

Agenda

ARCHAEOLOGICAL REVIEW COMMITTEE HEARING

THURSDAY, November 1, 2018, at 4:30 PM

COUNCILORS' CONFERENCE ROOM

CITY HALL - 200 LINCOLN AVENUE, SANTA FE, NM

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: September 13, 2018 and October 4, 2018
- E. MATTERS FROM THE FLOOR
- F. ACTION ITEMS
 - 1. Case # AR-32-2018. Old Pecos Trail-Arroyo Chamiso Road. Suburban Archaeological Review District. Eric Blinman, agent for CableCom LLC, requests approval of an Archaeological Monitoring Plan for 600 linear feet of conduit for the Old Pecos Trail-Arroyo Chamiso Road Comcast JT 64192 Fiber Optic installation. (Nicole Ramirez Thomas, Interim Planner Supervisor, NARamirez-Thomas@santafenm.gov, 955-6660)
 - Case #AR-33-2018. 2725 Agua Fria Street. River and Trails Archaeological Review District. Ron Winters, agent for Eric Faust, owner, requests approval of an Archaeological Testing Plan for 6.093 acres for the proposed development. (Nicole Ramirez Thomas)
 - 3. Case #AR-34-2018. 1372 Cerrillos Road. Suburban Archaeological Review District. Ron Winters, agent for Ortiz Family Limited Partnership, owner, requests approval of an Archaeological Inventory for 1.14 acres for proposed development. (Nicole Ramirez Thomas)
- G. DISCUSSION ITEMS
- H. MATTERS FROM THE COMMITTEE
- I. ADMINISTRATIVE MATTERS AND COMMUNICATIONS
- J. ADJOURNMENT

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RECEIVED AT THE CITY CLERK'S OFFICE

DATE: 10/24/2018

TIME: 12:02 PM

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CASE #AR-34-2018. 1372 CERRILLOS ROAD. SUBURBAN ARCHAEOLOGICAL REVIEW DISTRICT. RON WINTERS, AGENT FOR ORTIZ FAMILY LIMITED PARTNERSHIP, OWNER, REQUESTS APPROVAL OF AN ARCHAEOLOGICAL INVENTORY FOR 1.14 ACRES FOR PROPOSED DEVELOPMENT	Approved w/corrections & direction	8-12

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MINUTES OF THE CITY OF SANTA FE ARCHAEOLOGICAL REVIEW COMMITTEE HEARING City Councilors Conference Room November 1, 2018

A. CALL TO ORDER

The Archaeological Review Committee Hearing was called to order by David Eck, Chair, at approximately 4:30 p.m., on November 1, 2018, in the City Councilors Conference Room, City Hall, Santa Fe, New Mexico.

B. ROLL CALL

Members Present

David Eck, Chair James Edward Ivey Derek Pierce Cortney Anne Wands

Members Absent

Tess Monahan, Vice-Chair [Resigned]

Others Present

Nicole Ramirez-Thomas, Historic Preservation Division – Committee liaison Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

NOTE: All items in the Committee packet for all agenda items are incorporated herewith to these minutes by reference, and the original Committee packet is on file in, and may be obtained from, the City of Santa Fe Historic Preservation Division.

C. APPROVAL OF AGENDA

MOTION: Derek Pierce moved, seconded by Jake Ivey, to approve the Agenda as presented.

VOTE: The motion was approved on a voice vote, with Chair Eck, Derek Pierce and Jake Ivey voting in favor of the motion, no one voting against and Cortney Wands absent for the vote.

D. APPROVAL OF MINUTES - SEPTEMBER 13, 2018 AND OCTOBER 4, 2018

The following corrections were made to the minutes of September 13, 2018:

Page 10, paragraph 5, line 3, correct as follows: "...long it was it in operation..."

Page 18, paragraph 6, line 2, correct as follows: "... NACRA [Native American Creative Repatriation Act] NAGPRA Native American Grave Protection Repatriation Act]."

Page 20, paragraph 6, line 7, correct as follows: "...not going to get....

MOTION: Derek Pierce moved, seconded by Jake Ivey, to approve the minutes of the meeting of September 13, 2018, as amended, and the minutes of October 4, 2018, as presented.

VOTE: The motion was approved on a voice vote, with Chair Eck, Derek Pierce and Jake Ivey voting in favor of the motion, no one voting against and Cortney Wands absent for the vote.

E. MATTERS FROM THE FLOOR

[Ms. Wands arrived at the meeting]

Mr. Winters talked about a proposed project at Agua Fria and La Madeira, and said the applicant, Jim Wofford, wants to bore 170 feet and trench 70 feet, for a total of 240 feet, and he wants the Committee direction on whether it would require archaeological clearance.

Ms. Ramirez-Thomas said the Ordinance applies, but if an archaeological site will be in that place then the monitoring will need to be done.

Chair Eck said normally this will be handled by Ms. Ramirez-Thomas for an answer and "that will be that."

F. ACTION ITEMS

1. CASE #AR-32-2018. OLD PECOS TRAIL-ARROYO CHAMISO ROAD. SUBURBAN ARCHAEOLOGICAL REVIEW DISTRICT. ERIC BLINMAN, AGENT FOR CABLECOM, LLC, REQUESTS APPROVAL OF AN ARCHAEOLOGICAL MONITORING PLAN FOR 600 LINEAR FEET OF CONDUIT FOR THE OLD PECOS TRAIL-ARROYO CHAMISO ROAD COMCAST JT 64192 FIBER OPTIC INSTALLATION.

BACKGROUND & SUMMARY:

Comcast Midwest Division proposes to install 600 feet of conduit within the Suburban Archaeological Review District. The request is to place two vaults and bore between the vaults. The vaults will be 24 inches x 24 inches and the boring would occur at approximately 34 inches. A single bore pit, measuring 4

feet by 6 feet by 2 feet, and potholes will be excavated. The applicant requests approval of the monitoring plan. If boring is not approved the utility line will be trenched.

STAFF RECOMMENDATION:

Staff recommends approval of the application as it complies with 14.3.13(C)(5) Procedures for the River and Trails and Suburban Districts.

Chair Eck noted the Staff Report in the packet. He thanked Ms. Ramirez-Thomas and asked if she has anything to add, and Ms. Ramirez-Thomas said she has nothing to add.

Dr. Blinman said they want to bore, noting most of it is under existing pavement and/or sidewalks, and they actually surveyed it. It is a situation where thinks that by monitoring the vaults and bore pits we will get information on what is subsurface.

Cortney Anne Wands

Ms. Wands had no comment.

Derek Pierce

Mr. Pierce said when he first looked at this, and saw Figure 2 that proposed boring, and he wondered why. It isn't crossing a major road and there is no harm in trenching. The he realized that he surveyed about 3/4 of it as open ground, so he has no objections to boring in this case. The part that was surveyed where you could see the ground would be excluded anyway, so he is okay with it.

Jake Ivey

Mr. Ivey had no comment.

Chair Eck

Chair Eck said he has a very dim recollection of this area before its construction into the configuration we now see. It leads him to believe that most of the bare dirt represents recontoured, disturbed and otherwise modified landscape. He said conceptually, he would say this is a similar place where we weren't so fairly sure that there wasn't any point in trenching where it's open and boring two ends would be a good solution, noting it is about 220 feet we can trench, but there is no need to do that because of the context that we believe to apply.

Mr. Pierce said there a fire station somewhere on this stretch of Arroyo Chamiso, and Dr. Blinman said that is correct. Mr. Pierce asked if it is shown on Figure 2 or if it is somewhere below.

- Dr. Blinman said it is the next property off the lower left corner of the Figure.
- Mr. Pierce said then you obviously won't be trenching across the driveway for the fire station.

MOTION: Jake Ivey moved, seconded by Derek Pierce, with respect to Case #AR-32-2018, to approve the Archaeological Monitoring Plan for 600 linear feet of conduit for the Old Pecos Trail-Arroyo Chamiso Road Comcast JT 64192 Fiber Optic installation in the Suburban Archaeological Review District, as requested by Dr. Eric Blinman, Agent, as it complies with 14-3.13(C)(5) Procedures for the Suburban Archaeological Review District and Utility Mains.

VOTE: The motion was approved unanimously on a voice vote.

2. CASE #AR-33-2018. 2725 AGUA FRIA STREET. RIVER AND TRAILS
ARCHAEOLOGICAL REVIEW DISTRICT. RON WINTERS, AGENT FOR ERIC FAUST,
OWNER, REQUESTS APPROVAL OF AN ARCHAEOLOGICAL TESTING PLAN FOR
6.093 ACRES FOR THE PROPOSED DEVELOPMENT. (NICOLE RAMIREZ-THOMAS)

BACKGROUND & SUMMARY:

The archaeologist is presenting a testing plan for a previously recorded archaeological site on the 17 acre parcel located at 2729 Agua Fria Street. The proposed development activities cannot avoid disturbance of the site. The applicant proposes to place four 1 x 1 meter excavation units to garner information about the subsurface deposits, soils and spatial extent of the site. More test units will be placed as needed. Once the testing is completed, the applicant will complete a report of the results and update the site form and return to the ARC for clearance of the site or to discuss any further mitigation requirements.

STAFF RECOMMENDATION:

Staff recommends approval of the testing plan as it complies with 14-3.13(C)(5)(D) Archaeological Clearance Permits, Procedures for River and Trails Area, Treatment.

Chair Eck noted the Staff Report in the packet. He thanked Ms. Ramirez-Thomas and asked if she has anything to add.

Ms. Ramirez-Thomas said she has nothing to add.

Ron Winters said Steven Post had recorded this site, and he trusts his interpretation. He said Mr. Post found no features, save for the depression. Mr. Winters said he went to the site twice, and hasn't been able to make much of what the depression is, but he definitely wants to test it, along with along with

the artifact concentrations identified by Mr. Post. He plans on *[inaudible]* all of the surface artifacts, and at least 1 testing, possibly more depending on what he finds, in each of the different concentrations and depressions he found. He said he thinks It will be protected in an easement, and no further work is recommended on the small segment of the acequia to the north, LA 129374 which was looked at and commented on by Phil Bové.

Cortney Anne Wands

Ms. Wands said on page 7, Mr. Winters says, "The abstract was taken directly from his final report." She said there is no abstract, Mr. Winters only has an Introduction, but nowhere in the Introduction does he use direct quotes for anything.

Chair Eck said the question is if the italicized two paragraph section on page 7 under Project History, is a verbatim rendition of Mr. Post's Abstract.

Mr. Winters said yes.

Chair Eck said that answers Ms. Wands' question.

Ms. Wands said she assumes that under the Introduction on page 2, paragraph 2 is a direct quote, because in the second sentence on page 7 he says, "The abstract was taken directly from his [Steve Post] final report."

Mr. Winters said these are his words in the second paragraph based on what he found, and on page 7 there are direct quotes from Mr. Post's Abstract.

Ms. Wands said on page 2 it says, "...conducted an archaeological study of a 17 acre parcel located at 2639 and 2725 Agua Fria Street in Santa Fe, New Mexico. In 2000, an archaeological inventory of a 13-acre portion of a 13 acre portion of project was completed by Post...."

Chair Eck said Ms. Wands is noting a very closed paraphrase, and the change of a couple of words does change the sense and tone and tense of the statement, so maybe it doesn't need quotes.

Ms. Wands said he does need to reference it on the page from which it was taken in Mr. Post's document, which is the same on page 10 and as he continues to directly use Steve Post's words to show what pages from which those have been taken.

Chair Eck said all of these quotes need to be attributed to the page of the document from which they came.

Ms. Wands said that is basic citation.

Ms. Wands, referring to page 10, asked Mr. Winters' definition of a sterile strata, because he has two discussions on how he will excavate, where he discusses he will excavate to sterile strata, and he discusses two levels of sterile strata. When you are testing, generally, "you excavate as far as you can because where the first two levels are centimeters are sterile, you still can have archaeological materials below that."

Mr. Winters said he will change that in the Methodology to "sterile strata."

Ms. Wands said she has questions about when he encounter features. She asked if he will expand the area of excavation, because he says he will excavate the features. She asked, "Will you fully excavate the feature."

Mr. Winters said what he meant is that he will excavate features.

Ms. Wands asked where is testing and where does he go in for data recovery.

Mr. Winters said he will first need to find out what is there.

Ms. Wands said her question is if Mr. Winters encounters a large feature will he fully excavate it during testing, or does he plan to go to data recovery.

Mr. Winters said he will go to data recovery.

Ms. Wands said he doesn't mention that here.

Mr. Winters said that is because this is a testing plan.

Ms. Wands said she would suggest that Mr. Winters mention that if he encounters features that there is a potential for it to go to data recovery.

Mr. Winters said, "Got it."

Derek Pierce

Mr. Pierce, referring to Figure 5 on page 8, in the Plat showing the project area, to be clear it says the developer wants construction phase approval, and in Figure 5, he is talking only about the western path of the lot.

Mr. Winters said this is correct.

Mr. Pierce then that is the reason there is no discussion of [inaudible].

Mr. Winters said yes, commenting he does not think they own that property any more. He said the information he received from his client is that this is their parcel – the west half of that lot.

Chair Eck said there are two different property owners that show up in the City's records, and Mr. Winters said that is correct.

Mr. Pierce referring to LA180517 said, even though it is not in the project area, this one was recorded by Steve Post along with other one, they were both new sites at the time. He asked the reason there is such a long gap between the other 4 and this. He asked if he came back and recorded this other one 10 years later.

Mr. Winters said yes, but he doesn't know the reason for that.

Mr. Pierce said on page 26, Post's NMCRIS number is LA67126, and then there are 4 LA numbers 128249 through 129375, and then LA180517, and they were all new at the time he recorded them. He wonders what happened.

Mr. Winters said he doesn't know. He said the only thing he can say is that, as you saw this was recorded and was supposed to be developed, and then they didn't, they dropped the ball. And then years later they went back and maybe found something else when revisiting those sites, commenting that yes, there is a big gap, and now, this is another gap. It sat for years before something actually was done.

Mr. Pierce said his real issue is that LA180517 doesn't occur in the Table of Resources, within a ½ mile, although it clearly is within 1/10 of a mile or less. He said Mr. Winters needs to add this to the Table of Resources, Table 2, on page 27.

Jake Ivey

Mr. Ivey said he has no comment,

Chair Eck

Chair Eck said he would like to emphasize the need for a clear statement of what will happen during testing and what will not happen, to echo Ms. Wands remarks regarding when does testing end and data recovery begin. He said there is another reference where Mr. Winters says more will be excavated, and that is kind of undefined. He asked, "So is the more dependent upon a move toward data recovery, or does the more depend upon what he finds in the field during this testing effort. Because, if, for instance, you find another concentration of artifacts, and there are now 5 that need to be investigated, yes, put another [inaudible]. At that level, more can be easily accommodated, but if it's something else..."

Mr. Winters said he thinks what he was saying is that there is a minimum of 4, so if there were others as the Chair described, while he is testing he would....

Chair Eck said, "Language to that effect might help define the level of effort, the intent and the focus method to reach your intended goal."

Mr. Pierce said he thinks the point is that if you discover a feature through a 1 x 1, and that's enough to tell you, with confidence, there is a feature and there are intact deposits, Mr. Winters is done with that feature and doesn't need to do more. He certainly doesn't need to expand the block and do another one, that's all for data recovery.

Mr. Winters said that was his intent and the reason he didn't call it data recovery.

Mr. Pierce said it is clear in one place, and less clear in another.

Ms. Wands said on page 10, Mr. Winters says that he will excavate features in the study plan, saying he shouldn't be excavating features during testing, because that goes to data recovery.

Mr. Pierce said pages 28-29 are more in line with what Mr. Winters meant to say.

MOTION: Derek Pierce moved, seconded by Jake Ivey, with respect to Case #AR-33-2018, to approve the Archaeological Testing Plan for 6.093 acres for the proposed development at 2725 Agua Fria Street, in the River and Trails Archaeological Review District, as requested by Ron Winters, Agent for Eric Faust, Owner, with the aforementioned corrections, as it complies with 14-3.13(C)(5)(D) Archaeological Clearance Permits, Procedures for River and Trails Archaeological Review District, Treatment.

VOTE: The motion was approved unanimously on a voice vote.

Chair Eck said if there had been mention of a machine doing anything, this case most definitely would be going to SHPO and the CPRC, because you cannot use a machine for purposes of archaeological investigation on private land without a permit issued by the State. There is no mention of a machine

Ms. Helberg said she understood at the last meeting that the applicant would be forwarding to SHPO and there was no need to have that in any motion.

Chair Eck said, in this instance, in the Staff Report, it should say the application for the mechanical excavation permit is already in the "hands of, and that would be all anybody would need to know."

3. CASE #AR-34-2018. 1372 CERRILLOS ROAD. SUBURBAN ARCHAEOLOGICAL REVIEW DISTRICT. RON WINTERS, AGENT FOR ORTIZ FAMILY LIMITED PARTNERSHIP, OWNER, REQUESTS APPROVAL OF AN ARCHAEOLOGICAL INVENTORY FOR 1.14 ACRES FOR PROPOSED DEVELOPMENT. (NICOLE RAMIREZ-THOMAS)

BACKGROUND & SUMMARY:

The existing Discount Tire store at 1372 Cerrillos Road will be demolished and a new store will be built in its place on the 1.14 acre lot. The archaeologist conducted an archaeological survey of the property in advance of the demolition per the applicant's request. Once the demolition has taken place, the pavement will be removed from the lot, allowing soil visibility, and the applicant intends to survey those areas currently under pavement per a post-report submission conversation. The current recommendation of the applicant is that clearance be granted for the project.

STAFF RECOMMENDATION:

Staff's understanding of this project was that the archaeological survey would be conducted after the demolition and removal of any paved surfaces on the lot. Survey of this lot was only considered as an opportunity to use monitoring where necessary. Staff defers to the Committee to determine if the application complies with 14-3.13(C)(5) Procedures for the River and Trails and Suburban Districts and suggests that a condition that visible soil areas be evaluated once the pavement has been removed.

Chair Eck noted the Staff Report in the packet. He thanked Ms. Ramirez-Thomas, noting she had an explanatory paragraph in the report and asked, "Should I ask you to stand upon that."

Ms. Ramirez-Thomas said yes. The intent of the applicant is to demolish the building and remove the pavement. So, because there would be soil visible, it would be possible to conduct a survey to what extent monitoring is to occur, if at all. So there was communication with Mr. Winters and we resolved that. So, once the building is demolished and the pavement is removed, Mr. Winters will survey the visible soil.

Ms. Ramirez-Thomas continued, saying the applicant needs a conditional approval so Mr. Winters can go for a permit for demolition.

Mr. Winters introduced Vincent Carrica, his client who is representing [inaudible]. This is a situation where a party "once removed," doesn't sometimes get all of the information.

Mr. Winters continued, saying the survey was conducted on the open land. However, in discussions with Ms. Ramirez-Thomas, she would like the whole project area surveyed. So, he informed Mr. Carrica of that, which isn't a problem for either his client or him.

Mr. Carrica said they understand they have an official survey today, and he will work with Mr. Winters on how to accomplish that so we can move forward.

Chair Eck said he thinks to get a clean cut on the soil will be necessary.

Mr. Winters said of course, noting there is base course under the asphalt, so the base course also will have to be stripped off, nothing that usually is a few inches.

Cortney Anne Wands

Ms. Wands said Mr. Winters answered her question, and suggested he might want to add that as a caveat as to why it was surveyed with asphalt.

Mr. Winters said about half the project area was open ground, and the other was asphalt/built environment.

Chair Eck said the easiest thing to do is to not treat this as a final document, to say that you are going to go do all that stuff as we've agreed, and then you will bring the whole thing here. And you can, in the new document using the same numbers, specify all the whys and wherefores of which part was done and which way, at what time and under what conditions. This way we have one document to go to ARMS, and "they will bless you for keeping things simple, and we'll all go forward."

Mr. Winters said the only problem with that is that to get the demolition permit and the permits they need, they had to have this first, even though it is conditional, based on work after the fact.

Chair Eck said this Committee can approve it conditionally with all that understanding. However, he doesn't want Mr. Winters to create a whole new document for the same project, the same purpose and such.

Ms. Wands, referring to page 27, asked what happens to 3 and 5.

Mr. Winters said they were insignificant but should have been there.

Chair Eck said they also should appear on the map on page 31.

Ms. Ramirez-Thomas said they are all in the photo but not in figure name.

Chair Eck said he didn't see 6 as well.

Mr. Winters said all of this will be in the final report.

Derek Pierce

Mr. Pierce said it is unlikely that there are any artifacts that are intact under the paved parking lot, but if they are it will be in the top 50 centimeters, right below the base course at most. He asked Mr. Winters how confident he is that his operator can remove the asphalt and the base course without disturbing the upper 50 centimeters. Secondly, he asked why Mr. Winters would not just monitor removal instead of going back to survey later.

- Mr. Winters said normally he likes to be there when they are removing it, not having it removed and then come back. When he has done that before, such as on Paseo de Peralta, that is exactly what he did. He said he wanted to be on site to monitor the way it is being done the way they are stripping that down. He always does it that way, rather than them giving him a call after the fact.
- Mr. Pierce said the report reads as if they are going to do it, and at some point later will call Mr. Winters and he will come back and complete the survey. He thinks just monitoring the removal would be faster and better in the unlikely event there is something there.
- Mr. Winters said this is normally how he always does it, because you never know what they will turn up in the process, and he wants to be there.
- Dr. Blinman said it seems a discussion about a mechanical removal permit isn't germane, because no archaeological *[inaudible because too far from the microphone]*.

Chair Eck said they routinely use machines in Santa Fe to do exploration, but it is not in a known site, so there is no issue, and the monitoring at the end of the base course removal sounds great.

Mr. Pierce said there might need to be a tweak to this section to make a note that you will be there when they peel-off this stuff.

Chair Eck said then, as he always does, Mr. Winters will have a section on the detail of what happened on that day in the report.

Jake Ivey

Mr. Ivey said he has no comment, once he cleared up the little details about the numbers of artifacts, photographs, and it is okay.

Chair Eck

Chair Eck asked Mr. Winters if he normally gets his project areas uploaded to the NMCRIS data base. He said as part of doing a project, the shape file of that needs to go to NMCRIS, and asked his schedule to do this. He said this schedule isn't included, which led him to notice that it isn't in the previous one he did.

Mr. Winters said he and Derek worked through this previously. He works on a Mac and there is a problem with creating shape files in that, so what he had to do was to go into ARMS and actually do it there. So he needs to spend some time under ARMS.

Chair Eck has worked with people who were handicapped by Mac, and he thoroughly understands, but he has never used it for this kind of thing.

MOTION: Derek Pierce moved, seconded by Jake Ivey, with respect to Case #AR-34-2018, to conditionally approve the Archaeological Inventory for 1.14 acres for the proposed development at 1372 Cerrillos Road for Discount Tire, in the River and Trails Archaeological Review District, as requested by Ron Winters, agent for Ortiz Family Limited Partnership, owner, with the aforementioned corrections, and with the understanding that Mr. Winters will be on site to monitor removal of the asphalt and base course, and will submit a final report afterward, as the application complies with 14-3.13(C)(5) Procedures for the River and Trails and Suburban Districts.

VOTE: The motion was approved unanimously on a voice vote.

G. DISCUSSION ITEMS

There were no Discussion Items for the Committee.

H. MATTERS FROM THE COMMITTEE

There were no Matters from the Committee.

I. ADMINISTRATIVE MATTERS AND COMMUNICATIONS

Ms. Ramirez-Thomas said she is leaving the City for a position in another city, but she will be in attendance at next month's meeting as an observer. She introduced Kathryn Mortimer, Land Use Supervisor, who will be the staff liaison to this Committee until she is replaced. She said other staff will be Carlos Gamora, a planner who splits his time between Historic Preservation and Current Planning, and is now taking on the bulk of the HDRB cases, and may attend hearings to offer staff information.

Ms. Ramirez-Thomas said the new attorney assigned is Theresa Gheen, who will begin in January 2019, along with another Assistant City Attorney, Greg Chaklian. She said Committee members can contact Kathryn with any questions.

Ms. Ramirez-Thomas said Paul Duran is ill today, but he will be here for almost every Committee hearing in the future.

Ms. Ramirez-Thomas distributed the Code of Ethics forms to the Committee members to be filled out and submitted back to her office.

J. ADJOURNMENT

There was no further business to come before the Committee.

MOTION: Jake Ivey moved, seconded by Derek Pierce, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the Committee was adjourned at approximately 5:27 p.m.

David Eck, Chair

Melessia Helberg, Stenographer