TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1783 Wednesday, March 14, 1990, 1:30 p.m. City Commission Room, Plaza Level, Tulsa Civic Center

Members Present
Carnes, 2nd Vice
Chairman
Coutant
Doherty, Chairman
Paddock
Parmele
Rice
Wilson, 1st Vice
Chairman
Woodard

Members AbsentStaff PresentDraughonFrankKempeSettersRandleStump

Others Present Linker, Legal Counsel

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, March 13, 1990 at 10:25 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, First Vice Chairman Wilson called the meeting to order at 1:35 p.m.

MINUTES:

Approval of the Minutes of February 28, 1990, Meeting #1781:

On MOTION of CARNES, the TMAPC voted 6-0-1 (Carnes, Coutant, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; Parmele, "abstaining"; Doherty, Draughon, Kempe, Randle, "absent") to APPROVE the Minutes of February 28, 1990, Meeting #1781.

REFORTS:

Report of Receipts & Deposits for the Month Ended February 28, 1990:

On MOTION of CARNES, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Kempe, Randle, "absent") to APPROVE the Report of Receipts & Deposits for the Month Ended February 28, 1990.

Committee Reports:

Mr. Paddock advised the Rules & Regulations Committee had met last week and voted to continue the public hearing on amendments to the Zoning Codes as relates to signs from March 21st to April 18th. He stated the Committee was still working on a final draft for the public hearing and would be meeting again to continue this review.

REPORTS: Committee - Cont

Therefore, Mr. Paddock moved for a continuance of the public hearing on amendments to the City and County Zoning Codes as relates to signs from March 21, 1990 to April 18, 1990. It was suggested that, if continued, notice be forwarded to those parties who spoke at the previous public hearing on this matter to advise them of the continuance to April 18th.

TMAPC ACTION: 8 members present

On MOTION of PADDOCK, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Kempe, Randle, "absent") to CONTINUE the Public Hearing on Amendments to the City and County Zoning Codes as relates to Signs until Wednesday, April 18, 1990 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

Director's Report:

Mr. Stump briefed the Commission members on recent City Commission actions relating to zoning.

PUBLIC HEARING:

Continued TMAPC review session regarding amendments to the Comprehensive Plan by adding thereto the Park, Recreation and Open Space Plan for the Tulsa Urban Area: 1988 - 2005; and consider adopting Resolution No: 1781:697 reflecting such amendment.

TMAPC ACTION: 8 members present

On MOTION of COUTANT, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Kempe, Randle, "absent") to APPROVE the Park, Recreation and Open Space Plan for the Tulsa Urban Area: 1988 - 2005; and ADOPT Resolution No. 1781:697 reflecting such amendment.

ZONING PUBLIC HEARING:

Application No.: Z-6283 Present Zoning: AG

Applicant: Norman (Greenhill Development Co.)

Proposed Zoning: IL Location: South of the SW/c of East 36th Street North & North Sheridan Road

Date of Hearing: March 14, 1990

Presented to TMAPC by: Mr. Charles Norman, 2900 Mid-Continent Tower (583-7571)

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - Industrial.

According to the Zoning Matrix, the requested IL District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 7.3 acres in size and is located south of the southwest corner of East 36th Street North and North Sheridan Road. It is partially wooded, gently sloping, vacant, and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by single-family residences zoned RS-3; on the east by Tulsa International Airport zoned IL; on the south by industrial uses zoned IL; and on the west by vacant property zoned IL.

Zoning and BOA Historical Summary: Previous rezoning applications have been approved allowing IL zoning along North Sheridan Road.

Conclusion: Based on the Comprehensive Plan and existing zoning pattern for the area, Staff can support the requested IL zoning.

Therefore, Staff recommends APPROVAL of IL zoning for Z-6283 as requested.

Comments & Discussion:

In reply to Chairman Doherty, the applicant stated agreement to the Staff recommendation.

TMAPC ACTION: 8 members present

On MOTION of PARMELE, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Kempe, Randle, "absent") to APPROVE Z-6283 Norman (Greenhill Development Co.) for IL Zoning, as recommended by Staff.

Legal Description:

Part of the SE/4 of the NE/4 of the NE/4, Section 22, T-20-N, R-13-E, Tulsa County, Oklahoma, described as: Beginning at the SW corner, thence east 635.11' to the westerly right-of-way of Sheridan Road; thence north 500.02' along said right-of-way to a point; thence west 635.11' to a point that is 502' north of the POB; thence south 502' to the POB.

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Application No.: PUD 285-B (Major Amendment) Present Zoning: OL

Applicant: Johnsen (Broadview Bank & Savings) Proposed Zoning: Unchanged

Location: North side of East 68th Street at South Canton Avenue

Date of Hearing: March 14, 1990

Presented to TMAPC by: Mr. Roy Johnsen, 324 Main Mall (585-5641)

Staff Recommendation:

The applicant is proposing a major amendment to PUD 285-A to increase the types of uses allowed to include additional Use Units 5 and 8 with the existing Use Unit 11. This is to allow the adjacent Laureate Psychiatric Hospital Complex to use the two existing office buildings as a dormitory with common kitchen and meeting rooms for persons being treated at the hospital but not requiring hospitalization. In addition, semi-private apartments will be provided for doctors, counselors or staff and potentially hospital-related uses.

The Comprehensive Plan for District 18 designates this area Special District 2. Land activities are limited to hospital/medical related activities, office, commercial shopping, residential and cultural activities. The additional proposed uses in the PUD appear to be in conformance with the Plan.

The PUD is surrounded by the Laureate Psychiatric Hospital grounds on the north and east, and office buildings on the south and west with a small intervening strip of undeveloped land zoned RS-3 immediately west of the subject tract.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD 285-B to be (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends APPROVAL OF PUD 285-B subject to the following conditions:

1) Development Standards:

Land Area (gross): 114,987 sf

100,289 sf (net):

Use Units 8 and 11, & Use Unit 5 Permitted Uses:

> limited to hospital, emergency and protective shelter, residential treatment center, and transitional living center. [Amended per the

TMAPC

Maximum Floor Area: 34,496 sf Maximum Building Height: 35' *

Minimum Landscaped
Open Space: 30% **

Minimum Building Setbacks:
from C/L of 68th Street 60'

from C/L of 68th Street 60'
from west boundary 20'
from north boundary 0'
from east boundary 50'

Minimum Off-Street Parking: As required for the use by the City of Tulsa Zoning Code.

- 2) No zoning clearance permit for any new building shall be issued within the PUD until a Detail Site Plan, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
- A Detail Landscape Plan shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer all required landscaping and screening fences have been installed in accordance with the approved landscape plan prior to issuance of an Occupancy Permit for any new buildings. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
- 4) All trash, mechanical and equipment areas shall be screened from public view.
- 5) All parking lot lighting shall be directed downward and away from adjacent residential area.
- 6) All signs shall be subject to Detail Sign Plan review and approval by the TMAPC prior to installation and in accordance with Section 1130.2(b) of the PUD Chapter of the Zoning Code.
- 7) The Department of Stormwater Management or a Professional Engineer registered in the State of Oklahoma shall certify that all required stormwater drainage structure and detention areas have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
- 8) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.
- * As approved by the TMAPC in 1982, height was measured from the ground elevation to the top of the top plate.
- ** Utilizing landscaped areas in street right-of-way adjacent to the tract and the gross land area of the PUD.

Comments & Discussion:

Mr. Coutant initiated discussion on Use Unit 8 which includes apartment use, and the fact that there was no intensity guideline. He suggested wording to the effect that "residential intensity to be per Code." Mr. Paddock suggested adding Use Unit 5 under the "Permitted Uses" since the applicant was desiring to have some of the uses permitted under Use Unit 5.

Applicant's Comments:

Mr. Roy Johnsen, representing the applicant, clarified their proposed change was merely an interior change and no changes would be made to the outside of the existing buildings. Mr. Johnsen mentioned the development standards proposed were essentially a repeat of the existing PUD standards. In regard to intensity, Mr. Johnsen stated agreement to a reference to compliance with RM-1 standards. He pointed out that Staff has limited the floor area, so this was a built-in limitation on intensity as they would not be allowed any expansion of the existing buildings.

Discussion followed on off-street parking for this project. Ms. Wilson inquired as to the amount of square footage allocated to dormitory use. Mr. Stump remarked that Staff did not make this specific, in that, if the applicant wished to use all of the spalce for dormitory use, this would not change or affect the Staff's recommendation. Mr. Johnsen clarified the east building would still continue to be office use; only the west building would accommodate the dormitory use.

Mr. Coutant moved for approval as submitted with the minor change to Permitted Uses to include Use Unit 5 as suggested by Mr. Paddock.

TMAPC ACTION: 8 members present

On MOTION of COUTANT, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Kempe, Randle, "absent") to APPROVE the PUD 285-B Johnsen (Broadview Bank & Savings), as recommended by Staff and with the addition of certain uses from Use Unit 5 under "Permitted Uses".

Legal Description:

All of Lots 1 and 2, Block 1, CANYON CREEK, a Private Office Park, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, together with the following described tracts situated in Lot 3, Block 1, CANYON CREEK, to-wit: BEGINNING at the southeast corner of Lot 3, Block 1, CANYON CREEK, a Private Office Park, said point being the northeast corner of Lot 1, Block 1; thence N 0°00'34" E along the east line a distance of 12.0' to a point; thence due west a distance of 126.90' to a point; thence S 26°30'57" W a distance of 13.41' to a point on the north line of Lot 1, Block 1; thence due east along the north line a distance of 132.88' to the POB;

(legal description contined on next page)

AND Commencing at the southwest corner of lot Three, Block 1, CANYON CREEK, a Private Office Park; thence due east along the south line of Lot 3 a distance of 65.0' to a point; thence N 47° 00'00" E along the south line of Lot 3 a distance of 146.22' to the POB; thence S 43°00'00" E along the south line of Lot 3 a distance of 132.0' to a point; thence N 52° 09'19" E along the south line of Lot 3 a distance of 120.45' to a point; thence N 83°01'40" W a distance of 186.52' to the POB; AND Beginning at the southwest corner of Lot 3, Block 1, CANYON CREEK, a Private Office Park, said point being the northwest corner of Lot 2, Block 1; thence due north along the west line of Lot 3, Block 1 a distance of 171.94' to a point, said point being on the south line of Lot 3; thence S 47°00'00" W along the south line of said Lot 3 a distance of 165.0' to the POB.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

College Parke (PUD 306-6)(2083) 9300 Blk of So. College Pl. (RM-1 & 2, RS-3)

On MOTION of CARNES, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Kempe, Randle, "absent") to APPROVE the Final Plat of College Parke and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD 208-4: Minor Amendment to Ailow a Ground Sign & Detail Sign Plan SE/c corner of East 71st Street & South Yale Avenue

Staff Recommendation:

PUD 208 contains a shopping center located at the southeast corner of East 71st Street and South Yale Avenue. The applicant is requesting a minor amendment to PUD 208 to allow a fourth ground sign on the 71st Street frontage of the PUD. The sign is 10'5" tall and contains approximately 40 square feet of display surface area. In addition, the applicant is requesting Detail Sign Plan approval for the new sign. The new sign is proposed to be placed 100' east of the easternmost existing sign immediately adjacent to the street right-of-way.

The PUD was originally approved allowing only a single 32 square foot ground sign 5' tall at the corner of 71st Street and Yale Avenue. Two subsequent minor amendments increased the allowable signage to a 16' tall, 35 square foot sign at the corner, and two additional 8' tall, 64 square feet ground signs spaced 100' apart along the 71st Street frontage. At the time of the last amendment Staff stated they "could not support any additional signage along Yale Avenue or 71st Street". Staff is still of this opinion and would, therefore, recommend **DENIAL** of minor amendment PUD 208-4.

If the TMAPC is inclined to consider this request, Staff would recommend this be considered a major amendment since it would allow four times as many ground signs, and over six times as much display surface area as originally approved.

Comments & Discussion:

In response to Ms. Wilson, Mr. Stump reviewed the previous activity regarding minor amendments for signage at this corner of the intersection. Mr. Paddock inquired as to non-utilization of previously approved sign location(s). Mr. Stump explained that there was a "trade out", moving a sign location approved for Yale Avenue to 71st Street so that the total number of signs remained at three.

Discussion continued on the total number of square footage approved for signage at this location, with Mr. Parmele pointing out the amount was still substantially less than that allowed under conventional zoning. Mr. Stump agreed this PUD was approved with very restrictive ground signage.

Mr. Stump commented another twist to this case was that the conditions for the PUD were suggested by the developer. However, the PUD was denied by the City Commission and the conditions were imposed by the courts when appealed. In reply to Mr. Carnes, Staff advised the court action took place in 1979. Mr. Parmele pointed out that since the court action, the physical facts of this intersection have significantly changed with the addition of other commercial uses; i.e. Quik Trip and Bennigan's. Therefore, he did not feel the court action would really apply based on the current circumstances.

Applicant's Comments:

Mr. Ray Toraby (1889 North 105th East Avenue), president of Craig Neon Signs, advised he designed the sign for Ron White's Snippers. Mr. Toraby stated that, due to the current economic situation in Tulsa, businesses need to draw as much attention to their locations as possible. He felt the issue to be a question of what was needed to continue conducting business, especially considering the fact that this applicant was located in the interior of this shopping center with no exposure to either arterial. Further, he pointed out the size of the sign was reduced to accommodate the Zoning Code requirements. Mr. Toraby submitted a drawing of the proposed sign.

Mr. Paddock suggested an alternative might be to consolidate this sign with an existing sign. Mr. Toraby stated consolidation of signage, while an alternative, was not the ultimate solution for this particular area due to the volume and speed of traffic at this location.

Ms. Susan White (7145 South Yale), representing Ron White's Snippers, stated they have tried to work with the landlord for over ten years regarding a sign on the frontage at this intersection. Even though they are the oldest tenant in the center, they have been denied sign exposure, although it has been permitted for the restaurants at the center. In response to Mr. Coutant, Ms. White confirmed that they now do have permission from the landlord to construct this sign. Ms. White advised of the number of businesses that have vacated the center, and those located in the interior without sign exposure.

TMAPC Review Session:

Mr. Parmele agreed with Mr. Doherty that the design of the shopping center and the original restrictions were self-imposed partially by the owner. However, he did not feel the tenants of the center should be penalized for this. He stated the sign proposed was small, attractive, and he could not see where it would cause any harm or hardship to others in the area. Further, if he could help someone stay in business, then he was in favor of the request.

Mr. Carnes stated he agreed with the Mr. Parmele's comments; however, if the TMAPC approved the request, he felt it should be as a major amendment. He added that the request goes against the purpose of the sign controls of the PUD.

Discussion followed as to a determination of this being a major or minor amendment. Mr. Coutant moved to deny the application as a minor amendment, as he felt it to be a major amendment. Discussion continued with Chairman Doherty pointing out the alternatives available to the TMAPC: declare this to be a major amendment, which meant no action could be taken today; treat it as a minor amendment and approve/deny the case accordingly. Mr. Coutant amended his motion to treat this application as a major amendment. The various Commission members stated their views as to this being a major or minor amendment.

TMAPC ACTION: 8 members present

On **MOTION** of **COUTANT**, the TMAPC voted **4-4-0** (Carnes, Coutant, Rice, Wilson, "aye"; Doherty, Paddock, Parmele, Woodard, "nay"; no "abstentions"; Draughon, Kempe, Randle, "absent") to **CONSIDER** PUD 208-4 as a Major Amendment with no action by the TMAPC at this hearing.

The above motion failing due to the tie vote, Mr. Parmele moved to treat this application as a minor amendment and then decide the issue of whether it is permitted or not on its own merits in order to get away from the major/minor issue. There was no second to this motion.

Mr. Paddock then moved to approve the request as a minor amendment. Mr. Parmele remarked that he was still in favor of the request due to its and attractiveness, compatibility its surrounding area, and he did not feel it would be detrimental to others located in the shopping center, nor would it be a traffic hazard. Commissioner Rice commented that he was leaning toward approval; however, he was curious if approval might cause an "explosion" of requests for this type of activity. He added that, should other requests be presented, he would hope the Commission would treat each one separately on its own Mr. Carnes stated opposition to the motion as he felt the PUD standards should be treated with more consideration. Mr. Coutant reiterated his position as to major/minor amendments to PUDs in that the standards of the PUD should be recognized even though they might be well below the requirements for conventional zoning. Mr. Doherty commented he had a great deal of sympathy with the applicant's problem of having a business within the interior of the shopping center and the need for this signage: however, the TMAPC did not develop the standards for the PUD. Further, the TMAPC had no responsibility to an individual business to insure a viable business location as this was a free market choice. He had no problem with the square footage for this sign if mounted on an existing sign pole. However, he did have a problem with an additional sign location. Therefore, he would not support the motion to approve.

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **3-5-0** (Paddock, Parmele, Woodard, "aye"; Doherty, Carnes, Coutant, Rice, Wilson, "nay"; no "abstentions"; Draughon, Kempe, Randle, "absent") to **APPROVE** the Minor Amendment to PUD 208-4 (Craig Neon).

TMAPC ACTION: 8 members present

On **MOTION** of **WILSON**, the TMAPC voted **5-3-0** (Doherty, Carnes, Coutant, Rice, Wilson, "aye"; Paddock, Parmele, Woodard, "nay"; no "abstentions"; Draughon, Kempe, Randle, "absent") to **DENY** the Minor Amendment to PUD 208-4 (Craig Neon).

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PUD 422: Detail Site Plan for Lot 8, Block 1 of Crow Creek Office Park West of the SW/c of East 33rd Street & South Peoria Avenue

Staff Recommendation:

The proposed Detail Site Plan is for a two story office building on Lot 8, Block 1 of Crow Creek Office Park. The building contains 3,574 square feet which is within the maximum of 36,000 square feet allowed for the entire PUD. Buildings have been approved with the following floor area:

Lot 1	7,885 sf
Lot 2	3,330 sf
Lot 3	3,500 sf
Lot 4	2,937 sf
Lot 5	5,736 sf
Lot 6	4,500 sf
Lot 7	3,574 sf
Total Previously Approved	31,462 sf
Proposed Floor Area for Lot 8	3,574 sf
Total Floor Area in PUD 422	35,036 sf

The proposed development will provide the required 12 off-street parking spaces and meets all the setback, height, landscape area and architectural style requirements of PUD 422.

Therefore, Staff recommends APPROVAL of the Detail Site Plan for Lot 8, Block 1 of PUD 422.

TMAPC ACTION: 7 members present

On MOTION of CARNES, the TMAPC voted 7-0-0 (Carnes, Coutant, Doherty, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Kempe, Parmele, Randle, "absent") to APPROVE the Detail Site Plan for PUD 422 (Woolman Properties) as recommended by Staff.

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PUD 411 and Z-5842-SP:

Minor Amendment to Reduce Setback on East 98th Street and Detail Site Plan

NE/c of East 98th Street & South Memorial Drive

STAFF RECOMMENDATION:

Minor Amendment: PUD 411-3 & Z-5842-SP

The applicant is proposing a minor amendment to gradually reduce the building setback from the centerline of East 98th Street South from 90' to 80' as the right-of-way narrows from 80' to 60'. This would, in effect, produce a constant 50' building setback from the property line on the portion of the PUD bordering East 98th Street South.

Staff has no problem with this reduction in building setback because it will produce a consistent setback. Therefore, Staff recommends APPROVAL of Minor Amendment to PUD 411-3 and Z-5842-SP so that there is a uniform 50' building setback from the property line adjacent to East 98th Street South.

Detail Site Plan: PUD 411 & Z-5842-SP-4

The applicant is proposing a 6,566 square foot addition to the southeast side of the existing automobile dealership in Development Area 3 of PUD 411. This will increase the total building floor area to 32,704 square feet which produces an FAR of 14% for this portion of Development Area 3 (the maximum allowed is 15%). This will also reduce the additional permitted floor area in other parts of Area 3 to 43,596 square feet.

The new addition is setback 84° from the centerline of East 98th Street South and, therefore, requires that minor amendment PUD 411-3 be approved in order to meet all the development standards of the PUD. If PUD 411-3 is approved by the TMAPC, Staff finds the Detail Site Plan Z-5842-SP-4 to be in compliance with the requirements of PUD 411 and, therefore, recommends APPROVAL.

TMAPC ACTION: 8 members present

On MOTION of CARNES, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Kempe, Randle, "absent") to APPROVE the Minor Amendment & Detail Site Plan for PUD 411(-3) & Z-5842-SP(-4) (Sisemore, Sack, Sisemore), as recommended by Staff.

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PUD 432-B: Detail Site Plan, Detail Landscape Plan & Amendment to Declaration of Covenants

NE/c of East 13th Street & South Utica Avenue

(Timely request for continuance to March 28, 1990)

TMAPC ACTION: 8 members present

On MOTION of WILSON, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Kempe, Randle, "absent") to CONTINUE Consideration of PUD 432-B (Sisemore, Sack, Sisemore) until Wednesday, March 28, 1990 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

There being no further business, the Chairman declared the meeting adjourned at 3:08~p.m.

Date Approved

Chairman

ATTEST:

Secretary

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