

# **PLANNING COMMISSION MEETING TRANSCRIPT**

THURSDAY, SEPTEMBER 11, 2008

The regular meeting of the Planning Commission was held on Thursday, September 11, 2008, at 6:00 p.m. in the Board Chambers at the Hot Springs Municipal Building, 133 Convention Boulevard, with Chairman Gary Threadgill calling the meeting to order at 6:00 p.m.

Chairman Threadgill: <Meeting already in progress when taping began> ...by David Campbell, please stand.

## **Invocation**

## **Pledge of Allegiance**

Chairman Threadgill: Alright at this time, I'd like to call the September 11<sup>th</sup> meeting to order. Call the roll, please.

## **Roll Call**

Present: James Clopton, Lauri Ames, David Campbell, John Mory, Larry Raney, Gary Threadgill

Absent: Harriel White, Wanda Thorp

## **Approval of Minutes**

Chairman Threadgill: I'd like a motion to consider the previous minutes.

Commissioner Clopton: So moved.

Commissioner Campbell: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <ayes>

## **Approval of Agenda**

Chairman Threadgill: Alright, I need a motion to approve the minutes as-is.

Commissioner Raney: So moved.

Chairman Threadgill: I have a motion to approve.

Commissioner Clopton: Second.

Chairman Threadgill: And I have a second. All in favor? <ayes> Alright, start off with Item No. 1.

## **OLD BUSINESS**

### **1. Conditional Use (CU-08-0103) – New Beginning Christian Ministries – Conditional use request for religious facility – 323 East Grand – District 2 – C-2**

Director Kathy Sellman: Item No. 1 is New Beginning Christian Ministries. This is a conditional use request to allow a religious facility at 323 East Grand. It's currently zoned C-2. It's located in Director District 2. The application is Michael Smith and the recommendation is for approval.

Chairman Threadgill: Alright I need a motion to bring it to the floor for discussion.

Commissioner Campbell: So moved.

Commissioner Mory: Second.

Chairman Threadgill: I have a motion and a second. Is the applicant present? Please give us your name and address for the record.

Mr. Justin Hurst: Michael Smith, but I'm Justin Hurst. I'm here for Michael Smith and New Beginnings Ministries. Mr. Smith is actually present here.

Chairman Threadgill: Alright. The mikes on a little better there, sir, so we can pick you up. There you go.

Mr. Hurst: Okay. I've also got, if the Board so pleases, Bill Malone to field any questions in

regards to, that you may have in regards to the engineering of the parking lot. I know that was an issue I think brought to the Board's attention at the last meeting.

Chairman Threadgill: Alright. Is there any questions from the Commissioners to any of the applicants? Commissioner Mory?

Commissioner Mory: I have one. What was the proposed occupancy during the services?

Mr. Hurst: I believe it's, during routine services which are held every Sunday and Wednesday evenings, it's roughly 20 people.

Commissioner Mory: 20?

Mr. Hurst: They actually have seating for up to 50.

Chairman Threadgill: Any other questions? Alright, sir, you may be seated. Is there anyone in the audience with anything to say for or against this item? Again, is there anyone in the audience with anything to say for or against this item? Alright, seeing none, I'll close the public portion. Do I have any other questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have. I'm sorry, I'd like for the applicant to come back up please.

Chairman Threadgill: Which one?

Commissioner Campbell: Mr. Smith.

Mr. Smith: Yes, sir.

Commissioner Campbell: I viewed your church on several Sundays and you're drawing that you have here, you've only got 13 parking places.

Mr. Smith: Yes, sir.

Commissioner Campbell: I have on three different occasions, I've witnessed 14 cars, 18 cars, and 21 cars. Now how are you going to park 21 cars on 13 places?

Mr. Smith: Well we got approval from the Bumper to Bumper and Craig <unintelligible> and

Tidwell, the car wash, approved from them to use their parking facilities. Once we had straightened it out, I know it was <unintelligible>, but we got that straightened out. We just put 13 cars like it's supposed to be. We got the cones and blocked the rest of it off so the people won't pull in no more, so they can get in and out.

Commissioner Campbell: You're not going to park in the back like you were last Sunday?

Mr. Smith: No, sir. We won't.

Commissioner Campbell: Okay.

Mr. Smith: We got approval for them to park in their parking lot.

Commissioner Campbell: That's all I have.

Chairman Threadgill: Commissioner Mory?

Commissioner Mory: My question is along the same lines. If we have 13 parking spaces, what the occupancy of the church was allowed by the Parking Code, and secondly if they're going to do something like they're talking about, do we need to see that parking plan as part of our packet? And that's for staff.

Director Sellman: If there is required parking based upon the projected occupancy of 13, then that's what would be required to be on site. You might want to ask the applicant for further information regarding what the attendance is ...

Commissioner Mory: He said 20 to 50.

Director Sellman: ...that's generating 21 cars. If it appears because of the actual use that the need is higher, then what would be the requirement if you have off-site parking providing some of the required parking that there would be demonstration by the means of a long-term lease of a minimum of five years that there is an ability to use that off-site parking. That's as defined by the Code.

Commissioner Mory: An occupancy of 50 people will require how many parking places?

Chairman Threadgill: 13.

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Director Sellman: 13.

Commissioner Mory: Oh, 13. Okay. Okay. That was the requirement.

Chairman Threadgill: Alright, I have one question. I guess this is for your engineer, Bill Malone. Bill, you show a change in the entryway more to the center of the building. How's that going to do for the driveway they have down the side of the building? You put that driveway where you're showing it, you're going to close off the access to the back of the building and to the carport area. What are you going to do with that? I mean ...

Mr. Malone: This is basically what they're using now, Gary, the front of the building for access to the ...

Chairman Threadgill interjects: Well, I understand basically, but ...

Mr. Malone: ...parking lot.

Chairman Threadgill: But we're showing putting in new curbs and a new entryway, actual curb cuts and all. And it shows you're going to eliminate the drive for the driveway to go back up to the garage.

Mr. Malone: No. No. That's not right.

Chairman Threadgill: Then what is that?

Mr. Malone: That's just the curbing on the existing cut.

Chairman Threadgill: And the item back down towards the middle is going to be a driveway?

Mr. Malone: No it'll just be the driveway that they're using now. Those ...

Chairman Threadgill: Driving over the curb?

Mr. Malone: The curb is in a heavy line. It's shown there. That will be the location of the curb.

Chairman Threadgill: That's the new curb?

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Mr. Malone: Yes.

Chairman Threadgill: Right, that new curb will be closing off the other driveway?

Mr. Malone: No.

Chairman Threadgill: That one there where the cursor is?

Mr. Malone: No, it stops there before that.

Chairman Threadgill: Okay, so you'll have two driveways within 20' of each other. I think the Code doesn't allow that.

Mr. Malone: No, the access will be into the parking area, and then a right turn to go behind the building. It's how you ...

Chairman Threadgill: Well the way you've got it there shown, there's no way you can get a car between that curb and that corner of that building there without driving back out onto the sidewalk and I don't understand how you can do that. There's not enough room if you put that curb there to get a car between the curb and the corner of that building.

Mr. Malone: Well the curb is actually, the curb part is you know out there in front of the sidewalk and is depressed as it goes back and they can drive over what they're doing right now.

Chairman Threadgill: So they'll be driving over the curb to get to the left side of the building and up that driveway? I just don't understand the drawing. To me there's no way you can put the street entries there and get access to that driveway that you're closing off.

Mr. Malone: That's where the street entry is now. All we're doing is improving it.

Chairman Threadgill: No, the street entry now is where the driveway is. Right there where that little cursor is going up and down, that's where the entry is now. Where you show these two swirly black lines, there's a curb across there.

Mr. Malone: Right. That's going to be the curb. We're going to improve the existing entrance.

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Chairman Threadgill: Right. And you're going to close off the other ones.

Mr. Malone: No, we don't want to close it off.

Chairman Threadgill: That's what I'm saying, you can't have two curb cuts that close together.

Mr. Malone: We're only asking approval for one curb cut.

Chairman Threadgill: Yes, sir, but you already have an existing curb cut and by Code, they can't be 25' apart. That's what I'm saying, so I need ...Staff, you have ...

Director Sellman: Yes, Mr. Griffin has worked with the applicants on this and I'm sure can answer that question.

Mr. Malone: We're going to use ...if this is where ...it should be shifted down probably 10', but there's no intention to block off anything. We want to improve what we've got and that's it.

Mr. Jeff Griffin: The way I understand the site plan arrangement in this location, there is not adequate distance between the front property line and the structure for cars to go across the two.

Chairman Threadgill: Right.

Mr. Griffin: So they have to have a wider entry point so that they can use the same driveway to go to the side and access the parking lot to the opposite side of the building. So while there is a curb showed there, it's my understanding that it's not going to be a very tall curb. You now, it's a curb for curbing's sake. That's my understanding and the engineer may differ with that.

Chairman Threadgill: Well I still look at it as a curb cut because you're making an entryway on this drawing.

Mr. Griffin (?): Uhh, huh.

Chairman Threadgill: So that is a curb cut and they're going to keep the existing curb cuts to utilize the driveway, so that is two curb cuts. I don't know how else we can look at it. I mean I'm looking at it as far as this is what it is. We're going to have two entries off the street within 15' to 25' of each other.

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Mr. Griffin (?): Mmm, huh.

Chairman Threadgill: And the Code says “no.” Now unless I’m reading the Code book somewhere wrong, I can’t approve it.

Mr. Rick Stauder: Can I make one inquiry? What I have shown on the screen there is the existing driveway that is being referred to. I guess as a question to the applicant, are you expanding the existing driveway, making it wider?

Mr. Malone: Yes.

Mr. Stauder: I think that’s where the confusion may be. They’re going to expand or make the existing curb cuts wider which will accommodate the new parking area as well as the ...

Chairman Threadgill interjected: They’re going to make a 50’ curb cut?

Mr. Stauder: Well I think it says 48’. I’d have to pull the drawing back up, but ...

Chairman Threadgill: I show, I show ...

Commissioner Mory: 28’.

Chairman Threadgill: 28’ on my drawing.

Mr. Stauder: Yes, sir.

Chairman Threadgill: That’s what I’ saying. And then he said he’s going to leave this other one open, so I see two curb cuts. Alright, any other questions from any of the other Commissioners? Commissioner Raney?

Commissioner Raney: I do. I have one. We may be retreading old ground here, but I missed a couple of meetings as you know. Why are we looking at putting this parking in basically the front yard of this building and crossing the main entrance of the church with a traffic pattern that parallels the street rather than utilizing the ground that’s behind the building for parking? There’s certainly ample room back there for 13 spaces and obviously it’s been used that way in the past, so why are we changing it? It looks like we’re going to cut down a tree and screw up a yard in order to accommodate 13 places right off the edge of the road.

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Chairman Threadgill: Well that's what the applicant has requested. I mean we don't design their parking facility, they do their own designing by engineer. We just have to enforce the Code portion of it.

Commissioner Raney: Can I pose the question then to the applicant as to why they did not choose to put the parking in the back?

Mr. Malone: The parking in the front or to the left hand side of the building is what's being used now. It's a graveled area now and it was ...I was given the project and told this is what they wanted to do was to pave their existing driveway or graveled area and utilize it.

Commissioner Raney: So we're going to cut the tree and pave over it.

Mr. Malone: No, we're not going to cut a tree. We're not going to cut any tree there. It's between 8 and 9, spaces No. 8 and 9, the tree is.

Commissioner Raney: Alright. That <unintelligible> my question.

Chairman Threadgill: Alright, Commissioner Campbell?

Commissioner Campbell: Bill, I have a question, Bill. Weren't you required to show a handicapped parking on this too?

Mr. Malone: I can show ...I can use No. 13 as the only one that's really a bona fide handicapped space and designated as such.

Commissioner Campbell: Okay. Alright.

Chairman Threadgill: Any other questions to the applicant? None? Alright, I'd like to take a minute here and let staff look up something for me. Mr. Stauder, do you know anywhere in the Code that says they can have two entryways cut side by side?

Mr. Stauder: No, there's a 40' minimum distance requirement between driveways.

Commissioner -: Rick, is there a maximum to the width of a driveway?

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Mr. Stauder: Yeah, I think the maximum width of a driveway is 48' I believe, but I'd have to look that up.

Chairman Threadgill: Thank you <in response to something said off mic>. Alright, we're not coming up with anything else. Are there any other questions or comments from the Commissioners? None? I'll entertain a motion. Again, I'll entertain a motion. Alright, to make it aware, if I don't accept a motion, it will die for lack of a motion.

Commissioner Clopton: Mr. Chairman, as much as I hate to ...

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: ...As much as I hate to interject this at this time, in order for them to come into compliance or give them an opportunity to come into compliance, I would move that we consider ...

Chairman Threadgill interjected: Before you say that word ...

Commissioner Clopton: I'm going to say that word, but go ahead.

Chairman Threadgill: Let me ask staff one question.

Commissioner Clopton: Alright.

Chairman Threadgill: What's the time frame? <Unintelligible due to being off the microphone.> Okay, staff's going to say if you're going to put the "t" word on it, we're going to need their request to go along with the table. Otherwise, we're going to have to a denial or approval. They've already had so many tables.

Commissioner Clopton: I'm not understanding what you're saying.

Chairman Threadgill: Okay, they have a time frame that something has to occur, either approve, deny, or table.

Commissioner Clopton: Okay, what is that? Are we beyond that time frame?

Chairman Threadgill: <Unintelligible due to speaking at the same time as Commissioner

Clopton.> ...where it's at. So we need to ...if you want to do that, you need to ask the applicant or we're ask the applicant if they will go along with it. If they say "no," then we'll go the either/or.

Commissioner Clopton: Let's ask them first.

Chairman Threadgill: Would the applicant please approach the floor? Alright, go.

Commissioner Clopton: <Unintelligible> question. The question is right now, it appears that you are not in compliance and therefore the Board is probably – and I'm not speaking for everyone – would not approve this project as it is currently submitted. You are at a time frame according to our rules that we cannot extend this time without your permission. What I am going to propose is whether or not we table this for another 60 days to give you an opportunity to come into compliance with your drawing. If that's acceptable to you, that will be my motion. It will be up to the rest of the Board as to whether or not they'll approve it.

Mr. Hurst: That is acceptable to us. We have no objection to that at all.

Commissioner Clopton: Then, Mr. Chairman, I move that we table this to the meeting, the regular meeting, in November.

Chairman Threadgill: Alright, I have a motion to table for 60 days with the applicant's consent.

Director Sellman: To the November regular meeting?

Chairman Threadgill: To the November regular meeting.

Commissioner Mory: Second.

Chairman Threadgill: And I have a second by Commissioner Mory. Call the roll, please.

Commissioner Raney: Pardon me. Discussion please.

Chairman Threadgill: Oh, discussion. Sorry.

Commissioner Raney: Will you read what conditional use is? We're supposed to take into consideration design, configuration, spatial matters, so on, so forth. I just don't – this is personal

– I just don't think this parking lot – I know they're using it as a parking lot – that was never the intent for that area. In all the experience that I've had up here, this was an antique store for many years. I did not know it when it was a church. It was an antique store for many years and then it was an art supply store for many years. And as that, the parking was always on the side, down a driveway, or right in the front of the building, which was illegal, but nonetheless that was what was going on. I just don't understand why we're pressing to have a parking lot in this area as opposed to behind the building where there's more than adequate space for more than 13 spaces and would certainly serve their purpose because there is a current curb cut there and it would eliminate driving across the entrance to the building, which I think frankly doesn't do anything to enhance the overall look of the property and that's part of what we're supposed to consider in this. So, just for my own two cents, I would urge them to rethink the location of the parking lot.

Chairman Threadgill: Alright, along with that statement, I don't know if the rest of you have seen the photographs I've taken, but there are nine cars parked in the rear of the building – this is last Sunday – along with 13 or 14 parked in the front of the building. So we're going to have overflow parking either/or, front or rear. We need to maybe ask the applicant that he also consider having that five year lease agreement available as well.

Commissioner Raney: That's a good point.

Commissioner Campbell: More importantly than that, at our meeting I think in May or June, which ever it was when we tabled this before, we told the church at that time that they could not use that building until all the issues were resolved. I don't have the report in front of me, but the building official from the words of our Director went and took a look at that building and there was some safety issues with the electrical part of that building down there. I still go back that I don't think that they need to be using that building until all of those safety issues and this thing is settled as a conditional use.

Chairman Threadgill: If I'm not mistaken, the building doesn't even have a CO yet.

Director Sellman: It does not have a CO for any assembly occupancy ...

Chairman Threadgill: Thank you.

Director Sellman: ...as this would be.

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Commissioner Clopton: Mr. Chairman?

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: I just want to make one comment. I would like to see you get approval, but I also feel that you need to meet those requirements that have been discussed here before. Therefore, I've made my motion to give you additional time to get that done. I think that you still cannot use that property for any purpose of assembling until this process is settled.

Chairman Threadgill: We might want to make a second motion, an amendment, requesting the items we just discussed – the five year lease, getting the curb alignment straightened out, and maybe considering the alternative parking area. Was there any others?

Commissioner Clopton: I will, I will amend my motion to include those to be as a part of your next submission.

Chairman Threadgill: Mr. Mory, would you second that?

Commissioner Mory: Second.

Chairman Threadgill: Alright.

Male Speaker: Can I say something?

Commissioner Campbell: I've got to ask you ...

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Did your motion also include not using the building?

Commissioner Clopton: Yes.

Male Speaker: Can I say something on their behalf?

Chairman Threadgill: Yes.

Male Speaker: On not using the building. The Code man did come down upon some issues with

the building. All the issues, the safety issues, I did fix those safety issues. He looked in the inside of the building and all and I corrected everything that he said was wrong with the building, screw in the pipes, everything when he came down. He came back out to approve everything I had done. That was all the issues, safety. The pipe was loose on the wall and the outside. Those was the only safety issues that were with the building. That was it.

Mr. Hurst (?): That had to do with the electrical issues.

Male Speaker: Right and that was all the safety issues.

Chairman Threadgill: Alright. If I might real quick, staff are they allowable to receive a CO?

Director Sellman: They have not done the work that's required to get a CO. The requirements that were cited by the building official were only those things required to abate an imminent hazard. There's been no evaluation of the structure for the proposed use.

Chairman Threadgill: Alright, I ...

Male Speaker: I'd like to...

Chairman Threadgill: Sorry, sir. I've already closed the public portion now. We're going ...we've got a motion by Commissioner Clopton and a second by Commissioner Mory. Call the roll, please.

Ms. Teresa Minear: Lauri Ames – yes; David Campbell – yes; John Mory – yes; Larry Raney – yes; James Clopton – yes; Gary Threadgill – You are voting “yes,” to deny or to table I mean. Alright. Yes.

Chairman Threadgill: Alright, the item is tabled till the November meeting. So we'll go to ...

Male Speaker: Sir, can I ask you one thing?

Chairman Threadgill: We've already closed it up, sir. You'll have to get with Rick Stauder or one of them tomorrow morning and they can straighten out anything you have.

Male Speaker: Okay.

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Chairman Threadgill: Rick or Jeff. Alright, Item No. 2.

**2. Site Plan Approval (SPA-08-0107) – Eagle Rock Condominiums – Article II site plan review for 4 buildings, 20 residential units in the County – Spring Street at Eagle Rock – County – ET**

Director Sellman: Item No. 2 is Eagle Rock Condominiums site plan approval. A request for Article II site plan review to construct four buildings with 20 residential units in the County. It's located at Spring Street at Eagle Rock. It's in the City's extraterritorial land use jurisdiction. The recommendation is for denial and there are three reasons cited for that denial.

Chairman Threadgill: Alright, I need a motion to bring item to the floor for discussion.

Commissioner Raney: So moved.

Commissioner --: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <ayes> Opposed? <none> Is the applicant present? Please come forward and give us your name and address for the record, sir.

Mr. Terry Poller, 123 Hidden Eagle Terrace, Hot Springs, 71901: I'm the owner and developer of Eagle Rock and if the ...There's a couple of things I would like to address. In fact, my understanding was that we were not even going to be considering this tonight. Milton Raabe is not here and my understanding was it was going to be tabled for another 30 days. But if that's not the case, then I would like to <Unintelligible due to Chairman Threadgill speaking at the same time>.

Chairman Threadgill interjects: If you would like that, we'll do it, sir.

Mr. Poller: Well, if you were going to deny it, I would rather have that opportunity to table this.

Chairman Threadgill: Right now, I don't know. You have the option. We'll let you decide right now if you want to table it or not for 30 days.

Mr. Poller: Well, yeah, if we could table it for another 30 days because I know Judge Ohm would like to be here to speak to it. The base flood elevation study is now done. I don't think

they had that information.

Chairman Threadgill: Alright, now to table it for 30 days means you're going to have to have all that information in staff's office by tomorrow at noon.

Mr. Poller: Okay. I don't think Milton's going to be back by then so ...

Chairman Threadgill interjects: Okay, would you like to table it for 60 days then?

Mr. Poller: Yes, sir, if we could.

Chairman Threadgill: Alright.

Director Sellman: To the regular November meeting.

Chairman Threadgill: To the November meeting.

Mr. Poller: Alright.

Chairman Threadgill: Alright, I have a motion by the applicant to table. Would somebody like to go along with that?

Commissioner Campbell: I'll make a motion to table it to November.

Commissioner Clopton: Second.

Chairman Threadgill: Commissioner Campbell and Commissioner Ames is second. Call the roll.

Ms. Minear: James Clopton – yes; Lauri Ames – yes; David Campbell – yes; John Mory – yes; Larry Raney – yes; Gary Threadgill – yes.

Chairman Threadgill: Thank you, sir. Item No. 3.

**3. Site Plan Approval (SPA-08-0129) – Causey Manufactured Homes – an after-the-fact multiple building site plan review to place a third manufactured home on this parcel – 839 Shady Heights – County – ET**

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Director Sellman: Item No. 3 is the Causey Manufactured Homes site plan approval. This is an after-the-fact request for approval to place a third manufactured home at 839 Shady Heights. The project is located in the City's extraterritorial land use jurisdiction in the County. The recommendation is for denial and I believe there was one reason cited.

Chairman Threadgill: Fire Prevention Code?

Director Sellman: Fire Prevention Code, yes.

Chairman Threadgill: Alright, I need a motion to bring Item 3 to the floor for discussion.

Commissioner Raney: So moved.

Commissioner Mory: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <ayes> Opposed? <none> Is the applicant present? Again, is the applicant present for Item No. 2? Or correction, Item No. 3?

Commissioner Campbell: Mr. Chairman, I make a motion that we delay this till the end of the meeting.

Chairman Threadgill: Alright, Item 3 will be delayed until the end of the meeting to see if the applicant shows up. We'll move to Item No. 4.

<RETURNED TO THIS ITEM AT THE END OF THE MEETING>

Chairman Threadgill: Alright, we held Item 3 back to the end of the meeting. The applicant wasn't present. Is the applicant now present for Item No. 3? Alright, I have a no-show for the applicant on Item No. 3. Do I have any questions or comments from the Commissioners?

Commissioner Campbell: I have one of staff.

Chairman Threadgill: Staff?

Director Sellman: Yes.

Commissioner Campbell: Staff has a recommendation to deny this.

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Director Sellman: Yes.

Commissioner Campbell: They did not turn in the drawing or the paperwork that was requested?

Director Sellman: That's correct.

Commissioner Campbell: Okay.

Chairman Threadgill: Alright, I'll entertain a motion if there's no other discussion.

Commissioner Raney: Move to ...<laughter>

Chairman Threadgill: James will be all over you. <laughter> Hold it. Hold it. Yes, sir?

Male Speaker: <Unintelligible> board members <unintelligible> four times. <Unintelligible> three times since <unintelligible> and they have e-mail. I've got no answer back on why <unintelligible>. <Unintelligible> recommended that <unintelligible> expect to <unintelligible>.

Chairman Threadgill: Okay, okay. Hold on, sir, and we'll get ... We're in the middle of another item right now. Let us get over with that one and then we'll see what you've got. Alright, John, or Larry, excuse me?

Commissioner Raney: I would move approval to bring the question to the floor. My purpose in doing so is so that I can vote for denial. <laughter> Following staff's recommendations ...

Chairman Threadgill: Alright, I have a motion to approve. Do I have a second?

Commissioner Mory: Second.

Chairman Threadgill: I have a motion and a second. Any questions or comments? Alright, call the roll, please.

Ms. Minear: David Campbell – Wait a minute. Where are we at?

Commissioner --: You've got to vote no. <laughter>

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Chairman Threadgill: You vote “yes,” you approve it. If you vote “no,” you deny it.

Commissioner Campbell: I need just a little discussion before we do this.

Chairman Threadgill: Alright.

Commissioner Campbell: From the staff. What’s going to happen to this if we do deny it? Will they just be denied sewer hookup?

Director Sellman: They will be denied utility service, yes.

Commissioner Campbell: Okay. A “no” means no? <laughter>

Chairman Threadgill: Again, if you vote “yes,” it passes. You vote “no,” it fails.

Commissioner Campbell: And my reasoning for a “no” is the staff’s recommendations. The information that was requested was not turned in.

Chairman Threadgill: Alright.

Ms. Minear: John Mory – No, for a lack of information and failure to comply with the Fire Code.

Ms. Minear: Larry Raney – No, for the same reasons.

Ms. Minear: James Clopton – No, for the same reasons.

Ms. Minear: Lauri Ames – No, for the same reasons.

Ms. Minear: Gary Threadgill – No, for the same reasons and the applicant did not show up for his own hearing.

Chairman Threadgill: Alright, Item 3 fails.

**4. Site Plan Approval (SPA-08-0120) – Leisure Landing – recreational vehicle park in the County – 201 Broadview – County -- ET**

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Director Sellman: Thank you, if you could give me a minute here.

Chairman Threadgill: Okay.

Director Sellman: Okay, Item No. 4 is Leisure Landing site plan approval. A request for approval of a recreational vehicle park at 201 Broadview in the City's extraterritorial jurisdiction in the County. The recommendation is for approval.

Chairman Threadgill: Alright, I need a motion to bring Item 4 to the floor for discussion.

Commissioner Campbell: So moved.

Chairman Threadgill: I have a motion...

Commissioner Clopton: Second.

Chairman Threadgill: ...and a second. All in favor? <ayes> Opposed? <none> Is the applicant present?

Speaker from the audience: Yes, sir.

Chairman Threadgill: Please come forward and give us your name and address, sir.

Mr. Ralph Bozeman, 144 Osprey in Driftwood Subdivision: Do I have any questions to the applicant from the Commissioners? Commissioner Campbell?

Commissioner Campbell: In this interim time that we've had since our last meeting, have you gone out and talked with your neighbors?

Mr. Bozeman: Yes, sir. I've talked with some.

Commissioner Campbell: Have you? Okay.

Mr. Bozeman: And I will address that in here.

Commissioner Campbell: Go ahead.

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Mr. Bozeman: I had this <unintelligible> made to reflect...

Chairman Threadgill: Please use the microphone, sir. We have to ...everything's recorded.

Mr. Bozeman: I had the rendering made to reflect that we're going to curb and gutter the front of the street to line with that's that already curbed and guttered along Broadview, which brings the street to like 20 ½' or 21' wide instead of the 18 ½' it is now. It'll ...at the entrance where we have the drive, one going in and one coming out, we've pulled that back from the street to give it additional space. As you can see, there's a sign in the middle area on the fence there and we'll have it lit. Like Mr. Campbell said, I did the pleasure of again meeting some of my neighbors and found it was not a bad experience. Mr. Morgan, who I feel is the most impacted by our work, is the first person I talked to and I went and visited with him at his home. He showed me where his problems existed, which you know, referring to the water. We talked about it. He showed me in his garage and in his storage room where water had been in some cases 8" or 9" up on the wall. It still left a water mark. But he did say that since I cut the grass and cleaned up the property, that things have been draining better, but he is still concerned. Also I was told that the lot, the family that lives on Lot 25 and the subdivision on the other side of me has a bog in their back yard after a heavy rain. Across <unintelligible> from him on Lot 24, that person has a solid wood fence around the back of the yard and in a heavy rain, he has to open the gates that come out towards the front to let the water out so it doesn't flood in his house. I walked the area during the last downpour and there are many water drainage problems. They're not all mine and not all theirs, but my property is the place that most of the water goes and gets to the lake. At the corner of ...you can't see it on that map. It was up awhile ago. But at the corner of Broadview, at the corner of Broadview and Long Beach, there was to be a drop inlet. Milton Raabe and I were walking all of this to see where the water was coming and going and we found that there was supposed to be a drop inlet there. It doesn't exist. I have pictures of what's there, but if anyone would like to see, I have pictures. He brought the two curbs up and he stopped them. Then he just left the hole in the ground there. Then this big culvert come from over here and this big culvert come from over here, and there's a little hole there. There's a drainage slew coming through, coming back to that along the Broadview side. Like I say, when we got there, it was completely covered. It had grass and mud and everything else over it. We opened it up and all it does, it's a hole that drops down. No grate, no nothing. It drops down between these two pipes and I brought that to the County and showed the pictures out there and they said that they would look into it and see what could be done. She wasn't sure anything could be done, but said we'll see what could be done. That's one problem, but anyway, there's a thought among the people that oppose that what we're going to do is exacerbate the water problem. Actually what we're

going to do is we're going to put in a 15" pipe and we're going to have two drop inlets and we're going to locate them in areas where the water comes as we have found out from experience. And we're going to take that water to the lake and that's going to be a great improvement over what exists there now. So we're going to actually start easing that problem. In addition, we're going to see about getting that other thing fixed so that it will also help ease the problem. Water is a problem in some of those areas.

There also is a feeling that because other people didn't do what they were supposed to do, I would not do what I'm supposed to do. I'm here as a witness to you that I will do the right thing. I'll make it right. I'll fix it.

We also have, and in aligning our curb and gutters with the curb and gutters that exist there, we've provided that 20 ½' street and that's to comply with Chapter 5 of the Fire Code where it says that fire service is only to be provided where the street is at least 20' unobstructed. This will bring it to that width.

In regards to the children, the 45 children, I was there at 6:30 in the morning. No children came off of Broadview. There were six children gathered in front of the entrance to the trailer park. At 7:00 on the dot, a bus pulls up on 290, picks up those six, and continues on 290. Three minutes later, a bus comes in and turns off of 290 onto Long Beach, goes back Long Beach onto Billy Bob to Jim Bob Loop, turns right on Trudy Street, and that merges into Wyatt Cove. Along that route, he picked up eight children and then when he got back to Broadview, he just got right out to 290 and left. So I feel like the fear that there will be a problem with children is not really a realistic thing. I'd like to say that if it's possible if there are any new issues brought up, I'd like to be able to address them while we're still in the public portion of the discussion.

Chairman Threadgill: Alright, sir. Do I have any questions or comments to the applicant from the Commissioners? I have one. You stated you're going to tie into the existing curb?

Mr. Bozeman: There's an existing curb on Broadview that stops at my property. Mmm, huh.

Chairman Threadgill: Alright, that's back where the subdivision starts or stops.

Mr. Bozeman: Correct.

Chairman Threadgill: You're going to tie onto that and run to the end of your property.

Mr. Bozeman: Right. We're going to run it entirely across the front and turn it into the drive so that we can direct the water down into this and pick it up where it needs to be picked up.

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Chairman Threadgill: Alright, how wide is that street now?

Mr. Bozeman: It's 18 ½' roughly. It depends on where you measure, but it will be 20 ½' to 21' wide all the way to the end of our property.

Chairman Threadgill: Alright. Any other questions to the applicant from the Commissioners? Alright, sir, you may be seated.

Mr. Bozeman: Thank you.

Chairman Threadgill: Is there anyone else in the audience? Please come forward and give us your name and address for the record, sir.

Mr. John Vines, 123 Market Street: Good evening. I represent about 60 to 70 neighbors of this development in this area. If I may be so allowed, I've got a couple of new items I'd like to present ...

Chairman Threadgill: Give the copies there to Mr. Raney, and he'll get them or ...

Mr. Vines: I've got copies for everyone. There's a couple four items I want to address with you if at all possible.

Chairman Threadgill: I hope there's not a bunch of reading for us. <laughter>

Mr. Vines: I'm going to see to it and allow you to read as we go along. The first item is basically who I work for. You'll see there's a petition. If I can read quickly, the petition opposes this RV park. It's signed by I think 59 or 60 of the residents of the people I represent. It's a real short paragraph: "We the undersigned do hereby oppose the location of the proposed Leisure Landing RV Park due to our overwhelming concerns for the safety, pollution, nuisance, and drainage issues that will result from this development. The underlying two acre site of this proposed development is simply not feasible or conducive to the addition of approximately 30+ recreational vehicles at any time." I'd ask you to note that the signatures on there are those people that live in and around Broadview, Jim Bob Loop, and all those subsidiary streets in that area out there. These are permanent property owners, not the transient nature of the RV owners that will be in and out of that facility. These are the people whose rights will be affected and trampled the most.

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That being said, the next item I have for you is a letter from County Judge Larry Williams. We visited with him and he has great concern as you will be able to see and I won't read it verbatim but he has great concern for that area because the County has again, it is we realize outside the City limits and it is in the County, but the County will have the responsibility for a lot of the issues that we have raised – the safety, the nuisance, the pollution. You can see from his letter that he has great concern, realizes that there's no zoning, but has great concern for the safety and the upkeep of those streets because they simply are not constructed in the present form for the traffic and the weight of those recreational vehicles. If you'll go further, he talks about what will happen to that present chip-and-seal roads that are out there that should be affected by the rerouted drainage from these curbs and guttering and also the heavy traffic. He's also concerned in the body of that letter of what happens when those folks get passed, because if you'll remember from the previous photos and layouts, if you miss the turn in by any reason, you're going to be down a very narrow stretch on a very narrow street that's going to cause great problems and will be practically impossible to navigate or turn around. So the County is greatly concerned about having to spend the additional expense to upgrade not just Broadview but all the adjacent streets and/or the ones that run perpendicular there. It's kind of a funny intersection. If you can go back to the overview, there's about three streets, three roads there where 290, that peel off of 290 and it will simply not be just a matter of one road. It could affect all those roads, particularly toward the farther end of Broadview that is used less and definitely used less with the bigger recreational vehicles. Before leaving this, I'll have you note that in the last paragraph, he opposes this and is working with us. Again as you can see, the very street that could be affected there – lots of one ways, lots of narrow inlets, and lots of narrow streets that the County Judge has a great concern on having to upgrade and also replace and repair those streets and roads. It even says in his letter that if he has to, he will seek contribution from the developer to upgrade those roads and streets. Which is again after-the-fact, but it's something we need to take into consideration if we go forward on this.

The third item I have is again along with the safety concern deals from the Lake Hamilton Fire Association. It's a letter from Matt Simpson who is the Fire Chief out there. Without reciting verbatim what he says, he has great concerns about the first responder time and the welfare of the local residents. He gives some statistics in his letter I believe. He lists how many calls were made in recent years. I talked about he's been out there and his concerns that they won't be able to provide services which they are intended for if we have basically a commercial business in this highly residential area. Great concerns there with the Fire Codes, the Fire Department, fire safety, first responder issues, and that is of great concern and that could restrict future response time. It could affect future response times.

The last new item I have for you is, the last place is a copy of a stop work order that's presently – this is not the stop work order – but we already have a stop work order out on that

property from Tommy Kerr at the Environmental Services through the County. They've already put this notice on the property. Of course it's filled out, laminated, and posted on the property. I couldn't get a copy of that, but that's what's posted now because we're already not following what standards we have with the County out there as far as the storm water and the drainage. This is up right now. It will be indefinitely until those issues are addressed. Again, that's kind of the extent of what the County can do and that's why we're here asking you today to assist us in protecting the welfare of that area and the general safety and the wellbeing. We just got through a huge round of rain with a hurricane last week. I know I've got a leaky ceiling. I don't live out there, but I've been affected and I know that has nothing to do with the water that came through these parts. I do have folks here tonight that have photos and can talk about just off that rain, which may be extraordinary and may be the exception to the rule, but we've now had two of those. To go back, we had the spring. We've now had this now, and every time, we have these issues. Granted it's one year, but we've had two of those in the last six months and that's a great issue also. Again, we're just asking you to review this. Take the time to look at the new items we've presented. We bring those since we last tabled the item. We have those concerns and we've voiced the concerns with the Judge and the Fire Department, and let you know that there's a stop work order out there right now due to some failures on the part of that development.

Chairman Threadgill: Alright, sir. Any questions to the applicant, or to the speaker, from the Planning Commission? None? Thank you, sir.

Mr. Vines: Thank you.

Chairman Threadgill: I have one question before I go any further from staff. It states here on the fire approval that Nate had inspected or approved it. Is, were any of the County representatives at the DRC Review?

Director Sellman: At that DRC, ...Mr. Griffin?

Chairman Threadgill: Give us your name and address please.

Mr. Jeff Griffin, 106 Chincapin: Yes, Mr. Simpson, the Fire Chief, was at the Development Review Committee and throughout the past three months of this case, I have had no contact with him and provided no opportunity to answer any questions nor have I been provided with any specific instances of possible violation with any portion of the Fire Prevention Code.

Chairman Threadgill: Okay, so he has been at the DRC meetings and made no comments.

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Mr. Griffin: Yes, sir.

Chairman Threadgill: Thank you. Commissioner Mory?

Commissioner Mory: I do have a comment – actually a couple. As far as the storm water goes, we do not have any control or regulation of any storm water in the County, correct?

Director Sellman: Correct.

Commissioner Mory: So storm water ...

Chairman Threadgill interjected: They have their own County representative.

Commissioner Mory: Right. The storm water issue is a moot point for this Commission. Alright. As far as the County road impact and that kind of thing go, none of our concerns in the County concern the impact on this County road, correct?

Chairman Threadgill: False.

Commissioner Mory: Okay. We can control ...

Chairman Threadgill: Any time we add a development, the health, safety, and welfare comes into play and that would be this road.

Commissioner Mory: Okay, but what about the impact to ...I mean as far as the damage to the roads? That's the point I was getting to as far as the capability of the road going out to it.

Chairman Threadgill: As far as the road itself, that's maintained by the County Judge. It would be his responsibility to make sure it stays maintained.

Commissioner Mory: That was my point. Not the width. I knew the width we had control of.

Chairman Threadgill: Right.

Commissioner Mory: But as far as the condition of the road and ...

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Chairman Threadgill: Wear and tear is the County Judge.

Commissioner Mory: That's right. Okay. That was my point.

Chairman Threadgill: Anybody with a question on that?

Director Sellman: Yes, mmm, huh.

Chairman Threadgill: Alright, anybody else? Commissioners? Alright, anyone in the audience? Got a lady coming up here. Give us your name and address for the record please, ma'am.

Ms. Ruth Burks: I own the house at 306 Broadview Circle, which is down the street past this proposed development. One of the things that I wanted to mention is the fact that these power lines – I know you don't have any control over power lines – but it has to do with safety and fire prevention, the power lines have not been updated for this entire area. These homes were originally built in the 1960s and we have brown outs sometimes twice a day, sometimes twice a week. A lot of times we'll have surges that will completely take the power out and bring it back up. As you know, that can cause fires to happen. I have spoke with Ms. Sellman and asked her about the First Responders. She had not heard from the Lake Hamilton Fire Chief, Matt Simpson, so I called him and he sent you an e-mail and copied me where he somehow did not have these plans. I think that may be why he didn't respond at any of these three meetings to this. Because it was ...when was this meeting before it was tabled? In June? I believe is when he didn't have ...he had asked you for some copies. But my concern is there's 39 homes I believe, families, that live past this proposed development and we have one way in and one way out unless you take the lake. You'd better have a good boat in the winter time because it's mud. Matt said, and I also spoke with Duane Baucom who is a deputy who lives on that street past there, there is no way that a First Responder could get to any of us except by foot. I've had to have an ambulance. Right past Bowlsby, three houses down, a lady is a paraplegic. Her husband is with the National Guard, so she's home by herself a lot. She's had to have ambulances a lot of times, probably over 30 times in the past few years. There's a lot of other medical concerns on the street. But I don't understand why a development, all it's going to take is one of those work trucks or one of those RVs to get whoppy-jawed and jackknife, however it is ...We've had major construction bulldozers and tractors and you can't turn around unless you're very practiced on that very small circle at the end of Broadview Circle. So if they overshoot that or if they drive by to see if they want to stay there, then turning around, we own to the center line of that grassy park. There's an easement for the County road to go through, but we own to the center line. If somebody got stuck, we certainly wouldn't, you know, say "no, you can't turn around." It would

make it very, very difficult and to bring a fire boat in in the winter time, we're going to have a 9' draw down this winter or even a 3' draw down, we're dry up in there. So we could not get a fire boat up in there to put our houses out. And I just think that our safety should be No. 1 concern over anybody's pipe dreams.

Chairman Threadgill: Alright. Thank you. Again, Mr. Griffin, would you please come back to the podium again one more time? Sorry to ...

Mr. Griffin: <Unintelligible>.

Chairman Threadgill: Matt Simpson was the one you talked to or was it another ...?

Mr. Griffin: I am, my best recollection is that Fire Chief was at the last DRC meeting and I talked with him on the phone just the other day. He did mention that he had not received a complete set of plans. He and I discussed it and determined that most likely the web filter at his place of work would not allow that size of a file through, so I did e-mail that to him as soon as I was made aware that he wasn't getting the materials.

Chairman Threadgill: This was after the DRC Review or ...?

Mr. Griffin: Yes.

Chairman Threadgill: Okay. Alright, thank you, sir. Alright. Anyone else? Yes, sir. Please come forward and give us your name and ...I'll get you here in just a sec, sir. Let this gentleman come up and then you're next.

Mr. Thomas Revor, 115 Brittany: I'm the dead-end road off of Broadview. These roads are not wide enough for anybody to turn around. They're all one in and turn around and one out. There are not ways for two traffic sides. I just wanted to make that clear. I'm the one on the dead-end. I have no turn around. The roads just aren't adequate.

Chairman Threadgill: Alright, sir. Thank you.

Commissioner Mory: I have a question.

Chairman Threadgill: Alright, sir. Yes. Commissioner Mory? Commissioner Mory?

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Commissioner Mory: Do we have any control over the roads that aren't out right on the side of this? I mean is that something we can consider on approval of this project is what I'm getting at?

Chairman Threadgill: Well to my understanding, the roads to the project, not beyond...

Commissioner Mory: To the project, not beyond. Right.

Director Sellman: Mmm, huh.

Chairman Threadgill: Okay?

Commissioner Mory: Okay.

Chairman Threadgill: Alright, sir, come forward.

Mr. Don Vowell, 308 Broadview Circle: I have a question for the gentleman that's proposing this Leisure Landing. He apparently has a place for like, I can't remember, maybe 15 boat storage areas and he has a launch area back there. I'm wondering if he is intending to have multiple boat launchings into that very narrow little finger that comes up to where his landing is. There are multiple docks on either side. I'm wondering if he has applied for or gotten permission from Entergy to do that. I'm interested in his intent if he's going to launch multiple boats.

Chairman Threadgill: Alright, sir. Before we get back to the applicant, is there anyone else in the audience with anything to say? Please come forward and give us your name and address, sir.

Mr. Walter Hagerty, 105 Bowlsby Court: During the last rain storm, it rained I think about three days and I went out and took pictures of the water situation over there and specifically the road. The road on the trailer park side – and I guess you can get that picture up – on Broadview there's a drainage ditch and it was completely full of water and was not draining. It was running across the road and into Mr. Bozeman's property. It's the one that had the picture of that fence. That area there and the water had backed up across the road completely in three different places. I have those pictures. I think our attorney, he had them last. I can get them for you. Anyway, we're talking about, Mr. Bozeman is talking about putting the ...attaching to a drain down there to a curb and curb to the side of the property. Well right now all that will do is create more water because there will be no place for the water to go. So you're going to have to have ample draining in this curbing because the water backs up to the drainage ditch on the ...it will be on

the South side of the road. The North side, it falls off into his property and runs down his fence line and unfortunately right into Mr. Morgan's property. I have those pictures right here if you'd like to see them. Besides being that left side of the road, as our attorney says is a chip-and-seal road, which is his description of it, it's a gravel road. It's eat up. It's in bad shape. The ditches have not been cleaned. I've lived there eight years, sir, and the County has not cleaned those roads. Now they have put gravel on that road in that period of time. That road will not handle heavy RV traffic. It just will not and that last rain, Gustav, put that in there, sir. I've got some other pictures that I took and it shows the water going down Mr. Morgan's side of the house, into his yard, and running into the lake. We have a waterfall down there. I have pictures of that also. There's bad drainage on that road. If he puts a curb in, all that's going to do is extend the water further down Broadview and dump it onto a vacant lot and that water then would run right down into Mr. Morgan's property or down Bowsby Court and into my driveway. Now I'm adjacent to Mr. Morgan's property. I don't have a drainage right now problem. I have some erosion problems this year because of our rain. My yard is eroded and I've had to repair it. However, if you put a curb up on Broadview without adequate drainage on it to give him more width to get a camper in there, you're going to create more of a water problem into the vacant lot adjacent to his property or behind his property and that water then will either run down Bowsby Court or down that property into Mr. Morgan's house. So we have a bad road that will not handle RV traffic. It's simple. People on the other end, they can't turn around and I see their point. If they come down to my place, they don't have room to back in. If they come into Bowsby Court off of Broadview and turn and try to turn, they can't back around. There's no room. So we have a bad road and we don't need RV traffic on it. Thank you.

Chairman Threadgill: Alright. In response to Mr. Mory's question a minute ago, under Article 15-10-4 Requirements to Extend Streets in New Developments, Article B, "streets adjacent to and leading to such developments may also be required to construct and otherwise upgrade to existing ...at the expense of the developer to meet the intent of these specifications." Did you understand that reading all broke up like I did it?

Commissioner Mory: I did.

Chairman Threadgill: So, the developer may also be required to construct or otherwise upgrade, at the expense of the developer, and meet the intent of this specification.

Commissioner Mory: Okay, now that specification, does it include structural capability as well as what it's <unintelligible> or is it just <unintelligible> for the ...?

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Chairman Threadgill: For the entire street.

Commissioner Mory: I know, but I mean, in other words, is it to the point where we make it where it's capable of handling a certain loading?

Chairman Threadgill: It will have to meet County specifications. It won't meet City. It could be chip-and-seal or packed or whatever the County's ...

Director Sellman: Actually, I think it can be City specifications.

Chairman Threadgill: Can we make it meet City specifications, Rick? That's kind of a touchy one. We haven't dealt with.

Mr. Stauder: <Unintelligible> in the past, we have made people upgrade streets leading to developments to a County chip-and-seal standard. Now the streets within the development, we made them curb and gutter and hot mix asphalt.

Chairman Threadgill: Yeah.

Commissioner Mory: Since the street is already County standards ...

Chairman Threadgill: Minimal standards.

Commissioner Mory: Right, but it is County standards. Is there anything that we can do to make him upgrade it, upgrade Broadview Drive? It's already there. It's already at those standards.

Director Sellman: It's not clear that this meets today's County standards and that hasn't been something that's been evaluated.

Chairman Threadgill: From what the County Judge's letter says, they don't meet County specifications.

Commissioner Mory: No, he just says it won't handle the loading.

Chairman Threadgill: Right.

Commissioner Mory: But that could mean that his specifications ... that his road, except won't

handle the loading.

Chairman Threadgill: Right.

Commissioner Mory: I mean a chip-and-seal road, he's right, will not hold up an RV. But if that's all the specification that the County has, then that's kind of their fault frankly. You know, if ...

Chairman Threadgill: Well, but by my interpretation of this, we have the ability to make them upgrade.

Commissioner Mory: Okay, then my question is upgrade to what? That's my ...the root of my question.

Director Sellman: I think that's something that would be subject to referral to the County Road Department for a definite answer.

Chairman Threadgill: Yeah.

Commissioner Mory: Okay.

Chairman Threadgill: You know one of the things I was thinking about is maybe referring this, the developer to the County Judge and with a recommendation of what type of standards he would like for the road since he had shown concern that it wasn't going to handle ...Staff, do we have the authority to dump it onto the County Judge? <laughter>

Director Sellman: Well, I wouldn't recommend that.

Chairman Threadgill: I'm kind of at a ...

Director Sellman: If you believe that you don't have sufficient information to make the decision at this time, then a request of the developer to provide that information is probably your best bet. Otherwise if you are not in possession of information that would enable you to approve it with confidence, then your option would be denial.

Chairman Threadgill: Well that's where I'm at right now, in my opinion. The streets aren't adequate. We have severe drainage problems. We're at the safety of the public in a lot of issues.

I just don't know ... You know, a lot of the issues could be settled with the County Judge. If this is denied, we're looking at a year before he can come back without substantial change.

Director Sellman: Right.

Chairman Threadgill: Now would the County Judge's recommendations and all that, in your opinion, equal substantial change? I kind of think it would, but I don't know.

Director Sellman: Well if it provides you information that is not available to you at this time ...

Chairman Threadgill: Yeah. Okay.

Director Sellman: But that again, depending on the nature of that information, should you deny this and should the applicant come back to you with new information, you'd be required to consider what that information was before allowing this to be set for hearing for the approval ...

Chairman Threadgill interjected: It would be a double deal. Okay?

Director Sellman: It would be a double deal.

Chairman Threadgill: Alright, everybody understand what that was?

Director Sellman: I believe Commissioner Ames had a question.

Commissioner Ames: I'm okay.

Chairman Threadgill: Did that get you?

Commissioner Ames: I'm fine.

Chairman Threadgill: Sure?

Commissioner Ames: Yes.

Chairman Threadgill: Is there anyone in the audience with anything to say for or against this item?

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Male Speaker: Can I come back?

Chairman Threadgill: Yeah, I'll give you one minute. Come on. Oh, you're the applicant. Yes, sir. You can come back. <laughter>

Mr. Bozeman: As I read this, it says "the case concerns the existing and proposed structures on a property in an Article II site plan approval. There exists no applicable Hot Springs Code regulations <unintelligible> of RV parks in the County, neighborhood density, activity impacts, and zoning issues are not applicable to this review. Hamilton lake access is administered by Entergy." The items that we brought up, I thought I explained about the water. By putting the curbs in there and gutters that point the water down into my site, it brings it onto me and not to anybody else. The water shoots across Broadview Road right in front of my property, right in the middle of it, and it shoots off about 20' wide. Now the gentleman that was up here, I called him and left a message on his machine and he never called me back. But anyway, anyway, I have visited those concerns about water. We're only going to improve that. I can't fix what that guy over there did, that he did so bad, that more than two or three people are getting affected. A lot of those houses are rental houses and I can show them to you. They're rental houses. They don't take care of the yards too well in some cases and they get water. But that's on a side of me that's on the other side, off of Bill Bob Loop down there. But anyway, as I understand it, I met all the requirements of the rules and regulations of this City relative to this project. The fact that people down the street don't have wide enough streets, that doesn't concern me because they bought that house with those streets so they accepted them. There is another way in and out. You go through the trailer park and it does cut into the back back there. But and who is expecting people who drive these motor homes to be, you know, to be so crazy as to go past when you've got the sign there and you've got the entrance and the exit there. Who would go past that?

Chairman Threadgill: I would. I have many a times.

Mr. Bozeman: The brown out, the brown out aren't concerned with my electricity because ...

Chairman Threadgill interjected: Our big issue right now is the street. We have street issues and under Code, as Mr. Mory asked, Commissioner Mory, the Planning Commission does have the ability to make sure the street meets the standards. Alright? Our concern right now is what are those standards? You know, what are we going to put on you? You know, so that's where we're at right now. There are other issues that they've raised up that, in my opinion, needs to be addressed with the County Judge because he has major concerns with us approving the development and has it seems as though he's even requested us to deny it until those have been

addressed.

Mr. Bozeman: Do you not consider ...do you not consider that maybe someone ask him to do that for them?

Chairman Threadgill: But he's still the County Judge, sir.

Mr. Bozeman: I voted for him. <laughter>

Chairman Threadgill: I have no problem with the judge and I have no problem with you, you know, I'm just going by what's placed in front of us. Are there any other comments?

Mr. Bozeman: I guess not.

Chairman Threadgill: Alright. Anyone else in the audience? Alright, I'll close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: The only comment I would have is under our recommendation it says that this site plan as presented complies with the City Codes.

Director Sellman: I can respond to that. The staff report when it is put together is based upon the information that is available at that time, and the requirements of the Code provide for a public hearing, provide for a review by other agencies. As that information comes in, it is not frequently the case but it does occur, that that information changes the direction that the review would take. At this hearing, we've heard from the neighbors about factual issues regarding the width of the road, but further we have received information that would normally have come through Development Review Committee, namely that from the Fire District and also from the County Judge. Typically the County Road Department person is at the Development Review. We don't have any comments from that person that counter what the County Judge is saying, so it would be my interpretation here that the County's position officially is that this road is not adequate to serve the proposed development. Now had that information been available before the staff report was written, then it would have been considered; but we are getting that information tonight for the first time.

Commissioner Campbell: With that said, we've only tabled this once, right? We've only tabled this item one time, right?

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Director Sellman: I believe so.

Commissioner Campbell: With the information that has come forward, would it be proper to table this to get these ...

Chairman Threadgill: It's up to you.

Commissioner Campbell: ... things ironed out?

Chairman Threadgill: It's up to you. <Unintelligible due to Commissioner Campbell speaking.>

Commissioner Campbell: ...I make a motion that we table this until November.

Chairman Threadgill: Alright, I have a motion to table until the November meeting. Do I have a second?

Commissioner Clopton (?): Second.

Chairman Threadgill: I have a second. Call the roll, please.

Commissioner Raney: Discussion please.

Chairman Threadgill: Alright, discussion.

Commissioner Raney: Where we have a subdivision plan review, part of what we're supposed to consider is the relationship of this property with the other properties that existed. I believe that relationship goes beyond roads, fire hydrants. I think you have to look at part at what is it like compared to the rest of the neighborhood? This doesn't fit with the rest of that neighborhood. I'm sorry, it doesn't. <applause from audience> It's all residential property. This is not residential property ...

Chairman Threadgill: Thank you.

Commissioner Raney: ...and for that purpose, I could not support it. It just does not fit there and in my opinion, personal opinion, does not belong there.

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Chairman Threadgill: Alright.

Commissioner Raney: So David I appreciate what you're trying to do, but unless I can understand why there would be any reason to table it, I just ...I would rather vote to deny it and be done with it. That's <unintelligible due to responses from Chairman Threadgill and Commissioner Campbell>.

Chairman Threadgill: Alright. Right now...

Commissioner Campbell: My reason for tabling it is to get the two items that were brought out tonight – the Fire Chief that says that he has not seen the plans and ...

Chairman Threadgill interjects: Alright, hold up. We've had discussion...

Commissioner Campbell: ...and the County Judge. That's my reasons.

Chairman Threadgill: We've had discussion. It's been tabled. There is no more discussion. We've got to vote on the table. We either approve it or deny it being tabled. If we deny ...

<Someone attempts to speak.>

Chairman Threadgill: ...I know. I'm stopping it now. We shouldn't have gone there. That's what I'm saying. There is no discussion on the table. We either vote to table the item or we deny it and we bring it back up for another motion. Alright? Is that understood?

Commissioner Raney: I understand.

Chairman Threadgill: Call the roll, please.

Ms. Minear: John Mory – yes; Larry Raney – no; James Clopton – yes; Lauri Ames – yes; David Campbell – yes; Gary Threadgill – no.

Chairman Threadgill: Okay the item is tabled till November, the next meeting in November.

Director Sellman: Yes. The first, the second Thursday in November.

Chairman Threadgill: Alright. We'll go to Item No. 5.

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Mr. Bozeman (?): May I? Question.

Commissioner Raney: In the interim, you will gather the necessary communication between the County Judge and the Fire Chief?

Chairman Threadgill: Yes, sir.

Director Sellman: Yes.

Chairman Threadgill: We need one for staff and then ...alright.

**5. Preliminary Subdivision (PS-08-0094) – Beasley Properties, Inc. – 3 lot residential subdivision at the end of Sparling Road – Sparling Road – County – ET**

Director Sellman: Okay, Item No. 5, Item No. 5 is Beasley Properties, Inc. preliminary subdivision. This is a request to create a three-lot residential subdivision at the end of Sparling Road. Sparling Road is located in the City's extraterritorial land use jurisdiction in the County. The staff recommendation on this project is denial and I will tell you the reason for that. The applicant has failed to provide right-of-way easement and design data that are sufficient to demonstrate that the required access to this proposed development complies with the required sections of the Hot Springs Code. And two days ago, we received from the applicant's engineer, Malone & Associates, a collection of information including agreements regarding an easement that does affect the land at the very end of Sparling. It does not, however, address the question that was raised earlier by the County Judge as to whether Sparling before it reaches this point is in fact public right-of-way or private easement. I think you all have a copy of a multi-page handout with the Malone's heading on it. It should be in front of you.

Chairman Threadgill: Alright, I need a motion to bring Item No. 5 to the floor for discussion.

Commissioner Raney: So moved.

Chairman Threadgill: I have a motion ...

Commissioner Ames: Second.

Chairman Threadgill: ...and a second. All in favor? <ayes> Alright, before we get started on

this one, I'd ask that the applicant take five minutes to make presentation. Everyone else has three minutes. Is the applicant present? Please give us your name and address for the record, sir.

Mr. Bryan Reis, 135 Section Line Road: I'm here representing the applicant. This matter has been before the Planning Commission before and we are here once again today proposing a three-lot subdivision. There has been a significant change that I think that you will all be interested in and that is that we believe that the neighbors who previously objected to Mr. Gaither, who brought a lawyer down here at one time, and the McDonald's, who are the people just outside of the development...

Chairman Threadgill: Use your microphone, please sir.

Mr. Reis: ...Okay. The neighbors out there, at least those four, the four husbands and wives, now want this development to be approved and we've got a very short petition here that we'll hand out in just a minute. In addition, this project was originally rejected because at one time it showed five houses on this point. It now is a three-lot subdivision which proposes three individual family residences. Ms. Sellman of course is correct. This is like many areas of the County where road usage has a history that has developed from beginning with an easement and now going into an improved County road. We have presented the easement to you, which legally establishes the right to use the property. We have what there is and it shows the entitlement to the property, and so I guess the best response that I can give Ms. Sellman is that we have what there is and there ain't any more and I'm sorry for that. Now, and beyond that, I'd like to say this too about the entrance to that, when you read the petition that was signed by the people who formerly objected to this project, what you'll see is that those people wish for their road to remain the same. Our position in this is and I think we've made this position clear down here before, if you folks want us to improve this road to 20' paved to County standards or whatever it is you guys want us to do, we'll do that and we'll pay for it and we don't object to it. But what we do want, we want to be good neighbors. And so what we're here to ask you is this, we'd like to be good neighbors and we'd like to have a variance from the requirement that we improve that road to those standards and I think in support of that is one of the reasons that we've given you that petition. If you will not approve a variance so that we can leave their road the way it is, then we'll do what you want us to do and we'll improve it. So anyway, Mr. Malone is here. He of course is the engineer and he can answer any questions that you have. If you have any of me, I'll do my best.

Chairman Threadgill: Alright, sir. Any questions from the Commissioners to the applicant? Sir, you may be seated.

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Mr. Reis: Thank you.

Chairman Threadgill: Anyone in the audience for or against this item? Please come forward and give us your name and address, please sir.

Mr. Cal Arnold, 251 Sparling Road, 71913, Hot Springs: Mine is the third house from this proposed subdivision and I thank you for the opportunity to speak in opposition. The majority of the residents of Sparling Road are not against development, just development that will adversely impact our neighborhood. As you're aware, Sparling Road is a nice, quiet neighborhood of long-established, single family homes dating back into the 1950s. With the average lot size the same size as this lot, about eight-tenths of an acre, and without exception, one house per lot. This is an attempt to overdevelop this lot by cutting it into three small lots of about a quarter acre each and then shoe-horning three houses in there. There is no opposition to building a nice single family home in keeping with the surrounding development, but this appears to be a case where a developer made a bad business decision and now he wants you to bail him out by approving this overdevelopment down there. He has never had any intention of occupying or living on that property himself. This project now, this is the fourth time this project in various forms has been before this Commission. It is substantially unchanged since the last time you looked at it, and you voted not to approve it then on the basis of health, safety, and welfare issues and concern primarily I think from your comments about how it will change the character of the neighborhood. Now the Sparling Road residents have come down here to every one of these meetings in opposition to this subdivision because they clearly understand that it will change the character of our neighborhood forever. And I would ask those residents that are here, that live on Sparling Road, that are here tonight and oppose this project on that basis to either stand or to raise their hand. I think there are sufficient right-of-way concerns, but I think the overriding reason not to approve this project is that it will destroy the quiet character of our neighborhood and I ask that you do not approve it on that basis. Thank you.

Chairman Threadgill: Thank you, sir. Alright, is there anyone else in the audience with anything to say for or against this item? Again, anyone else in the audience with anything to say for or against this item? Please come forward and give us your name and address, sir.

Mr. Don Neff, 270 Sparling Road: We were the number that he mentioned. We were number 50. We were the first ones in there. We bought that property because of the location, because it was isolated from condos and all that sort of stuff. We bought our home in 1950. We've lived there ever since. Now a condo to me is fine, some place else, but I don't want it as a neighbor.

Now if they want to build single family homes, that's fine, but not a condo and not any apartments or anything of that nature.

Chairman Threadgill: Alright, Don. Right now their request is to build three single family residences.

Mr. Neff: Well now what guarantees do we have that those won't be three single houses for single families?

Chairman Threadgill: They brought in a subdivision specification for three single family residences and that's all that will be allowed to be built there.

Mr. Neff: Okay. Thank you very much.

Chairman Threadgill: You're welcome, sir. Anyone else in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Any questions or comments from the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Raney: Move denial.

Chairman Threadgill: I have a motion to deny by Commissioner Raney. Do I have a second?

Commissioner Clopton: Question.

Chairman Threadgill: Question.

Commissioner Clopton: It is my understanding that all motions that we would be putting forward would be in the affirmative and we would vote it either up or down.

Director Sellman: Correct.

Commissioner Clopton: We would not have a motion to deny. We would have a motion to approve and then vote either for or against the motion.

Chairman Threadgill: Oh, correct.

Commissioner Clopton: Is that correct?

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Chairman Threadgill: Alright.

Commissioner Raney: Motion withdrawn. Point taken, motion withdrawn, move motion for approval. How am I going to state that though? <laughter>

Director Sellman: All you're looking for is a vehicle to get it up for vote.

Commissioner Raney: Yeah.

Chairman Threadgill: So if you vote to approve, you make the motion to approve and then you vote against it.

Commissioner Raney: Very good.

Commissioner Clopton: I second the motion.

Commissioner Campbell: Discussion.

Chairman Threadgill: Discussion.

Commissioner Campbell: I'd remind all the Commissioners that if you do vote no, you need to give reasons why, facts of finding.

Director Sellman: Correct.

Chairman Threadgill: Alright, I have a motion and a second. Call the roll.

Ms. Minear: James Clopton – I vote no. The reason for voting no is two-fold: One as per the specifications of the City as noted in their recommendations and two, notwithstanding the fact that it has been approved by the Fire Chief as being safe as far as the single access area, I still believe that it is a matter of public safety for more than the number of residences in that area and especially in view of the number of streets that were just blocked by our recent incident with our hurricane where our streets were blocked for several days, any street blocked going in there would stop any emergency services and in some cases for several days. It happened here locally. That's my reasons for voting no.

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Chairman Threadgill: Alright.

Ms. Minear: Lauri Ames – No for reasons previously stated by Commissioner Clopton and in my opinion, regardless of the fact that this is still three single family, three single family homes on a small lot, that this density is not in keeping with the character of the neighborhood.

Ms. Minear: David Campbell – No and for the same reasons that Commissioner Clopton said being the safety and wellbeing of the neighborhood.

Ms. Minear: John Mory – No for the same reasons as Commissioner Clopton.

Ms. Minear: Larry Raney – I'm going to be a parrot here. <laughter> No, for the very same reasons.

Ms. Minear: Gary Threadgill – No, same reasons.

Chairman Threadgill: Motion fails. We'll go to Item No. 6. I tell you what, we're going to take a quick five minute break here while we clear out.

Director Sellman: Ready?

Chairman Threadgill: Ready. Let these folks get sat down there.

Commissioner Mory (?): Where are we at?

Chairman Threadgill: Alright, we'll start back with Item No. 6.

## **NEW BUSINESS**

### **6. Conditional Use (CU-08-0160) – Garland County Library – Children's Library and Friends of the Library expansion – 1427 Malvern Avenue -- District \_\_\_ – \_\_\_\_\_**

Director Sellman: Item No. 6 is a request by Garland County Library for conditional use approval of an expansion for the Children's Library and Friends of the Library. This is located at 1427 Malvern. The recommendation on this is for approval.

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Chairman Threadgill: Alright, I need Item No. 6. Let's see I need a motion to open for discussion.

Commissioner Raney: Moved.

Commissioner Mory: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <ayes> Opposed? <none> Is the applicant present? Come forward and give us your name and address, please.

Mr. Rico Harris, Harris Architecture, 1401 Malvern Avenue: I represent the owner.

Chairman Threadgill: Alright. Do I have any questions of Mr. Rico from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I'd like just a brief explanation of what you're going to do.

Mr. Harris: It's an addition to the library and it's going to house additional space for the children's program and the Friends of the Library program. We're basically sealing in one of the corners of the building. The building was designed to add on in these areas. Currently there's kind of a mechanical plaza and a courtyard that will become the footprint of the addition as you see it right there.

Chairman Threadgill: Is it more of the back side of the building?

Mr. Harris: No actually that corner faces the highway. It faces Malvern Avenue pretty much.

Chairman Threadgill: Okay. Well I ...yeah.

Director Sellman: From the entrance, <unintelligible>.

Mr. Harris: Yeah, that's the side facing the Garland County Health Unit.

Chairman Threadgill: Okay. Alright. I don't <unintelligible>. Any questions, other questions? Commissioner Campbell?

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Commissioner Campbell: I just have a comment. Myself, I have to thank the library and the Friends of the Library, especially for the programs that they do put on for the kids. I had the opportunity to go out to one of the programs and it was well put on by the Police Department and I think what you're doing out there is great.

Mr. Harris: Thank you, sir. We are really excited to be working for them and to be a part of that. We're definitely proud of that.

Commissioner Campbell: That's all I have.

Chairman Threadgill: Alright, sir, you may be seated. Is there anyone in the audience with anything to say for or against this item? Again, anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Campbell: Mr. Chairman, I make a recommendation that we approve this project site plan.

Chairman Threadgill: Alright, I have a motion to approve by Commissioner Campbell and a second by Commissioner Raney. Call the roll, please.

Ms. Minear: Lauri Ames – yes; David Campbell – yes; John Mory – yes; Larry Raney – yes; James Clopton –yes; Gary Threadgill – yes.

Chairman Threadgill: Item passes. We'll move on to Item No. 7.

**7. Site Plan Approval (SPA-08-0155) – Proturbine office – Article II site plan approval for new office building at airport – 525 Airport Road, A-2 – District 4 – M-1**

Director Sellman: Item No. 7 is Proturbine's office. This is a request for site plan approval under Article II for a new building at the airport. It's located at 525 Airport Road, A-2. The zoning is M-1. It's in Director District 4. The recommendation is for approval with two conditions.

Chairman Threadgill: Okay. I need a motion to bring it to the floor for discussion.

Commissioner Mory: So moved.

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Commissioner Campbell: Second.

Chairman Threadgill: I have a motion and a second. All in favor? <ayes> Opposed? <none>  
Is the applicant present? Please come forward and give us your name and address for the record,  
sir and ma'am.

Mr. Robert Smedley, 215 Little John Trail, Hot Springs, 71913:

Chairman Threadgill: Alright, sir. Any questions to the applicant from the Commissioners?  
None? Sir, you may be seated. Is there anyone in the audience with anything to say for or  
against this item? Again, anyone in the audience with anything to say for or against this item?  
Alright at this time, I'll close the public portion. Do I have any questions or comments from the  
Commissioners? Commissioner Campbell?

Commissioner Campbell: I have one. In the DRC Report, it looks like someone from the Fire  
Department, the Fire Marshal, says approved fire hydrant required. I don't see that on the staff  
report as being a condition.

Director Sellman: It's my understanding that the existing fire hydrant was in the required  
distance.

Commissioner Campbell: Okay. It says different in the DRC or I'm reading it wrong. It says  
approved fire hydrant required.

Director Sellman: Right. I think at that time, we did not have the measurement of the existing  
fire hydrant to the proposed building.

Commissioner Campbell: Okay.

Director Sellman: Is that correct?

Chairman Threadgill: So you are stating that it is approved now?

Director Sellman: Yes. It is. Yes.

Chairman Threadgill: Alright. Okay. Any other questions? That satisfactory with you,

Commissioner Campbell?

Commissioner Campbell: Yes. That got it.

Chairman Threadgill: Commissioner Raney?

Commissioner Raney: Did we clarify the dumpster situation? They said that they can provide a letter of agreement from the airport.

Director Sellman: Yes, we have that letter from the manager of the airport and the dumpster is acceptable as it is now.

Chairman Threadgill: Any other questions or comments from the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Raney: Move for approval.

Chairman Threadgill: Hold it, Commissioner Clopton?

Commissioner Clopton: I was going to make a motion to approve subject to staff's recommendations.

Commissioner Raney: Second.

Chairman Threadgill: Alright. I have a motion and a second. Call the roll, please.

Ms. Minear: David Campbell – yes; John Mory – yes; Larry Raney – yes; James Clopton – yes; Lauri Ames – yes; Gary Threadgill – yes.

Chairman Threadgill: Motion passes. We'll go to Item No. 8.

**8. Preliminary Subdivision (PS-08-0165) – Carter-McVey Subdivision – 4 lot subdivision in the City – 800 Block Lakeshore Drive – District \_\_ – \_\_\_\_\_**

Director Sellman: Item No. 8 is Carter-McVey Subdivision. This is a preliminary plat request for four lots. It's located in the City in the 800 Block of Lakeshore Drive. The recommendation is for approval with three conditions.

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Chairman Threadgill: Alright I need a motion to bring it to the floor for discussion.

Commissioner Clopton: So moved.

Chairman Threadgill: I have a motion and a second. All in favor? <ayes> Opposed? <none>  
Applicant, please give your name and address for the record.

Mr. Bill Malone, representing the four families:

Chairman Threadgill: Alright, do I have any questions to the applicant from the Commissioners?  
Commissioner Campbell?

Commissioner Campbell: You ...have you seen the recommendations?

Mr. Malone: Yes. Would you mind reading them, refreshing my memory on those?

Director Sellman: The recommendations?

Mr. Malone: Yes.

Director Sellman: Certainly.

Mr. Malone: The recommendations. You said there were conditions?

Chairman Threadgill: Yeah, three of them. She'll get them here in just a sec.

Mr. Malone: Okay.

Director Sellman: Okay, the approval is with these conditions: The Planning Director shall be authorized to sign the preliminary plat. The right-of-way dedication shown on the preliminary plat along both North and South frontages with Lakeshore Drive shall be shown on the final plat when submitted and filed for record with the Circuit Clerk's Office. This dedication shall include all lands lying on the subject properties when measured a distance of 35' from the existing center line of Lakeshore Drive. No. 3, no construction related permits shall be issued for the construction of the proposed single family residence to be located on Lot No. 2 until a final plat meeting the requirements has been submitted to and approved by the Planning Director

and filed for record with the Garland County Circuit Clerk's Office.

Mr. Malone: Understood.

Chairman Threadgill: Just standard ...Alright, any other questions for the applicant? Alright, sir, you may be seated. Is there anyone in the audience with anything to say for or against this item? Again, anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? None? I'll entertain a motion.

Commissioner Raney: Move approval subject to conditions of staff.

Chairman Threadgill: Alright, I have a motion to approve by Commissioner Raney with staff's recommendations. Do I have a second?

Commissioner Mory: Second.

Chairman Threadgill: I have a second by Mr. Mory. Call the roll, please.

Ms. Minear: John Mory – yes; Larry Raney – yes; James Clopton – yes; Lauri Ames – yes; David Campbell – yes; Gary Threadgill – yes.

Chairman Threadgill: Item passes. We'll move to Item No. 9.

**9. Re-Zoning (RZ-08-0166) – Barrett Enterprises, Inc. – initial zoning for KOA Campgrounds at 1838 McCendon**

Director Sellman: Item No. 9 is a request by Barrett Enterprises, Inc. for initial zoning of KOA Campgrounds at 1838 McClendon. This is a property which is to be annexed to the City. It's a voluntary annexation by the property owners. Their request would be for C-4 zoning, which is consistent with the existing development of a campground and associated activities. This will also require, at the same time as the zoning, a change to the Comprehensive Plan to regional commercial center. The recommendation is for approval.

Chairman Threadgill: Alright. I need a motion to bring it to the floor for discussion.

Commissioner Mory: So moved.

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Chairman Threadgill: I have a motion and a second. All in favor? <ayes> Opposed? <none> Is the applicant present? Please come forward and give us your name and address for the record, sir.

Mr. George Barrett: Of course I represent the KOA Campground. I live at 110 Ridge One Circle here in Hot Springs, 71901. The ...I have just a correction for you. Other than you said 1838, it is 838 without the 1.

Chairman Threadgill: Alright, we need to amend the address from 1838 to reflect 838.

Mr. Barrett: Correct. Yes.

Chairman Threadgill: Alright. That's taken care of. Do I have any questions to the applicant from the Planning Commissioners? I have one to staff. We have signs all over the front of this property, which I think Mr. Stauder can show on one of the pictures here. What happens to all these signs when this is annexed? Does this come under the City Sign Code or will those be grandfathered in?

Director Sellman: Existing signs will be grandfathered.

Chairman Threadgill: Okay. Alright. Any other questions? Commissioner Clopton?

Commissioner Clopton: The existing signs, does that include the cloth or the non-permanent signs, the temporary signs?

Chairman Threadgill: Till it rots.

Commissioner Clopton: Till it rots? <laughter>

Director Sellman: As long as they are in good repair, yes.

Commissioner Clopton: Okay.

Chairman Threadgill: A sign's a sign the way I look at it. That's pretty much what it is, isn't it? <laughter>

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Director Sellman: Pretty much.

Commissioner Clopton: Okay.

Chairman Threadgill: Alright, any other questions? Alright, you may be seated, sir.

Mr. Barrett: Thank you.

Chairman Threadgill: Is there anyone in the audience with anything to say for or against this item? Please come forward and give us your name and address for the record, sir.

Mr. Jim Edwards: I live, I have property on 863 McClendon Road. My question is what ...how's it going to affect us? We're across the road from KOA.

Chairman Threadgill: As far as annexation, it won't.

Mr. Edwards: Yes.

Chairman Threadgill: You won't be affected at all. You'll still be in the County.

Mr. Edwards: Alright. Okay. But I mean, it's getting close.

Chairman Threadgill: Oh, yeah. The only thing it'll annex is his parcel.

Mr. Edwards: Okay what about that street on the right hand, across the road from the KOA? Right across the road there?

Chairman Threadgill: Across the highway?

Mr. Edwards: Right across McClendon Road.

Mr. Stauder: I think he's referring to Kelton.

Mr. Edwards: No.

Mr. Stauder: No?

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Mr. Edwards: There's a house right there that he's got a pizza place.

<Someone is replying from the audience, but it is unintelligible.>

Chairman Threadgill: Okay I'm not quite sure. The striped area on the map is the KOA property.

Mr. Edwards: Yes, uh, huh.

Chairman Threadgill: What road are you talking about? The one that runs partially through it?

Mr. Edwards: No, I'm talking about McClendon Road coming down ...it's on the same side that I'm on. I just wanted ...

Chairman Threadgill: It shouldn't affect it at all.

Mr. Edwards: Okay.

Chairman Threadgill: If I'm understanding his area. He'll be on the other side, so it won't affect McClendon. It will still all be County.

Mr. Stauder: The only thing being annexed is the KOA property. I mean, one property owner can't annex the property of another, so ...

Chairman Threadgill: Right. Yeah.

Commissioner Campbell: It doesn't ...

Chairman Threadgill: Go ahead Commissioner Campbell.

Commissioner Campbell: It does include that building that's just recently been built though.

Mr. Stauder: The one on the little small triangular piece?

Commissioner Campbell: Yeah. Isn't that that gray building with the red roof that's in the picture?

Mr. Stauder: It's this building right here I believe you are referring to.

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Chairman Threadgill: That one?

Mr. Stauder: Yes, sir. That is part of the annexation.

Commissioner Campbell: That's on that little triangle piece and that's part of it.

Mr. Stauder: Yes, sir.

Director Sellman: Uhh, huh.

Chairman Threadgill: Yeah.

Commissioner Campbell: Is that the ...

Mr. Edwards: <Unintelligible> property across the road. That's what I was ...

Commissioner Campbell: Is that the property you were talking about?

Mr. Edwards: That's what I was concerned about because you know I mean I've lived there in that neighborhood all my life and you know that was in the country.

Chairman Threadgill: Okay. What it is, he owns both parcels, even though it's divided by the street. It's considered ...he's asking that that be annexed.

Mr. Edwards: Okay.

Chairman Threadgill: So, it's his property. He has the right to request annexation, which he's done and apparently the County Judge has signed off on. So ...

Director Sellman: Yes, we have the Judge's decision on that.

Chairman Threadgill: So we're here willing to send it forward to the Board of Directors.

Mr. Edwards: Just as long as they don't come on mine.

Chairman Threadgill: It won't affect you.

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Mr. Edwards: Alright, thank you.

Chairman Threadgill: Alright. Anyone else in the audience with anything to say for or against? Alright, come forward and give us your name and address, ma'am.

Ms. Fay Miller: I'm here representing my father, Robert Burnham Poole. He owns the home directly across from the KOA. My concern was the commercial zoning. Is that strictly the KOA? They're not going to commercialize ...

Chairman Threadgill: No, ma'am. No other property other than that parcel that the KOA owns – the part that's highlighted in the lineage there.

Ms. Miller: So we don't have to worry about the high-rises or anything like that.

Chairman Threadgill: Well, whatever he builds on that parcel of property is allowable. I mean, anything, you know if we rezone it to C-4, he can build anything on that parcel that's allowable on a C-4.

Ms. Miller: Will that zone, C-4, will that take in my father's property?

Chairman Threadgill: No.

Ms. Miller: Okay.

Chairman Threadgill: No. Just this parcel.

Ms. Miller: Thank you.

Chairman Threadgill: Okay. <laughter> Okay. Anyone else in the audience, anything to say for or against? All we're ...all that's being requested to annex is just the KOA's property, no surrounding property. Alright? Anyone else in the audience? Alright, seeing none, I'll close the public portion. Do I have any questions or comments from any of the Commissioners? Commissioner Raney?

Commissioner Raney: Yes, I'd like to talk about the sign issue that we talked about them being grandfathered in. My impression was it was kind of sign litter in a way – too many little signs,

quite confusing. When you have a sign that's grandfathered in and one of these is a vinyl sign hung on a fence. At some point in time, that's going to go because weather will just catch up with it and it will finally deteriorate. But regardless of whether it deteriorates or whether it's taken down, the fact that there are five signs on the property at this point – there may have been one other, I'm not sure – but does that mean that he can have five or six signs in the future or once one of those signs is gone, it's simply gone and you can't put another up?

Chairman Threadgill: Staff?

Mr. Stauder: I believe I can answer that. All signs that are presently existing prior to annexation will grandfather in and basically can remain as-is. However, under current sign regulations, only one freestanding sign would be allowed for this parcel. So any subsequent removal or destruction of the non-conforming signs, it is my understanding that we could not permit for that non-conforming sign to be rebuilt. So as attrition or whatever takes these signs out, they cannot be replaced until he gets down to what he would be allotted per Sign Code regulations which is one, maybe two because he's on a corner lot. He might be afforded two because of the corner lot.

Commissioner Raney: Okay.

Chairman Threadgill: If I'm not mistaken, to fly a banner in the City, don't they have to have permits now?

Director Sellman: Yes.

Chairman Threadgill: Right. So that he would have to draw a permit on. I think they're good 30 days and then he'd have to draw a permit anyway.

Director Sellman: <Unintelligible> days.

Mr. Stauder: \$5 for 30 days, yes.

Chairman Threadgill: So that one would be gone no time to start with. Anyway. That answer your question?

Commissioner Raney: That answers my question. Thank you.

Chairman Threadgill: Alright. Thank you. Thank staff. Any other questions from the

Commissioners? Seeing none, I'll entertain a motion.

Commissioner Campbell: Mr. Chairman, I make a motion ...

Chairman Threadgill: I'm sorry, David. Go ahead.

Commissioner Campbell: I make a motion we approve this rezoning request and send it forward to the Board of Directors.

Director Sellman: And might I ask if there is also with that the amendment to the Comprehensive Plan Future Land Use Map?

Commissioner Campbell: Yes. Yes. Thank you.

Chairman Threadgill: Alright, I have a motion to approve this with the changes to the Comprehensive Plan and it to be sent forward with a recommendation for approval to the Board of Directors. Do I have a second?

Commissioner Raney: Second.

Chairman Threadgill: And a second by Commissioner Raney. Call the roll, please.

Ms. Minear: James Clopton – yes; Lauri Ames – <response unheard>; David Campbell – yes; John Mory – yes; Larry Raney – yes; Gary Threadgill – yes.

Chairman Threadgill: Item 9 passes. We'll go to Item No. 10.

**10. Re-Zoning (RZ-08-0162) – Thomas A. Bryant – rezone approximately 16.8 acres at 1501 Park Avenue from R-3 to CTR – 1501 Park Avenue**

Director Sellman: Item No. 10 is a request by Thomas A. Bryant to rezone approximately 16.8 acres at 1501 Park Avenue from R-3 to CTR, commercial transitional. This is I believe also comes with the recommendation for approval a request to change the Comprehensive Plan to support the zoning and that would be commercial enclave.

Chairman Threadgill: Alright, I need a motion to bring Item No. 10 forward for discussion.

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Commissioner Mory: So moved.

Chairman Threadgill: I have a motion and a second. All in favor? <ayes> Opposed? <none>  
Is the applicant present? Please come forward and give us your name and address for the record, sir.

Mr. Thomas Bryant, 447 Charlie Stover Road, Royal, Arkansas:

Chairman Threadgill: Alright, sir. Do I have any questions to the applicant from the Commissioners? Commissioner Raney?

Commissioner Raney: I guess I have a question. Why do you want to change?

Mr. Bryant: Because we want to ...we'll be applying later for a permit to do maybe historical tours and then events at the property, so we felt like we needed the zoning change for those type of ...to apply for those type of permits.

Commissioner Raney: Can we explore that for a moment and you get me a further definition of what you mean by "historical tour"?

Mr. Bryant: Well one of the ideas was historical tours of the home itself. It's a 100 year old house that Colonel Fordyce built that built the Fordyce Bathhouse and so it has a lot of historical value there. So we would like to open it up to share it with the public and things like that. It was my grandmother's home and she has passed away about 11 years ago.

Commissioner Raney: Thank you very much.

Mr. Bryant: <Unintelligible>.

Chairman Threadgill: Alright, one of the items on changing to CTR that's to our benefit that anything they do ...

Commissioner Raney: I'm sorry, Gary? <loud motorcycle noise in the background>

Chairman Threadgill: Oh, the motorcycle. One of our benefits on the CTR, the commercial transitional realty, is that anytime they do any change in development or you know, say try to set up a business or anything like that, they have to come back to us with a site plan to show us what

they're going to do. So ...

Commissioner Raney: I understand that. I'll wait for another comment when we get to the Board's section.

Chairman Threadgill: Okay. Any other questions or comments from the Commissioners? Alright, sir, you may be seated. Is there anyone in the audience for or against this item? Nobody? Alright, I'll close the public portion. Any questions or comments? Mr. Raney?

Commissioner Raney: Well it mentioned in the project summary and staff report that that's what he was going to do is historical tours and events. "Events" I understood. "Historical tours" I now understand what he's doing. But where does that fall as an approved use under the CTR, because as I read through the ...I couldn't find anything to where you could do historical tours and stuff, but maybe I'm just not interpreting something.

Chairman Threadgill: Alright. Staff?

Commissioner Raney: It's a question for staff?

Director Sellman: The CTR District is a little bit different than our other districts in that the listing of those things that are permitted is limited to residential, but when you look at conditional uses ...

Commissioner Raney: Right.

Director Sellman: ... it says "all non-residential uses shall be subject to review and approval." And then it goes on to say that what needs to be considered, special attention given to the nature and amount of activity, appearance of the buildings, accessories, facilities, parking, fences, signs, and landscaping and no outside display of merchandise. So this is ...it's a little bit different than our other zones in that there's quite a bit of flexibility as to the uses, but all of those uses before they can be initiated have to obtain what is called the certificate of compliance from the Planning Commission. So it would require a public hearing and approval.

Commissioner Raney: I knew that we had quite a bit of flexibility and control; but as I was reading under CTR, the conditional use permit possibilities, I just couldn't figure out where this would fit.

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Director Sellman: Yeah.

Commissioner Raney: I don't know if I was just mental blocked or whatever, you know, but ...

Director Sellman: Well it's kind of an odd use, but given the site, the existing architectural interest that the structure appears to be a use that you might want to consider how they would do in the future. And this gives Planning Commission a lot more control than some of the other uses.

Commissioner Raney: Oh, certainly.

Chairman Threadgill: This could end up quite a bit of tourism brought in. You're looking at a lot of maybe parking or traffic or you know, so there the CTR really jumps out and gives us the control on what they actually do, so ...Commissioner Clopton, did you have something?

Commissioner Clopton: No.

Chairman Threadgill: Okay. Any other questions or comments from the Commissioners? None? Commissioner Campbell?

Commissioner Campbell: I just ...I met with the applicant on the site out there and I've got to thank you for the preservation of that place. It's a beautiful place and I hope that it stands there for another 100 years. Thank you.

Chairman Threadgill: Alright. No other comments from the Commissioners? I'll entertain a motion to approve with staff's recommendations to send it forward to the Board of Directors with approval and change of the Comprehensive Plan.

Commissioner Mory: So moved.

Chairman Threadgill: I have a motion by Commissioner Mory ...

Commissioner Clopton: Second.

Chairman Threadgill: ...and a second by Commissioner Clopton. Call the roll, please.

Ms. Minear: Lauri Ames – yes; David Campbell – yes; John Mory – yes; Larry Raney – yes;

James Clopton – yes; Gary Threadgill – yes.

Chairman Threadgill: Item 10 passes.

Director Sellman: Item 3?

<RETURNED TO ITEM 3 ABOVE>

<MAN APPEARS AT THE END OF THE MEETING AND REQUESTS TO BE HEARD>

Chairman Threadgill: Will you please come up to the microphone, please, sir?

Male Speaker: Sure.

Chairman Threadgill: Alright, we have a citizen who would like to come up and speak. I'm not sure what the item is – an unscheduled item. Is this permissible, staff, without public notification or ...?

Director Sellman: You can take no action.

Chairman Threadgill: Alright. Alright, sir.

Mr. Sandy Scott, 345 Toff Street, Hot Springs: I do need to ask ...I've contacted my alderman and even the City Manager and contacted the Board and I've not gotten any information on why the recommendation was to <unintelligible> to the City sign ordinance to prevent the car dealers who are one of the major supplementary people to bring taxes and tax <unintelligible> to the City, why they can't use merchandise as they <unintelligible> sell. The people that I sold it to are very – what do you call it – they're <unintelligible> about what they do and don't use it. Like <unintelligible> I could see the use of some of the <unintelligible> of the merchandise to look like a carnival atmosphere, but the Board approved upon the recommendation of this Board to disallow the automobile dealer the use of merchandise. I'm trying to find out why everybody keeps saying that so and so's dead, so and so's dead. I'm coming to this Commission to find out what ...who is the end of the road and who ...where the buck stops? Can you tell me?

Chairman Threadgill: Alright, Mr. Scott. Rick, do you know where he's addressing the banners and the <unintelligible> and the ...?

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Mr. Stauder: Yes, sir. Mr. Scott runs a business – and please correct me if I’m wrong – but I believe Mr. Scott runs a business that sells different types of advertising merchandise. One of his I guess highest customers is automobile dealerships, with the pennants and the whirly bird, you know different types of attractants. I believe that Mr. Scott has inquired about the possibility of amending the Sign Code to not prohibit those types of advertising materials. Currently in our Zoning Code, car lots are prohibited from such merchandise or advertisement. So I think he is basically inquiring about where we’re at, where the possibility of reviewing a proposed amendment to the Sign Code to that affect. To my knowledge, there hasn’t been any official request to do such, but I do know that he – I’ve talked to him one time and I think he’s talked to Kent on a couple of occasions that he’s referenced that he’s talked to his Board member – but to my knowledge, there hasn’t been an official request to amend.

Chairman Threadgill: Okay, so what Mr. Scott is requesting that we change the ordinances. Right now, banners, flags, pennants, balloons, all that stuff are not allowed on auto sales. What Mr. Scott is requesting is that the Planning Commission start action to request a change of ordinance to allow these banners, pennants, balloons, and such items as that to be used again by car dealerships. Are there any questions of anyone from Mr. Scott? Commissioner Raney?

Commissioner Raney: Was Rick’s summation of ...it followed your intent?

Mr. Scott: It was close, but if you would look into it, the reason why I’m wondering is just don’t make sense to me. If I was selling cars and according to *Used Car* magazine, fifty percent of all car sales are made by attention getting merchandise. If car dealers can’t use the merchandise, they can’t sell as many cars. With the economy and the car industry in the shape that it’s in, I can’t understand why this Committee or Commission has told the car dealers ...Most of the ones I’ve talked to are reasonable people. They admit that some of the stuff is <unintelligible> crap. Some of it is very tasteful. But people that look at car sales’ places in their cities and they buy their vehicles there, they’re paying tax there, not paying taxes here. It basically looks like ya’ll are shooting yourselves in the foot.

Chairman Threadgill: One of the things I’d like to add real quick. In my idea, by allowing auto dealers to have balloons, pennants, flags and all that stuff, then we would be restricting the use of every other individual in the City to be using balloons, banners, flags, and pennants – filling stations and everybody and their brother. And I think the intent when the City and staff wrote this ordinance was to stop the what do you call it, the visual ...?

Director Sellman: Pollution.

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Chairman Threadgill: Pollution. Thank you. That was one of the main reasons I believe why it was written into the ordinance. Because if we allow it for auto dealers, which they are the prime users, then it's going to fall under categories of every other business in the City.

Mr. Scott: Excuse me, Mr. Chairman, but your City Code Department has blinders on because they <unintelligible> the City ordinance is breaking the law and I've driven up and down the streets and seen violations like crazy. I can't believe they've not been fined. They continue to have the stuff up there. I don't understand what's the deal.

Chairman Threadgill: Alright, Mr. Scott, one of those issues I'll address right now. I've turned in three complaints today myself. Out of the three, I've had responses on two. There are so many violations in the City, staff can't keep up with all of them. I understand where you're coming from, but there's thousands of people out there and there's probably just as many violations. Staff, with the revision of ordinances we're trying to do now and so much going on in the City, it's hard to go and just ...I mean we could have six people out there writing citations 24 hours a day and not get done. You now, it's one of those things. We try to do the best we can. I'm not trying to palm it off, but only so much can be done. I mean, do any of the other Commissioners have anything to add? I mean ... Commissioner Clopton?

Commissioner Clopton: As a citizen, you have every right to file a complaint or call the Planning Commission and tell them of any violation that you see for them to go out and investigate. You have that right, so you can call up the Planning Commission Director or her staff and say "Hey, so and so is in violation. Will you check it out?" And they will when they can get to it, and if it's in violation, they'll either write a citation or a warning and make them stop. One of other thing I wanted to ask you, one other thing I wanted to ask if ...is it conceivable or possible that any citizen can come to the Planning Commission and file a request to change an ordinance?

Director Sellman: Yes, there is a procedure for text amendment. There is a fee that is several hundred dollars for that and then that can be considered by Planning Commission. If the Planning Commission recommends approval of that, then it will be forwarded to the Board of Directors for their final decision.

Commissioner Clopton: So it's within your possibility to file a request to change the ordinance.

Mr. Scott: I understand, but personally I don't think it's even constitutional because basically

what they're doing is impeding the progress of people to earn a living. There's some people not earning a living that aren't able to because they can't sell merchandise. If they're not selling the merchandise, the City's not getting the taxes. They can't <unintelligible> if they're not getting taxes. They can't <unintelligible> if they're not getting taxes. People are buying merchandise at other communities and they pay taxes over there. People here in this community are losing jobs because these people aren't selling vehicles. If a person, say that Joe Six-Pack out there wants to sell cars, he can't do it in this City.

Chairman Threadgill: Okay, where we're at, Mr. Scott, we can't take any action tonight on your request.

Mr. Scott: Oh, I understand.

Chairman Threadgill: But you have the authority to go down to – or you have the ability, not the authority – you have the ability to go to Planning Department tomorrow and file a request at Rick, Kathy, or Jeff's office down there to have it brought up to change the ordinance to allow flags, banners, and all, then it will come to the Planning Commission. We'll look at it, consider a revision to the ordinance. If we decide to change the ordinance, we'll send the recommendation forward to the Board of Directors. If they approve it, it's a done deal. That's all we can do.

Mr. Scott: Didn't Ms. Sellman say that it was a ...there was a fee?

Chairman Threadgill: Yes.

Mr. Scott: That doesn't make much sense. If something's wrong, why should I be charged for trying to say why it's wrong?

Chairman Threadgill: It takes ...I mean, it's a deal where ...I don't know.

Director Sellman: Some people like that section. We get complaints from people about those things that you wish were legal. It's something that there's a lot of emotion on both sides.

Mr. Scott: I understand about the balloons. <Unintelligible> we stopped the balloon release because balloons can choke animals and kill them. We stopped that. Some people are wise about that. Why should I be charged to be wise? Does that penalize me because I think that there was a bad decision made? Now there's a law?

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Commissioner Campbell: I do have something to say.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Mr. Scott, part of this came ...I was on the Commission when this was changed the last time. Part of it came in because there was a conflict I believe with the sign ordinance because you're only allowed so many signs on a business. When you go out there and put up pennants with the car dealer's whatever car he's selling on there, then you have increased the number of signs for that business. There was a conflict there that brought in part of that, which would go over onto other businesses also. If they're allowed on the auto dealerships, then they're going to have to be allowed over in the furniture business or whatever else ...

Mr. Scott: Oh the <unintelligible> is using them now. The other day I went by Mr. Speedy's and saw them using something that the car dealers <unintelligible> can't use. I've seen pennants up on Albert Pike on a furniture or framing store. Car dealers can't use <unintelligible>, how come some people can and some people can't? What's the difference?

Commissioner Campbell: As our Chairman told you while ago, any time you see those violations, all you've got to do is call that complaint in. That complaint is acted on.

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: One other point, you have to understand that some of these properties are in the County and we have no control over what happens in the County.

Mr. Scott: Not the ones I'm talking about.

Commissioner Clopton: Okay. But it's something that we're not going to resolve here tonight. We can only tell you what we have the capability of doing. I understand your complaint and I understand ...

Mr. Scott: Oh, I'm not complaining.

Commissioner Clopton: Well, yes, you are. But ...

Mr. Scott: To you it may be complaints, but now I'm just stating the facts.

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Commissioner Clopton: Okay, well, nevertheless ...

Mr. Scott: <Unintelligible> the car dealer's merchandise ...

Commissioner Clopton: Nevertheless, it's not anything that we can resolve here tonight. The only way we can address the issue is by someone bringing it before us by the Board. I'm sorry, but that's the way it is.

Mr. Scott: Well the thing I'd like to know is how did the Board come up with making this decision? Nobody can tell me. How many jobs does it affect? How much ...there are many, many questions that I had and I've talked to car dealers that would be glad to sit down with people here at the Planning Commission and be reasonable, but it's <unintelligible>. I've had some people tell me they wonder what kind of people are doing this. They've never been in business <unintelligible> and they're keeping me from business.

Chairman Threadgill: One thing, Mr. Scott, before we close it up, when this Planning Commission takes time to sit down and write an ordinance, okay, we take long and hard looks at what we're writing. We get a draft made up and those drafts are taken forward to the public. The public then has the choice to make changes. You know, they say "I don't like this. I don't like that. Let's don't do that." This Commission takes that into consideration. Then it's sent forward to the Board of Directors where you have another option to dispute whatever's in that. All these ordinances are before us have been before the City numerous times.

Mr. Scott: I came down here to Board Meetings for five years and never heard a word about the sign ordinance.

Chairman Threadgill: The sign ordinance, I've been on this Commission seven years now and sat through a rewriting on it. Very little opposition from the City. More from the sign companies, but very little from the City. But that's the issue. We have no other authority other than to tell you to go down to Planning Department first thing in the morning and you can file a request to petition this Commission to look into the ordinance on a revision. That's all we can do. I mean you can sit and holler at us all night long that we're breaking your rights, but ...

Mr. Scott: It's not hurting me. It's hurting them more than, sir, me.

Chairman Threadgill: Well that's all we can do. I appreciate you coming. Like I say, any further

action you need, you'll need to take it upon yourself and deal with staff tomorrow.

Mr. Scott: Well is there any way to find out how the recommendation was made? What research was done to find out how it would affect people?

Chairman Threadgill: I have no idea on that, sir. I have no idea. It's just a long process where we sit, we're writing them now. We just sit and look and read and study and there's a lot of complaints about it, we put it in the ordinance. Nobody disapproved. It passed.

Mr. Scott: Where did you get the information?

Chairman Threadgill: A lot of it came from the City. A lot of it came from the public. A lot of it came from this Commission. It's a various of people's rights as they spoke, so we're going to close this off now.

Mr. Scott: Okay. Thank you.

Chairman Threadgill: I appreciate you and you have a right to, like I say, meet with staff in the morning, sir. Anything else from the Planning Commission?

## **ITEMS FOR DISCUSSION AND ANNOUNCEMENTS**

- 1. PLANNING DIRECTOR'S REPORT**
- 2. COMMENTS FROM COMMISSION**

Commissioner Clopton: What do we got going with this thing here on the Court of Appeals?

Chairman Threadgill: Alright we got the last item on here?

Director Sellman: Yes.

Chairman Threadgill: The grant?

Director Sellman: Yes. We're on the Court of Appeals decision?

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Chairman Threadgill: Yeah, Court of Appeals.

Director Sellman: Yes, this was a case where the City ...this is, oh gosh, is this the corner of your street?

Chairman Threadgill: Dave's.

Director Sellman: Dave's street? Yes. Columbia Hills and Central. This is the used car lot and there's a big sign there that says "Yogi's". The Code Enforcement people have been trying for years to get the property owner to stop selling and storing automobiles and other vehicles on that property and were unable to do so. It ended up in court. The first decision from the court was that the City was correct in what it was doing. The allegations by the property owner were found not to be important in this particular case and not fact, actually. He then appealed to this court. We just received this information that the judges have upheld the first decision and that the City will be able to proceed with Code Enforcement and get that corner cleaned up a little bit. So we're very, very excited about that.

Commissioner Campbell: Has he been cited yet?

Director Sellman: No. Probably at the beginning of the week.

Commissioner Campbell: That's what I heard last week.

Director Sellman: Yeah I know. This wasn't the week we thought it was going to be.

Chairman Threadgill: Anything else? Campbell?

Commissioner Campbell: Does he have any other court to go to?

Director Sellman: He can go to the Supreme Court.

Chairman Threadgill: Anybody else? Campbell?

Commissioner Campbell: Just for the record for the new Commissioners that wasn't here before, what it was, we had an ordinance that said that if 51%, if you owned a piece of split zoned property and Part A was 51% and Part B was less, you could use that other piece of property as what the front parcel was or the commercial part was. That worked in some cases, but this

particular one, the man went out and bought up a portion of a subdivision and then went and replatted it.

Director Sellman: No, he didn't replat it.

Commissioner Campbell: Well he thought he did.

Director Sellman: He thought he replatted it.

Commissioner Campbell: He resurveyed it into one.

Director Sellman: And that's not, that's part of what the decision was. Yeah.

Commissioner Campbell: That's where it all came about. <laughter>

Director Sellman: What he tried to do, and the bottom line here actually was that there were two things that occurred that previous staff did that were beyond the authority of the staff to do. That caused a problem.

Commissioner Campbell: I read that. I read that.

Director Sellman: Yeah.

Commissioner Campbell: I was under the same assumption that that was what that ordinance meant was that if it's there, you could use it for that. But then I read what your statement was, and that had been my ...I had been against that ordinance all along and it actually was a rezoning without a public hearing is what it was.

Director Sellman: Umm, huh.

Commissioner Campbell: And Kathy, as you've read, <unintelligible>. Even though that was there, if you did go through that procedure, you still had to bring it in as a rezoning.

Director Sellman: Right. There's no way around getting the approval of the Planning Commission and the Board to change a zone. So we were pretty happy.

Commissioner Clopton: I have one thing before you leave.

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Chairman Threadgill: Alright.

Commissioner Clopton: <Unintelligible> the next step. When can we expect the revisions and the final ...?

Director Sellman: Thursday.

Commissioner Clopton: Thursday?

Director Sellman: Yes. If you are all available at 5:00 on Thursday, then you can do it then.

Chairman Threadgill: Okay, this brings in a problem for me. I had no idea of a meeting tonight. I set up no meetings. I got no call. I informed staff numerous times that I do not use my e-mail. Please call me when there's any changes. I received no call until this evening. I got one from Rick Stauder wanting to know if I was going to be at the meeting since I missed the training session. I thought it was a portion of the responsibility of the Planning Commissioner Chairman to establish and set up the meetings. I have no idea that this one was coming up.

Director Sellman: Well, I'm really sorry.

Chairman Threadgill: I don't know what's happened tonight, what went on. Now there's a revision going to come back forward. What am I ...? I mean ...

Director Sellman: To summarize what occurred, we went through the last draft and I don't know that there are any changes that you are unaware of. We talked about what to do with the mobile home, manufactured home, modular home, panelized construction – that whole thing – and talked about the fact that there is state law that covers that and we need to be sure that what we have in this draft is consistent with that. We've requested a copy of that. Nobody has seen that yet, so that will be coming forward. It's my fault that you didn't know about it. I thought that we had mentioned at the workshop last week that we would get together to do this this week. If somehow that didn't, that wasn't true, I'm really sorry. I would never have put you in that position. So ...

Chairman Threadgill: I would request again, please call me. I do not ...I've got too much ...I'm swamped with work and my computer is not something I put on the internet. If I get a bug, I'm dead. So I just don't do it. You know my laptop that the City gave me I use just for this. It's not

even tied to the net. I don't, you know ...I'm not trying to be disrespectful. I don't like being left out of the loop when I'm supposed to be the main part of the loop. Just like tonight, I hear that we're going to have one Thursday night. Did everybody prediscuss that?

Director Sellman: No, we haven't talked about it. This is the first time it's come up. I just asked if people were available, then we can have it ready on Thursday. But it's your call. You're the Chair.

Chairman Threadgill: Well I mean I'm here to work with these folks, but I like to know where we're at or what's going on, I mean if I'm supposed to be the Chair.

Director Sellman: No my answer was only to the question of when could we have it ready.

Chairman Threadgill: Okay, thank you. Commissioner Campbell?

Commissioner Campbell: One of the things that's been discussed and I discussed with them a minute tonight just to bring you up to speed on it, is in the Article II the wording of the 5,000' is not in the ordinance. It's referenced as the Fire Code. The Fire Code says it. The ordinance doesn't. <Unintelligible> should be in there, but they say that the City Attorney says that if you've got another ordinance that you're referencing, then you just let it take itself, take care of itself.

Director Sellman: What we will do is reference I believe it's §106.

Male Speaker: §106.1.

Director Sellman: §106.1.

Chairman Threadgill: Alright, there's where I have a question. Why can we not put 5,000 square foot multi-building or subdivision? What ...I have a severe problem. It's up to you guys. I'm just making a statement. I have a severe problem addressing a Fire Code that half of these guys that are developers and engineers don't even know what the City Codes are. I think if we be explicit and put that as part of the addressed definition, that it solves a lot of the hassle. What is the Fire Code? What's that supposed to be? If it says 5,000 square foot multi-buildings or subdivisions have to come before us, there's no explanation needed. I mean ...any comments? Jeff? I didn't mean to cut you off.

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Mr. Griffin: The basis of my writing of that paragraph in that section was to put a valid, learned code in its place. When I met with the Commission by myself that evening when Rick and Kathy were out of town, the ...I got a very strong impression that the Commissioners did not want to entertain arbitrary numbers where a number was just brought up and said "let's do this number." So what I formulated was an existing code, an existing law, the minimum law standard of the state and part of that paragraph, that §106.1, is 5,000 square feet of buildings. So there is a 5,000 square foot number, so it is certainly, if the Planning Commission wishes to direct staff to amend that, we will certainly remove the Fire Prevention Code sentence and write 5,000 square feet; but it's my recommendation to forward it, I wrote it the way I intended and I would be happy to answer any questions on why that's better than doing it another way.

Commissioner Clopton: Let me ask you a question of why could you not reference the code in such a manner as to say 5,000 square feet as per Fire Code?

Mr. Griffin: There are more than 5,000 square feet. There are occupancy classifications and numbers of stories and there are specific things mentioned that have to be submitted. Okay? The goal of writing it was to have a trigger point to trigger projects, to bring the Article II requirements to the Planning Commission. Okay?

Chairman Threadgill: The entire intent, my assumption, I mean I'm <unintelligible>, the entire intent of this Commission I thought we were trying to write these ordinances so they were more understandable for the people. And by turning right around and quoting that they've got to go to the Fire Code and read another chapter of you know, and it's the simplicity of writing 5,000 square feet ...I don't ...

Commissioner Clopton: I'm still going to go back to it, what would be wrong with saying 5,000 square feet or/and as referenced by the Fire Code?

Chairman Threadgill: Okay, hold on, Mr. Mory. <Unintelligible>.

Commissioner Mory: I agree with what you're saying in principle, the problem is you want an ordinance that doesn't have to update every time the Code changes. If you do that, you're liable to end up with a conflict between the 5,000 square feet and the Code. If the Code drops to 3,500 square feet and your ordinance still says 5,000 square feet, you've got a conflict right there. What I'm thinking ...what I think we might ought to do is to go through for the sake of the ordinance and reference the Code. For the real world, when you go out there and people start trying to find out, we need to have access, quick easy access for people so they know what the

minimums are. Don't show somebody that, you know, we got the requirements for you, it's right here. If you want to look it up yourself, you can go find the Fire Code. We're going to tell you ...we're going to show you a copy of it. We'll give you a copy, whatever we can legally do there. Because you're right, in practice we need to have it so that somebody can get ahold of the information quickly and easily ...

Chairman Threadgill: And it's not in the office for public access.

Commissioner Mory: Right, right, and that's what we need. We need to have the combination of the two, because we don't need to be updating an ordinance every time something changes. We need to have the ordinance where it can be written to last, but the practice needs to be easily distributed and everybody knows what's going on.

Commissioner Campbell: Why can't you just put a footnote on the bottom of the page that says, you know, put Fire Code with a footnote and it says 5,000 square foot, occupancy of so many, and so many floors.

Mr. Griffin: I would not want to restate a Code, a law of the state, in another form in an ordinance. But if you want to remove the reference to the Fire Code and just say 5,000 square feet or if you want to say it in other terms, if you want to write on your own, okay, and not mention and reference the Fire Code at all, if you just want to say 5,000 square feet, A,I, and E occupancies, and three stories or more and write that as your standard, that's a perfectly valid thing to do; but you need to remove the reference to the Fire Prevention Code from that paragraph.

Chairman Threadgill: We're not asking to remove the Fire Code. That's the whole basis of the issue. The issue is that we want the accessibility for the public. How can we have that Fire Code as part of the subdivision Article II to where they when they get their packet, they have that ...I mean, can we not do that? They can't have that?

Director Sellman: Yes, we can.

Mr. Griffin: We can, yes.

Director Sellman: I think we've talked about this before that that was something that we can have available. It can be whatever you want. You know I completely agree with what Jeff is telling you. If you have a standard that you want to use and right now the reason for doing that is

based on the Fire Code, that's good enough. That's your basis. You don't have to talk about the Fire Code. You can say 5,000 square feet. You can say A,I, and E occupancies. You can say three stories or more. Whatever you want to say, you can say that. You've got a reason for doing it and it's the Fire Code; but please don't put them both in. Pick one.

Chairman Threadgill: That's what I'm saying.

Director Sellman: Yeah.

Chairman Threadgill: I don't have a problem with it being stated the Fire Code. I just, I feel bad for the public when they come up and they don't know what the Fire Code is. You know, I want them to have the <unintelligible>...

Director Sellman: No, I understand.

Chairman Threadgill: ...the ability to ...You say they've got to have the Fire Code. Here it is. This is what you ...this is guidelines. I don't mean the entire book.

Director Sellman: Yes, just the page.

Mr. Griffin: Well Mr. Threadgill, I would offer that all parts of the Fire Code are written in technical, legal ease for lack of a better term and they're not easily understood by lay members of the public.

Chairman Threadgill: That's what I'm saying.

Mr. Griffin: You know.

Chairman Threadgill: Lauri?

Commissioner Ames: Well, I mean that's the problem. I mean I <unintelligible> what John's saying. If we, there's two ways to do it. If we just reference the Fire Code in the ordinance, we don't have to worry about updating the ordinance every time the Fire Code may change. But that requires we have, you know, a thumb ease guide to the Fire Code or something to give to people to do to help them understand. Go the other way, we put 5,000 square feet, etc. but then we've got to be diligent about keeping on that and updating. So I think either way, you know ...

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Commissioner Mory: The bottom line is what Kathy said. We can do it one way or the other, but we can't do both. If we reference the 5,000 square feet, it's 5,000 square feet. We don't mention the Fire Code.

Mr. Griffin: Exactly. And if anybody asks you why you chose 5,000 square feet, well it's in §106 of the Fire Code. It's already state law.

Commissioner Ames: It's in the Fire Code. It's not arbitrary.

Director Sellman: Yes.

Chairman Threadgill: Jeff just stated though ...

Director Sellman: What?

Chairman Threadgill: People read the Fire Code. If they're <unintelligible>, they don't have the slightest idea what it's going to say; so how's that going to help them to what ...?

Commissioner Mory: Well that's what I'm saying. You either, if you want to go with 5,000 square feet, put that in the ordinance. Then it's 5,000 square foot. The Fire Code can do whatever the Fire Code does. We don't care. We're not referencing that a bit.

Chairman Threadgill: Yeah, but how do we reference the entire Fire Code as part of the ...that's where Jeff's coming from? There's multiple uses for the Fire Code.

Commissioner Mory: Well I mean you can reference it. You can use other parts. But if you just want to take that 5,000 square foot number and use it just in that one area, you can do that. There's no reason that says if you don't reference it for this one number, you can't use it for the other stuff.

Chairman Threadgill: Jeff? Hold on just a second, James.

Mr. Griffin: Oh, I was just going to say excellent point. I mean it just ...the, again to repeat, not to waste time and be here all night, but what I heard from the Commission when we met was you didn't want an arbitrary number. Okay?

Chairman Threadgill: Right.

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Mr. Griffin: So in developing the Code, I wrote the most expansive version of that paragraph that can be for <unintelligible> to take place. So if it is the desire of the Commission to alter that paragraph, it's the easiest way that I understand the Commission as a whole would like to see it altered is to remove the references to the Fire Code and simply install 5,000 square feet. That's the way I understand the will of the Commission and I can easily make those amendments to the text.

Chairman Threadgill: Okay. Does the three story and above and all that still come into effect?

Mr. Griffin: If you wish for me to write it in there.

Director Sellman: Yeah, we can write it in there.

Mr. Griffin: I mean we can write words and numbers in there very easily.

Chairman Threadgill: Well we're back to the arbitrary number of 5,000 square feet. That went away when the Fire Code stated 5,000 square feet.

Mr. Griffin: But still if we're ever asked or if we're ever tested or challenged why we chose these values, it's already the minimum state law.

Chairman Threadgill: It's from the Fire Code.

Director Sellman: It's from the Fire Code.

Mr. Griffin: And to also answer a point earlier, design professionals have to be engaged in order to apply for these, Article II approval. The Fire Code requires that these projects have blue prints, wet stamped by registered design professionals. That is where the clearinghouse of knowledge happens to the general members of the public. Those are the professionals that are charged by state law. That's where people pay their money and get their advice on how to do these things. That's ...we're not adding that. That is already the minimum state standards.

Chairman Threadgill: And that's where we get 90% of our tables are from Article II and subdivisions of people bringing in incomplete packets. So we're right back to where ...The blueprints that people you're saying that has to be knowledgeable to do this, they ain't doing their job. I mean where are you? I'm not trying to be sarcastic or smart, but you said it, not me,

and we've displayed it three times tonight – incomplete, unknowledgeable engineers. I feel sorry for you guys, but that's the way it is. James?

Commissioner Clopton: Well, in reference to tonight, I was thinking of the curb cut on the church. That was a knowledgeable engineer that's supposed to know what he's doing and he didn't know what he was doing.

Chairman Threadgill: Don't say no names.

Commissioner Clopton: But I'm a great advocate frankly in KISS and you know what that is – Keep It Simple Stupid. And when you go to referencing a very complicated Fire Code as a part of our ordinance and you expect these engineers who can't figure out where a curb cut's supposed to be to know what they're doing, I think we're barking up the wrong tree. Quite frankly, we're going to run into more problems than we would if we simply state 5,000 square feet, three stories, and put those three elements in the Code period and worry about whether or not we can keep up with changes later on. That's my position on it.

Chairman Threadgill: I don't ...I just ...

Commissioner Mory: That's what I'm saying, James, if we do it that way, we don't have to worry about changes. You know, we just ...What I was saying, we can't do both. That was my point before. We either do the 5,000 square feet or reference the Fire Code, but we don't want to mix and match because you'll end up with a conflict. It's going to happen.

Chairman Threadgill: Alright, Lauri, what do you think?

Commissioner Ames: I mean I agree. I think we have a defensible reason for choosing the numbers. They're not arbitrary. We can just put them in there, so that would be where we want to go. It's fine with me.

Chairman Threadgill: You mean use of the Fire Code or ...?

Commissioner Ames: Use of the numbers, the 5,000, the specific, not the Fire Code.

Chairman Threadgill <speaking over Commissioner Ames>: ...use of the numbers? James?

Commissioner Clopton: Yeah.

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Chairman Threadgill: Dave?

Commissioner Mory: Yes, it's fine with me.

Chairman Threadgill: Larry?

Commissioner Raney: Put the numbers in or the Fire Code. I really don't have a preference because I think either one works. But according to ...going back to your point about the clarity for the public if they pick up the ordinance and read it, maybe it ought to be right there.

Chairman Threadgill <speaking at the same time as Commissioner Raney>: It's simplicity. I mean ...

Commissioner Raney: <Unintelligible> right in front of you.

Chairman Threadgill: You know. I mean we pretty much give them that now and it's still ...

Commissioner Raney: Yeah.

Mr. Griffin: So, I want to make sure I have it clear. 5,000 square feet ...

Chairman Threadgill: Written out.

Commissioner Ames (?): Three stories.

Mr. Griffin: ...three stories or more.

Director Sellman (?): And the three occupancies.

Mr. Griffin: ...and the three occupancies as stated. We will have to add definitions for those occupancies.

Chairman Threadgill: That's fine. Okay.

Commissioner Mory: What about definitions for "stories"?

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Chairman Threadgill: Anything else, anybody, before he quits <unintelligible>?

Mr. Griffin: We will have to add a definition for “stories” and “square footage” and I will write those as defined and found and I will cite the section in the Fire Code.

Commissioner Clopton: Kathy?

Director Sellman: Yes?

Commissioner Clopton: Do you want me to write out the lake frontage thing?

Director Sellman: Yes.

Commissioner Clopton: And basically what we had talked about, everybody kind of agrees with on the lake frontage?

Chairman Threadgill: We’re all on that or did you get that ...?

Commissioner Clopton: It’s not in there.

Director Sellman: No. All this was was the last version we looked at. We had said that we weren’t going to change anything.

Chairman Threadgill <speaking over Director Sellman>: <Unintelligible> changes.

Commissioner Clopton: I’ll write it up. I’ll write it up and try to get it to your office Monday.

Director Sellman: Okay. And what I was thinking we would do is just enlarge this table. It’s on page 33 and have a section, there’s lake front/single family residential and lake front/multi-family residential.

Commissioner Clopton: Okay.

Director Sellman: And then what you’ve got is a width and a depth. That’s the format that we have here. To go much beyond that would probably push us into the realm of zoning and we’re not there.

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Commissioner Clopton: Okay. I'll look at it from a table standpoint rather than a statement standpoint.

Director Sellman: Okay.

Chairman Threadgill: Dave?

Commissioner Campbell: I will not be here for the meeting Thursday.

Chairman Threadgill: Alright.

Commissioner Ames: Or is there a meeting?

Chairman Threadgill: I don't know. What is Thursday? I mean...

Commissioner Clopton: That's the day right after Wednesday. <laughter>

Chairman Threadgill: That sounds pretty good. I can't ...I don't ... Alright, I need one other little tidbit. This is a bombshell I'm going to drop on you folks. I need a recommendation for some terminations of people on the Commission.

Commissioner Clopton: One of them has already resigned.

Commissioner Raney (?): Who?

Director Sellman: Louis has resigned.

Commissioner Ames: Can we <unintelligible> first for next week or <unintelligible>? Can we wrap up because we're going to meet next Thursday?

Chairman Threadgill: Yeah, yeah. Thursday night. Okay. We can do that first. Thursday all right with you?

Commissioner Raney: Thursday's fine.

Commissioner Mory: I can't make Thursday.

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Chairman Threadgill: I'd like ...James?

Commissioner Clopton: I have no problem with making it unless I'm not here.

Chairman Threadgill: Lauri?

Commissioner Ames: I can. <Unintelligible>. <laughter>

Chairman Threadgill: Alright, like I say, we all don't have to be present, but if you have any input that you know, please let ...you know, send it to them. Get it to them by letter, e-mail, phone, whatever. Call in.

Commissioner Clopton: I presume when you say Thursday, you're not going to be able to e-mail us nothing in advance for us to go over real good before we come to the meeting Thursday.

Director Sellman: I would expect to probably get it out tomorrow. You see any problems with ...? I don't know where Jeff went, but ...

Commissioner Clopton: Well I won't be able to ...<Several people are talking at once.>

Chairman Threadgill: <laughter> I missed that. Hold on. Say that again. I missed it. I'm not being facetious. I just ...

Mr. Griffin: Those revisions can be accomplished very early in the morning. Certainly after I begin work at about 8:30.

Commissioner Clopton: I thought about 7:30 would be better.

Mr. Griffin: Well...

Commissioner Mory: He can e-mail them to you promptly. <laughter>

Chairman Threadgill: Tuesday or Wednesday? What's the latest? I mean I know how complications come and we don't want to ...

Director Sellman: I plan to get it to you tomorrow.

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Mr. Griffin: Tomorrow at noon.

Director Sellman: Yeah.

Chairman Threadgill: Alright.

Mr. Griffin: The rated, copied, and completed.

Chairman Threadgill: That will be e-mailed to me?

Mr. Griffin: If you would like, sir. <laughter>

Chairman Threadgill: Just as long as I know it's coming.

Director Sellman: Yes. It will come that way. You can get it much faster that way.

Chairman Threadgill: I have no problem with it. I just I don't like getting on the internet.

Commissioner Campbell: Thank you. Just a suggestion to you those that do use the e-mail, I went through mine and made highlighted copies and went through, you can see where I italicized my comments, and mailed them back to her. That's an option there too.

Director Sellman: Yeah. <Unintelligible>.

Commissioner Campbell: It's on Word. To give them a little heads up.

Commissioner Raney: Okay. That's a good idea.

Director Sellman: Yeah, it works great.

Commissioner Campbell: I wanted her to print mine out because I didn't want to print the 68 pages or whatever.

Commissioner Clopton: 55. It took a half a ream of paper to print that. <Several people are talking in the background.>

Chairman Threadgill: This is what David screwed up.

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Director Sellman: David did not screw it up. <laughter>

Chairman Threadgill: These aren't David's <unintelligible>? <laughter>

Director Sellman: I stuck up for you, David.

Chairman Threadgill: Alright. Anything else? Thursday night, 5:00.

Commissioner Campbell: Somebody tell me how to put these comments in a box out here at the side. <laughter>

Chairman Threadgill: Alright, again, Harriel White and Louis Kleinman – they're not making the meetings.

Director Sellman: Louis has resigned.

Commissioner Clopton: Louis is gone.

Chairman Threadgill: Alright, Louis ...

Director Sellman: We got a letter from him.

Chairman Threadgill: Louis has resigned?

Director Sellman: Yes.

Chairman Threadgill: Has anybody heard from Elaine? She was supposed to have talked to Harriel at the last meeting. I made comment that I was tired that they weren't making the meetings and it's clearly not good for the Commission to be short anybody. You know if you've got understandable reasons, you know, illnesses, sicknesses, but ... You know, Harriel, bless him. Whatever. He took the church. It's just too much. He can't do it all. Before he didn't have the church and he had the available time. But now he doesn't and I think his church is his driving light, so...

Commissioner Ames: And whatever the reason, I don't think we need to ...I mean are we still?

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Chairman Threadgill: Yeah, we're still on.

Commissioner Ames: Right.

Chairman Threadgill: Because if I had been ...

Commissioner Ames: Attendance is an issue and we've had that come up from the Board prior to this, so with that in mind, what are our actions, possible actions?

Chairman Threadgill: I would like this Commission to make a request of the Board of Directors to ask him for his resignation.

Commissioner Ames and Clopton: So moved.

Chairman Threadgill: All in favor? <ayes> Opposed? <none> Alright. I'd like that motion sent forward to the Board of Directors please, ma'am.

Director Sellman: You bet.

Chairman Threadgill: Thank you very much. <Several people are talking in the background.> If you guys do that while I'm gone, I'll give every one of you a big juicy kiss.

Commissioner Mory: There you go.

Chairman Threadgill: Folks, meeting closed.

**ADJOURNMENT**

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