



PLANNING COMMISSION

2267 North 1500 West
Clinton City, UT 84015

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AGENDA

February 16 2016

7:00 pm

There will be a work session meeting of the Clinton City Planning Commission held on the date mentioned above in the **Council Chambers** of Clinton City; **City Hall located at 2267 North 1500 West.**

Clinton City Planning Commission

Chairman
Jacob Briggs

Vice Chairman
Bob Buckles

Members
David Coombes
Jolene Cressall
Andy Hale
Jeff Ritchie
Anthony O. Thompson

City Staff
Will Wright

	Pledge	Appointed
	Invocation or Thought	Appointed
	Roll Call	Chair
	City Council Report	Staff
	Planning Commission Minutes	Chair
	Declaration of Conflicts	Chair
	WORK SESSION:	
1.	Review Planning Commission Rules of Procedure.	
2.	Consider previously reviewed subdivision regulations beginning with Chapter 1, including Chapters 2, 5 and 6, as time permits.	
3.	COMMISSION COMMENTS	
4.	ADJOURN	

**Clinton City Planning Commission
Rules of Procedures**

Chapter 1.	Organization
Chapter 2.	Rights and Duties of Members
Chapter 3.	Meetings
Chapter 4.	Procedures –
Chapter 5.	Amendment
Chapter 6.	Recording of Rules

Chapter 1 ORGANIZATION.

- (1) Appointment of Chairperson and Vice-chairperson
- (2) Ex Officio Member
- (3) Commission Staff

(1) Appointment of Chairperson and Vice-Chairperson

The Commission, at its first regular meeting in January of each year, shall elect by majority vote, a chairperson and vice-chairperson. Said officers shall serve one year (January 1 to December 31). Ex officio members may not hold a position as the chairperson or vice-chairperson.

(a) The Chairperson to preside at Commission Meetings.

The chairperson shall preside at all meetings of the Commission and shall give the general direction for the meetings.

(b) Duties of the Chairperson.

(i) To take the chair precisely on the day and at the hour for which the meeting of the Commission has been called or to which the Commission may have adjourned and immediately to call the Commission to order, and proceed with the order of business.

(ii) To announce the business before the Commission in the order in which it is to be acted upon.

(iii) To receive and submit in the proper manner all motions and propositions presented by the members of the Commission.

(iv) To put to vote all questions which are properly moved or which necessarily arise in the course of proceedings and to announce the results thereof.

(v) To inform the Commission when necessary, or when referred to for that purpose, on any point of order or practice

(vi) It shall be the general duty of the chairperson of the Commission to authenticate by his signature when necessary, or when directed by the Commission

all of the acts and proceedings of the Commission.

(vii) To maintain order at the meetings of the Commission.

(viii) To present, each December, an annual report to the Mayor and City Council covering the actions of the Commission.

(c) Duties of the Vice-Chairperson.

The Vice-chairperson, during the absence of the chairperson, shall have and perform all the duties and functions of the chairperson

(d) Temporary chairperson.

In the event of the absence of or disability of both the chairperson and the vice-chairperson, the Commission shall elect a temporary chairperson to serve until the chairperson or vice-chairperson so absent or disabled shall return or the disability shall be removed, as the case may be. In such event, the temporary chairperson shall all powers to perform the functions and duties herein assigned to the chairperson of the Commission.

(2) Ex Officio Member

Ex officio members appointed to the Commission by the City Council will represent the opinion of the Council to the Commission. Ex officio members will not have a vote or hold office on the Commission

(3) Commission Staff

(a) Planning Director

The Planning Director of Clinton, as appointed by the City Manager, shall serve as staff to the Planning Commission. The staff member shall have the following duties:

(i) Within four (4) days, unless approved by the chairperson, of each regularly scheduled Commission meeting, supply each member of the Commission sufficient materials and documents to advise the Commission members of the issues to be discussed at the meeting.

(ii) To recommend courses of actions in congruence with applicable Clinton City Ordinance

(iii) To present reports and materials to Commission members with regard to the city's best interest.

(iv) To present staff reports, recommendations and comments on any item of business as it is put before the Commission by the chairperson

(v) To clarify or explain any point of business as requested by the chairperson.

(vi) To call special meeting as deemed necessary

with the approval of the chairman and/or majority of the Commission.

(b) Secretary

The Community Development Director shall appoint an individual to act as secretary for the Commission under the direction of the Planning Director. The secretary shall have the following duties:

- (i) To give notice of all Commission meetings as hereinafter provided.
- (ii) To keep and maintain a permanent record file of all document and papers pertaining to the work of the Commission
- (iii) To perform such other duties as may be required by these rules.
- (iv) To take, transcribe, and maintain minutes and records of the Commission.
- (v) To attend every session of the Commission, to take roll and record the same, to read all communication, resolution and other papers which are ordered to be read by the chairperson of the meeting and to receive and bring to the attention of the Commission all messages and other communications from other sources.

Chapter 2 RIGHTS AND DUTIES OF MEMBERS.

- (1) Addressing Members
- (2) Preparation
- (3) Members Shall Attend Meetings
- (4) Conflict of Interest
- (5) Explaining Vote
- (6) Not to Vote Unless Present

(1) Addressing Members

Commission members shall be addressed as "Commissioner"

(2) Preparation

Members of the Commission shall take such time as necessary to prepare themselves for hearings and meetings.

(3) Members shall attend meetings

Every member of the Commission shall attend the sessions of the Commission unless duly excused or necessarily prevented. Any member desiring to be excused shall notify the staff member or secretary. The staff member shall call the same to the attention of the chairperson during the scheduled meeting. Two unexcused absences shall result in mandatory referral, by the chairperson, to the Mayor for membership review.

(4) Conflict of Interest.

Any member of the Commission who shall feel that he or any other member of the Commission has an actual, apparent, or reasonably foreseeable conflict of interest on any matter that is on the Commission agenda shall explain the apparent conflict to the Commission. The Commission shall then vote to decide whether the requested disqualification is justified. If it is decided that there is a conflict of interest, the person shall not participate in the discussion and voting of the matter, nor attempt to use his or her influence with the Commission before, during or after the meeting.

(a) There may be a conflict of interest if there are personal, familial, or financial ties between the Planning Commissioner and a proponent or opponent of any item of business.

(b) A Planning Commissioner may appear before the Commission through his employment as an advocate or agent for a proponent only after this disqualification on the subject matter.

(c) A Planning Commissioner must not sell or offer to sell services or solicit prospective clients or

employment by stating an ability to influence decisions.

(d) A Planning Commissioner must not use the power of his office to seek or obtain a special advantage that is not in the public interest nor any special advantage that is not a matter of public knowledge.

(5) Explaining Vote

After any vote is taken, any member of the Commission desiring to explain his or her vote shall be allowed an opportunity to do so.

(6) Not to Vote Unless Present

No member of the Commission shall be permitted to vote on any question unless he or she shall be present when the vote is taken and when the result is announced. No member shall give his or her proxy to any person whomsoever.

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Chapter 3 MEETINGS.

- (1) Place
- (2) Regular Meetings – Time for Notice
- (3) Special Meetings - Rehearing's
- (4) Meetings – Matter Considered
- (5) Quorum
- (6) Work Sessions
- (7) Open Meetings Law
- (8) Length of Meeting

(1) Place

All meetings of the Commission shall be held in the City Council Chambers of the Municipal Building, Clinton, Utah, or at such other place in Clinton City as the Commission may designate. A meeting having been convened at the place designated may be adjourned by the Commission to any other place within Clinton City for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place.

(2) Regular Meetings – Time for Notice

Regular meetings of the Commission shall be held at 7:00 p.m. on the first Tuesday of each month; provided that the third Tuesday of each month shall be designated as work sessions as provided under § 6 or a time of a second meeting in the month if an additional meeting is needed as decided by the chairperson. At the discretion of the chairperson, additional meetings, field trips, or work sessions may be held at other appropriate times.

(3) Special Meetings – Rehearing's

The staff member shall give notice of the time and purpose of every special meeting of the Commission at least two (2) days prior to such meeting. Such notice shall be delivered to each member of the Commission personally, by e-mail, or may be given by telephone to the member of the Commission. Such notice may also be given by United States Mail directed to the member of the Commission as to be notified at his or her residence and mailed not less than four (4) days prior to the time fixed for such special meeting. It is specifically provided, however, that any member may in writing waive prior notice of the time, place, and purpose of such meeting and such waiver, if made, shall be noted on the minutes of the meeting by any member of the Commission shall be deemed to be waiver of prior notice of the time and purpose thereof.

(4) Meetings – Matter Considered

All items on the agenda will be considered at the meeting for which the agenda was prepared. Items discussed, but not fully acted upon may be tabled by the Commission to a later time and date. The time and date must be announced during the meeting when it is tabled. A public hearing need not be re-advertised if a decision is tabled to a later date.

No appeal or application shall be considered unless a meeting is open to the public.

(5) Quorum

Four (4) members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members present is required. Any member disqualified because of a conflict of interest shall not be considered when determining whether a quorum is constituted. Except as otherwise specifically provided in the rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission.

(6) Work Sessions

A regular planning work session of the Commission shall be held on the third Tuesday of each month at the hour of 7:00 p.m. Work sessions may be held as part of a Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such work session, except to give directions to Staff regarding the presentation of options for future consideration.

(7) Open Meetings Law

All meetings of the Planning Commission shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.

(8) Length of Meeting

At 11:00 p.m. the Planning Commission will finish the item presently being considered, and no additional items will be heard after that time unless a motion is made by a member of the Commission and approved by a majority of those present requesting to continue the agenda. All items remaining to be heard will be forwarded to the next agenda for consideration.

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Chapter 4 PROCEDURES –

- (1) Order of Business
- (2) Order and Decorum
- (3) Motions
- (4) Reconsideration
- (5) Debate
- (6) Amendments
- (7) Voting
- (8) Suspension of Rules

(1) Order of Business**(a) Roll Call.**

At all meetings before proceeding to business, the roll of the Commission members shall be taken and the names of those present and those absent shall be entered and recorded.

(b) Order of Business.

The order of business in the Commission shall be as follows:

- (i) Approval of minutes prior meetings
 - (ii) Items for consideration as listed in the agenda
 - (iii) Old business
 - (iv) New business
- (c) Agenda for Meetings

Staff, with the approval of the chairperson, shall prepare a written agenda for each meeting.

(d) Deadline for Agenda

The deadlines for filling for placement on the agenda of the Commission are as follows:

- (i) Rezone petitions and zoning amendments – twenty-eight (28) days prior to the meeting
- (ii) Preliminary and Final approval of subdivision plats – twenty-eight (28) days prior to the meeting
- (iii) Conditional Use Permits - – twenty-eight (28) days prior to the meeting
- (iv) All others – twenty-eight (28) days prior to the meeting
- (v) Requests for continuance of matters scheduled for a particular agenda shall be filed with the Planning Director by Wednesday at Noon preceding the Tuesday meeting so that the printed agenda will reflect the requested continuance.

(2) Order and Decorum**(a) Order of Consideration of Items**

The following procedure will normally be observed; however, it may be rearranged by the chairperson for individual items if necessary for the expeditious conduct of business

(i) Public Hearings

(A) Chairperson introduces item

(B) The petitioner makes statements of presentation.

(1) The Commission may ask questions of the petitioner.

(C) The staff makes presentations and recommendations.

(1) The Commission may ask questions regarding the staff presentation.

(D) Any proponents of the agenda items make presentation.

(E) Any opponents of the agenda items make presentation.

(F) Petitioner makes rebuttal of any points not previously covered.

(G) Commission asks any questions it may have of the proponents, opponents, or staff.

(H) Commission discusses the item before them amongst themselves making whatever comments they feel are pertinent. After the discussion, a motion is made and voted upon.

(ii) Discussion Items, Worksessions or other items

(A) Chairperson introduces item

(B) The petitioner makes statements of presentation.

(1) The Commission may ask questions of the petitioner.

(C) The staff makes presentations and recommendations.

(1) The Commission may ask questions regarding the staff presentation.

(D) Petitioner makes rebuttal of any points not previously covered.

(E) Commission asks any questions it may have of the proponents, opponents, or staff.

(F) Commission discusses the item before them amongst themselves making whatever comments they feel are pertinent. After the discussion, a motion is made and voted upon.

(b) Time Limits

The Chair may impose equitable time limits, if deemed necessary for the expeditious conduct of the

public hearing.

(c) Conduct of Persons before the Commission

(i) Persons making presentations or providing comments to the Planning commission shall address the Commission from the podium or microphone and not from the audience, shall provide their name and address for the record, shall address all comments to the Planning Commission, and may not directly question or interrogate other persons in the audience. No demonstrations, clapping, or "booming" of speakers shall be permitted. If such distractive actions taking place the chair may excuse those involved from the room of the meeting or building if necessary.

(ii) Persons desiring to address, make oral requests and communications from the audience may be required to sign a "list to present" roster prior to agenda item. When called forward by the Chair, the speakers shall give their name and address for the record. They will be allowed up to three minutes to make their presentation. All remarks and questions shall be addressed to the Chair and not to any individual Commission Member, staff member or other person. No person shall enter into any discussion without being recognized by the Chair.

(3) Motions

(a) Making a Motion

Upon review of the full public record on a request and due deliberation among the members of the Planning Commission, any Commissioner, but the chair, may make or second a motion and must be directed to the chairperson. The motion shall include not only the direction of the motion, but shall also include the recitation of specific findings of fact supporting such motion. A second shall be required for each motion citing compatible findings. Other members of the Commission may support the motion adding compatible findings. A motion shall die in the absence of a second.

(b) Withdrawing a Motion

After a motion is restated by the chairperson or read by the secretary, it shall be deemed in the possession of the Commission, but may be withdrawn at any time before division or amendment by the unanimous consent of the Commission.

(c) Motions in Order During Debate

When a question is under debate, no motion shall be received except:

- (i) To fix the time to adjourn.
- (ii) To adjourn.

(iii) To continue or table.

(iv) To amend.

(v) To substitute

(d) Motion to Adjourn Always in Order – Exceptions.

A motion to adjourn shall always be in order except when the Commission is voting, and except when a previous motion to adjourn having been defeated, no intervening business has been transacted; but this rule shall not authorize any member to move an adjournment when another member has the floor.

(e) Motion must be Germane

No motion or proposition on a subject different from the under consideration is in order and no such motion of proposition shall be admitted under color of amendments

(f) Questions Not Debatable

Motions to adjourn, to take a recess, or to continue shall be decided without debate, and all incidentals questions or order arising after any such motion is made and pending decision thereon shall be decided without debate.

(4) Reconsideration

(a) Who May Move to Reconsider

If a proposition shall fail to pass on account of not having received a majority vote, any member of the Commission having voted in the negative shall have the right to move for a reconsideration of such proposition. If a proposition shall pass by a majority vote, any member having voted in the affirmative shall have the right to move for a reconsideration of such proposition.

(b) Vote Required For Reconsideration

Upon a motion to reconsider the vote on any matter, a majority of all the members of the Commission present shall be required to reconsider the same.

(c) Time For Motion to Reconsider

When a question has been decided by the Commission, any member voting with the prevailing side may move reconsideration thereof, or give notice that he or she will make such a motion within the time prescribed by the rules. In the event notice of intention to move for reconsideration is given, no further proceedings shall be had on the proposition in question until the motion for reconsideration is made and determined or until the time for making such a motion has lapsed. No motion for reconsideration shall be made in order unless made before the

adjournment of the meeting of the Commission at which the original motion was taken. Such motion shall take precedence over all other motions and questions, except a motion to adjourn.

(5) Debate

(a) Interruptions and Questions

No member of the Commission shall interrupt or question another in debate without his or her consent, and obtain such consent; he or she shall first address the chairperson.

(6) Amendments

(a) Substitution Motions

All so-called substitution motions and resolutions shall be considered as amendments only, and shall be subject to the rules relating thereto.

(b) Amendments Must Be Germane

All amendments must relate to the same subject as the original motion, resolution, proposition or ordinance

(c) Tabling Amendment Not to Prejudice Motion

An amendment may be tabled without prejudice to the main motion or question. When an amendment proposed to any pending measure shall be laid on the table, such action shall not carry with it or prejudice such measure.

(d) Order of Action

If any amendment be offered, the question shall be first upon the amendment.

(7) Voting

(a) Procedure of Final Passage of Ordinance Amendments and Rezone Petitions

The vote upon the final passage of amendments to the Zoning and Subdivision Ordinances, amendments to the Master Plan and Rezone Petitions shall be voted upon by ayes and nays given by members on such roll call shall be called by the secretary in the rotation, except that the chairperson shall be last. In recording votes on roll call the secretary shall record and report those absent or not voting. The chairperson shall announce the result.

(8) Procedure on Final Passage of All Other Business

The vote, upon the passage of all other business shall be made by signifying a yea or nay upon the request of the chairperson. A call for those voting yea will be made first by the chairperson followed by a call for those voting nay. The chairperson shall announce the result.

(a) Voting or Changing Vote After Decision Announced

When a vote is taken on roll call on any question, no member shall be permitted to vote or to change his or her vote after a decision is announced by the chair.

(b) Changing Vote Before Decision Announced

On any such vote, any member may change his or her vote before the chair has announced the decision of the question.

(c) Commission Member Required to Vote, Late Voting

No member may abstain from voting unless there is a conflict of interest. A member entering the chamber after the question is put and before it is decided, may have the question stated, record his or her vote and be counted.

(d) Tie Vote

If a motion for approval of any matter before the Commission receives an equal number of votes in the affirmative and in the negative, and a subsequent motion on the matter is either not made or cannot achieve a majority vote, the matter before the Commission shall be deemed to be denied. Every effort will be made by the Commission to resolve tie votes. The option of continuing an item with the possibility that an odd number of Commissioners would be at a subsequent meeting may be considered.

(9) Suspension of Rules

(a) Suspension or Alteration of Rules

No standing rules of the Commission shall be altered, amended, suspended or rescinded without the vote of a majority of all members of the Commission.

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Chapter 5 **AMENDMENTS.**

- (1) Procedure For Amendment

(1) Procedure For Amendment

These rules of procedure may be amended at any meeting of the Commission held after not less than fourteen (14) days written notice of the proposal to amend the rules has been received by the members of the Commission. A majority vote is required to amend these rules of procedure.

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Chapter 6 **RECORDING OF RULES.**

- (1) Recording – Copies to be Furnished

(1) Recording – Copies to be Furnished

These rules and all subsequent amendments thereto shall be recorded by the Commission Secretary in the book kept for the recording of such business and shall furnish to each member of the Commission a copy thereof in form convenient for reference.



**CLINTON CITY PLANNING COMMISSON
CITY HALL
2267 North 1500 W Clinton UT 84015**

Planning Commission Members

*Chair – Jacob Briggs
Vice Chair – Bob Buckles
Tony Thompson
Dave Coombs
Jolene Cressall
Jeff Ritchie
Andy Hale*

Date of Meeting	February 2, 2016	Call to Order	7:02 p.m.
Staff Present	Community Development Director Will Wright and Lisa Titensor recorded the minutes.		
Citizens Present	There were none.		
Pledge of Allegiance	Commissioner Buckles		
Prayer or Thought	Commissioner Briggs		
Roll Call & Attendance	Present were: Commissioners Jacob Briggs, Bob Buckles, Tony Thompson, Dave Coombs, Jolene Cressall and Jeff Ritchie, Andy Hale		
City Council Report	Mr. Wright reported on the January 12, 2016 Planning Commission meeting as recorded in the minutes		
Introduction of new Planning Commissioner	Andy Hale introduced himself to the Planning Commissioners and stated he is looking forward to serving the community.		
City Council Report	Mr. Wright reported on the January 26, 2016 City Council Meeting as recorded in the minutes.		
Declaration of Conflicts	There were none.		
Approval of Minutes	Commissioner Buckles moved to approve the January 19, 2016 Planning Commission minutes as written. Councilmember Cressall seconded the motion. Commissioner Hales abstained because he was not a member of the Planning Commission at the time. All others voted in favor of the motion.		
1. CONSIDER PREVIOUSLY REVIEWED SUBDIVISION REGULATIONS BEGINNING WITH CHAPTER 1, INCLUDING CHAPTERS 2, 5 & 6			
Petitioner	Community Development The Planning Commission reviewed the following during the work session:		
Discussion	<p>26-1-1 Title:</p> <p>(1) These regulations are Title 26 of the Code of Revised Ordinances of Clinton City, Utah. This code shall officially be known, cited, and referred to as the Subdivision Ordinance of the City of Clinton. These regulations may also be referred to as the "Subdivision Ordinance."</p> <p>(2) Specific citations will be to the Subdivision Ordinance by paragraph and sub-paragraph as depicted in this document and need not include a reference to Title 26.</p> <p>(3) This Title is part of the Clinton City Land Use Ordinances.</p>		
Commissioner Buckles will review for proposed alternative draft 26-1-2 and 26-1-3.			
<p>26-1-4 Authority: This section outlines the authority for processing of various forms of subdivision unless specifically outlined otherwise in this Title.</p> <p>(1) Where a process is outlined that leads to the approval by the Land Use Authority the</p>			

entire process is considered the authority as referred to elsewhere in this Title.

(2) The Planning Commission is the Land Use Authority vested with the power to review, approve, conditionally approve and disapprove applications for the preliminary and the final plats of subdivision of land unless specifically stated otherwise by this Title.

(3) Section deleted.

(4) The Community Development Director is the Land Use Authority for the following after establishing compliance with the requirements of this Title:

(a) The approval of simple subdivisions of five lots or less ;

(b) The approval of amendments to subdivisions that do not include vacating rights-of-way or easements ;

(c) The approval of lot line adjustments ;

(d) The approval of property combinations ;

(e) The approval of transfers, not to include vacation of rights-of-way and easements ;

(f) ; and,

(g) The approval of a Record of Survey Map.

26-1-5 Jurisdiction:

(5) These regulations apply to all subdivisions of land, as defined in § 26-[REDACTED], located within the corporate limits of the City or outside the corporate limits as provided by State law.

(6) No land may be subdivided through the use of any legal description other than with reference to a plat approved in accordance with the requirements of this Title, unless specifically excepted by this Title and in accordance with this Title.

(7) Land not in compliance with the requirements of this Title, to include the following, is considered no longer approved for development :

(a) The plat of the subdivided land or land subdivided by metes and bounds was recorded without the prior approval of the City as required by this Title or preceding ordinances dealing with the same or similar topics and the plat contains contiguous lots in common ownership, where one or more of the lots are undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;

(b) The plat of the subdivided land or land subdivided by metes and bounds has been of record for more than five (5) years, was not approved after {the date of this Title}, and contains contiguous lots in common ownership where one or more of the contiguous lots are undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;

(c) The plat of the subdivided land or land subdivided by metes and bounds has been of record for more than five (5) years, was approved after {the date of this Title}, and contains contiguous lots in common ownership where one or more of the contiguous lots is undeveloped and one or more is nonconforming under the Zoning Ordinance and/or land use ordinances whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;

(d) The original subdivider or his successor failed to complete subdivision improvement requirements pursuant to a subdivision improvement agreement entered into when the plat for the subdivided land was approved and the plat contains contiguous lots in common ownership where one or more of the contiguous lots is undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider; except that this Section shall not apply if the City has obtained possession of sufficient funds from security provided by the subdivider with which to complete construction of improvements in the subdivision.

(e) The original subdivider or his successor failed to complete the subdivision process or failed to properly execute the requirements of these regulations.

Commissioner Briggs identified a table he likes in the Clearfield Zoning Code regarding Appeals:

http://sterlingcodifiers.com/codebook/index.php?book_id=372&chapter_id=11568#s718145

Commissioner Briggs asked Mr. Wright to provide the Planning Commission with the Rules of Procedures to discuss at the beginning of the next meeting.

**Commissioners
Issues and
Concerns**

- *There were none.*

ADJOURNMENT

Commissioner Coombs moved to adjourn. Commissioner Cressall seconded the motion. All those present voted in favor, the meeting adjourned at 9:11 p.m.