

**ZONING BOARD OF ADJUSTMENT
FEBRUARY 28, 2013
MINUTES**

The regular meeting of the Zoning Board of Adjustment was called to order by Chairman Rubyanne Crites at 5:35 p.m. for consideration of scheduled items in the Pre-Council Room in City Hall of the Municipal Complex. Chairman Rubyanne Crites stated there was a quorum of members of the Zoning Board of Adjustment present.

MEMBERS AND STAFF PRESENT:

Chairman Rubyanne Crites
Vice Chairman Steven Ellis
Board Member Robert Wooldridge
Board Member Linda Eilenfeldt
Board Member Harry Zimmer
Board Member Clarence Moore, Alternate #1
Board Member Ronald Dunckel, Alternate #2
Gary McKamie, City Manager
Loretta Getchell, Deputy City Manager
Chris Barker, Assistant City Manager
City Attorney, Wayne Olson
City Attorney, Andrea Russell
Special Counsel to Zoning Board of Adjustment, Bob West
Mike Collins, Director of Planning & Economic Development
Alicia Davenport, Administrative Secretary

MEMBERS ABSENT:

VISITORS:

Mike Aulert
Donna Carter
Paul Rula

**ITEM 1 CONSIDER AND ACT REGARDING ADOPTION OF RULES OF
PROCEDURE FOR THE AMORTIZATION HEARING RELATED TO THE
SHADOW CREEK APARTMENTS, 311 S. INDUSTRIAL**

Board Member Harry Zimmer made a motion to adopt the Rules of Procedure without time limits for testimony at this time. Board Member Linda Eilenfeldt seconded the motion. The vote was as follows:

Ayes: Chairman Crites, Vice Chairman Ellis, Board Members Wooldridge, Eilenfeldt, and Zimmer.

Nays: None

Abstention: None

The motion carried (5-0-0)

ITEM 2 CONSIDER CALLING A MEETING OF THE BOARD TO CONDUCT THE AMORTIZATION HEARING RELATED TO THE SHADOW CREEK APARTMENTS, 311 S. INDUSTRIAL

City Attorney Wayne Olson was asked to brief those present on the nature of the amortization process and what should be expected to occur at the hearing. A discussion was held by those present about the amount of time necessary to make a presentation to the board and how much preparation time was needed to gather evidence and expert reports pertinent to the proceedings. Representatives of the owner(s) and the lender(s) gave their perspective on these matters.

Board Member Linda Eilenfeldt made a motion to direct the City to share all expert reports with the Owner(s)/Lender(s) of Shadow Creek Apartments no later than March 11, 2013. The Owner(s)/Lender(s) of Shadow Creek Apartments are directed to share all expert reports no later than April 10, 2013. The hearing is to be set within 30 days following April 10, 2013. City Staff is to share all reports with the Board and keep them apprised of all due dates and timelines as set forth by the Board. Vice Chairman Steven Ellis seconded the motion. The vote was as follows:

Ayes: Chairman Crites, Vice Chairman Ellis, Board Members Wooldridge, Eilenfeldt, and Zimmer.

Nays: None

Abstention: None

Board Member Linda Eilenfeldt made a motion for the Board to go into Executive Session to consult with their attorney, Bob West.

Chairman Crites called the Executive Session to order with Special Counsel to the Board Bob West at 7:07 p.m. The Executive Session was adjourned by Chairman Crites at 7:29 p.m.

The Regular Meeting was reconvened at 7:30 p.m. Vice Chairman, Steven Ellis made a motion to adjourn the Regular meeting. Board Member Linda Eilenfeldt seconded the motion.

The meeting was adjourned at 7:30 p.m.

Chairman Crites

Date