
MINUTES OF SYMMES TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING
OCTOBER 2, 2017

The meeting was called to order at 7:00 p.m. Members of the Commission present were:
Mr. Fowler, Mr. Misrach, Mr. Ruehlmann and Mr. Wolfe.

Also present were: Kevin McDonough, Township Law Director, Bryan Snyder, Hamilton County Zoning Inspector and Luanne Felter, Zoning Secretary.

PUBLIC HEARINGS

MR. MISRACH convened the public hearing for BZA 2017-16 for the property at 10199 Fletcher Road.

MR. SNYDER stated that the applicant is requesting approval for the construction of a 224 square foot wooden deck addition on the side of the home that is located within the required side yard. The property is located off of the northeast end of Fletcher Road, east of Glendale Milford Road, along the Little Miami River. Apparently, the applicant replaced a badly deteriorated deck that was over 40 years old with a newly expanded deck without obtaining the required zoning certificate. The deck includes a railing and stairs from the front yard with access from a side door to the existing single family home. The deck was constructed with a 10 foot setback from the eastern property line where a 15 foot side yard setback is required so a five foot variance is required. It appears that the previous deck was more of a concrete patio constructed on a concrete block base extending out from the home with a side yard setback area of approximately 14 feet. The homes on this portion of Fletcher Road appear to have been constructed as a summer camp prior to adoption of Symmes Township Zoning. At the time the structures were constructed there may not have been parcels for the individual structures as this appears to have been added later possibly to address the fact the structures were being converted to single family use and current Zoning does not permit more than one dwelling per parcel. Regardless, the deck will not have any impact of the adjacent properties due to the layout of the homes in this area and a 65 foot setback that exists between the deck and adjacent single family home.

MR. RUEHLMANN wanted to know if the applicant built the deck in conformance with the Building Department.

MR. SNYDER stated that he did not know. The applicant cannot get a building permit without obtaining a zoning certificate and cannot obtain a zoning certificate without obtaining a variance. However, if the deck is not built to code the Building Department will make him modify it according to their specifications.

RONALD SEIBERT (10199 Fletcher Road, 45111) stated that he did not realize he needed a permit to replace an existing deck. Several years ago when his father passed away the neighbors decided to split the property lines. At that time, they did not realize there needed to be a 15 foot setback. His neighbors are not in attendance tonight but they do not have any issues with the deck.

MR. RUEHLMANN stated that he had no problem with the request for a variance since there is only a five foot difference.

MR. RUEHLMANN made a motion to grant a five foot setback variance for the uncovered deck addition on the existing home at 10199 Fletcher Road on the condition that the applicant obtain a building permit. MR. WOLFE seconded the motion and the roll call vote was as follows:

MR. FOWLER – ‘aye’, MR. MISRACH – ‘aye’, MR. RUEHLMANN – ‘aye’ and MR. WOLFE – ‘aye’.

MR. MISRACH convened the public hearing for BZA 2017-14 for the property at 10472 Willow Drive.

MR. SNYDER stated that the applicant originally requested variance approval in September for a privacy fence and detached accessory structure located in the front yard of a home located in a "C" Residence District but the meeting was rescheduled. Last week, the applicant revised the plans and sent a copy to his office via email but he did not have an opportunity to prepare a new staff report for the Board. He will let the applicant go over the changes.

The subject site is considered a corner lot because it has frontage on Willow Drive and also has frontage on the right-of-way of Maple Drive. Maple Drive is an unimproved "paper street" that was dedicated for public use but was not accepted. This portion of Symmes Township includes numerous 20 foot wide lots that were likely recorded as part of a promotion where "campsites" were sold or raffled off. The streets and lots were recorded but the vast majority of the area was never developed. Several homes have now been constructed in the area by consolidating several lots into one lot to create a buildable parcel. The subject site originally included four lots but only three were consolidated to allow construction of the home with a 25 foot setback from Maple Drive rather than the required 30 foot setback. Following completion of the home the 20 foot lot was consolidated with the overall property. The pergola structure would not look out of place since Maple Drive is not developed.

CYNTHIA J. KING (10472 Willow Drive, 45140) stated that when she applied for a Zoning certificate for the privacy fence there was some confusion in the details of the plan that led to the fence extending past the front corner of the home. The Zoning inspector asked her to take down the fence but couldn't because it was too costly. Since it is no longer a financial hardship she will remove one panel of the existing privacy fence and, therefore, will no longer require a variance. She would like to construct a 168 square foot wooden pergola structure in the rear yard three feet from the northern property line where a five foot setback is required. The pergola is necessary because there are no shade trees yet. The neighbor's next door received a variance for a covered porch that has a similar setback.

C.J. CARR (10403 Willow Drive, 45140) stated that he has not seen the revision and would like to review it.

MR. MISRACH asked Mr. Snyder to show Mr. Carr the revisions and noted that the issue is whether the Board should grant a variance for a three foot setback where a five foot setback is required.

MR. CARR stated that Zoning allows for a three foot setback for accessory structures.

MR. SNYDER stated that it is five feet.

MR. RUEHLMANN asked Mr. Snyder to look it up for clarification.

MR. CARR stated that the privacy fence on the plan is incorrect; it actually extends nine feet eight inches into the front yard.

MS. KING stated that she disagrees with Mr. Carr. The privacy fence only extends out seven feet but will remove whatever she has to to be in compliance although she feels it is excessive. She reminded the Board that Maple Drive is a "paper street" and there currently are no plans for development. She feels that she has the burden of all the restrictions as a homeowner for something the County doesn't even recognize.

MR. MISRACH asked Mr. Snyder how many feet are in dispute.

MR. SNYDER stated that there is no dispute that he is aware of unless there is a survey to prove otherwise.

MR. CARR stated that he built the house and the applicant is well aware it is located on a corner lot. She even asked me if she could install a six foot privacy fence and I told her it was not allowed by the Zoning Code; she would have to file an appeal and I would come and argue against it. He has plans to build homes behind her property and provided the Board with copies of the plans that show Lot #14 at the intersection of Maple and Willow Drive. The second page shows the lots and street addresses.

MR. WOLFE wanted to know if the plan was approved by Hamilton County.

MR. CARR said the streets are already laid out and that he submitted a formal letter to Symmes Township last month to verify the acceptance of Maple Drive. Homes will be built on both sides of the street behind the applicant's home. The street needs to be 40 feet wide for utilities. He noted that the applicant has misinterpreted where things on her plans for the deck, privacy fence and pergola.

MR. WOLFE wanted to know if the applicant was notified that she was on a corner lot on the deed.

MR. CARR said he notified her of setback requirements when he built the house.

MR. SNYDER noted that upon looking at the Symmes Township Zoning Code a five foot setback is required from all property lines and read the section to the Board.

MR. CARR requested that the meeting be continued since the property owners have not been properly notified of the revision.

VICKIE OWENS (12018 Cedar Drive 45140) stated that she does not like the fence and is afraid it will depreciate the value of her home.

TOM HOFFMAN (586 Wards Corner Road 45140) stated that the applicant must be responsible for her mistake. He believes that when Maple Drive is developed the fence will create a visibility problem on the corner.

MR. RUEHLMANN wanted to know if the applicant can move the pergola.

MS. KING said she laid out the pergola in every possible direction but this is the only area that does not impede the walkway that needs to be open for her elderly parents who are in a wheelchair.

MR. FOWLER wanted to know from Township council who is required to provide a legal description of the property.

MR. MCDONOUGH said it was the property owner's burden.

MR. SNYDER noted that his inspectors are not surveyors and reminded the Board that they need to go by what the property owner provided on the plans unless someone can prove otherwise. He suggested the Board require a one seven foot panel be removed to eliminate any discrepancy.

MR. MISRACH stated that he had no issues with the variance request and does not believe the trees will cause a hindrance when the street is developed. If it does the Township can ask her to trim back or remove.

MR. WOLFE made a motion to approve a two foot variance to allow for the construction of a wooden pergola structure in the rear yard of 10472 Willow Drive as indicated on the revised plans submitted to the Board at the meeting and to remove one seven foot panel of privacy fence in the rear yard to be in compliance with the Zoning Resolution.

MR. RUEHLMANN seconded the motion and the roll call vote was as follows:

MR. FOWLER – ‘aye’, MR. MISRACH – ‘aye’, MR. RUEHLMANN – ‘aye’, and MR. WOLFE – ‘aye’.

MR. MISRACH recessed the meeting at 8:09 p.m.

MR. MISRACH reopened the meeting at 8:19 p.m. and convened the public hearing for BZA 2017-15 for 10020 Lincoln Road.

MR. SNYDER stated that the applicant is requesting to reestablish the nonconforming use of the existing structure as a two family dwelling. However, the structure has been vacant for more than two years and has lost its legal non-conforming status to operate as a two family. A use variance appears to be the only way that the Board could permit a multi-family use on this property in a single-family district but he strongly advises against it. There is a discrepancy in the documents submitted as there are floor plans in the packet that indicate a three family configuration with the storefront and adjoining room identified as a separate unit. Given that the application form and all other documents indicate a two family use, this must have been submitted in error.

MR. RUEHLMANN wanted to know why the applicant applied to the Board of Zoning Appeals and not the Zoning Commission.

MR. SNYDER stated that the applicant asked for a variance instead of a zone change. The process for a zone change takes about 4 to 6 months and costs twice as much.

NICK ZIEPFEL (Graydon, 312 Walnut Street, #1800, 45202) stated that he represents the applicant. He made it clear that they are asking for the reestablishment of a nonconforming use and not a use variance. The nonconforming use was never discontinued. The two family structure was built in 1861. It was part of the community center and served as a general store which also contained rooms for rent. During the Civil War, Camp Dennison’s officers used the property as their headquarters. In 1866 an addition was added with a three brick wide wall to separate the units. No major structural changes have been made since then. The property also contains another residence and three accessory structures on two properties to the north behind the two main buildings. In 1956 the area was rezoned single family residence so the property owner at the time was granted a nonconforming use. The applicant states that the use should be permitted to continue because the structure was built as a two family residence and was never intended to become a single family home. Also, the addition of the second unit was constructed in such a way that a thick brick wall separates the two units and it is not feasible to connect the two units to allow conversion to a single family dwelling.

He noted that there is a discrepancy in the Staff Report. It states that the applicant has worked to rehabilitate the interior and exterior of the building after she withdrew a previous request with the Board of Zoning Appeals in 2016 and has outstanding building inspector orders against the property for performing work without a building permit. That is not correct. The roof started to cave in so she had to erect posts to secure it. No work has been done to the property and she wants to restore it to its former glory. It’s stated that the structure has been vacant for more than two years and lost legal nonconforming status to operate as a two family; however, the language is clear in Section 153 of the Zoning Resolution. The property was a multi-family home at the time it was issued non-conforming status. Also, in the Resolution Section 31.3-226 defines “use” as “the purpose of activity for which land or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained.” Although the property has not been rented out since 2000, the prior owners and the applicant each have continued to maintain, make improvements to, and pay taxes on the property. Denial of the request would create undue hardship for my client. The cost to convert the building into a single-family dwelling is very expensive and would destroy the historical value of the property. Converting the building to a single family dwelling would also be practically impossible due to the three brick thick wide wall. In addition, the buildings on the property are configured in such a way

that the property could not be subdivided into lots and sold separately. Further, a lender could not provide a residential loan for a property with two dwellings. The building may have to be torn down.

MR. WOLFE wanted to know when his client purchase the other buildings on the property.

MR. ZIEPFEL stated that she purchased everything on the property in 2009.

MR. WOLFE wanted to know if the home is registered with the National Register of Historic Places.

MR. ZIEPFEL stated the applicant is in the process of looking into it.

MR. MISRACH wanted to know if the realtor ever pointed out that this property had a nonconforming status and that it would expire if she didn't use it. She has to realize too much time has gone by.

MR. ZIEPFEL stated that she was aware but noted that she did not give it up voluntarily; it was just a pause.

AVELING HANSON (8470 Camargo Road, 45243) stated that she is the daughter of the applicant. The property was in deplorable condition when her mother purchased it so she could not rent it. Her intention was to work on her house first then move onto the rental property but it was very labor intensive and costly. Only repairs were done to the two family dwelling to keep the ceiling from caving in. It takes time to come up with more money so they did work on the property a little at a time. The restoration of the buildings and accessory structures are treated as one project.

MR. WOLFE pointed out that the two family dwelling has been unoccupied for eight years while the house was renovated.

MR. ZIEPFEL mentioned that the renovation project was not a commercial operation; family members did it themselves and it was not the only project they had going on.

MIKE HOWELL (7810 Clement 45111) stated he lives across the street from the property. The building had not been maintained and was definitely in need of repair before the applicant purchased the property. Pidgeons worked their way into the gutter and built nests and the ceiling had fallen in. It is a very remarkable building and it will be a shame to try and convert it into something it wasn't intended for.

WILLIAM HANSON (8470 Camargo Road, 45243) stated that he is the son-in-law and the one doing the renovation work. The process takes a long time. Their intention is to restore the building back to what it was but the work has been tedious and they have had issues along the way. His mother-in-law will have no choice but to tear the dwelling down and the community will lose its history.

SEAN SUDER (Calfée, Halter & Griswold, LLP, 2800 First Financial Center, 255 E. Fifth Street, 45202) stated that he represents D'Arcy Havill. He has a lot of evidence to go over and will rebut everything presented tonight. He suggested residents of Camp Dennison speak first.

MR. MISRACH stated that he does not care about the order. The Board is willing to hear everyone's view but must point out that this is a legal issue. They must follow the law and not make a decision on subjective thoughts and feelings.

MR. ZIEPFEL wanted to point out that D'Arcy Havill is a member of the Board of Zoning Appeals and that he tried to purchase this property three times.

MR. SUDER objected and wanted that statement stricken from the record. Mr. Ziepfel has no personal knowledge of this.

MR. MISRACH noted that Mr. Ziepfel will have a chance to speak at the end.

MR. ZIEPFEL stated that he will present evidence that Mr. Havill tried to purchase this property three times before and since he sits on the Board it presents an ethical issue. He would like this noted in the record.

MR. SUDER stated that Mr. Havill is a citizen of the Township and is allowed to be represented.

CAROL SIMS (9972 Washington Street 45111) stated that the Havills' have been known to purchase several pieces of property in Camp Dennison so the fact that they tried to purchase this property does not mean they are biased. Here are some very important facts. In November 2016 the applicant applied for a request to reinstate a nonconforming use for two two bedroom apartment rentals and a retail store. At the public hearing it was noted that the structure was vacant for two years and lost its nonconforming status and BZA did not have the power to approve the request. The minutes reflect that due to opposition of residents the applicant withdrew this request and would apply for a zone change. Therefore, it was not denied as indicated in the current application letter. In summary it was determined by the Board and staff this appeal should not be accepted, should not be before the Board and the property owner needed to proceed with a zone change. So here we are now 11 months later and it appears staff once again accepted an appeal for which this Board has no authority to grant approval and for which the plans are incorrect. The request is now for the reestablishment of a nonconforming use for a two family use not apartments and no request for a use variance. The appeal was submitted by an attorney with a large document containing pictures and drawings and a 14 page letter outlining why the Board should approve this request. It should be noted that this appeal does not mention the store front . What are the plans for this portion of the building as well as the other structures and will those now be an unnecessary hardship since they cannot be used for residential purposes? The letter further states that there is ample parking on the property. However, I have not seen any plans for the location or the number of parking spaces. What bothers me the most about the application is the misrepresentation that the approval will not affect the character of our neighborhood. This area contains single family residences. The businesses referred to are a home occupation business, a church which is a conditional use and a restaurant on S.R. 126 which is in an "E" retail district. The variance could weaken the integrity of the Zoning Code. With all these concerns I pointed out, I suggest you meet with the Township's legal council before making a decision.

LYNETTE COURSEN (7872 Clement Street, 45111) stated that she lives next door and is not for or against this request just wants to clarify that people were living in the two family dwelling beyond 2000. She has an obituary from 2003 for the person that used to live upstairs in the building who passed away. She knows people rented the unit after that. The building that was renovated in the back is amazing; they did a really good job. The home in front was a mess obviously because they put their money into the other building but it is starting to look better. Her only concern would be with parking but there is plenty of space inside of the property . She does not want to see this beautiful building torn down because we would lose an immense part of history.

CJ CARR (10403 Willow Street, 45140) stated that he attended an open house on this property about two months ago. While he was there he saw no kitchens, bathrooms or plumbing. Many alterations will be required to make the place livable again. They stated that no work has been done that would require a building permit. That is not true. He was told that the roof was reframed with new rafters and new ceiling joists were installed. This is structural work that requires a building permit. He should know because he is a contractor and has experience in this area. There are health issues with no plumbing on a .22 acre lot. There is also no septic system to meet today's code. Since the area is designated as "C" Single Family and does allow multi family, the request should be denied.

MR. FOWLER wanted to know how close he lived next to this property.

MR. CARR stated that he lives in Loveland Park which is also zoned "C" so he is familiar with the zoning requirements.

MR. ZIEPFEL objected to MR. SUDER getting up to speak on behalf of D'Arcy & Judy Havill.

MR. SUDER stated that Mr. Ziepfel has made baseless accusations. His clients have a constitutional right to be heard even though Mr. Havill is on the Board. In the documents the applicant refers to this property as multi-family. It has already been decided by Zoning that the property is a single family period and irrelevant to the conversation. The applicant claims she has vested rights from 1950 and entitled to a use variance. Neither one applies to facts under the law. Vested rights were gone when she purchased the property in 2009 and that is a fact. The applicant makes it seem she had rights from 1950 and all of a sudden the Township is stripping them away. They purchased the property in 2009. In order to have vested rights from the previous owner those rights needed to be uninterrupted. That is not the case. Evidence proves the rights were gone before the applicant purchased property in 2009. The prior owner did not even use the property as a multi-family or even consider it. On Exhibit 1 the Real Property Conveyance Fee Statement from the Hamilton County Auditor considers the property to be single family not multi-family as shown on Line 11. On Exhibit 2, the Hamilton County Auditors page considers the property to be single family for tax purposes. Also, in 1995 the prior owner was granted an Open-End Mortgage Agreement by Fannie Mae/Freddie Mac and listed single family at the bottom of Page 1. As you can see on Page 3 paragraph 6 the box for principal riders attached to multi-family was not checked.

MR. RUEHLMANN wanted to know why the document states 10026 Lincoln when the Appeal refers to 10020 Lincoln. Is there a document that proves the correlation to the two?

MR. SUDER said that it is Parcel No. 35 and is included in the legal description.

MR. SNYDER stated that Parcel No. 33 & 35 are the subject of this request and are included in the Staff Report.

MR. SUDER noted that on Exhibit 4, the MLS listing considered it as a Single Family dwelling. The market remarks says the building was used as a former hotel and general store. You must assume it's true because its listed by Ellie Wallace, a licensed real estate agent. This shows that the property had many uses over its life and no mention of a two family, multi family or rooming house. You would think it if is being marketed for sale as multi-family investment property and it needed to be rehabbed it would be listed that way. Also, on Exhibit 5 pictures from the Auditor's website in 2003 shows the building being heated by gas so you can reasonably assume its gas marketed. However, on Exhibit 6 from the same angle the gas meter is missing and appears to be uninhabited in 2008. No gas meter means no gas. All the evidence presented tells us how the property was used prior to 2009 when purchased. As you can see, the vested rights expired a long time ago. You cannot purchase property and start rights back up. The applicant has argued that they are entitled to a use variance for multi-family. Essentially use variance is when you have a plan for your property but zoning does not allow. The high court only allows this in extreme circumstances and puts high standards with burden on the property owner. The comparables for single family in the area are going for more so she cannot say the building has no economic value. Lastly, Zoning laws are in place to protect the community. If she wants multi-family, she can go through the zoning process. Please deny this request.

BARBRA WILSON (7906 CLEMENT STREET, 45111) stated that she doesn't know if the person Mrs. Coursen was referring to paid any rent because she knows that another gentleman that was staying there was not. She was in the building with the previous owner and it was in poor condition with no heat. A sheet was hanging where the so called three brick thick wall was suppose to be. Her son tried to purchase the home when it was for sale and it was listed as a single family. Parking is a big concern right now because people from the bike trail park up and down the road. One last point, at

the Open House they were collecting signatures on a petition to save the home and I believe most of the people that signed it aren't even residents.

ANDREA BARNHILL (7914 Clement Street, 45111) stated that she thinks the property owners are doing a wonderful job restoring the home. However, she has some concerns about the rental property. At the Open House she was told that the mother's home would be rented out because she only plans to be there two months out of the year. Who will be on site a majority of the time? She was also told that they plan to offer townhouses plus two apartments and operate a coffee house without providing public bathrooms. She would love to see something worked out to save the building without putting rental units in the building.

ELLIE WALLACE (P.O. Box 43383, 45243) stated that she is the real estate agent that sold the property. The building has no value apart from its rental income. The property owner is trying to make something of this place. They already have an empty storefront they cannot use but if they can get rental income from the two two bedroom units they will be able to make ends meet. They must be able to make ends meet or the building will be torn down. An alternative is to turn it into a halfway house. I recommended to the property owner to tear down the building after they bought it because I knew this would happen. Lastly, Mr. Knicely told me personally that Mr. Havill tried to sneak the property from him.

MR. MISRACH stated that is heresay.

MR. RUEHLMANN wanted to know if she sold this property as a single family.

MS. WALLACE stated that she did because there are only three categories for a property: a farm, single family and condo. She could not call it a multi-family because it was not zoned for a multi-family.

MS. SIMS noted that they are trying to make this property income producing and you cannot do that in a single family district.

MR. FOWLER stated that Mr. Suder flooded us with a lot of paperwork tonight so he has some questions. Does the legal description in the Open-End Mortgage include both the single family and multi-family home?

MR. SUDER said it does.

MR. FOWLER wanted to know if there was one or two tax bills.

MR. SUDER stated that there is one tax bill.

MS. HANSON interjected and stated that there are four separate tax bills.

MR. ZIEPFEL stated that the intent has shown the building has had several occupants for a number of years. The counsel for Mr. Havill, which is objectionable under ORC, never mentioned the statute for intent. He never once went over the language and how the law applies. He talks about the missing gas meter but doesn't mention that electric is supplied on the other side. He ignores property lines. He focuses on the Open-End mortgage statement where it is listed as single family but ignores the other four properties listed for this site.

MR. MISRACH stated that he believes everyone was being sincere in their testimony. The property has potential and could be very nice. However, the Board is being asked to grant a variance on a nonconforming use that it has no authority to do. He believes the applicant should apply for a zone change with the Zoning Commission.

MR. WOLFE agreed.

MR. FOWLER stated that there is more to analyze; a lot has been presented tonight. He has some questions for the Township's legal council and would like to see a continuance be granted so they can consult with him on some of these issues. He doesn't know if a zone change is the solution because it may fall under "spot zoning".

MR. RUEHLMANN stated that the Hamilton County Auditor has taxed this building as a single family and has been doing so for 8 years. Even if you agree with the language the law says it is a single family.

MR. FOWLER stated that's where we need legal council. It should go by the property owner's intent.

MR. RUEHLMANN wondered if their intent was to have a multi-family, why did they pay taxes as a single family; that may be fraud.

MR. FOWLER stated that the Auditor does not know the owner's intent.

MR. FOWLER made a motion to continue the meeting for BZA 2017-15 until November to confer with the Township's legal council.

MR. WOLFE seconded the motion and the roll call vote was as follows:

MR. FOWLER – 'yes', MR. MISRACH – 'nay', MR. RUEHLMANN – 'nay', and MR. WOLFE – 'aye'.

MR. MISRACH noted that due to a tie the motion did not pass.

MR. SNYDER noted that the Board may retire into Executive Session to discuss with legal council.

MR. RUEHLMANN made a motion for the Board to enter into Executive Session to discuss BZA 2017-15 with the Township's legal council.

MR. FOWLER seconded the motion and the roll call vote was as follows:

MR. FOWLER – 'aye', MR. MISRACH – 'aye', MR. RUEHLMANN – 'aye', and MR. WOLFE – 'aye'.

MR. MISRACH recessed the meeting at 10:48 p.m.

MR. MISRACH reopened the meeting at 11:16 p.m.

MR. WOLFE made a motion to deny the request for a use variance and the reestablishment of an expired legal nonconforming use of the existing structure as a two family dwelling at 10020 Lincoln Road.

MR. RUEHLMANN seconded the motion and the roll call vote was as follows:

MR. FOWLER - 'aye', MR. MISRACH – 'aye', MR. RUEHLMANN – 'aye', and MR. WOLFE – 'aye'.

NEW BUSINESS

MR. RUEHLMANN made a motion to approve the minutes of the August 7, 2017 meeting. MR. WOLFE seconded the motion and the roll call vote was as follows:

Mr. Fowler – 'aye', Mr. Misrach – 'aye', Mr. Ruehlmann – 'aye', Mr. Wolfe – 'aye'.

MR. MISRACH made a motion to approve the minutes of the September 11, 2017 minutes. MR. WOLFE seconded the motion and the roll call vote was as follows:

Mr. Fowler – ‘aye’, Mr. Misrach – ‘aye’, Mr. Ruehlmann – ‘abstain’, Mr. Wolfe – ‘aye’.

ADJOURNMENT

MR. MISRACH adjourned the meeting at 11:28 pm.

Approved:

Luanne Felter, Secretary