

Minutes
Administrative Board of Appeals
September 27, 2010

MEMBERS PRESENT: Ann O'Connor, Chair
David Levy, Vice Chair
Jim Weaver
Bode Labode
Steve Simmonds, Alternate

MEMBERS ABSENT: Jose Lopez
Jama Samiev, Alternate

OTHERS PRESENT: RoseMarie Lee, Law Department
Kevin Denker, Planning Department
Debbie Hightower, Recording Secretary

I. Roll Call

Ms. O'Connor called the meeting to order at 1:05 pm.

Mr. Denker asked that the board receive as Exhibit 1 in each of this meeting's cases the contents of the City's file on each case.

Ms. O'Connor acknowledged the contents of the City's file as Exhibit 1 in each case.

II. Cases

10-9-78

Appeal denial of engineering license; Ronald L. Lund, Jr., 15506 Military Road, Bennington, NE 68007

Ronald L. Lund, Jr., appeared before the Board. Mr. Lund explained that someone had been stealing his mail and he believes the check to renew his license was taken. He stated he has held his license for 15 years and plans on teaching classes.

Tom Phipps, City Planning, stated that under the ordinance if a license is not paid by March 1st of the following year then all licensing certificates are void. Permits and inspections do not have any outstanding complaints or have never received a complaint against Mr. Lund's license.

Mr. Weaver made a motion to grant the appeal. Second by Mr. Levy.

AYES: Levy, Weaver, Labode, Simmonds, O'Connor

Motion carried 5-0. Appeal granted.

10-9-76

Appeal Omaha Police Department denial of firearm registration: Douglas R. Rutherford, 7640 Highland Street, Ralston, NE 68127

Douglas R. Rutherford appeared before the Board. Mr. Rutherford explained that he had a concealed weapons charge that happened approximately 19 years ago.

Sgt. Mark Hanner, Omaha Police Department, stated that Mr. Rutherford was denied a handgun registration because of a prior conviction of a concealed weapon charge on June 19, 1991. The disposition was a misdemeanor and Mr. Rutherford served six months in jail.

In response to Mr. Levy, Mr. Rutherford stated the concealed weapon was a 357 Magnum and at the same time he also received a repeat DWI. In response to Mr. Weaver, Mr. Rutherford stated he has a permit to purchase but left it at home. Mr. Rutherford stated he is a forklift operator at United States Cold Storage and no longer drinks.

Mr. Levy made a motion to grant the appeal. Second by Mr. Weaver.

AYES: Weaver, Labode, Simmonds, Levy, O'Connor

Motion carried 5-0. Appeal granted.

10-9-77

Appeal Omaha Police Department denial of a Taxicab Driver's Permit: Ronald E. Lewis, 600 S 27 Street #501 68105

Ronald E. Lewis appeared before the Board. Mr. Lewis explained that he served two years jail time in the late 1980's. He stated that he recently was employed by the VA for over five years but can no longer do the work because of an operation.

Sgt. Mark Hanner, Omaha Police Department, stated that Mr. Lewis was denied a taxicab permit based on a felony conviction that occurred in 1987. He stated that Mr. Lewis has numerous misdemeanor driving offenses from 1991 to 1997. The last contact with the Omaha Police Department was for a marijuana possession in 2002.

In response to Mr. Levy, Mr. Lewis stated he has a valid driver's license and drives regularly.

Mr. Weaver made a motion to grant the appeal. Second by Mr. Labode.

AYES: Labode, Simmonds, Levy, Weaver, O'Connor

Motion carried 5-0. Appeal granted.

10-9-80

Appeal Omaha Police Department denial of a Taxicab Driver's Permit: Aaron Burkholder, 831 2nd Avenue, Council Bluffs, IA 51501

Aaron Burkholder was not present.

Motion to deny appeal by Mr. Weaver. Second by Mr. Labode.

AYES: Simmonds, Levy, Weaver, Labode, O'Connor

Motion carried 5-0. Appeal denied.

10-6-49 (over from 6/28/10, 7/26/10, 8/30/10)

Appeal Order to Abate Nuisance issued by City of Omaha: Brian Newman, 4414 N 30 Street 68111

Brian Newman was not present. Greg Peterson, City Planning, stated that the property is in compliance and signs are posted.

Motion to deny appeal by Mr. Labode. Second by Mr. Levy.

AYES: Levy, Weaver, Labode, Simmonds, O'Connor

Motion carried 5-0. Appeal denied.

10-8-70 (over from 8/30/10)

Appeal Nebraska Humane Society Reckless Owner declaration: Sheri L. Frizzell, 7604 N 29 Street 68112

Sheri L. Frizzell appeared before the board with her attorney, Todd Frazier, 11920 Burt Street.

Mr. Frazier stated that the basis for the appeal is in relation to three charges within a year pursuant to the city ordinance and a subsequent Reckless Owner declaration. He submitted several exhibits (Exhibit 2 through Exhibit 7). He stated that on September 30, 2009, Ms. Frizzell was charged with having too many dogs at her residence. She was represented by the public defenders office and was advised to plead guilty in the interest of time. On April 22, 2010, Ms. Frizzell was cited for dog damaging property. On July 12, 2010, Ms. Frizzell was charged with a restraint violation. In both subsequent County Court hearings, Ms. Frizzell was not appointed with a public defender and the judge said it would be a felony so she could not be represented. On the third offense, the restraint violation, council did not represent Ms. Frizzell but the city prosecutor advised Ms. Frizzell to plead guilty. This leaves no record and there was no evidence produced other than the three guilty pleas.

Ms. Frizzell stated that Exhibit 2 shows that her animals are well taken care of and she has a safe environment. She stated that she has recently taken more precautions to keep her animals inside her property. Ms. Frizzell stated that Exhibit 2 was sent to her from the Humane Society; Exhibit 3 is another case that was recently prosecuted; Exhibit 4 is a letter of recommendation from other co-workers; Exhibit 5 is an e-mail from the Humane Society that was received before the first charge indicating that she could have foster dogs and there was no permit needed; and Exhibit 6 is a list of supporters. She indicated there were several people that did not show up because they were fearful of retaliation. With regard to the first conviction, Ms. Frizzell stated she vetted all the dogs at her own expense and re-homed the dogs within 48 hours. She stated she was not trying to hoard the 13 dogs but was just trying to save them from a puppy mill.

Mr. Frazier concluded that the judicial system has let Ms. Frizzell down by the lack of representation in County Court and it seems extraordinarily ironic that Ms. Frizzell, whom does foster care and provides a valuable service and saves a number of animals, is charged as a Reckless Owner.

Mark Langan, Vice President of Field Operations for the Nebraska Humane Society, appeared before the Board and submitted Exhibit 8. He stated that as per Omaha City Ordinance 6-87, Reckless Owner Ordinance, the Nebraska Humane Society is charged to enforce by virtue of a contract with the City of Omaha. The ordinance defines a Reckless Owner as an individual who obtains three separate animal control convictions in Douglas County Court within a 24-month period after the date of October 15, 2008. A Reckless Owner must forfeit their animals. In regard to Ms. Frizzell's situation, on September 30, 2009, she was convicted of having too many dogs at her house near 29th and Potter Street. On July 3, 2009, Humane Society investigators found 12 dogs living at Ms. Frizzell's address when the legal limit is three dogs. On February 23, 2010, a complaint was received from a neighbor that Ms. Frizzell's dog had gotten loose and attacked the neighbor's dog resulting in veterinary care for the dog. The neighbors complained that the dog was also charging neighbors. Ms. Frizzell was issued a citation and was charged with dog damaging property on April 22, 2010. On May 1, 2010, neighbors again complained that the same dog, Tigger, was running loose in the neighborhood and charging neighbors. Based on an investigation, Ms. Frizzell was issued a citation for improper restraint of a dog and was convicted on July 12, 2010, which resulted in her third conviction in less than a one-year period, which qualified Ms. Frizzell as a Reckless Owner.

Mr. Frazier objected to the comments because the authors of the reports are not present to report any foundation. Ms. O'Connor reminded Mr. Frazier that this is an informal hearing therefore additional information is allowed.

Mr. Langan stated that Ms. Frizzell appeared before the Nebraska Humane Society's Appeal Board prior to her third conviction in regard to her violation of a Potentially Dangerous Dog, Tigger. Her appeal was granted at that time but it was stressed to Ms. Frizzell that if she were found guilty of a third violation she would become a Reckless Owner and lose her animals for four years. It was stressed to Ms. Frizzell to not have any other violations in regards to her dogs but shortly thereafter Ms. Frizzell received the third conviction.

Mr. Langan stated that the history of other events other than the citations that were issued to Ms. Frizzell were: February 2000, dog bit a serviceman; March 2001, dog owned by Frizzell was picked up loose; September 2003, complaint of Frizzell's dogs running loose; January 2004, citation to Ms. Frizzell for menacing behavior was dismissed; April 2008, call of a malnourished dog was unfounded; and September 2009, a loose Chihuahua belonging to Ms. Frizzell was impounded. A Reckless Owner ordinance is enforced under contract of the City and therefore Ms. Frizzell qualified as a Reckless Owner. The appeal was denied with the Nebraska Humane Society.

Ms. Frizzell stated that at the time she was granted the appeal for a Potentially Dangerous Dog, she already had a ticket for the third conviction. Mr. Frazier indicated that all three charges are the only substance for the reason for the appeal.

Mr. Levy verified that all three citations resulted in convictions in Douglas County Court but what is before the board today is the three convictions from Douglas County Court. Mr. Levy asked Mr. Langan if the Nebraska Humane Society's Appeal Board was aware of the third citation when they granted the appeal. Mr. Langan stated that Ms. Frizzell was warned at the hearing that if she was convicted of the third citation that she would qualify as a Reckless Owner.

Ms. Frizzell stated she has re-homed Tigger to Wisconsin with a new owner because he was the dog that resulted in the second and third citations. She stated that the judge did an investigation under the second conviction and found that the dog was never taken to a vet. Ms. Frizzell stated she was not home when she received the third charge and she believes someone opened her door and let her dog out.

Ms. Frizzell stated that the first conviction was because she had three of her own dogs and nine foster dogs. She was not aware that there was a limit to the amount of dogs that could be fostered. Ms. O'Connor asked Mr. Langan if there is a limit to the number of dogs that can be fostered. Mr. Langan replied that he would need to check but he indicated that he has never known a situation where 12 dogs were allowed in one home. Ms. Frizzell explained the circumstances of the second conviction when asked by Mr. Simmonds.

Mr. Langan added that in regard to retaliation or negative context, all three convictions resulted from neighbors calling the Nebraska Humane Society and were not initiated by the Nebraska Humane Society. Due process is built into the citations that were issued by the Nebraska Humane Society.

Motion to deny appeal by Mr. Weaver. Second by Mr. Levy.

AYES: Weaver, Levy, O'Connor

NAYS: Labode, Simmonds

Motion carried 3-2. Appeal denied.

10-9-72

Appeal Nebraska Humane Society Reckless Owner declaration: Robin McDowell, 3320 King Street 68112

Robin McDowell appeared before the board with her attorney, Steve Lefler, 209 South 19th Street #440. Linda McDowell, mother to Robin McDowell, also appeared before the board.

Mr. Lefler stated the three convictions against Ms. Robin McDowell are weak and are not the same as having too many dogs or dogs that have bitten someone. He stated his client believed she had gotten rabies shots for her dogs that lasted for three years when in actuality the rabies shots were only for one year. With regard to the three previous convictions, one of the considerations involved finances and Ms. Robin McDowell did not have the resources to be represented. He asked the board to look at several letters that were submitted (Exhibits 2-4) from physicians with regard to Ms. Linda McDowell's history as well as a letter regarding Page Pettis, a 13 year-old nephew to Ms. Robin McDowell who resides with the McDowell's. Exhibit 5 is a copy of Jason McDowell's death

certificate. Page Pettis is the son of Jason McDowell who passed away in December 2009. Several photos were submitted (Exhibit 6a-6d). Exhibit 6a is a photo of a neighbor's dog that looks similar to one of the McDowell's dog. Ms. Robin McDowell indicated that the pictures with the two dogs are the dogs that are currently owned.

Mr. Lefler indicated that his client might have been targeted because officials visited the McDowell home four times before serving papers, officials stopped or drove by the home 17 different times, and the McDowell's ended up having to pay a lot of money for fees and penalties. Any concern that the community may have has been alleviated and the dogs have been licensed and vaccinated. Ms. Robin McDowell works at the VA Hospital in the Mental Health Department and is the sole support for her family.

Mark Langan, Vice President of Field Operations for the Nebraska Humane Society, appeared before the Board and submitted Exhibit 7. He stated that as per Omaha City Ordinance 6-87, if a person receives three animal control convictions in Douglas County Court within a 24-month period, after the date of October 15, 2008, then they become a Reckless Owner, which disqualifies them from owning animals in the city limits of Omaha. On November 22, 2008, the Nebraska Humane Society received a complaint of a pit bull running loose. Ms. Robin McDowell was cited and on January 6, 2009 she was convicted of no rabies vaccination, no dog license and improper restraint. On April 20, 2009, the Nebraska Humane Society received a complaint of three dogs running loose and Ms. Robin McDowell was cited for three counts of improper restraint, one count of no rabies vaccination on one of the dogs and one count of no harness or muzzle on the pit bull and was convicted on July 13, 2009 of two counts of improper restraint. On May 26, 2010 the Nebraska Humane Society received a complaint of a dog running loose. Ms. Robin McDowell was cited and convicted on July 13, 2010 for one count of no rabies vaccination. Mr. Langan pointed out that two of the three convictions involve no rabies vaccinations, which is a public safety hazard with regard to rabies. Also, between May 18, 2001 and May 26, 2010, there were 14 documented calls regarding the McDowell residence and dogs running loose. On one those incidences, one of the McDowell's dogs bit an Omaha police officer and the dog was shot and killed by a police officer.

Mr. Lefler stated he was the attorney who represented Ms. Linda McDowell when the dog was shot. He stated that the judge found Ms. Linda McDowell not guilty and Judge White found that proper procedures were not followed. First, the cops broke down the door and started shooting at the dog. Secondly, the dog was not a pit bull. To repeat, Ms. Robin McDowell thought that the dogs were vaccinated for three years but she found out during an investigation that the dogs were only vaccinated for one year.

Ms. Robin McDowell stated she was denied a request to obtain reports. Also, after police officers came into the house and shot the dog, the dog was taken to the Humane Society and the dog's head was decapitated. The head of the dog was sent to Kansas City to determine if the dog had rabies. The remains were never retrieved because she stated, "She could not bare herself to pick up a dog without a head." She stated her mother, Linda McDowell, was found innocent of all the charges.

Mr. Levy asked Mr. Langan to explain why the document request was denied. Mr. Langan stated he was not aware that Ms. Robin McDowell requested the documents but there is a Humane Society policy that restricts the release of documents per the attorney who drafted the policy. Victims of crimes are allowed to receive certain reports but defendants of crimes receive documents through the court process and not through the Humane Society. Ms. Robin McDowell stated she believed the documents would be public record. Mr. Lefler agreed with Mr. Langan that an attorney could request the documents.

Ms. Linda McDowell stated that since the incident with the shooting of her dog, the Humane Society has harassed them constantly and drive up and down the street at least five times a week and come to the door. She stated she hyperventilates and is fearful when the animal control officers come to her door.

Ms. O'Connor asked Mr. Langan for information as to why police officers were called on two of the citations. With regard to conviction #3 that occurred on May 26, 2010, Ms. Linda McDowell was uncooperative at the scene. On conviction #2 that occurred on April 20, 2009, assistance was

called because Ms. Linda McDowell refused to come out and talk to animal control officers when the dogs were running loose in the area.

Mr. Weaver asked Ms. Robin McDowell if there are dogs in the home. Ms. Robin McDowell stated there are no dogs in the home.

Mr. Levy questioned a discrepancy in conviction #3, regarding the rabies vaccination when Ms. Robin McDowell stated, "Just hasn't gotten around to it yet." Ms. Robin McDowell stated that animal control officers were at her house approximately three weeks earlier and she was told at that time that her dog's vaccinations had expired. She stated that she normally gets a three-year vaccination even though they cost more because there are not as many side effects and it is much easier on the dogs. Ms. Robin McDowell stated her vet is only open three hours in the morning and she had recently started a new job. She confirmed that her dogs are currently vaccinated with three-year shots. Mr. Levy asked Mr. Langan if he had a record regarding the visit three weeks prior to the third conviction, which would have been approximately May 5, 2010. Mr. Langan verified that there would be a report if an animal control officer stops to make a call.

Mr. Labode questioned where the dogs are located. Ms. Robin McDowell stated the dogs are at a sister's residence in town so they can be seen three times a day.

Mr. Simmonds asked Mr. Langan what attempts the Humane Society made to try to prevent the three convictions. Mr. Langan stated that there is a record of 14 calls between May 18, 2001 and May 26, 2010, which resulted in no citations for the vast majority of the calls. After 14 calls, the citations started stacking up resulting in three convictions. This has been a very active address over the past nine years. The calls were from upset neighbors and not from Nebraska Humane Society officers parking in the neighborhood and waiting for violations. Mr. Simmonds questioned the letters from doctors. Mr. Langan stated that the letters from doctors were presented at the time of the hearing and taken into account but the ordinance plainly states that Ms. Robin McDowell fits the definition of a Reckless Owner.

Mr. Simmonds questioned why there were no gray areas in terms of the three convictions. Mr. Langan stated the Humane Society is used to being criticized and being made the bad guy but if you look at the previous history there was a large amount of discretion. The three convictions give the Nebraska Humane Society the authority to end problems and calls from neighbors. In this particular definition, Ms. Robin McDowell fits the definition of a Reckless Owner.

Ms. Linda McDowell questioned why Mr. Langan continually brings up the previous incidences before the ordinance was enacted in October 2008. Ms. Robin McDowell stated that two of the incidences could have been other terriers in the area that run loose.

Mr. Weaver asked if there is an exception for service animals. Mr. Langan stated service dogs are defined as dogs that provide for those with physical limitations. Mr. Weaver questioned that if the appeal is denied, could a therapy animal be allowed? Mr. Langan stated that a dog could be allowed in the house if there is a documented letter from a legitimate organization verifying that the dog is a therapy dog but would need to be researched by the city's legal department.

Mr. Levy asked Ms. Robin McDowell if an attorney represented her in the third conviction. Ms. Robin McDowell stated she did not have an attorney and pleaded no contest. She stated she had just started a new job and if she could do it again, she would not have pleaded guilty. Ms. O'Connor asked Ms. Robin McDowell if she was told in a previous hearing that if she had a third conviction she would be designated a Reckless Owner. Ms. Robin McDowell stated she does not remember.

Mr. Lefler asked Ms. Robin McDowell if she could live with one dog if the board determines that one dog is appropriate. Ms. Robin McDowell answered "yes".

Motion to grant appeal by Mr. Simmonds. Second by Mr. Labode.

AYES: Labode, Simmonds

NAYS: Levy, Weaver, O'Connor

Motion failed 2-3.

Mr. Lefler suggested that he would request files from the City Attorney's office.

Ms. O'Connor asked Ms. Robin McDowell if there is a cost difference between a one-year vaccination and a three-year vaccination. Ms. Robin McDowell stated there is a cost difference but she does not recall.

Motion to lay this case over until the October 25, 2010 meeting to obtain further information regarding a visit three weeks prior to May 26, 2010 of the offense of the third conviction by Mr. Levy. Seconded by Mr. Simmonds.

AYES: Labode, Simmonds, Levy

NAYS: Weaver, O'Connor

Motion carried 3-2. Appeal laid over to the October 25, 2010 meeting to obtain further information with regard to the third conviction.

10-9-71

Appeal Omaha Police Department notice of nuisance: Patrick Jones, 2714 Wyoming Street 68112

Patrick Jones appeared before the Board. Mr. Jones explained that he is making progress with regard to the litter and vehicles in his backyard and would request more time.

James Stokes, Omaha Police Department, submitted photos (Exhibit 2) showing vehicles parked in the back yard. He stated that Mr. Jones agreed to get current license plates on the mini-van vehicle in question and clean up the weeds. Considerable improvement has been made.

Mr. Weaver made a motion to deny with 30 days to comply. Second by Mr. Labode.

AYES: Simmonds, Levy, Weaver, Labode, O'Connor

Motion carried 5-0. Appeal denied with 30 days to comply.

10-9-73

Appeal Omaha Police Department notice of nuisance: Nancy Ann McGee, 4306 S 61 Street 68117

Nancy Ann McGee appeared before the Board with her sister, Laura Kohrt. She stated her property belonged to her deceased parents and the boat in question has been on the property for 13 years. The insurance and registration for the boat are all current (Exhibit 2). Ms. Kohrt stated the boat sits in the driveway behind the front of the house (see photos-Exhibit 3).

Kevin Denker, Planning Department, stated the southwest precinct canvassed the Karen Addition with officers and a crime reduction specialist and issued several complaints. Joe Adriano, Housing Inspector, City of Omaha, submitted photos (Exhibit 4) and stated the boat is still located on the property. Mr. Denker stated that the front yard setback would need to be established and suggested a lay over to allow time to determine the front yard setback.

Motion to lay this case over until the October 25, 2010 meeting by Mr. Levy. Seconded by Mr. Weaver.

AYES: Levy, Weaver, Labode, Simmonds, O'Connor

Motion carried 5-0. Appeal laid over to the October 25, 2010 meeting.

10-9-74

Appeal Omaha Police Department notice of nuisance: Justin M. Novak, 6065 G Street 68117

Justin M. Novak was not present.

Kevin Denker, Planning Department, stated Mr. Novak called and requested a 30-day lay over due to his father recently passing away.

Motion to lay this case over until the October 25, 2010 meeting by Mr. Levy. Seconded by Mr. Weaver.

AYES: Weaver, Labode, Simmonds, Levy, O'Connor

Motion carried 5-0. Appeal laid over to the October 25, 2010 meeting.

10-9-75

Appeal Omaha Police Department notice of nuisance: Rebecca Christiansen, 12923 Crown Point Avenue 68164

Rebecca Christiansen was not present.

Kevin Denker, Planning Department, stated Ms. Christiansen called and requested a 30-day lay over because she was out of town.

Motion to lay this case over until the October 25, 2010 meeting by Mr. Weaver. Seconded by Mr. Simmonds.

AYES: Labode, Simmonds, Levy, Weaver, O'Connor

Motion carried 5-0. Appeal laid over to the October 25, 2010 meeting.

10-9-79

Appeal Omaha Police Department notice of nuisance: Robert E. Fleming, 4530 S 62 Street 68117

Joe Adriano, Housing Inspector, City of Omaha, submitted photos (Exhibit 2).

Robert E. Fleming appeared before the Board. Mr. Fleming submitted a photo of his boat (Exhibit 3) and stated that he was not aware that his boat/trailer that is over 20 feet could not be parked in his driveway.

Kevin Denker, Planning Department, stated any vehicle longer than 20 feet is not considered a personal vehicle and cannot be parked in the front yard setback or the required street yard setback. Mr. Denker stated that the setback and length of the trailer would need to be verified.

Motion to lay this case over until the October 25, 2010 meeting by Mr. Levy. Seconded by Mr. Simmonds.

AYES: Simmonds, Levy, Weaver, Labode, O'Connor

Motion carried 5-0. Appeal laid over to the October 25, 2010 meeting.

10-8-69 *(over from 8/30/10)*

Appeal notice of violation issued by Parks Maintenance Department on July 30, 2010; Nicholas K. Hawkins, 1118 S 54 Street 68106

Nicholas K. Hawkins and Robert Schartz, legal representative, appeared before the Board. Mr. Schartz stated that a professional survey was conducted and the tree in question is located on the boundary line. The issue is moot because the offender branch has been removed.

Josh Frey with the City of Omaha Code Enforcement Division appeared before the Board. Mr. Frey stated that the dead limb from the silver maple tree did fall. The survey (Exhibit 2) shows that there are actually two trees that grew together and the tree in question does sit on the property of Mr. Hawkins. Mr. Schartz explained that the tree has a huge base and there are two separate trees. Mr. Schartz requested that the appeal be granted. The neighbor is happy that the tree is down.

Mr. Frey indicated that a motion to grant should not mean that the tree does not belong to Mr. Hawkins. At this point, there are no more dead or hazardous limbs therefore there is no longer a violation.

Mr. Weaver made a motion to grant the appeal. Second by Mr. Labode.

AYES: Weaver, Labode, Simmonds, O'Connor

NAYS: Levy

Motion carried 4-1. Appeal granted.

III. Approval of Minutes from August 30, 2010

Motion to approve the minutes from the August 30, 2010 meeting by Mr. Levy. Second by Mr. Simmonds.

AYES: Labode, Simmonds, Levy, O'Connor

ABSTAIN: Weaver

Motion carried 4-0.

IV. Adjournment

Motion to adjourn meeting by Mr. Weaver. Second by Mr. Levy.

AYES: Labode, Simmonds, Levy, Weaver, O'Connor

Motion carried 5-0. Meeting adjourned at 3:35 PM.

Debbie Hightower, Planning Department
Recording Secretary