

CITY OF BRANSON
BOARD OF ADJUSTMENT
MINUTES
April 24, 2008

CALL TO ORDER: Vice-Chairperson Parnell called the regular meeting of the City of Branson Board of Adjustment meeting to order at 7:00 p.m. at the City Council Chambers, 110 W. Maddux St., Branson, Missouri.

ATTENDANCE

1. Roll Call

Boardmembers Present: Edie, Farris, Fish, Keller, Robinson, and Vice-Chairperson Parnell.

Boardmembers Absent: None.

Also Present: William Duston, Assistant City Attorney;
Ruth Denham, Assistant Director of Planning and Development;
Sonja Paden, Office Assistant II.

2. Approve Agenda

MOTION:

Motion by Boardmember Fish and seconded by Chairperson Farris to approve the format of the April 24, 2008 agenda.

AYES: Boardmembers Edie, Farris, Fish, Keller, Robinson, Vice-Chairperson Parnell.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Motion to approve the April 24, 2008 agenda as rearranged carried with a 6-0 vote.

3. Introduction of New Members

Ms. Denham welcomed the two new members of the Board of Adjustment, David Edie and Tom Fish, and thanked them for accepting to serve.

4. Approve Minutes.

A. April 3, 2008.

MOTION:

Motion by Chairperson Farris and seconded by Boardmember Robinson to approve the minutes of the April 3, 2008 meeting.

AYES: Boardmembers Edie, Farris, Fish, Keller, Robinson, Vice-Chairperson Parnell.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Motion to approve the minutes of the April 3, 2008 meeting carried with a 6-0 vote.

BOARD BUSINESS

5. Election of Chairman and Vice-Chairman

Vice-Chairperson Parnell opened the floor to nominations for the position of Chairperson.

MOTION:

Motion by Boardmember Robinson and seconded by Boardmember Edie to nominate Eric Farris as the Chairperson.

Vice-Chairperson Parnell asked if there were any other nominations; there was no response. Boardmember Fish moved the nominations be closed; Boardmember Keller seconded this motion.

AYES: Boardmembers Edie, Farris, Fish, Keller, Robinson, Vice-Chairperson Parnell.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Motion to appoint Eric Farris as the Chairperson carried with a 6-0 vote.

Chairperson Farris opened the floor for nominations to serve in the position of Vice-Chairperson.

MOTION:

Motion by Vice-Chairperson Parnell and seconded by Boardmember Edie to nominate Bob Keller as the Vice-Chairperson.

Chairperson Farris asked if there were any other nominations; there was no response.

Boardmember Fish moved to close the nominations; Vice-Chairperson Parnell seconded this motion.

AYES: Boardmembers Edie, Fish, Keller, Robinson, Vice-Chairperson Parnell and Chairperson Farris.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Motion to appoint Bob Keller as the Vice-Chairperson carried with a 6-0 vote.

OLD BUSINESS

6. Request For Approval Of A Variance From Section 70-10 Of The Branson Municipal Code Pertaining To Freestanding Sign Height For Properties Located At 1065 Highway 248 Branson, Missouri. Project No. 08-19.1 (08-01900001).

Applicant: Modern Neon & Plastics, LLC.

FARRIS: All right. We have, ah, one item of old business and my understanding is, ah, on our old business item, because at one point, ah, maybe at the last meeting on April 3rd, I think it was on the, ah, agenda, and, ah, because of an expected, ah, lack of quorum that was going to be on, ah, that item, that's why it appears as old business; is that correct?

DENHAM: Yes; that's correct.

FARRIS: And, um, ah, Ruth, ah, would you like to go ahead and-- and, ah, introduce, ah, this item?

DENHAM: Yes. Mr. Chairman, members of the board. A variance application has been received from Modern Neon and Plastics, LLC, requesting a variance from Section 70-10 of the Branson municipal code pertaining to freestanding sign heights for property located at 1065 Highway 248. This property is currently zoned C commercial, contains approximately 1.95 acres more or less. It's occupied by one commercial structure. Um. According to the applicant, the reason for the request is that, due to the topographical layout of this property, it puts the bottom of the existing cabinet at road grade. We would like to raise the sign eight feet (8') to provide visibility of the added signage proposed in the permit application submitted previously. And, um, just as, um, information-- for-- for-- for your information, signs in the general commercial zoning district are allowed, um, to be twenty feet (20') in height with eight foot (8') clearance. And we have some pictures of the site that we took today, so I'll go ahead and show them to you, too, and then if you'd like us to turn back to any of the pictures, you-- we can do

that for you. Here's an aerial view of the location. Um.

FARRIS: That's nice.

DENHAM: We'll just show you some pictures from-- each of the arrows represent where we took some pictures and the little, um-- this little circle here I'll-- I'll do that first. This is a video clip just showing everything around that location, how the road sits-- how the sign sits. And then we've got pictures of the sign from each of these locations. And this concludes our presentation that we have tonight.

ROBINSON: Ah, Ruth, could I see that again as you come from the east going west? Ah, how-- how's that sign look? Existing sign?

DENHAM: Oh. The-- the north or south? This one?

ROBINSON: Yea; that's it. So-- so where is the sign now? On the other side of the road.

FARRIS: It's that little blue one.

KELLER: It's the blue, yea.

DENHAM: Where? There. I can't find my glasses.

ROBINSON: Okay. Okay. So, from that direction on the other side of the road then it's-- it is-- it appears low.

DENHAM: Yes. It--

ROBINSON: Okay.

DENHAM: --is difficult to see.

ROBINSON: Yes. Thank you.

FARRIS: Before we get into discussion of this item, I'm glad that, ah, we have a vice-chair because I need the vice-chair to take over, ah, at least the next portion of this meeting because, ah, ah-- I'll disclose for the-- for the record that, ah, I am a member of Castle Rock Enterprises that has the Castle Rock office, ah, buildings that are right next door to the applicant's location and, ah, we received notice – thank you for sending notice to us – and, ah, because of my own personal interest in the adjoining, ah-- neighboring property, ah, I believe it would be proper for me to recuse from both the discussion and from the vote, ah, on this applicant's, ah, request. And, ah, after visiting with the, ah, ah, assist-- assistant city attorney Mr. Duston, um, um, I think we're in agreement that it's not necessary for me to leave the room, but I will be stepping

away from, ah, the, ah, ah, the podium and I'll just have a seat there in the back and sit and be quiet. And, so, Mr. Keller, Chairman Keller--

KELLER: Thank you.

FARRIS: --would you take over in my absence.

KELLER: Thank you. Ah, Ruth, do we want to open this up for discussion then with, ah, Missouri Neon or--

DENHAM: Yes. To have the applicant come--

KELLER: All right.

DENHAM: -- down to present his case.

GOODMAN: Good evening, gentlemen. My name is Mark Goodman. I'm with Modern Neon out of Nixa, Missouri. Now I have, ah, some packets for you to look at, if that'd be okay. Could I pass those out to you?

KELLER: Sure.

PARNELL: Yes.

GOODMAN: It somewhat-- I didn't know we did this. They somewhat covered a lot of it right there. So we got some plans to be building it closer up.

PARNELL: Thank you.

GOODMAN: As you open that up, you'll see the first page of our maps is just a overall site view, which you saw here. Second page being a topographical map of that property. And third page on that is actually a-- a blow-up so they can-- it's a lot easier to read, at least for me anyway, of the area where the sign is located compared to the asphalt grade. You can see it's, ah, close to a one thousand nine elevation at the asphalt, drops down to where the sign is drawn in, and it's, ah, in between a one thousand, one thousand one, where the center of the pole cladding lands on this map, which gives us about an eight-foot drop from road grade to the natural ground and-- which the ordinances refer to as your maximum height is above natural ground rather than the road grade. And I have some photos there, if you're that far yet, ah. It kind of shows you what that sign looks like from right across the street at the road. If you're standing at the road, it's-- as you can see, it's just about down on the road grade, as well. Second page is somewhat of a close-up shot from the side view. Now this-- the sign face has been changed. This is just the only shot I had from the view before we actually changed it to an urgent care facility. And, as you can see, it's showing your eight feet drop there, which that is the reason

why we're asking for the additional eight feet, ah, on the third page of that, which kind of is a, ah, drawing of the proposed sign we would like to put there, which means removing the-- the sign that's there is, ah, maxing that location out on square footage, so we're proposing to build a smaller sign to add the electronic message center, which this all fits within the hundred and fifty maximum square feet at that location. It comes in at, ah, 145.38 square feet.

EDIE: Mr. Chairman, if I may ask--

KELLER: Yes.

EDIE: --how high is the existing sign right now, the top?

GOODMAN: Nineteen to twenty feet.

EDIE: Okay. It's right at--

GOODMAN: It's right at the max--

EDIE: It's right at the max.

GOODMAN: --is where it's at right now, yes. Have a color mock-up there kind of showing what it would look like if we were to put the 28-foot sign there as close as we can--

EDIE: Uh-huh.

GOODMAN: --represent.

EDIE: So even though the existing sign is just a couple of feet above the right-of-way grade--

GOODMAN: Uh-huh.

EDIE: --ah, you're proposing to raise it up a total of sixteen in order to clear eight feet above the road grade.

GOODMAN: Well, now we want to just-- all we want to do is raise everything eight feet above where it is now.

EDIE: Um-huh.

GOODMAN: So then the message center-- if you--

EDIE: Yea.

GOODMAN: --if-- if you were to add a message center, which we had a permit at one time to go ahead and add a-- a small message center under this.

EDIE: Uh-huh.

GOODMAN: We've been approved for that. Ah. If-- if you look at that, it's going to put that message center just almost below grade. It's going to put it right in people's eyes, which is-- for one reason, it's-- I don't think it's a real safe thing to have put that right there right where people, you know, right at eye level of motorist and-- and th-- that's one issue along with the visibility of the sign from the east or west. Ah, last page on this just shows a sign that we did and the-- the reason why they're-- they're wanting to for this, this is a sign we did in Nixa, Missouri, which we're out of, and, ah, they're trying to normalize all their signage at all their urgent care facilities and this-- this is about what we-- this is what we've actually installed in Nixa, as far as same size and everything, but it doesn't have a grade problem like we have here.

KELLER: Ruth, so, ah, the real question here is are-- they're meeting all the specifications for the signage square footage and it's a height issue?

GOODMAN: Yes.

DENHAM: Yes, and it's a-- an additional eight feet in height.

KELLER: And the-- and the present code says twenty feet max?

DENHAM: Yes.

KELLER: Did we have any letters sent in or comments from any of the businesses that are-- that were, ah, sent out to?

DENHAM: No, Mr. Chairman. We've not received any letters or phone calls.

FISH: I'm wondering if, ah, there's been a history of people missing the driveway because of the level of the sign and maybe being blocked by other traffic on 248.

GOODMAN: That a-- is a possibility. I-- I don't know that for-- for a fact, but I'm-- I'm guessing that that probably has occurred.

FISH: I guess until tonight I wasn't aware of the, ah, reader board underneath that. That obviously makes sense that would be below eye line or sight line--

GOODMAN: Uh-huh; yes.

FISH: --along 248--

GOODMAN: Right.

FISH: --in the current configuration.

GOODMAN: Uh-huh.

PARNELL: Mr. Chairman, may I?

KELLER: Yes.

PARNELL: I presume you've been made aware that there are four special conditions that have to be met for us to grant a variance and, ah, were you?

GOODMAN: I-- I'm not aware of that.

PARNELL: Um. If, um-- if the board would indulge me, I'll go through them--

KELLER: Yes.

PARNELL: --and-- and have you addressed what you perceive--

GOODMAN: Yes, sir.

PARNELL: --um, the conditions are. Um, that a special set of conditions and circumstances exist which are peculiar to the land or the structure involved which are not applicable to other land and structures in the same district. Is there anything about your circumstance or your property that makes it, ah, distinguishable from-- from the-- the same situation faced by other businesses in your immediate area?

GOODMAN: In-- in that exact area, ah, as best I can remember, I don't-- I don't believe they have the drop from the road grade in-- in the other areas that I know of. I think there's a Culver's right to the west of it. It's pretty much with the road grade. There's something about this area. It just drops, but I'm not I-- I-- I couldn't-- I couldn't elaborate on that very much more.

PARNELL: From that picture, it appears that the drop continues.

GOODMAN: It does continue to the-- to the east.

PARNELL: Uh-huh.

GOODMAN: I believe there's quite a bit of open land between if you're heading to the west before you get to the next adjacent property.

PARNELL: The, ah, second condition that must be met for us to grant a variance is that, ah, literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title. In other words, if you could show us where there is a similar business that, ah, um-- that enjoys an advantage over you in this way.

GOODMAN: I really can't on a map, not really either, I mean, I-- other than the Culver's, it's pretty much-- looks above and there's, oh, I think there's some signs back over in this area that look like they're over twenty feet to s-- to start with, didn't measure them or anything. There's a, ah-- I think maybe it's a Montana Mike's, but it's over across the road back to the west this way that, ah-- no, sir.

PARNELL: The third condition is that the special conditions and circumstances of the applicant do not result from the actions of the applicant.

GOODMAN: I'm sorry if I'm not quite understanding that description.

PARNELL: Well, it just means that-- that, um--

GOODMAN: Do not result from actions of-- no. No, they were not.

PARNELL: Well, yea, okay.

GOODMAN: No. They were not.

PARNELL: Uh-huh. One could convincingly argue that those circumstances existed when the property was acquired.

GOODMAN: Right; right; yes.

PARNELL: Um. And item number four that must be met is that granting this variance will not confer upon the applicant any special privilege that is denied by the title to other lands or structures. And, again, that addresses, um, other properties in this immediate vicinity and whether or not they enjoy an advantage over you unless we grant you this variance. Any of those, um, four items and I-- I-- do you have a copy in front of you there?

GOODMAN: Yes, I--

PARNELL: Good, good.

GOODMAN: Right.

PARNELL: If you would like to address any of-- any of those again or-- or in more detail, I'd be

more than glad to give you that opportunity.

GOODMAN: No, sir. I-- I really addressed those. I had not-- I had not read this for some reason, I don't know why I did not have this to read.

DUSTON: That's the section of the municipal code.

GOODMAN: Yep.

DUSTON: It's just in order to have a variance, you have to--

GOODMAN: Yes.

DUSTON: --meet these things to be a variance from the rules. It's--

GOODMAN: If-- if I had this, it was overlooked by me, so I-- so I did not really have any time to really study these four issues or four items for tonight and I really don't have anything to really input on that.

KELLER: Did anybody look at trying to move the sign maybe back towards the east where the-- the land raises to a higher grade? Did you-- did you even look at--

GOODMAN: Yah, we--

KELLER: -- possibly relocating the location of the sign?

GOODMAN: --understand there, I don't know if that's going to help us out any or not-- the-- looking at the-- the blow-up of the topographical map there and it looks like you might gain a couple of feet if you go back and you were the same distance off the road, ah, back to the east.

FISH: Mr. Chairman, I guess I'd be concerned that if you moved it to the east you might block, ah, Castle Rock's.

KELLER: Their sign.

GOODMAN: Yea. Yea. Yea, you're going to get closer to it. That-- that would be one-- that would be one thing that we didn't want to do there at all, but, ah, I don't know if you're going to gain very much. That picture-- if-- standing there looking at it-- try to have the best of my memory. If you look down through there, it's pr-- like on the second page here, it's pretty much-- looks like the same in the picture, even though the topo shows you're going to maybe gain a couple of feet, ah, but I'm assuming that the road is actually higher in that area, so I-- I-- just by looking at it, I don't know if you're going to gain a whole lot in what we were-- was just said there. You're going to get awful close to the other sign structure there.

FISH: Did you look at any of the alternatives in terms of keeping the sign in the same location, like building maybe a stone block retaining wall and actually raising the grade to, ah, satisfy your height requirements?

GOODMAN: Actually, some of the, ah-- ah, folks in planning and zoning, you know, said, well, why-- build up bir-- dirt to make it match it, but I-- I wouldn't think that that would, ah, that you would allow that to build, you know, change natural ground that that-- but now if-- if that's a possibility-- if we can build something there--

FISH: Uh-huh.

GOODMAN: --you know, that would be something we would look at for sure, if-- if that would, you know, if that would fly, if that would work, definitely.

FISH: I think a property owner would be able to change grade. I would think, if--

GOODMAN: I don't know what all would be involved with that, but that-- that is certainly something to look at, I agree.

FISH: Yea. If you could bring a fill area level with the sidewalk and that grade at the right-of-way--

GOODMAN: Uh-huh.

FISH: --straight south--

GOODMAN: Yea.

FISH: --and then position the sign in the fill, ah--

GOODMAN: I'd have to, ah, get with my client, see what they-- see what the cost of that--

FISH: Right.

GOODMAN: --would be versus--

FISH: That would be my only concern is the--

GOODMAN: Yea.

FISH: --cost that would be incurred.

GOODMAN: Ver-- versus, you know.

FISH: Versus just adding to the height--

GOODMAN: Right.

FISH: --of the sign.

GOODMAN: Right.

DENHAM: And if that's something that your client's interested in, he can speak with the engineering department--

GOODMAN: Uh-huh.

DENHAM: --to see if that's going to have any affect on, um, the drainage on--

GOODMAN: Right.

DENHAM: --the properties.

GOODMAN: Yea. There would be a lot of issues to look at, ah, ah, to-- before you would do something like that, I'm sure.

KELLER: Ruth, has there been any history with signs and-- and elevations that pertain-- in relationship to existing roads in-- in the past that you're aware of?

DENHAM: Um. Yes; there have been. I don't have the signs that were addressed, but in some locations there is a-- there is a concern on the property because of the existing road grade and the grade level of the property.

GOODMAN: Ah, right or wrong, a lot of municipalities that we work with use road grade for the actual overall height of a sign. Now, whether that's right or wrong-- but ah, of-- there's lot we deal with. Fact, there's not very many we deal with that actually are off natural ground. They usually use road grade for your maximum height.

KELLER: Is there any discussion to adjust those regulations that y-- you're aware of for the use of height of the road versus the elevation of the ground?

DENHAM: Um. There-- um, I can't recall exactly which ones were, um, considered. It's been a while since one's been considered, but the ordinance has remained the same, not-- not to be changed, and it is existing finish grade level.

KELLER: With that, I'd like to make a motion to, ah, if nobody has any other questions, to go ahead and make a motion to vote on this.

EDIE: Mr. Chairman, I have a question for this gentleman.

GOODMAN: Yes, sir.

EDIE: What we're saying here on building that up with the retaining wall would be the same as if the owner had decided to do a final grade, bring it up to road grade or approximately there, before he ever put a sign in there. Am I correct?

GOODMAN: Yes.

EDIE: Do you think that the owner would be willing to spend the extra money to-- to put up a retaining wall to raise the sign up and still maintain the height of twenty feet?

GOODMAN: That's-- that's a hard one to answer, not knowing what that cost would be. This sign, ah, is valued with what we were going to do is around thirty thousand dollars.

EDIE: Uh-huh.

GOODMAN: Something like that.

EDIE: Uh-huh.

GOODMAN: Then that's their cost of them removing that and me installing, illumination being the new one. Ah, you know, that-- without me knowing the amount, that's hard for me to guess. They-- they-- they're wanting to do these at all their facilities. They're-- they're wanting to normalize their signs. They've actually put one in Hollister. They've got one in Nixa. We've got one out in Mountain View, Missouri. They're trying to do the same-- their look for all their signs at all their places. Ah, at what expense they would go to do that, I really couldn't answer, ah, right now. I-- I really don't-- I'd hate to say one way or the other.

EDIE: Well, it doesn't appear that raising the sign to twenty-eight feet would meet these-- this criteria that Mr. Parnell read and we're governed by that.

GOODMAN: Yes. I understand that.

EDIE: This would seem to be a-- a-- a way to get the sign up where you want it without-- without us trying to change the ordinance or granting a variance to it, at least in my view. I don't know how the rest of the guys feel.

GOODMAN: Yes.

EDIE: Yea.

FISH: Well, I think there would be some cost adjustment 'cause you won't be putting a monopole in that's extra heighth, eight foot. Ah, in fact, you'd be putting in a shorter one, if you do the reader board underneath the main sign--

GOODMAN: Uh-huh.

FISH: --in a raised planter area.

GOODMAN: Right.

FISH: I'm like you. I don't know what the cost difference would be.

GOODMAN: Well, that's something I'd hate to guess at really--

FISH: Yea.

GOODMAN: --on that.

PARNELL: Mr. Chairman, my-- one of my concerns would be, um, setting a precedent that might be difficult to live with, um, if we grant this variance.

KELLER: I agree, on that road in particular.

PARNELL: Uh-huh.

KELLER: Well, if nobody else has any questions, Ruth, will you go ahead and make a motion to put this to vote.

DENHAM: Yes. There's no one here to speak from the public and, if you're through with discussion, you can make a motion for a decision.

PARNELL: Mr. Chairman, I would move that we, ah, vote to accept the variance as presented.

KELLER: And do we have a, ah, motion to approve that, second?

PADEN: Who seconded it?

PARNELL: We're waiting on a second.

EDIE: I don't think we're going to get one.

PARNELL: Ah, Ruth, am I correct in that, ah, the wording that I've just used to approve the variance is the way that it's always presented, whether-- regardless of the opinion of the commissioners on whether the variance should be approved?

DENHAM: Yes; that's correct.

KELLER: Great.

PARNELL: Thank you.

FISH: I guess I'll second that, so we can vote.

PADEN: Boardmember Edie?

EDIE: No.

PADEN: Boardmember Fish?

FISH: No.

PADEN: Boardmember Robinson?

ROBINSON: No.

PADEN: Vice-Chairperson Keller?

KELLER: No.

PADEN: And Boardmember Parnell?

PARNELL: No.

PADEN: The approval for the request has been denied by a six-zero-- a five-zero vote, 'scuse me.

MOTION:

Motion by Boardmember Parnell and seconded by Boardmember Fish to approve this variance request.

AYES: None.

NOES: Boardmembers Edie, Fish, Parnell, Robinson, and Vice-Chairperson Keller.

ABSTAIN: None.

ABSENT: Chairperson Farris.

The motion to approve Project No. 08-19.1 failed with a 5-0 vote.

GOODMAN: Well, gentlemen, I appreciate your time tonight--

KELLER: Uh-huh.

GOODMAN: --and-- do you need this back?

EDIE: Hopefully, that'll work out for you.

KELLER: Yea.

EDIE: Uh-huh. Thank you.

PARNELL: There you are. Thank you.

FISH: Good luck on that, ah, raising the grade. I think that'd be a good solution in your planter landscape area through there. Okay.

Chairperson Farris returned to the panel table at 7:34 p.m.

PUBLIC HEARINGS

None.

OTHER BUSINESS

FARRIS: Did such a good job, do you want to keep it up, Bob?

KELLER: No, thank you. You're back; you're back. You're in control.

FARRIS: I was going to say that's the quietest you're going to see a lawyer.

PARNELL: We agreed on that, yea.

KELLER: Do we have a motion to move?

FARRIS: Ah, let's see, let's move to other business. Ah, Ruth, do we have anything, any updates or any other business for tonight?

DENHAM: Um. No other business for tonight, but I did want to let, um, everyone know I'm going to pass out a news release. We are going to be posting properties with the big "Z" sign for our planning and zoning commission, so in case you have questions out in the community and people are wondering why s-- the signs are posted for any of the items that go to planning and zoning commission.

EDIE: We'll-- we'll deny we know anything about it.

KELLER: First Community. They're going to build their building they're going to have the same problem.

DENHAM: But these signs will-- they have-- it has a phone number and a website, so the community has one other way of finding out about what's going on.

FARRIS: The "Z" sign. I like it. Zorro.

DENHAM: Zorro.

FARRIS: Okay. Any other--

PARNELL: Ruth—

FARRIS: Go ahead.

PARNELL: Excuse me. Is there-- is there another hearing scheduled for, ah, next month yet?

PADEN: Not that I'm aware.

DENHAM: We've not received an application yet, um. Actually, I-- I believe that Friday's the deadline--

PADEN: I-- I believe it is tomorrow.

DENHAM: --for the next meeting.

PARNELL: Tomorrow?

DENHAM: Yes. And, um, we'll be providing notebooks for each board member with an updated la-- list of all the members, um, updated zoning code, sign code and, um, state statutes, and we have been ordering some, um, educational material from American Planning Association, um, which also addresses the Board of Adjustment, so we'll be doing some training on that. We'll send out some information to make you aware of what we've got coming.

FARRIS: One of the things I think, ah, would be good is the, um-- the presentation that we had at our last meeting in which the applicant had actually-- on their application or in a letter, it actually addressed that four-part test. I mean, that was very, very helpful--

DENHAM: Yes. We do--

FARRIS: --and--

DENHAM: --request that and in fact we called this gentleman because, after seeing the letter that accompanied the application, we let him know that the four needed to be addressed and he said that, you know, what he had in his letter is what he wanted to submit, so he was given the opportunity because we were-- we're pretty much requiring that--

FARRIS: Yea.

DENHAM: --makes it a lot--

FARRIS: Yea. Because I-- I think really as a-- as a board, that's what we need to-- to concentrate on is that four-part test and-- and walk through in-- in some form or fashion, you know, either walk through like-- like a, you know, a-- Pat did tonight or-- or one of us walk through that with them and, you know, last time they had already addressed it on paper and, so it kind of sped the whole process up, so.

DENHAM: Yea. They-- they both applied-- I mean, they both applied for the same agenda. Obviously, that one was postponed, so they were given the same information and just opted not to provide an update.

FARRIS: After our last meeting, was there any discussion staff-wise as to location? We had the-- kind of the talk at the end of our last meeting about being down in the-- the former council chambers, now the courtroom and all. Any-- any thoughts, any input on that from staff?

DENHAM: Um. We can meet at this location or the other location; however, it's easier with the sound system in this room to be able to have all the information we need for the minutes. We can-- I believe it was difficult for Sonja to be able to hear everything that was recorded when we were in the courtroom.

FARRIS: Okay.

DENHAM: So, it's nice to be able to have this to go back to. We don't want to miss anything. Be difficult--

PADEN: It really was a challenge.

FARRIS: It was? Okay.

PADEN: Yea.

FARRIS: I-- I heard the-- I listened to the recording on the city website and just from my-- through my computer, it sounded fine, but I wasn't the one having to type it up, of course, so.

PADEN: That's-- that's-- that's where the difference is.

FARRIS: Well, we might take that into consideration, so. Any other business from any member of the board tonight? Okay.

EXECUTIVE SESSION

None.

ADJOURNMENT

FARRIS: I guess we'll, ah, entertain-- we don't have an executive session, so, if someone has a motion to adjourn, we'll entertain that.

KELLER: So moved.

FARRIS: There's a--

ROBINSON: Second.

FARRIS: There's a motion to adjourn that's been seconded, ah, let's call.

PADEN: Boardmember Edie?

EDIE: Yes.

PADEN: Boardmember Fish?

FISH: Yes.

PADEN: Boardmember Robinson?

ROBINSON: Aye.

PADEN: Boardmember Parnell?

PARNELL: Yes.

PADEN: Vice-Chairperson Keller?

KELLER: Yes.

PADEN: Chairperson Farris?

FARRIS: Yea.

PADEN: It's getting easier. And who, ah, made the motion?

EDIE: I did, Dave.

PADEN: Thank you.

EDIE: And Robinson seconded.

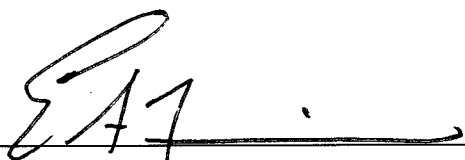
PADEN: Yea. That one I got.

FARRIS: Okay. We're adjourned. Thank you very much.

DENHAM: Thank you. Have a good night.

MOTION:

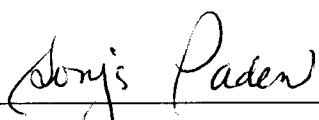
Motion by Boardmember Edie and seconded by Boardmember Robinson to adjourn the meeting at 7:39 p.m.



Eric Farris, Chairperson

9/2/8

Date



Sonja Paden, Office Assistant II

9-02-08

Date