

**BOARD OF ADJUSTMENT MINUTES**

**APRIL 25, 2018**

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of Building A of the Norman Municipal Complex, 201 West Gray, at 4:30 p.m., on Wednesday, April 25, 2018. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at [www.normanok.gov/content/board-agendas](http://www.normanok.gov/content/board-agendas) at least 24 hours prior to the beginning of the meeting.

Item No. 1, being:

**CALL TO ORDER**

Chairman Andrew Seamans called the meeting to order at 4:41 p.m.

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Item No. 2, being:

**ROLL CALL**

MEMBERS PRESENT

Brad Worster  
Curtis McCarty  
Mike Thompson  
James Howard  
Andrew Seamans

MEMBERS ABSENT

None

A quorum was present.

STAFF PRESENT

Wayne Stenis, Planner II  
Roné Tromble, Recording Secretary  
David Woods, Oil & Gas Inspector  
Elisabeth Muckala, Asst. City Attorney

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Item No. 3, being:

**APPROVAL OF MINUTES OF THE MARCH 28, 2018 REGULAR MEETING**

*Curtis McCarty moved to approve the minutes of the March 28, 2018 Regular Meeting as presented. Mike Thompson seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS	Brad Worster, Curtis McCarty, Mike Thompson, James Howard, Andrew Seamans
NAYS	None
ABSENT	None

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Ms. Tromble announced that the motion to approve the March 28, 2018 Board of Adjustment Regular Meeting Minutes as presented passed by a vote of 5-0.

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Item No. 4, being:

**BOA-1718-6 – ARROWHEAD ENERGY, INC. REQUESTS A VARIANCE TO SECTION 13-1509(a)(4) WHICH PROHIBITS ISSUANCE OF AN OIL AND GAS EXPLORATION PERMIT WITHIN ANY AREA DESIGNATED AS A STREAM PLANNING CORRIDOR OR WITHIN 300 FEET FROM THE TOP OF THE BANK, FOR PROPERTY LOCATED NEAR THE NORTHEAST CORNER OF EAST ROCK CREEK ROAD AND CABIN ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Postponement Memo
2. Location Map
3. Request for Postponement

The applicant has requested postponement until the May 23, 2018 meeting.

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

*Curtis McCarty moved to postpone BOA-1718-6 to the May 23, 2018 meeting. Mike Thompson seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS	Brad Worster, Curtis McCarty, Mike Thompson, James Howard, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to postpone BOA-1718-6 to the May 23, 2018 Board of Adjustment meeting, passed by a vote of 5-0.

**AUDIENCE COMMENTS:**

1. Casey Holcomb – So this is like probably the sixth month in a row that you all have agreed to their postponement. And we spoke with some members after a meeting – I guess it was a few months ago now – and they said you're not going to continue granting this postponement without some sort of justification. So has Arrowhead Energy provided you with any kind of information or justification for the reason for the continuance of this postponement, and, if not, why not, and why are you continuing to grant this postponement without any kind of facts or documentation to back it up? What's the process going forward here? Because we've been showing up to these meetings for six months, and it's – this seems very unusual. This doesn't seem typical.

Mr. Seamans – We were given an email in our packet that said they were postponing again, and the reasoning for it was for further investigation for other surface locations and trying to verify that they would not need a variance. That's what we were given.

Mr. Holcomb – Okay. Well, does this Board have any relationship with the other Planning Department entities that oversee like groundwater or surface water issues?

Mr. Seamans – We're the Board of Adjustment, and we've been given the oil piece of it – was it 2016 was when we were given the oil oversight?

Mr. Holcomb – Is there an application on file from this company for a permit to drill?

Mr. Seamans – That would be a question for the staff. If they have other drilling locations, I would say yes.

Mr. Woods – No.

Mr. Seamans – Not for this one.

Mr. McCarty – They can't until they get it – the application has to be approved by the Board of Adjustment before that application can be submitted.

Mr. Seamans – At this time, we do not have anything that says you can – we can postpone it. There's nothing that says in the bylaws or anything that says that we have to have a set date of postponement. And if we deny their postponement, then all they do is reapply again, and we're all back here again. So it doesn't do us any good to deny just to be back here next month or two months from now. Does it?

Mr. McCarty – When the agenda was sent out, the postponement was already on there. So you all that had the agenda should have known that it was postponed.

Mr. Holcomb – We know this. But we're asking you to – a lot of us are here to actually request that you stop, you know, letting them postpone and postpone. It's been six months. It seems very atypical, and it's time for you to just give an up or down vote on ...

Mr. McCarty – Historically in the City of Norman, both City Council, Planning Commission, and Board of Adjustment that hasn't been the standard policy. These people have a right, just like you do, to postpone if you're in the same situation. We're obliging that to allow them to postpone.

Mr. Holcomb – Does this happen often? Where you have like six months of continued postponements? Is this typical?

Mr. Seamans – No, this is not typical.

Mr. Thompson – They have paid their fee and so they are entitled to the time.

Mr. Howard – You inquired as to some of the typical delay times or postponement times. If I recall, when I was on the Planning Commission, there were some times when it was delayed by several months to work through issues. I'm fairly new to this Board so I can't say historically if that's been the case here.

Mr. Worster – Just as a reminder, all they're doing is getting an adjustment or variance from where the surface location is. So they're looking to change the surface location so they don't have to be here at all. Then it's just a permit which they file. So I think your all's presence has made an impact and they're looking to put the surface thing somewhere else that isn't near surface water. This seems to be my interpretation; they haven't said that. So I think you have made an impact. But I'm not going to tell somebody they can't come here, especially when they don't even show up thinking that their application is going to be postponed. I'm not going to deny it when they're not here to represent themselves.

Mr. Holcomb – Well, why aren't they here? Shouldn't they be here to represent themselves? That seems very counter ...

Mr. Seamans – The only requirement is that they give written notice to the City about the postponement. They're not obligated to come down here.

2. Bridget Burns, 421 Garland Court – It's my understanding that you could still deny their request for the variance, even if they are not here. Is that true? You could deny their request for the variance. So what is the reasoning for you not?

Mr. McCarty – We couldn't deny the variance. We could deny the postponement.

Mr. Worster – The agenda item is the postponement and not the variance, so the only thing we can vote on would be postponing it or not postponing it. Not postponing it would just mean they reapply again if they need it, and if they don't need it, then they wouldn't reapply. It really won't make a difference except cost them a few hundred dollars.

Ms. Burns – So it's not in your power today to deny them the variance.

Mr. McCarty – They would have to reapply and pay their fee if we denied it.

Ms. Burns – So you could deny it and they would have to reapply and pay another fee.

Mr. McCarty – Correct. That seems not fair, to me.

Ms. Burns – Why?

Mr. McCarty – Well, they have the right, just like anybody else, so they have the right to postpone while they're doing their due diligence.

Ms. Burns – And there's no limit on how many times that they can postpone?

Mr. Seamans – There's no precedent and there's never been anything ...

Mr. McCarty – We can ask our City Attorney here – our representative. She might have some information on that. I don't know that.

Ms. Muckala – What was the last question you had asked?

Ms. Burns – There's no limit on how many times they can postpone?

Ms. Muckala – There are no standard limits. The typical process has been to allow applicants to control their variances if they are heard – not necessarily when they are heard, but they are to meet the requirements of filing and submitting their applications so that they can appear before the Board at times. So this applicant, again, as Mr. McCarty had referenced, had indicated they were looking for – they were seeking a continuance to allow them to look at other locations that would avoid the need for a variance, which, again, says to us that they are looking for a situation that would moot the issue before this Board so that the issue would ultimately not have to be heard. So that is why they are requesting a postponement in order to save the need for that. That's my understanding from the materials that have been submitted.

Ms. Burns – So what would need to happen for there to be a limit? It would need to be like a precedent set within this Board. Correct?

Mr. Seamans – Sure.

Mr. McCarty – I think it would be something more than that.

Ms. Muckala – You're asking for the criteria?

Ms. Burns – In order for – so, I mean, as a citizen whose been waiting on Arrowhead to show up since December, I am wondering if we could move to a limit on how much they could postpone. I think stuff comes up, but I think six times is plenty of time to get their application together and to come here and face the people and the community where they want to drill. So my question is if this Board has in their power to establish that time limit?

Mr. Seamans – Would that be up to us, or would that be up to the City Council?

Ms. Muckala – Well, as far as setting an ordinance that would set that out, that would be a decision of the City Council as far as a case-by-case basis. That is within the Board's power, but, again, the practice has been to allow continuances when they are requested in accordance with the procedures and the rules, which has been done here. Now that is why it is noted on the agenda as being a postponement item if they request a postponement, and that's what's on the agenda, then they will not show up and have their request for a variance heard. That is the notice to the public that allows you to know that it is, in fact, a postponement that's being discussed here today, as opposed to

the request for a variance. If their request for a variance is going to be heard, the agenda item will note that.

Ms. Burns – Okay. So it would be to City Council.

Unidentified – Is this the memo that went out to the public, because I didn't see that that's what the agenda was?

Mr. McCarty – Yes. When was it posted? Last week?

Ms. Tromble – The agenda was posted on the website last Friday.

3. Barbara Kavolovsky, 734 S. Lahoma – I was just wondering because, if I go to the website and check it – it was sent to me by my Councilmember – that would have been that person's error. Correct? As to what was going to happen today.

Mr. Seamans – I don't know what email you've gotten. Website has it posted and the door has it posted. Is there any other posting that you have.

Ms. Tromble – No.

Ms. Kavolovsky – I was just curious, because it has just been postponed and this is probably not going to go away.

Mr. Seamans – I know you guys are here and you're very excited to be here and you don't want to be here, but you're here for a reason. So does anybody have anything else that they want to say on record at this time? If not, we're going to move along to the next item.

Unidentified – You have a list.

Mr. Seamans – I know. I know. But I want you all to be heard, but I also want to get this meeting done in a timely fashion. If we're talking about the postponement, we can't change the postponement right now. We cannot say it's done, you can only have it six months or eight months or twenty months – whatever. We can't change that right now. That goes on in City Council.

Unidentified – Well, if you would have put public comment before you would have voted on it, then it might have been productive.

Unidentified – And it's also true that the attorney just said that it is within the capability of the Board of Adjustment to set that precedent. You're just choosing not to do so. So you can't say that you're not able to do that, because she just said that you actually are. We're here as citizens voicing our desire for you to set that precedent, so I think that it would be important to listen to everybody who has signed up, because we think that this

needs to be changed, and we are here to demand this precedent be set.

Mr. McCarty – So what Ms. Burns asked us is if we can change how our Board is ran and if there is a timeframe in writing that allows only for one, two, three, or whatever postponements. We don't have the authority to do that. Our vote today – if we would have denied that, does not set precedent.

Unidentified – Can you interpret that, please? Because it sounded like to us that you have said that it is a possibility for them to set that precedent.

Ms. Muckala – It has been practice not to do so ...

Ms. Burns – Well, we want to set the precedent for it to be done so. I understand that. I don't need you to explain it. We're just here saying that we're tired of being here after six consecutive months – for this to stop happening.

Mr. Seamans – We're going to go through all you all's comments. And we're not going to answer any of your questions right now, but you are welcome to speak.

4. Ashley McCray, 1528 Elk Circle – Okay. I just wanted to go ahead and reiterate what I just said, that I think that it is necessary for the Board of Adjustment to set this precedent and that it would not be out of character for this Board of Adjustment to do so, because in January they denied two companies' variances from a required tax requirement from the City, so I would like to see the Board of Adjustment to continue their progressive actions in protecting the citizens, our drinking water and the environment by going ahead and setting the precedent. And I think that, you know, this is something that can be done and is capable of being done within this body right here, right now. And we keep coming back to say that. So I would like for that to be noted.

5. Cynthia Rogers, 633 Reed Avenue – I have a procedural question. So it's not that this just seems like – the vote is made before you show up, when whoever decides to put on the notice – on the agenda that there's going to be a postponement. If the practice, then, is to always guarantee that, it's like you made the decision before you voted on it. So I don't really understand how that works. If every time you put it on the agenda as a voting to postpone or not, it's *de facto* decided that you're postponing but you haven't voted on it. I think that's really a weird thing, and somehow that doesn't seem appropriate, because you didn't have a meeting to decide the postponement. I understand that's the practice, but there is time for your Board to put it on and deal with these people for six months. So I think dragging this out – all the citizens' time – all your time listening to us – listening – not me, I haven't been here six times – but listening to my good neighbors – my diligent neighbors who show up and are concerned – that's why you pay the application fee for your time and letting people just delay this forever. Now, you say that it's a delay because they're looking for an alternative so that they don't need to come before you. So if you deny it, what's different? They don't need to come before you because they're finding an alternative. So delaying the decision or granting



the postponement seems, again, like it's a waste of your time and it's a waste of our time. So I'm going to reiterate the request that these infinite postpone forever and ever is, one, inappropriate, and, two, if you're going to do that automatically then you decided before you voted on it and I think procedurally that's not correct.

6. Katherine Trent, 2301 96<sup>th</sup> Avenue N.E. – I want to speak up for everybody in the room as far as – I'm an attorney. I left work early to come to this appointment. Most of the people in the room have jobs. I know Cynthia is a professor, and most of the people are employed throughout Norman. A lot of people had to leave their jobs to come to this. This is your job. But you signed up for this. I do lots of volunteering, and if I sign up for it, I take the responsibility. And the reason I say that is, you know, as a lawyer if I was to continue to waste the Court's time, the judge would hit me with sanctions. And so each time you guys approve this, you're telling them it's okay to keep delaying. It's okay to waste our time; it's okay to waste citizens' time. But if you say okay, well then what we're going to do procedurally, if we need to go to City Council and say there should be a charge for continually postponing. After your third postponement, you're going to get charged \$50. My doctor's office does that. But some type of thing that communicates to them it costs us money when you waste our time. And so my desire, and I'm echoing what I think everyone else in the room is saying, is there should be some procedure in place. If you deny it, you get the application fee twice. You're getting paid for your time; the City of Norman is getting paid for its time. But that's all I have to say.

7. Mary Francis, 850-C Cardinal Creek – It's my understanding that if you do deny the postponement that they have to reapply and pay the fee again. What is the fee? That would be an incentive for them not to keep postponing, I would think. I am here mostly because I am concerned about the floodplain, which is what you guys are concerned about. And I don't want the floodplain to be violated again. It's been a problem in this city on several occasions and I'm concerned that that floodplain, which is important to us as far as our water supply is concerned, is being violated again.

8. John Rushton, 1520 Windsor Way – We're at the point where I'm going to be basically echoing what everyone else has already said so I'll make it quick. I think the concern here is that there is a for-profit industry that has a war chest of resources to try to get what it wants for short-term benefit and it's willing to use that to out-wait the citizens who have very little resources with which to continue to come back and fight this. And I think that's what we're trying to avoid here, is that power and balance being used against us to force through something that will have long-term consequences for all of us. I'll leave it there.

9. Madison Lovell, 2900 Oak Tree Avenue – So this is my sixth time being here, and what I've noticed at each and every one of these meetings is that you already vote on denying the postponement, and I want to echo Cynthia – it doesn't seem very procedurally right to vote on it before public comment. Even moreso – this is going to be a lot of echoing what each other said, because you guys are not listening to us. You guys are voting to postpone it time and time again despite citizens showing up. So you

are showing us that you are not willing to listen to all of us whenever you don't allow public comment before voting. We ask because we are concerned citizens worried about clean water and we're worried that they are trying to wait us out to the point where we don't have the resources to come anymore and they will always have those resources. Even moreso than that is, even if they have to pay those fees again, they've already postponed for six months. You know, they should deserve to pay those fees once again because they're exploiting your system and they're exploiting us as normal concerned citizens. So, as I've said before, as I continue to say, and the sixth time I've probably said this, postpone it and listen to us. There's a reason why we're here and you should represent us in that manner.

10. Sydne Gray, 415 Chautauqua Avenue – Yeah, I'll go ahead and just also echo the frustration that there was not public comment before the vote. I've been involved in a lot of City activities and going to these meetings and going to City Council meetings and I think it's been pretty rare that there's not been public comment before a vote. It just seems a little bit undemocratic and it doesn't give any of us who were all very frustrated being here and clearly you guys are, too. So I'm just kind of curious if it's normal for just this board, or if it's multiple boards that get to go ahead and vote before they make that public comment, because I find that to be pretty just thoroughly undemocratic and unproductive, because, again, like we're kind of just wasting time by continuing to talk. Obviously, we're going to keep continuing to talk because it's important that you guys listen to us and hear our frustrations and just maybe – I don't know if it's even possible but next time could we have the discussion in a productive way that could occur before the vote? I think that would at least diffuse a lot of the tension and the frustration that everybody is feeling. I don't know if it's within your guy's power, but as a gesture, since we're going to have to return here guaranteed for a seventh time, if that could be afforded to us, you know, this could make it a lot easier for everybody in this room – the Board and citizens combined. And I also just want to echo and reiterate that I think it's pretty ridiculous that we are cutting Arrowhead such a big break whenever they are not only exploiting the land and our water and our people, but also everybody in this room and everybody who could be doing literally anything else right now. Obviously, this is an oil company so they have plenty of money if they need to reapply. If they need to pay that fee, great. I agree definitely what Cynthia was saying over there about that. So just I guess my biggest concern while I'm sitting here, and also to echo Madison, is that we really needed to have this discussion before we see a vote.

11. Tanya Jo Leigh, 3533 Sunflower Street – And I also am a small business owner at 3750 West Main is where my business is located. I would like to just echo what everyone is saying here, and I would like to say I'd like to see no more postponing and no to the variance. I'm also here regarding water. So I'd just like to say I'd like to see it not continue to be postponed over and over and over. Although I will be here. I'll be here every single time. I make my own schedule so I'll be here next time and the time after that and the time after that. So thank you.

12. Barbara Kavolovsky, 734 S. Lahoma – I just want to say one thing. I think that what the problem is is that in the past business goes on as usual and this type of manipulation would have worked. What you're seeing here is multi-generations of people. We've got educated young people. We've got people who have lived longer than the normal lifespan, and we aren't going to quit. And so we can wait them out only, like has been said before, it's – a fine would be nice if they can't at least show their face.

Mr. Seamans – Thank you for coming down here. Thanks for your time and your support for Norman. I know that we have some tough things ahead of us, but we'll get through it.

Mr. Holcomb – Can I ask just one other question? Is there a staff recommendation on whether to approve or deny the variance itself? Not the motion to postpone, but actually is there a staff recommendation.

Mr. Seamans – Not that I've seen.

Mr. Howard – If I could answer that. We won't get one until they finalize what their position is. If I could maybe entertain a motion amongst the Board members – a motion to continue our discussion on this issue as a Board in the Miscellaneous Comments. I'd like to have a few more comments on this, but I want to push that to the back so we can take care of these other two issues first. And if anybody wants to stick around and listen – and I mean that sincerely, just listen to our comments – I'd like to do that.

Mr. Seamans – Alright. So we've got a motion to table Board discussion for this postponement. Can I have a second?

Mr. McCarty – We don't have to have a motion to do that. We're just going to discuss it in Miscellaneous.

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Item No. 5, being:

**BOA-1718-12 – BROADSTONE FP, L.L.C. REQUESTS A VARIANCE OF 23' TO THE REQUIRED 25' FRONT SETBACK TO ALLOW A MONUMENT SIGN WITHIN THE FRONT SETBACK OF THEIR PROPERTY LOCATED AT 1411 ELM AVENUE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Location Map
3. Application with Attachments
4. Drawing of Proposed Sign
5. Site Plan

**PRESENTATION BY STAFF:**

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff supports the variance request as submitted. No protests were received.

**PRESENTATION BY THE APPLICANT:**

1. Chesley Potts, Krittenbrink Architecture, representing the applicant – The staff gave a very good report, and detailed report. Unless you have some questions of us, I think it states everything that we're requesting.

**AUDIENCE PARTICIPATION:**

None

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

*Mike Thompson moved to approve the Variance as requested. James Howard seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS	Brad Worster, Curtis McCarty, Mike Thompson, James Howard, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to approve the Variance as requested, passed by a vote of 5-0.

Mr. Seamans noted that there is a 10-day appeal period before the Board's decision is final.

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Item No. 6, being:

**BOA-1718-13 – LANDERS CHEVROLET OF NORMAN REQUESTS A VARIANCE TO THE HEIGHT REQUIREMENTS FOR AN INTERSTATE GROUND SIGN TO ALLOW IT TO BE LOWER THAN REQUIRED BY APPROXIMATELY 30', FOR PROPERTY LOCATED AT 1221 ED NOBLE PARKWAY.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Location Map
3. Application
4. Sign Permit Application including Drawing of Sign and Site Plan

**PRESENTATION BY STAFF:**

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff has no objection to the request if adjacent property owners do not object. No written protests were received.

**PRESENTATION BY THE APPLICANT:**

1. Bruce Edwards, Dalmarc Signs – Wayne says it pretty good. We were just wanting to have a certain height that we can have because the sign is not as big as the regulations say it would need to be. We just want to make it a shorter sign.

2. Gary Gage, Landers Chevrolet – With the construction of the interstate, our existing sign that has been there since Marc Heitz built the building was compliant. Now that the interstate has been built it's not visible so we're requesting a bigger sign, which, to do that, we have to go by some code. General Motors, who tells me what color of paint I have to use on my building and everything else – we have to use their sign. If I could do like my Chrysler Jeep store and put in an 80' pole and put my General Motors on top of it, I'd be more than happy to do that. However, I have to use General Motors sign. So I'm getting the biggest sign that General Motors offers, and they don't make one bigger. If I could get them to build it bigger, I'd have it 80' in the air. It's to my benefit. But I have to use their stuff and so that's the biggest sign I can get.

**AUDIENCE PARTICIPATION:**

None

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

*Brad Worster moved to approve the Variance as requested. Mike Thompson seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS	Brad Worster, Curtis McCarty, Mike Thompson, James Howard, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to approve the Variance as requested, passed by a vote of 5-0.

Mr. Seamans noted there is a 10-day appeal period before this decision is final.

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Item No. 7, being:

**MISCELLANEOUS COMMENTS**

1. Mr. Howard – I just wanted to say that I'm very appreciative of the citizens of Norman that have come here today to talk about their concerns and their issues. My opinion has been – I think it has been shared amongst the group of discussions as I can tell – is that we tend to be open to individuals' rights to be able to be heard when they need to be heard and to have an opportunity to seek alternate solutions and to work with the City to find the appropriate solutions prior to bringing it to the Board for a final decision. That said, I also understand the citizens' concerns with things going on in perpetuity, although I do not think that's what's happening here right now. I do see that there is room to abuse that right. I'm not willing to spend our time and effort to recommend what that timeframe should be. But I think that we ought to ask the Council to consider what might be appropriate in that situation, and if they're willing to make an ordinance that we can follow, then we'd gladly follow that. That's the only comment I have.

2. Mary Francis – I am wondering if there is any motivation at all for them to move faster and for the Board to move faster and for the City to move a little faster on these postponements. I am particularly interested in knowing what is the fee that they have to pay? Am I correct in understanding that they would have to pay the fee again if the Board denied the postponement?

Mr. Seamans – Two hundred dollars is the fee.

Ms. Francis – That's not much of a deterrent.

3. Sydne Gray – I just have one question for the Board, and that is if it is possible and it's within the capacity of this Board to hold public comment before the vote next time? Can we rely on that happening?

Mr. Seamans – At this time, I don't know if they're going to postpone it next time or not.

Ms. Gray – I'm not asking if it's going to be postponing. I'm asking – because, obviously, we're going to have to vote whether or not to postpone this again. I'm asking can we have public comment before that vote is made. Like I said before in my previous comment, I think it's more productive to use our time before the vote instead of afterwards. So that's my question: what can we expect next month? Because we're all going to be here; we all want to say something.

Mr. McCarty – I believe what they're asking for is – the applicant asked for postponement prior to this meeting. It was posted everywhere that it was postponed. They're wanting us to have discussion before we agree to postpone.

4. Casey Holcomb – We're asking you not to postpone it any longer.

Mr. McCarty – We're just following what this Board has done in the past, was oblige the postponement.

Mr. Worster – I can say, for me personally, I'm not going to vote against somebody who isn't here to represent themselves. And if they've requested an excused absence, then I don't think I'm going to vote against them.

Mr. McCarty – So you all know when they're going to show up when we know. So the postponement is on the agenda prior to the – you all find out at the same time we do. So you know not to come here if it's postponed, unless you're just wanting to talk like you are. And we can hear you, but we're not going to take action – or I'm not going to take action any different than what I did today by listening to public comment, when an applicant, who has the right in my eyes to ask for a postponement.

Unidentified – Okay. So I hear what he's saying. He said despite anything, he's not listening to us, whether we talk before or after.

Mr. McCarty – Thanks for putting words in my mouth. That's not what I said.

5. Katherine Trent – I think basically what they were asking is before you vote whether or not to excuse the absence, that their comments be heard. I have served on many boards and, generally, if we have the public present and they ask to speak on a particular agenda item, we consider the comments of the public before we vote on that issue. That is what they're asking for. But I think that what James has proposed is probably a satisfactory answer to the question, which is considering the process. If the process is problematic and being abused in perpetuity and wasting everyone's time and costing the City money, then it is logical to charge a fee. And we thank you for your consideration.

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Item No. 8, being:

**ADJOURNMENT**

*Curtis McCarty moved to adjourn the meeting. James Howard seconded the motion. There being no further business and no objection, the meeting adjourned at 5:39 p.m.*

PASSED and ADOPTED this 23<sup>rd</sup> day of May, 2018.

  
Board of Adjustment