

BOARD OF ZONING APPEALS  
MINUTES  
August 26, 2008

The regular meeting of the Board of Zoning Appeals of the City of Wichita, Kansas was held at 1:35 p.m., on August 26, 2008 in the Planning Department Director's Conference Room, Tenth Floor of City Hall, 455 N. Main, Wichita, and Kansas.

The following board members were in attendance:  
BICKLEY FOSTER, DWIGHT GREENLEE, JERRY HOGGATT, BENJAMIN STIFF and STEVE ANTHIMIDES

Board members absent:  
CHARLES YOUNG and JOSHUA BLICK

City of Wichita staff present:  
HERB SHANER – Office of Central Inspection present.  
SHARON DICKGRAFE– Law Department

The following Planning Department staff members were present:  
JESS MCNEELY, Secretary.  
YOLANDA ARBERTHA, Recording Secretary

FOSTER            We will start the BZA hearing at 1:32PM on August 26, 2008. The first thing on our agenda is to approve the minutes of 6/24/2008, as amended.

GREENLEE        I move that the minutes be approved as amended.

ANTHIMIDES      Seconded

FOSTER            All in favor say Aye?

**Motion carries 5-0 unanimously**

FOSTER            We will now hear case BZA2008-31. He commented that the case included two variances; one to allow an off-site sign in CDB zoning and one to allow more than five off-site signs within one mile of that downtown area.

McNEELY        **BACKGROUND:** The applicant wishes to construct a 300 square-foot (10x30) off-site billboard sign on a site developed with an auto service business. The proposed sign would have LED technology, would be 38 feet tall, and would be placed above an existing building (see the attached applicant's site plan and elevation graphic). The CBD Central Business District ("CBD") zoning does not permit off-site signs. This mile on Washington (between Kellogg and Central) already has five off-site signs; therefore another off-site sign would exceed the Sign Code limitation of five off-site signs in a mile. The Sign Code specifies that a mile is measured between section lines, which exist at Kellogg and

Central in this situation. Because of these two issues, the applicant requests a variance of the Sign Code for an off-site sign.

The City rezoned this site from LI Limited Industrial (“LI”) to CBD in 2005 as part of a larger expansion of CBD zoning. The LI zoning district permits off-site signs, and the applicant could have requested a zone change back to LI through the Metropolitan Area Planning Commission (MAPC). However, the issue of more than five off-site signs in a mile would still require a variance. Of the five existing off-site signs in this mile, one exists approximately 900 feet south of this site, and the other four exist over 1,800 feet north of the site, north of Douglas (see the attached area graphic).

The application area is south of Waterman and west of Washington; the proposed two-sided sign would be oriented east-west, for visibility primarily from Washington. Properties north, south, and west of this site are also zoned CBD. Washington became the eastern boundary of CBD zoning in this area, east of this site (across Washington) is zoned LI. Properties north and west of this site are developed with warehouse and office uses. South of the site is another auto service business, and east of the site is developed with offices, wholesaling and more warehousing. The application area is approximately 1000 feet southeast of the Sedgwick County Downtown Arena Site, which has stimulated interest and development in the area. The application area is not within the Arena Neighborhood Plan, as the eastern boundary is the railroad tracks and Santa Fe Street. The Arena Neighborhood Plan does not address off-site signs outside the plan boundaries.

**ADJACENT ZONING AND LAND USE:**

NORTH	CBD	Warehousing, office
SOUTH	CBD	Auto service, manufacturing, warehousing
EAST	CBD	Offices, wholesaling, warehousing
WEST	CBD	Warehousing, office

*The five criteria necessary for approval as they apply to variances requested.*

**UNIQUENESS:** On the first variance request, staff is of the opinion that this property is unique, as the property was rezoned by the City and not the owner from LI (which permits off-site signs) to CBD (which prohibits off-site signs). However, this uniqueness would also apply to other property owners in the immediate area where CBD zoning was expanded from the railroad tracks eastward to Washington.

On the second variance request, staff is of the opinion that this property is not unique regarding a request to exceed five off-site signs in one mile. Most of the off-site signs in this mile are over 1,800 feet north of this site; the Sign Code does not address this separation, but simply limits the number of signs in a given mile. Two of the signs north of this site do not meet the Sign Code required 330-foot separation. However, if these two signs did meet the 330-foot Sign Code separation, the separation of all signs in this mile from the application area would not substantially change. Therefore staff does not feel that the distance separation from other signs in this mile makes the property unique warranting a variance.

**ADJACENT PROPERTY:** It is staff's opinion that the requested variances would not adversely affect the rights of adjacent property owners, as immediately surrounding properties are developed with warehousing, auto service, and office uses that would not be negatively affected by an off-site sign. No residential development or zoning exists within view of the proposed sign.

**HARDSHIP:** On the first variance request, staff is of the opinion that the strict application of sign regulations would not constitute an unnecessary hardship upon the applicant. The applicant does not have a self-imposed hardship, as the property was rezoned by the City and not the owner from LI to CBD, but all surrounding CBD zoned properties are under the same restrictions prohibiting billboards.

On the second variance request, staff is of the opinion that the strict application of sign regulations would not constitute an unnecessary hardship upon the applicant. The Sign Code applies evenly across the City jurisdiction, and the fact that off-site sign development rights are now depleted in this mile is not a hardship unique to this property. The property is viably used and will continue to be viably used under CBD zoning without off-site signage.

**PUBLIC INTEREST:** It is staff's opinion that the requested variances may not adversely affect the public interest, as the proposed off-site sign would not necessarily detract from surrounding development. However, the Wichita City Council approved a zone change to CBD in this area, making Washington the east boundary of the CBD district, demonstrating that it is in the public interest to allow CBD uses and restrictions in this area – the edge of the CBD and an entry into the Arena Neighborhood.

The Wichita City Council adopted the Sign Code, determining that off-site signs in the CBD district are not in the public interest, and that more than five off-site signs in one mile are not in the public interest. Granting the requested variances could negatively affect the public interest by setting a precedent that could result in more off-site signs than intended by the code at other locations within the city.

**SPIRIT AND INTENT:** On the first variance request, staff is of the opinion that granting the variance would oppose the general spirit and intent of the Sign Code. The intent of the code is to prohibit off-site signs in CBD zoning, and this location was determined appropriate for CBD zoning.

On the second variance request, staff is of the opinion that granting the variance would oppose the general spirit and intent of the Sign Code. The restriction of five off-site signs in one mile is meant to limit the number of signs in that mile, and thereby prevent sign clutter and protect visual qualities. A variance to permit more than five off-site signs in this mile would be contrary to the spirit and intent of this limitation in the Sign Code.

**RECOMMENDATION:** It is staff's opinion that all the conditions necessary for granting both variances do not exist. The Secretary recommends that the requested variance to the Sign Code section 24.04.197 to allow an off-site sign in CBD Central Business District zoning be **DENIED**. And, The Secretary recommends that the requested variance to the Sign Code section 24.04.222(2) to allow more than five off-site signs within one mile be **DENIED**. If, however, the Board should determine that all the conditions necessary to grant

both variances exist, then the Secretary recommends that the variances be subject to the following conditions:

1. The off-site sign and location shall be in substantial conformance with the graphics submitted with this application.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the approval of the variances, unless such time period is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

The agent is here for questioning. Are there any questions of staff?

FOSTER Are there any questions?

GREENLEE Sign #1 to the upper left of the other sign, how do those two coexist?

McNEELY The other sign is viewed from Central. It does not count against Washington. It counts against Central.

GREENLEE So basically, it is how the sign aligns with the street.

McNEELY Yes, the sign code defines that in words.

GREENLEE If you were to align this sign with Waterman in that same location, are you saying it would be alright?

McNEELY At the Southwest corner of Waterman and Washington, he would not be alright because his zoning is CDB (Central Business District). However if he were to go across the street and orient north/south to where the billboard would be viewed from east/west traffic on Waterman, the sign would then count against Waterman. In theory, this billboard company could go at the Southeast corner of Waterman and Washington and orient this sign where the frontage counted along Waterman and not along Washington.

FOSTER John and Cheryl Wheeler are the owner's of the land and not the owner's of the sign?

McNEELY The property owner runs an auto repair company on that site and another company wishes to put the billboard on the site. When it comes to applying for a variance, the property owner is the true applicant regardless of who will put up the sign and manage it.

FOSTER I am looking at signs 1, 2, and 3. They are not in the CDB right?

McNEELY Correct, they are in "LI" Limited Industrial.

FOSTER But sign 4&5 are in the CBD, would they be legal non-conforming Because CBD does not allow an off-site sign?

McNEELY Correct, these signs were in place before this area was rezoned to CBD so they would be legal non-conforming.

FOSTER The idea of 5 signs per mile. May we assume that is City-wide or in a particular area?

McNEELY Five is maximum you can have in one mile. There are places that would not allow five if there is not enough frontage of commercial or industrial zoning along that given street. However, five is the maximum that you can ever have in one mile.

FOSTER I do not think we have had this come up before? Have we?

GREENLEE We have discussed it before on Kellogg.

FOSTER Have we ever had a variance that exceeds the 5 within a mile?

McNEELY I am not aware of a variance that has been requested or granted to exceed more than 5 within a mile. If there has been one, it has been more than 3 years ago.

ANTHIMIDES There is nothing currently that says the distance between the signs. Because you have a real big distance between Kellogg and Douglas, and sign number four, is that first street?

McNEELY Yes, sign number 4 is just south of 1<sup>st</sup> Street.

ANTHIMIDES You have that huge distance then you have 4 signs in there.

McNEELY Yes, in the southern half of the mile between Douglas and Kellogg. You have the one existing sign at the interchange, sign number five, and the other four are north of Douglas.

ANTHIMIDES With the arena I think a lot more people will want to do something in that area. There is nothing in the sign code that separates the distance. How do you do it on Kellogg? That's the only other place that would have the same problem as this location.

McNEELY Kellogg would have the same limitation to 5 within a mile, but there are quite a few legal non-conforming along Kellogg. The only separation that we really deal with is a minimum separation there has to be at least 330 feet between two billboards or off-site signs.

ANTHIMIDES What is the distance between the request area and the other two on each side?

McNEELY Between the requested area and the one to the south is approximately 900 feet, between the requested area and the one to the north 1800 feet. There are 5280 feet in a mile.

FOSTER Any other questions from the board members at this time? If not, we will call on the applicant.

RUSS EWY, Baughman Company, agent for the applicant. With me today is Dan Wheeler, the son of John and Cheryl Wheeler, the property owner, also representing are Ross Viner and Art Stanfield who have interest in the technical or marketing of the sign. They are available for questions. These first three signs are photo renderings of what the signs will look like from both directions on Washington as well as looking to the east or towards the downtown core. This is on Washington looking south at the site again with the site of the sign over hanging the building maintaining the required setbacks of the property or the right-of-way line. I would like to point out that the nature of the businesses in some of these pictures. You can see the transition from old industrial land uses. My office is straight east of this by ½ mile. I transverse this intersection twice a day, I am very familiar with this area. It is largely an industrial, general contractors, warehousing, auto-repair types of business area.

It has limited access or site visibility as well, due to the close proximity of several buildings. The closest sign that we have to this proposed location is 900 feet south which you can not see that sign at this intersection. These signs are, except for the northern three, very compartmentalized. This is Waterman looking east at the intersection, note the public investments in improving some of these intersections on Washington. We have a lot of infrastructure improvements and a lot of investments both private and public in this downtown core area and this will continue. I will say that businesses in this area will benefit from a sign at this location. This is going to be and is already becoming an entry way not only for the downtown arena but also the Waterwalk developments and other core businesses in addition to Old-Town to the north. A lot of the traffic comes north off of Kellogg past this site. Again, looking at the broad issue of sign location, we feel this is a benefit to the public as well as area business owners. This is one with the dimensions illustrated, this photo is looking north at the south side of the building. These next five slides are the five existing off-site signs which are impacting our ability to locate a sign at Washington and Waterman. These move from north to south. I am standing right at the corner of Central and Washington. May I point out first, a lot of these signs are owned by Clear Channel. I will get to that in a minute. Most of these signs are fairly dilapidated; obviously these never would have met the sign code as it exists specifically with the separation between this sign and the next two. You can already begin to see the second sign. Although it may be 330 feet south, you can already see it. Notice the other sign clutter in the area which will be on-site which is moderately irrelevant. When we get back to the spirit and intent of the sign code, I would like to talk about the fact that you place a limit on the number of signs per mile which was done to reduce sign clutter and the aesthetics disadvantages with it. Even with strict compliance with the sign code, one often does not reach that goal. Looking at some of the more old industrial uses to the south of Central and Washington, you can see the second off-site sign. Ironically it has the same message on it. This is the third and almost unperceivable off-site that is counting against our sign. Notice the background, the encroaching redevelopment of the Old Town district. Contrast that with some of the older existing uses that are currently in place. I will address that later as well. A more modern

sign is on the east side of Washington just south of 1<sup>st</sup> Street; this is the off-site sign that is adjacent to Kellogg to the south. It shows the location of the sign. There is an existing wall of building 307 right along this area. This is a newly expanded built area. The pole is going inside the building up through the roof and overhanging the roof. Does anyone have questions over the size just presented?

FOSTER I will have some questions later on.

DICKGRAFE Will this be a LED sign?

EWY Yes.

DICKGRAFE And two-sided, one for north and one for south?

EWY That's correct.

EWY I had the opportunity to discuss this with Jess earlier. This is one case where, we have the ability to look at the same thing from two different angles and see two different things. Although, we can understand one another arguments, the staff is recommending the denial of both applications. Hopefully we will present our case in a way to show that it may not be in the best interest. As for uniqueness, the property is unique because our property was zoned by action of the City Council. One can understand the larger goals of the city to redefine this area and rezone it under their powers. It is clearly shown in the MAPC 2005 minutes of hearings that the city was looking at the zone change for three primary reasons: by stating that you will get no setbacks, we will reduce need for on-site parking and eliminate height restrictions. What failed to happen during the zoning change several years ago was the idea of what allowances or rights or development standards would not be in the property owners' best interest. The billboard signs are one of those rights that the property owners' lost. One can debate that one off-set the other. I don't think the City did all that much to outline some of the abilities that were going to be lost through that action. As for the public interest and spirit and intent, I argue that if the City of Wichita wanted to protect the visual integrity of access into the downtown, Arena, Old-town etc., that they would have zoned both sides of Washington. The City intent to protect and to enhance the visual corridor failed to reach across and eliminate the same rights that were eliminated from the Wheeler's across the street. It does not make sense to me that you would have the ability to put a sign across the street on the east side but not the west side. So, we are looking at the duality, we are doing this to enhance public development but at the same time not ensuring it through additional zoning action by the City. One of the other issues that we have addressed in my letter is the idea that Old-Town is expanding. The red line here outlines those areas that are protected by the Old-Town development zoning overlay. There was a study to take the remaining portions of Old-Town from the railroad right-a-way from Washington up to Central. There was an infrastructure study as to how much would it cost to

enhance the area from an infrastructure standpoint and what other benefits having this area included in the Old-Town overlay district would have on the development potential for Old-Town expansion. As you recall on the one slide, you could see how the new development was coming north and encroaching into some of these areas. One of design criteria of the Old-Town district is that it prohibits off-site signs. Once you look at it from the standpoint that these three signs or these particular two are already non-conforming, that the other three signs will not have much of a shelf life into the future once expansion of the Old-Town District takes place. Those signs will, at some point in the future, not exist. Obviously three of them are considerably north of the subject property. Mr. Foster's question regarding 5 signs per mile, whether or not it encompasses the whole city or just a specific area in the City? It does encompass the whole city. Codes are written to be broad to account for most conditions. In this situation, we do have a unique set of circumstances. We have old existing signs that are taking away from the number of 5 signs per mile that are not evenly disbursed. We have uniqueness just on the geographic positioning of the existing sign. One sign on the south half of this mile segment does not fill the spirit and intent of the sign code either. If we look at the sign code from the intention of dispersing signs and not having sign clutter and not overpowering a traveling mile with signs, I do not believe the additional sign at Waterman and Washington will detract from that intent. As Jess summarized, this particular case has less to do with the merits of having an off-site sign and more of a concern to the City as setting a precedent. It is difficult to set a precedent in a BZA hearing because we have to account for site specific conditions. We do have to argue uniqueness; we have to argue the merits of this particular case as with subsequent cases trying to claim a 6<sup>th</sup> sign. We feel by having to get a variance, we are not allowing people to establish a variance unless there are similar conditions or other unique circumstances exist. I do not believe this will create further harm. These off-site signs are an additional revenue source for the property owner. Off the record, what is bad about that? I will allow Art Stanfill to speak in a moment. Looking at the sign from a public benefit stand point, it will enhance the viability of businesses in Old-Town, the Arena, the Waterwalk, the ice rink etc. Are there any questions?

FOSTER Where is the Arena on the Map?

EWY Here near the Waterwalk.

ART STANFILL The sign we are proposing would directly support several different initiatives taking place in that area, Downtown Arena, Old-Town, Waterwalk, etc. Most of the traffic coming into this area will be off of Kellogg Hwy 54, 70% of the local businesses are looking to advertise on this board, this is a statistic provided by the Outdoor Advertising Association of America, 70% of small businesses account for the total spending on this type of a billboard and the ability to provide a big brand feel and will bring awareness which will affect their bottom line. It states that 3 out of 4 businesses

would lose nearly 20% of gross revenues which can devastate businesses if they did not have access to billboard advertising. In this particular area of the Central Business District and Old-Town as well as the Arena, there are not adequate billboards to draw in people to promote those businesses. This particular sign will have the affect to promote and support the efforts of the City and Old-Town as well. A significant amount of businesses in that area has been hurt for lack of billboard advertisement. They see it as an affordable advertisement for their area. Although there are other signs in the area; this particular sign would support the economic growth of surrounding businesses. I feel that this is a unique situation and it's an LED bill board. The Wheeler's agree to help the City to get their community messages out. We saw a banner saying the City working hard for you. This billboard can help with those types of messages along with amber alerts. This digital billboard will be a good benefit to the City for

FOSTER What is your last name?

STANFIELD Art Stanfill.

FOSTER I am hearing the rationale of having the billboard there. This board has the responsibility to look at the code and to see how this one site is unique and met the 5 criteria. It appears the CBD was expanded nearly 70%, this is one building in this whole area. The question for this board is to up hold the code and to determine whether or not a hardship is present in this case. I am hearing good things for the economic growth. What we need to hear is how this is unique and what the hardships are. This board has the responsibility to look at the code and determine whether the 5 criteria have been met for the approval of a variance.

EWY The hardship is that all surrounding property in CBD is prohibited to have billboards. That is fine, but this property is not surrounded all by CBD, only on one side on the east side of Washington. We are under hardship because not all properties share the same restrictions provided by the Central Business District zoning. It was a restriction imposed upon the property owner by action of City council. The second issue is the hardship with the number of signs; all except one of these signs are non-conforming, impacting our ability to place a sign within a reasonable spacing of signs.

FOSTER What about uniqueness?

EWY The property is unique as it relates to the zoning. This is not a self imposed hardship. This happened by an area-wide redevelopment plan into CBD zoning; so this property went from Limited Industrial into CBD by action of City Council. The zoning action by City Council discussed the benefits for the area business owner's and not what rights they would be losing by this change. Also, it is unique by it being an old industrial corridor. Most of the signs shown here pre-dated the sign

code and were allowed to develop in a manner that could not be allowed today. Jess suggested moving the sign across the street, as well as buying out the sign rights of one of the existing signs. To my knowledge, both of those remedies have been exhausted; it is not available to this applicant.

FOSTER When did the area wide CDB zoning take place?

EWY CDB zoning was approved January 2006; it was approved by the Planning commission December 8, 2005.

FOSTER It has been 1 ½ years since this occurred.

My name is Ross Bennard, what made me excited about this location was a gateway to all three, Old town, Arena and downtown. I think this will work as a partnership for all three areas and with the Wheelers' and the City.

FOSTER Any one else present to speak on this issue? If not, I will confine this discussion to the board. I think we have to look at this very carefully. The City set limit is 5. We can spend all day deciding whether it should be six or whatever it is. However, another group decided that 5 was the limit for 1 mile throughout the whole City. Did they think that individual's may have different needs? Do we have the authority to change it from 5 to 6 signs? This is the first case like this to be heard by this board. They gave several reasons why the billboard would be advantageous there. The question is what extent is our responsibility? The burden of proof is on the applicant to prove the regulations that the City adopted need to be varied. Therefore we need to prove the 5 criteria.

ANTHIMIDES With the large area between signage and with the arena coming, I think there are going to be a lot more people wanting to do this same thing. The three here in Old Town do not comply with the 330 feet. I think this is a unique circumstance. I do not believe you can still build those other signs today because of the criteria.

FOSTER What you are basing this on for the record, the distance?

ANTHIMIDES Mainly distance. I do not understand how a negative precedence could be set.

HOGGATT I don't see that setting a precedent is the important issue here. We made rules so we would not have precedence in the future. I do not see how this sign would make a big difference in this area. Other than the fact that our City staff has asked us to deny it because they do not want to create a break in the rule. I think our job as board members is to support the rules and to follow when we can the advisement of our board.

FOSTER We are not suggesting that we break the rules so we need to change the language.

- GREENLEE I think what has been shown is correct. I really don't think that the uniqueness and the hardship apply to this area. They need to take this back to the MAPC and get approval. If they want to do anything, they need to take it back to the MAPC and change the rule.
- FOSTER I think the people who wrote this had a reason for putting no off-street signs in the downtown area. You can see a lot of yellow spots there. If you look to the East, West, and North except for Kellogg, you will not find any of these signs. Anyone else with comments to make?
- STIFF Only one sign can go up every 5 miles, I want to know where does the mile start and end?
- McNEELY The sign code measures it within section lines. The section line to the south is Kellogg and the section line to the north is Central. Douglas is not a section line it lays at the ½ mile point.
- HOGGATT To take it across the street it takes it out of the realm of common sense, so I guess that is why we create these rules.
- FOSTER They still could not do it because there are still 5 signs in that same corridor. If they what to change that sign rule, they will have to change it. We have to follow the rules that they have given us. One rule for us to follow, there is to be no off site signage and only 5 signs per 1 mile. The applicant has not proved a hardship so I think we have done our job.
- ANTHIMIDES Common sense says place a sign there because it is a good location. I do not see any reason why there could not be a sign there as it will not harm anyone. We have to follow rules and regulations. It is not our job to make the rules so they would have to go to the governing body or council for that change.
- HOGGAT We do not make those rules so they will need to go to the MAPC.
- FOSTER Jess, how do they go about changing that code?
- McNEELY It would go to the planning commission for a public hearing for a proposed change to the code, and then that item would have to go to City Council for final approval. If there are concerns, it could go to a specific committee before a public hearing of the MAPC.
- FOSTER Hypothetically to approve this. If we were to pursue this we would discourage the City from looking at the idea of looking at the regulations that affect all the property owners in the area. We would solve the problem for one person. It would mean they would have to come back and look at it in it's entirety to see whether it should be changed.

ANTHIMIDES If we were to approve it today, it would affect the entire city? Is that what you are saying?

FOSTER If the board would approve it today, I think it would set a precedent for the area. We have several precedents along Kellogg because of it.

DICKGRAFE I think the board needs to go back to the five factors for that specific property to see whether they were met. The question is not whether or not this case will set a precedent. Even if they go across the street, you will have to go back and look at the five factors for that specific piece of property that the criteria are met.

FOSTER I do not think they met the hardship. The fact that they will not earn the money is not the hardship we are here to examine. Do we have a motion? What say the board?

GREENLEE Mr. Chairman, I move that the board accept the finding of fact as set forth in the secretary's report that all five conditions set out in 2.12.590 B as necessary for the granting of a variance have been found not to exist and that the variance be denied.

McNEELY There were two variances requested. I need a motion on both variances.

HOGGATT Seconded.

FOSTER And this applies to the first variance. All in favor say aye?

MOTION CARRIES 4 – 1 (ANTHIMIDES NAY)

GREENLEE Mr. Chairman, I move that the board accept the finding of fact as set forth in the secretary's report that all five conditions set out in 2.12.590 B as necessary for the granting of a variance have been found not to exist and that the variance be denied.

HOGGATT Seconded

FOSTER All in favor for the second variance say aye?

**Motion carries 4-1**

HERB SHANER, OCI Staff, A variance to reduce a street side-yard setback from 15 to 0 feet on TF-3 property. That is case #BZA2006-52, it has met all of the requirements and it looks really nice. I have photos if you would like to see them.

FOSTER Do we have any case for next month?

McNEELY We do have 2 cases filed for next month. We are to elect officers after July. We did not put it on the agenda this meeting and we have two members missing this hearing. We will have the election of officers' next hearing. We allow the chair to hold office for two years. Blickley is up for term this year. Amongst yourselves, you will have to choose a new chairman.

GREENLEE I will be on vacation in September. When is the October meeting?

McNEELY I do not have a calendar before me.

ARBERTHA October 28, 2008

FOSTER Let's make a motion to have the election for officers after September. Can everyone be here for October's hearing? Can we get a motion to place the election on the agenda for October? Can I get a motion to hear it after September hearing all in favor say Aye?

GREENLEE Moved

MOTION CARRIES 5-0

FOSTER May I get a motion to adjourn?

ANTHIMIDES Moved to adjourn

STIFF Seconded

Adjourns 2:57pm