

**PLANNING & ZONING MEETING
109 E. BROADWAY
ASHLAND, MO 65010
TUESDAY, JUNE 14, 2016**

PUBLIC HEARING:

Public Hearing for the Rezoning of E. Liberty Ln from C-G to R-2

AGENDA

1. Call the Meeting to Order at 7:00 PM.
2. Approval of the Agenda June 14, 2016. Action _____
3. Approval of the Previous Minutes, May 24, 2016. Action _____
4. New Business: Rezoning of E. Liberty Ln from C-G to R-2
5. Old Business:
6. Discussion: 2015 Ashland Transportation Plan
7. City Administrator / Mayor's Report:
8. Guest Comments:
9. Commissioners' Report:

If you are unable to attend, please call Ashland City Hall at 573-657-2091 or email policeclerk@ashlandmo.us

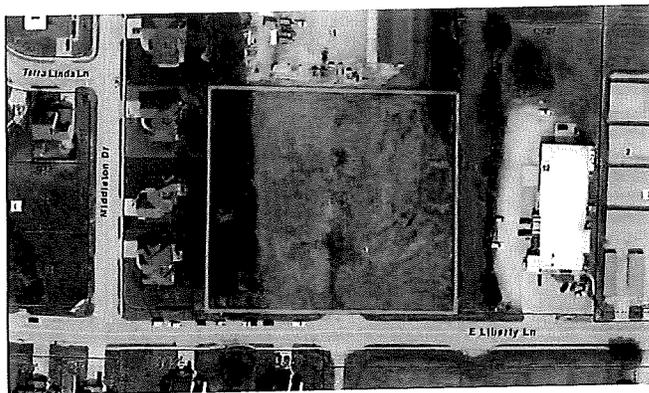
Megan Young
Administrative Assistant



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Ashland Planning and Zoning Commission at 7:00 p.m. on June 14, 2016 at 109 East Broadway, Ashland, Mo. concerning the matter of the rezoning from C-G General Commercial to R-2 Medium Density Residential, of the following described real estate in Boone County to wit:

The zoning of a tract of land located in the southeast quarter of the northeast quarter of Section 15, Township 46 North, Range 12 West, recorded in Book 1043, Page 540 of the Boone County Records, containing 4.97 acres more or less. This land is located on E. Liberty Ln.



At this Public Hearing, any interested person, corporation or political subdivision may present evidence regarding the proposed annexation. For additional information contact City Hall at (573) 657-2091 or email policeclerk@ashlandmo.us.

Publish Date: May 20, 2016

**PLANNING AND ZONING MEETING
123 E. BROADWAY
ASHLAND, MO. 65010
TUESDAY, MAY 10, 2016**

PUBLIC HEARING:

The Planning and Zoning Commission held a Public Hearing, and Chairman Batson opened the hearing at 7:06 p.m., to seek public comments on:

1. Proposed Rezoning from I-L, Light Industrial to R-3, High Density Residential District for the Southwoods Commercial Park, Plat 1, Lot 7 & 8 on Commerce Dr., Parcel IDs # 24-508-00-16-007.00 01 & 24-508-00-16-008.00 01.

Public Questions/Comments:

Alderman Bronson, Ward 2, stepped forward and stated on behalf of Alderman Jim Fasciotti, they have a petition with 66 signatures against this proposal. Ashland needs to see more businesses, but a residential park this size is not good for the city.

Jared Drummond, 409 Middleton Dr.: I relocated from Columbia and looked at property around Ashland when I decided to buy my home here. Columbia has a large influx of student housing, where there will be future crime. I believe this lowers the neighborhood resale value, increases traffic, and poses a risk to our children.

Kathy Sherman, 502 D Douglas Dr.: I own a 6-plex and I am involved locally, managing townhomes. This is different for Ashland and not the best thing. I am not in favor of it.

Gail Quigley, 502 C Douglas Dr.: What about the storm water? When you put in concrete where does the water go?

Victor Sapp, 601 Cobblestone Ct.: I bought the lot on Cobblestone Ct. to build a 6000 sq ft warehouse. I am concerned with the increased traffic. Douglas is very busy, too many children with no place to play and not enough parking. There is a need in Ashland for businesses, but not this kind. This will decrease the value of my lot, and I am desperately against it. It is way too large for Ashland, at least in that spot.

Sandy Robinson-Harris, 202 Sarah Dr.: I am the last of the new houses on Sarah Dr., where the road thins. There is not room for more traffic, or to widen the road. The Ashland city vehicles already use the little bridge on Sarah Dr. The increase in traffic is something to consider.

Tom Hayes, Manager of Assisted Transportation on 502 Commerce Dr. Mr. Hayes read the letter from Assisted Transportation. See attached letter.

Richard Jones, 401 Douglas Dr.: I have lived here 18 yrs. My 1st business, when I purchased it, was for light industrial zoning. So I know how that works. The Bauers have put in condos, which are very nice. The proposed apartments will have many families, and this will downgrade my

property. There is a big turn around on rental properties. My liability insurance will go through the roof. We will have traffic 24 hours a day and I'd rather not see that.

Judy Collins, 410 Middleton Dr.: I am on the east side of Middleton where the creek is. I have a problem with runoff from the creek and my yard floods. If we put parking lots back there we will have a bigger problem with the water runoff. We are definitely against the massive amount of people. It's a big no for all of us.

Mark Mclemore, 400 Middleton Dr.: We researched the area and moved here in 2008. This proposal greatly concerns me. There will be a tremendous amount of vehicle traffic, and it is dangerous for my kids and the neighborhood kids. Also the water is a problem. The nice neighborhood is why we moved to Ashland.

Steve Straub, 406 Middleton Dr.: I spent 12 years in the military and we knew who our neighbors were. Our neighborhoods had certain ideals. We would like to keep those ideals, and I don't think this is a good idea.

Bruce Bauer, co-owner of Bauer Homes, Inc.: The condos we built target the elderly with consideration of the closeness of the Senior Center. Also the traffic issue, there will be an overflow and I don't think it is a good idea.

Steve Peveler, 206 Sarah.: We have a ton of middle school kids that play on Sarah. There has been no signs placed, no speed limit signs, no caution kids playing signs. If there is a huge amount of residents on Commerce Dr. it will be a concern with traffic.

Sherry Bruns, 402 Douglas Dr.: I am speaking on behalf of the Seniors at the Senior Center. Most of the people are in their 80s and want a smaller home with fewer children in the area. We want to travel and don't want to worry about our homes being vandalized. That is the reason most people moved there. We are all thinking there will be more children in the apartments and we are all opposed.

Jason Showmaker, 408 Middleton Dr.: With increased traffic on Sarah Dr., it decreases the long term viability of our property. We already have dead, dying trees not being replaced. We are concerned about the wastewater, flooding, erosion of property and water management.

Tim Roth, 205 Sarah Dr.: We moved to Ashland and were looking for a family friendly residential area, not apartment buildings with the potential for crime. I would like to voice my opposition.

Danette Beeson, 503 Terra Linda Dr.: Before we moved to Sarah Dr. we looked around and decided this area was a nice place for our kids. Sarah Dr. is a thoroughfare to the elementary school. There will be too many families and cars.

Ann Mericle, 505 Terra Linda Dr.: I like the mix here, it is a great family neighborhood. There is, however, a greater issue. The density and amount of children entering the school system. There are not enough taxes to support the school. I oppose this for the good of the whole community.

Gene Rhorer, Mayor of Ashland, 104 Maple St.: It is not a good idea in zoning for residential without having a traffic study. I am here to support residents of Ashland.

C. Stephen Heying, 514 Redbud Ln.: I was on the P & Z Board starting in 1975. Middleton crossing and Middleton subdivision were my areas. We should do what was intended, not build more apartments. We should look at the zoning again. Apartment buildings are a bad idea for that area and it was not structured for that kind of density.

Lyle Loy, 502 Terra Linda Dr.: I lived here for many years with my mother and now it is just me, I want to walk around and be safe. I would be very much against it also.

Alan Bauer, co-owner of Bauer Homes, Inc., resident of 541 Commerce Dr.: The residents who moved there depend on the zoning that is there. Traffic will be a big concern. I am not approving this.

Commissioner Sapp made a motion to close the public hearing. Seconded by Commissioner Branson. All commissioners in favor. Motion carried.

The Planning and Zoning Commission held a Public Hearing, and Chairman Batson opened the hearing at 7:44 p.m., to seek public comments on:

2. Proposed Rezoning from County A-1 to Ashland API, Airport Planned Industrial District for Hummingbird Properties, LLC on 7210 E. Route H, Parcel ID # 21-900-25-00-002.00 01.

Mayor Rhorer stated he was at the meeting on behalf of Larry Potterfield and Hummingbird Properties, LLC to answer any questions. Andrew Greene from Crockett Engineering was also there to answer any questions. There were no public comments.

Commissioner Sapp made a motion to close the public hearing. Seconded by Commissioner Wren. All commissioners in favor. Motion carried.

The Planning and Zoning Commission held a Public Hearing, and Chairman Batson opened the hearing at 7:46 p.m., to seek public comments on:

3. Proposed Rezoning from County A-1 to Ashland API, Airport Planned Industrial District for Hummingbird Properties, LLC on 10300 S. Hardwick, Parcel ID # 21-900-00-00-013.00 01.

Mayor Rhorer stated he was at the meeting on behalf of Larry Potterfield and Hummingbird Properties, LLC to answer any questions. Andrew Greene from Crockett Engineering was also there to answer any questions. There were no public comments.

Commissioner Sapp made a motion to close the public hearing. Seconded by Commissioner Branson. All commissioners in favor. Motion carried.

REGULAR MEETING:

Chairman Batson called the meeting to order Tuesday, May 10, 2016 at 7:47 p.m. at 123 E. Broadway, Ashland, Missouri. Commissioners in attendance were Brad Williamson, Danny Clay, James Branson, Greg Batson, Jeffrey Sapp and Ernie Wren. Commissioners absent were Nikki Courtney.

Also present were Mayor Gene Rhorer, Alderman George Campbell, Alderman Jesse Bronson, City Administrator Lyn Woolford and Administrative Assistant Megan Young.

2. Chairman Batson called for a motion to approve the May 10, 2016 agenda. Commissioner Branson made a motion to approve the May 10, 2016 agenda. Seconded by Commissioner Williamson. Motion carried unanimously.

3. Chairman Batson made a motion to approve the previous minutes dated March 8, 2016. Motion was made by Commissioner Sapp to approve the previous minutes dated March 8, 2016. Seconded by Commissioner Branson. Motion carried unanimously.

4. NEW BUSINESS:

1. Parkside Subdivision Site Plan Review. In attendance were property owner, Jimmy Nichols, Surveyor C. Stephen Heying and Scott Vogler with MECO Engineering who is representing the City of Ashland. Scott Vogler stated in accordance with Chapter 11, a sidewalk is required and I have not seen anything on it yet. The P & Z Commission can vote against this site plan. I just got the plans yesterday and haven't had time to review it. Mr. Woolford there were no comments from the Maintenance Dept. for this site plan. There was discussion on the several site plans submitted. Mr. Nichols has said, and stated he will put in writing, that he would put in a sidewalk in conjunction with the Ash St. sidewalk project with MODOT. There was discussion regarding the sidewalks, their location, cost and the sidewalk ordinance. Scott Vogler stated storm water detention also has revised calculations. C. Stephen Heying commented these are big lots and most of the water will runoff into the grass. There was discussion on fencing. A question was asked by a member of the public regarding what kind of landscaping will there be? Mr. Nichols stated shrubs and trees. Scott Vogler said there are two contingent items, sidewalks and storm water detention. The Commission discussed types of pipes. Mr. Woolford stated the Maintenance Street Dept. has said the culverts and stormwater pipes have to metal. HDPE pipes under driveways and sidewalks is not approved. Commissioner Sapp made a motion to approve, with availability to use high density poly ethylene culverts under driveways and no stormwater detention and for Mr. Nichols to work with the city to provide some sort of sidewalk whether on east or west side of College St. Motion seconded by Commissioner Branson. Commissioner Wren-nay, Commissioner Sapp-aye, Chairman Batson did not vote, Commissioner Branson-aye, Commissioner Williamson-aye, Commissioner Clay did not vote. Motion defeated. Commissioner Sapp made a new motion to approve the Parkside Subdivision Site Plan with no stormwater detention and metal culverts under driveways and have Mr. Nichols

work with city to provide some sort of sidewalk whether on the east or west side of College St. Seconded by Commissioner Branson. Motion carried.

2. Proposed Rezoning from I-L, Light Industrial to R-3, High Density Residential District for the Southwoods Commercial Park, Plat 1, Lot 7 & 8 on Commerce Dr. Andrew Greene from Crockett Engineering was there with his client, Mike McCubbin. Mr. McCubbin has intentions to build a 42 apartment complex. Mr. McCubbin who lives at 306 Oak St., talked about properties he owns in town. He plans on building 2 bedroom units. His target audience is who he already rents to. Three out of his 22 units are people aged 80+ and with that in mind, that is the type he intends to stay with. He said I live in one of my own units and I always maintain my properties. The 2 story units I intend to build are similar. They will be brick and vinyl. This fits the neighborhood. I put up the fence line near the Bauer Homes, Inc. property. Most of their condos are on the backside of my current properties. I am a local owner and there is a need for 2 to 3 bedroom units. These are made for the elderly, with the Senior Center nearby. The current zoning does not meet housing around it. People haven't read the zoning. I did want to seek planned development so when people do come in, they stay there. We have a good plan for parking, instead of on the street. Renters are part of the community, they are not given enough credit, they pay taxes, shop locally, pay utilities. They contribute quite a bit. I planned for 2 bedrooms for the elderly and "starter" families. Andrew Greene spoke about stormwater runoff being improved. Commissioner Sapp stated he appreciates Mr. McCubbin bringing this forward and agrees to both sides about traffic issues. Commissioner Sapp said there is a need for more 2 bedroom apartments, however, he disagreed they will be a fit for that area. Based on the public input, Commissioner Sapp stated he is opposed. He suggested Mr. McCubbin look at something on a smaller scale or different location. Mr. McCubbin stated he owns the land and will put something there. It is zoned for a hotel. He said I can drop a permit for a hotel, but that is not what I want to build. It is zoned incorrectly. I don't think the neighborhood knows what it is zoned for. Commissioner Sapp said I don't disagree, housing is needed, but density is not what is needed. Commissioner Clay to Mr. McCubbin, what about Doctor offices? Mr. McCubbin, that is not my realm. Commissioner Clay stated he was just throwing other opportunities out there. He understands both sides. Maybe there is a happy medium. Mr. McCubbin said that's not what I bought it for. Chairman Batson asked Mr. McCubbin to think about lesser density or reducing the number of units. Mr. McCubbin said maybe. Commissioner Wren said it's not a good fit, it's too drastic, it needs to show a benefit to the community. Commissioner Wren made a motion to deny the rezoning request. Mayor Rhorer explained the Robert's Rules of Order. Commissioner Wren then made a motion to approve this rezoning request, Seconded by Commissioner Branson. All opposed. Motion defeated.
3. Proposed Rezoning from County A-1 to Ashland API, Airport Planned Industrial District for Hummingbird Properties, LLC on 7210 E. Route H, Parcel ID # 21-900-25-00-002.00 01, and 10300 S. Hardwick, Parcel ID # 21-900-00-00-013.00 01, Ponderosa Commerce Park. Mayor Rhorer was here to represent Larry Potterfield and Hummingbird

Properties, LLC. Andrew Greene, Crockett Engineering was also available to answer questions. Mr. Green said there are 477 acres to be divided into commercial tracts, which makes them unique. Mayor said it is consistent with the area. The land is well laid out with green space, and Mr. Potterfield has an extremely nice development planned. Commissioner Sapp stated Mr. Potterfield has a nice area at Midway and a well thought out plan. Commissioner Sapp made a motion to approve the rezoning and preliminary plat. Seconded by Commissioner Wren. All in favor. Motion approved.

5. OLD BUSINESS: None

6. DISCUSSION: None

7. Mayor's Report: None

8. City Administrator's Report:

City Administrator Woolford stated we will not need a special meeting on May 24, 2016, because Mr. McCubbins' rezoning request was denied.

Guest Comments:

Alderman Campbell, Ward 1, spoke about specific definitions with property owners on the financial burden of putting in a sidewalk. The Ash St. sidewalk proposal should have Mr. Nichols' signature on the project. If he has to put in a sidewalk, the cost seriously needs to be considered. Alderman Campbell said, regarding Mr. McCubbins' rezoning, if 27 people come up and say they don't want something, that plan is dead in the water. It doesn't mean it can't be resubmitted. Just need to change it. The future of Ashland needs a common sense approach. If we set our sights higher, what is wrong with turning this down, this just isn't a fit for Ashland. Mr. McCubbin can resubmit something that gets a better quality of residents.

Commissioners' Report:

Commissioner Sapp would like to welcome Ernie Wren to the Planning & Zoning Commission. Hopefully we can move forward with the best interests of the city.

Scott Vogler stated in speaking with Mr. Woolford, the P & Z Commission would have to make a recommendation to change the code in reference to sidewalks. He recommends adding it to the June agenda. Mr. Woolford will prepare something to look at.

Chairman Batson called for a motion to adjourn, May 10, 2016, Planning and Zoning Meeting. Commissioner Sapp made a motion to adjourn, May 10, 2016, Planning and Zoning Meeting. Seconded by Commissioner Williamson. Motion carried.

Minutes prepared by Megan Young



REZONING Application

SUBMITTAL INFORMATION The undersigned hereby applies to the CITY OF ASHLAND, MISSOURI, For zoning review as outlined in Chapter 9, Section 9.440, Amendment of Regulations or Zoning District Map.

Physical Address: East Liberty Lane (± 350' WEST OF DOUGLAS DRIVE, NORTHSIDE)

Parcel ID #: 24-502-00-09-002.00 01

Project Name: _____

Applicant Name (Please Print) Richardson Family L.P.

Address: 15475 Hwy 63 South
Ashland, MO 65010

Phone #: 573-657-9557

Fax #: 573-657-1078

E-Mail: keystone@hughes.net

Applicant's Signature: Nancy Richardson

Date 05/03/16

Owner Name Same as Applicant

Address: _____

Phone #: _____

Fax #: _____

E-Mail: _____

REQUIRED SUBMITTALS WITH COMPLETED APPLICATION

Property survey

Letter of Intent of Zoning Use or Building Use

Names and addresses of all owners of record for all real property located within 185' of the property for which the change is requested.

Advertising & Notification Charges: \$100 (you will be billed if advertising/notification costs are exceeded)

Stormwater Calculations N/A

Traffic Study N/A

Other: _____

Application Fee: \$200 (See page 3)

Staff Signature _____ Date: _____

**OFFICE
USE
ONLY**

Application: _____

City Staff Review: _____

Planning & Zoning: _____

Board of Aldermen 1st Reading: _____

Board of Aldermen 2nd Reading: _____

Final Revisions / As-Built Received: _____

Basinger Surveying
914 N. College Ave., Suite 1
Columbia, Missouri 65201

May 2, 2016

City of Ashland, Missouri
109 E. Broadway
Ashland, Missouri 65010

Re: Southwoods Park Subdivision Plat #5

The purpose of this letter is to request a rezoning of the land located on the north side of Liberty Lane approximately 350' west of Douglas Drive (Parcel #24-502-00-09-002.00 01) from C-G General Commercial to R-2 Medium Density Residential. The owners would like to downzone this property in order to subdivide it into approximately six duplex lots with a short cul-de-sac that would provide access onto Liberty Lane. Upon approval of the rezoning, we will proceed with preparation of a plat.

Sincerely,



Curtis G. Basinger, P.L.S.

c: Nathan Lacy, C.L. Richardson Construction

To: Gene Rhorer
Sent: Thursday, June 9, 2016 9:46 AM
From: Wobbe, CARLY Santa
Subject: Re: Public Hearing for rezoning of property behind Middleton Crossing, Liberty Lane

> Public:

>

> Dear Mayor and Ward II Alderman:

>

> I am respectfully requesting you deny the rezoning request that is being made on Section 15, Township 46 North, Range 12 West, recorded in Book 1043, page 540 ... Land is located on East Liberty Lane.

>

> My reasons for asking for denying this request are as follows

>

> 1) it is zoned for commercial use and should stay as such so as to bring revenue into the community as opposed to being a drain on the tax base for our schools and infrastructure.

> We the property owners, just voted on a hefty bond issue to SUPPORT our schools. We need MORE businesses and property owners to help support these hefty taxes we are finding ourselves supporting. Rental properties DO NOT provide tax revenue.

>

> 2) as the home owners of the property 604 Middleton Ave on the corner of Middleton Dr and Liberty Lane we are uniquely qualified to attest to how our property value is worth less because of our close proximity to rental units versus the other homes deeper in Middleton Crossing. Also, we have faced numerous issues with our property being trespassed on and items being taken by the children of those that rent duplexes on Liberty Lane. The private property across the street from us is continuously trespassed on by kids throwing rocks in the street and playing kickball/ baseball on.

> Parking remains an issue on Liberty Lane. The front yards of the rentals are in disarray with trash cans, grills, and other items.

>

> 3) the only way I would support being MORE surrounded by multi-family homes is if they are FOR SALE, not rent.

>

> Please very seriously consider what we want the future of this beloved town to become in the future for our children and their children. Let's keep Ashland schools top notch and the ONLY way to continue doing that is to have a wider and deeper net for generating revenue. That begins with property owners, those deeply invested in their communities. Thank you for your consideration.

>

> Best Regards,

> Carly Wobbe,

> 604 Middleton Dr.

> Ashland, MO 65010

> 573.268.5376

>

>

>

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From: Jeff Smith <jeffs@smithmoore.com>
Sent: Wednesday, June 8, 2016 9:06 AM
To: jbonson@ashlandmo.us; Jim Fasciotti
Cc: Gene Rhorer
Subject: Rezoning

Dear Sir;

My wife & I live at 602 Middleton Drive within the subdivision of Middleton Crossing. We have lived in this home since its construction in 2005. When we and our neighbors purchased our homes, we understood that there were duplexes on Liberty Lane, but we also believed there would never be any additional duplexes or apartment buildings built adjacent to our residential subdivision because none of the adjacent properties were zoned for that type of construction.

Several times over the past 2 – 3 years, there have been numerous attempts to rezone property in or adjacent to the Middleton Crossing subdivision. In every instance, developers have attempted to have property rezoned from either light industrial or single-family residential to a zoning designation that would allow duplexes or apartments. And, in every single instance, the city's aldermen have sided with the concerns of the homeowners and denied those requests. The most recent example was just 1-month ago when a request to construct an apartment complex was denied. A few years ago, a developer wanted to rezone two lots within our subdivision on the corner of Liberty and Middleton Lane from single-home residential to duplexes and that was denied. And a similar request was denied again on property that was adjacent to the N.E. corner of our subdivision. In other words, there is a long history of these rezoning requests being denied.

On Tuesday June 14, the Ashland Planning & Zoning Commission will hear a request to again rezone property that borders Middleton Crossing from General Commercial to Medium Density Residential. As with many of my neighbors, my wife and I strongly oppose this rezoning request for some of the following reasons:

1. The intent is to construct 6 duplexes (12-rental units) that will house approximately 35 – 45 people.
2. There will be an additional 20 – 25 vehicles parked in the streets in and around the development. The parking along Liberty Lane is already congested and an eyesore. This will only worsen this problem.
3. There will be increased traffic on the residential streets of Middleton Crossing as these additional vehicles "cut-through" Middleton Crossing.
4. Unfortunately, many duplex renters do not always make for good neighbors and citizens. Many are temporary residents and do not have a sense of "community". There can be problems with excessive noise, litter and trespassing issues.
5. Renters do not pay property taxes which, again may lead to a disconnect with our schools and city.
6. Since several of these duplexes will back-up directly with homes on Middleton Drive, there is a tremendous fear that property values will decline within the subdivision.

There is a reason why this property is zoned for commercial usage. We homeowners knew that there would be a commercial building eventually constructed on this property. But, commercial property is not occupied and conducting business 24-hours / 7-days a week. Duplex renters will occupy these properties 24/7.

All we ask is that you give this request the "Mom" test. If it were your mom that owned a home in Middleton Crossing adjacent to these duplex units, would you allow this rezoning to take place? Is rezoning in the best interest of the adjacent neighborhood and the city in general? Or, is it simply benefiting the owner of that one tract of land?

The city of Ashland is growing and will need light industrial / commercial lots going forward. That stretch of Liberty Lane is much more suited to commercial development versus residential property. From Hwy. 63 to Middleton Crossing, it is nothing but light industrial / commercial (Richardson Construction, Woody's, Offices next to Woody's, Storage Units and the Copper Kettle Restaurant). Further north is also all light industrial and commercial.

Thank you very much for your consideration in this matter.....Jeff & Brenda Smith

Jeff Smith
Vice-President

Smith, Moore & Company
1101 Club Village Drive; Suite 104
Columbia, MO 65203
(573) 442-5111 PH
(844) 887-1193 FAX

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