Plan amendments.

PLANNING COMMISSIONERS’ MINUTE

Commissioner Jones – congratulated Councilmember Roper and welcomed Commissioners Britton and Baudry. He liked that the commission was experienced.

Commissioner Millard – congratulations to Councilmember Roper and welcomed to Commissioner Baudry.

Commissioner Parkinson – Merry Christmas.

Commissioner Britton – was glad to have Councilmember Roper back and wished everyone a Merry Christmas.

Commissioner Browning – Happy holidays.

Commissioner Jugler – congratulations to Councilmember Roper.

Vice Chair Murray – glad to have Councilmember Roper at the Planning Commission meetings.

Councilmember Roper – thanked commissioners for their compliments and for their help.

There being no further business to come before the Planning Commission, Commissioner Jugler moved to adjourn at 8:52 P.M. Seconded by Commissioner Millard.