

ROY CITY PLANNING COMMISSION

March 11, 2003

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on March 11, 2003, at 6:00 p.m.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Larry Peterson, Chairman	Mark Larson, Planner
Doug Allred	Michelle Drago, Secretary
Brad Hilton	
Gennie Kirch	
Bill Merx	
Roy Watts	
Karlene Yeoman	

Others present were: Mayor Roger Burnett; Gerry Adair; Joe Adair; Mike Hansen; Steve O'Dell; Mary Elizabeth Anderson; Ralph S. Anderson; Gail Larsen; Diann Larsen; John R. Anderson; Joe Phalen; Phil Durban; Dave Whitaker; Scott Nelson; Ella McInelly; Bradley Fehr; Sally Dana; Paul Martin; Terry Robinson; Scoti Chenoweth; Curt Landes; Stacy Mann; Kevin Mann; and Dan Stevens.

Pledge of Allegiance: Commissioner Watts

1. SWEARING IN OF NEW COMMISSION MEMBERS

Chairman Peterson introduced the Planning Commission member Bill Merx.

Mayor Roger Burnett swore in Bill Merx, Gennie Kirch, and Doug Allred.

2. APPROVAL OF APPROVAL OF FEBRUARY 11 AND 25, 2003, MINUTES

**Commissioner Allred moved to approve the minutes of February 11 and 25, 2003, as written. Commissioner Watts seconded the motion. Commission members Allred, Hilton, Kirch, Merx, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

3. PUBLIC HEARING TO CONSIDER A PETITION FROM GREGORY AND ANN CALDWELL, LEE AND SUZANNE HUNTER, DENEISE CLAXTON, DANNY AND ELLA MCINELLY, DAVID AND JEANNE M. LALOLI; AND MAX A. AND MARY E. COVEY TO REZONE APPROXIMATELY 7.34 ACRES LOCATED AT APPROXIMATELY 4250 WEST 4800 SOUTH FROM R-1-7 TO RE-20

**Commissioner Hilton moved to open the public hearing at 6:07 p.m. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Kirch, Merx, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that six property owners along 4800 South between 4125 West and 4300 West had requested that their properties be rezoned from R-1-7 to RE-20. The lots ranged from .87 acres to 2.5 acres in size. Some of the owners had animals and wanted to have barns for their animals, which was not a permitted use in an R-1-7 Zone. When these properties were annexed into the City they were zoned R-1-7 for development purposes. Last month the General Plan was amended to show these properties with a low density use. Mr. Larson said the staff had received a few calls for neighbors with general questions. The property owners to the north, Gail Larsen and Ron Amidan, intended to develop their properties and wanted them to remain R-1-7.

Chairman Peterson asked for comments from the audience.

Gail Larsen, 4380 South 2350 West, did not object to the rezone. However, he did not want his property rezoned, nor did Ron Amidan. His property was more valuable with an R-1-7 Zone because he wanted to develop his property in the future.

Chairman Peterson stated that rezones were initiated by property owners. The City did not change zoning without petitions from property owners. The General Plan, which declared future property uses, showed the Larsen and Amidan properties with a medium density single family use.

**Commissioner Watts moved to close the public hearing at 6:15 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Hilton, Kirch, Merx, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

**Commissioner Watts moved to recommend that the City Council rezone the Gregory and Ann Caldwell, Lee and Suzanne Hunter, Deneise**

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Claxton, Danny and Ella McInelly, David and Jeanne M. Laloli, and Max A. and Mary E. Covey properties from R-1-7 to RE-20 subject to any staff recommendations. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Kirch, Merx, Peterson, Watts, and Yeoman voted "aye." The motion carried.

4. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND SITE PLAN FOR JOHN R. ANDERSON, DDS FOR A DENTAL OFFICE AND PROFESSIONAL BUILDING LOCATED AT APPROXIMATELY 4879 SOUTH 3500 WEST

**Commissioner Yeoman moved to open the public hearing at 6:16 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Kirch, Merx, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that Dr. John Anderson, a pediatric dentist, was proposing to construct the Royal Professional Plaza at 3479 West 4800 South, the southeast corner of 4800 South 3500 West. The site was 0.67 acres in size and was recently rezoned to CP-2. There was 203 feet of frontage on 4800 South and 112 feet on 3500 West. UDOT would have jurisdiction over improvements along 3500 West because it was a state road. The staff was excited about Dr. Anderson's proposal. They felt it would be an acceptable use to the adjoining residents. The staff had received inquiries about possible fast food or apartments on this site. Dr. Anderson was requesting approval of a conditional use permit for his professional dental practice and approval of a site plan for the Royal Professional Plaza.

Mr. Larson stated that adjoining residents expressed a lot of anxiety when this property was rezoned because they did not know what type of commercial use might be put on this corner. The neighboring property owners came up with site guidelines for the Planning Commission and City Council to consider. However, the City Council approved the rezone with no conditions. Mr. Larson felt the neighborhood guidelines were still important to consider. He reviewed those guidelines with the Planning Commission: An 8-foot block wall along the south and east property lines to establish a sound barrier; larger building set backs of at least 20 feet along the southern border and 30 feet along the eastern border; retention of some of the larger trees; additional landscaping and plants; no full-service restaurants or convenience stores; business hours ending by 10:00 p.m.; and no major lighting behind the building facing toward the residential homes. Dr. Anderson was hoping for some concession on some of the conditions. He felt his professional offices would have less of an impact on the neighborhood than a retail commercial use.

Mr. Larson felt Dr. Anderson's site plan should be considered as a conceptual plan. It did not include engineering details,

utilities, site drainage, or storm water retention. If the Planning Commission liked the design, it could forward it to the City Council after the engineering conditions were met or have it come back to the Planning Commission. The staff recommended that the Planning Commission approve Dr. Anderson's conditional use permit and table the site plan. Mr. Larson said Dr. Anderson's site plan showed an L-shaped building located on the northwest corner of the site. The building was set back 20 feet from both 4800 South and 3500 West. The parking was located on the east and south sides of the site. The site plan showed an attempt to use some of the neighborhood guidelines. There was a 90-foot set back from the east property line and 22 feet on the south, except for the small shipping/receiving area. The shipping/receiving area was only 10 feet from the south property line. The site did have 10% landscaping. The fence shown on the site plan was 6-foot, slatted, chain link along the east and south sides of the site. There was curb and gutter around the parking lot to stop vehicles from hitting the fence. Mr. Larson said the parking lot was tight. Forty (40) stalls were shown on the site plan. Based on the size of the building, 38 parking stalls were required. The Fire Department was concerned about access for an ambulance. They suggested that the area by the dumpster be used as back space for emergency vehicles.

Commissioner Yeoman asked about the large trees. Mark Larson said that Dr. Anderson planned to leave the large trees on the southeast corner of the site until the Fire Department needed space for the ambulance to turn around. At that point he had to take them out.

Commissioner Hilton asked about UDOT approval. Mark Larson stated that curb, gutter, and sidewalk were already constructed on 3500 West, and the approach on 4800 South was over 20 feet from the intersection. He didn't feel UDOT approval would be necessary.

Commissioner Allred asked how many tenants Dr. Anderson would have. Mark Larson thought the building would contain three spaces. Dr. Anderson planned to occupy the middle unit.

Commissioner Watts asked what other uses would be in the building. Mark Larson said the only use being approved at this time was Dr. Anderson's. The other tenants would have to apply for their own conditional uses.

Commissioner Hilton stated that there was a dental office on the west side of 3500 West with parking in the rear. He asked if they

had had any problems with vandalism or graffiti. Mark Larson didn't think they had. Commissioner Yeoman said the site was kept up very well.

Commissioner Allred liked the parking in the rear. There were only two handicap parking stalls shown on the site plan. He felt the building size would require three handicap stalls. He asked how the handicap stalls would access the building. The shipping/receiving area was shown as open on the site plan, but the building elevations showed it was attached and part of the building. So the site plan and building elevations did not match. He questioned whether the shipping area would be accessible because of the last parking stall.

Mark Larson felt the shipping/receiving area would be used after hours. Dumpster collection would probably be after hours as well.

Commissioner Kirch asked how many trees were currently located along the east property line. Someone from the audience said there were four. Commissioner Kirch felt that preserving the trees should be a consideration and asked if the Planning Commission had the authority to reduce the amount of required parking. Mark Larson said the Planning Commission did have some flexibility.

Dr. John Anderson, Syracuse, stated that he specialized in pediatric dentistry. He currently had a practice in Farmington. He had spent many hours reading through the City minutes that outlined the neighbors' concerns about this site. His goal was to bring in professional tenants. He originally planned to leave the large trees along the east property line, but the Fire Department's requirements for an ambulance turn around necessitated their removal. There was a possibility he might split the east unit into two spaces. Dr. Anderson asked that the Planning Commission consider a 6-foot chain link fence with vinyl slats rather than a block wall.

Scott Nelson, Gilson Engineering, stated that he had very recently been retained as Dr. Anderson's engineer. They had addressed how to take care of the artesian well and ground water issues. Dr. Anderson wanted to keep as much parking as possible.

Commissioner Watts stated that the neighbors wanted an 8-foot block wall. Dr. Anderson stated that his business would be quiet. A cement block wall would be out of character and would take away from the aesthetics of his building.

Scott Nelson stated that a chain link fence would have a softer appearance. Dr. Anderson planned to heavily landscape the site.

Commissioner Kirch was concerned that a concrete wall would attract graffiti.

Mark Larson asked how the fence would be built. Dave Whitaker, Dr. Anderson's contractor, stated that they could put in a 6-foot fence with a mow strip under it, or they could build a 2-foot retaining wall and put a 4-foot chain link fence on top of it. He felt a block wall would take away from the look Dr. Anderson was trying to accomplish.

Chairman Peterson opened the floor for public comments.

Bradley Fehr, 3463 West 4800 South, stated that Dr. Anderson's plan wiped out everything the neighbors spent 10 months doing in four meetings. He felt that it was disrespectful to him as a taxpayer. What would happen to his property and his resale value? When he went into his yard, he would look over and see a parking lot. He didn't feel a site plan for this site should be considered until the new Community Development Director started on March 24<sup>th</sup>.

Sally Dana, 3464 West 4825 South, disagreed with the site plan. She had an elevated deck that would overlook the parking lot. She felt the neighbors no longer had an ally now that Chris Zimmerman had left the City. She was concerned about after hour deliveries and the smells of the parking lot and dumpster coming into her kitchen, dining room, and bedroom. The dumpster was right behind her house. Ms. Dana felt the building should be flipped so that the parking and dumpster were away from the residents. The neighbors wanted a block wall as a sound buffer. They didn't want any noise. A chain link fence wouldn't stop noise or smells. Ms. Dana didn't feel curbing would prevent cars from slipping and hitting the fence. The lights from the building would come into her home. All of the landscaping was along 4800 South and 3500 West. There wasn't any landscaping where they could see it. She didn't want to see this site. She wanted a private backyard. Ms. Dana didn't have a problem with a dentist, but she didn't feel the City was listening to the adjoining residents. Dr. Anderson had talked about what he wanted and needed. What about the needs and wants of the adjoining residents who had lived there so long? She asked about the asbestos that was in the existing home.

Dave Whitaker stated that the Weber County Health Department had looked at the existing home. They found a few spots of asbestos. Mr. Whitaker said the asbestos would be removed by a professional asbestos abatement company. The Health Department would then reinspect the home.

Phil Durbano, 3472 West 4825 South, stated that he lived behind the shipping area. He was concerned about the fence and the safety of his children. He didn't feel a 2-foot landscape area between the parking lot and the fence was sufficient. One could see through a vinyl fence.

Stacey Mann, 3409 West 4975 South, stated that she had been excited about a professional use on this corner versus a convenience store. She was excited there would not be an entrance or exit on 3500 West because that would be too congested. She felt the parking in the back would maintain the look of a professional plaza. She was excited that the sidewalk on 3500 West would be usable and not blocked by weeds. She felt Dr. Anderson's site plan would be acceptable if it met the building code. The site plan proposed by the neighbors had a lot of unusable space. That was a big expense to Dr. Anderson.

Dan Stevens stated that he had known Dr. Anderson for four years. His earmark was neatness and cleanliness. He loved children and families. Dr. Anderson made an effort to keep his home and neighborhood clean. His business in Farmington was an example of something that would benefit Roy.

Kevin Mann, 3409 West 4975 South, stated that he lived in the adjoining neighborhood, but he was not directly affected by Dr. Anderson's property. He was excited that something was going to be done with this site. Both sides had good arguments. He personally liked the look of a chain link fence versus a block wall. He would hate to see Dr. Anderson pull out of this site just because of a fence. This was a good use for the corner.

Sally Dana stated that she felt better about a block wall. She didn't want a parking lot outside her back door. The wall could be constructed of decorative block.

**Commissioner Allred moved to close the public hearing at 7:25 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Kirch, Merx, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that Chris Zimmerman, the former Community Development Director, had worked with the adjoining residents at the City Council's direction. The City Council made a motion to approve the rezone without any site conditions. The staff and Planning Commission only made recommendations to the City Council. The neighbors' guidelines were a recommendation also. The site plan proposed to the neighbors by the property owner during the rezone did not leave enough depth for a usable building. It appeared that the neighbors' main concerns about Dr. Anderson's proposed site plan were the fence and the landscaping. Mr. Larson said there was some landscaping on the east side of the building that could be moved to the east side of the parking lot.

Commissioner Hilton asked if the fence would still be a concern if the building were flipped.

Commissioner Allred asked if the development agreement recommended by the Planning Commission had been drawn up. Mark Larson said it had not. The Zoning Ordinance required a rezone petition for a CP-2 Zone to be accompanied by a detailed site plan and development plan.

Commissioner Kirch stated that this situation was very similar to her own home. She lived next to a church parking lot. It was not a problem to her. There would be positives and negatives to whatever site plan Dr. Anderson proposed.

Commissioner Merx asked how tall the existing fence was. Mark Larson said it was 6 feet.

Commissioner Watts stated that a lot of the neighbors concerns had been resolved before when everyone met together. He felt that needed to occur again.

**Commissioner Allred moved to recommend that the City Council approve a conditional use permit for a professional dental office for Dr. John Anderson located at approximately 3479 West 4800 South and to recommend that approval of the site plan be tabled until the City received a site plan incorporating the guidelines established and outlined in previous minutes with particular attention to set backs, visual screening, a building size limit of 6000 square feet, engineering, retention or replacement of the trees, and the dumpster location. Commissioner Watts seconded the motion.**

There was discussion about the set backs and wording changes in the motion.

**Commissioner Allred withdrew his motion. Commissioner Watts withdrew his second.**

The Planning Commission responded to questions from Scott Nelson, Dr. Anderson's engineer. Scott Nelson stated that Dr. Anderson had worked with the staff to make sure the site plan met the Zoning Ordinance. Mark Larson said the site plan submitted by Dr. Anderson met the minimum code requirements. The Planning Commission felt Dr. Anderson's site plan should give consideration to an 8-foot fence and a 2-foot landscaping area with boulders to help stop vehicles from crashing through the fence. Commissioner Kirch asked that Dr. Anderson consider more landscaping along the east side of the site and relocate the dumpster.

The adjoining residents said they wanted sound and visual barriers.

**Commissioner Allred moved to recommend that the City Council approve a conditional use permit for a professional dental office at 3479 West 4800 South for Dr. Anderson and recommended that the site plan be tabled until it was resubmitted with the following minimum conditions: That the building set back on the east and south sides of the site be 20 feet; that there be an 8-foot fence along the south and east property lines of masonry, chain link with slats, or any combination thereof to provide a visual barrier; that a vehicle barrier be provided on the east and south sides of the parking lot; that the dumpster be screen or moved away from the east and south property lines; that the minimum number of parking stalls be 35 with at least three handicap parking spaces as per code; and that the site plan include all recommendations from the staff. Commissioner Watts seconded the motion.**

Commission members Merx and Kirch were concerned about away from the south and east property lines.

**Commission members Allred, Hilton, Kirch, Merx, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

5. CONSIDERATION OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR STEVE O'DELL FOR A WINDOW TINTING BUSINESS LOCATED AT APPROXIMATELY 6020 SOUTH 1900 WEST

Mark Larson stated that Steve O'Dell was requesting approval of a conditional use permit and site plan for a window tinting business located at approximately 6020 South 1900 West. Mr. Larson said the City Attorney felt a window tinting business qualified as automotive repair and was thus a conditional use. The staff had not sent notices to adjoining residents, nor had it scheduled a public hearing. RCO 34-7-3(4) allowed the Planning Commission to determine if a public hearing was necessary for a conditional use. The nearest residential use was several hundred feet from this site. When a commercial use was proposed on this site several years ago, none of the nearest residents voiced any opposition. If the Planning Commission felt a public hearing for this use was necessary, the staff would prepare the proper notification.

Mr. Larson said the site in question was Lot No. 1 of the Sacco Commercial Subdivision. The site contained two easements for culinary water and storm drainage. The site contained 25,392 square feet. There was 247 feet of frontage on 1900 West with existing curb, gutter, and sidewalk. Because 1900 West was a state road, UDOT had jurisdiction over the right-of-way improvements. Mr. O'Dell had submitted a site plan to UDOT, but he had not received any comments from them. Mr. Larson said the architectural style of the building was more industrial than retail. The proposed building would have a brick base, but the siding and roof would be metal. Mr. O'Dell had tried to soften its appearance with overhead canopies. Fortunately this site was toward the south end of the City, and the retail look might not be as critical. The depth of the site did not allow for landscaping in front of the building to soften its appearance. The parking lot extended right up to the door.

Commissioner Watts felt that landscaping was important. The Redevelopment Agency was trying to beautify this side of the City. This site was located near an entryway to the City, its appearance was important.

Commissioner Hilton was concerned about the building material. He felt the exterior should have more stucco.

Commissioner Allred did not feel Mr. O'Dell's plans were complete.

Chairman Peterson asked what Mr. O'Dell could do to further soften the appearance of the building. Steve O'Dell said the business had set parameters and budget. The budget had been stretched by adding brick and canopies on the front. The depth of the lot did not allow for landscaping in the front. Mr. O'Dell said there was a mow strip along the frontage. There was landscaping on the sides and around the back.

Mark Larson stated that the site plan did not specify how much of the site was landscaped, nor was there a landscaping plan to indicate what type of landscaping materials would be used. The Zoning Ordinance required that at least 10% of the site be landscaped. Most of the landscaping shown on the site plan was behind the building.

Michelle Drago asked where the sign would be located. Mr. O'Dell said they were not planning on a pole sign. All of the signage would be on the building.

Commissioner Kirch asked about the minimum parking requirements for the site. Mark Larson felt that a minimum number would be 10. That was based on one parking space for every 500 square feet of warehouse space. Commissioner Kirch pointed out that there was more than 10 parking spaces shown on the site plan.

The Planning Commission suggested that one of the parking spaces near the entrance be converted to landscaping. They also suggested that there be a matching landscaping area on the south side of the entrance.

Chairman Peterson asked what the State's restrictions on tinting were. Joe Phalen, the proposed business owner, said that front doors had to have at least 43% light admission. The only tinting allowed on front windows was a 4-inch strip at the top. The rest of the windows could be as dark as one liked. Chairman Peterson asked if it would be helpful for the Planning Commission to include a restriction on the tinting. Mr. Phalen said there would be a sign outlining the State requirements posted in his store.

Mark Larson suggested that Mr. O'Dell be required to submit a landscaping plan identifying the specific landscaped areas, what type of landscaping would be used, and additional landscaping on the south side of the entrance.

Commissioner Yeoman moved to recommend that the City Council approve a conditional use permit for a window tinting business located at approximately 6020 South 1900 West and to table approval of the site plan for two weeks in order for the engineering recommendations to be completed and a landscaping plan to be completed and submitted. Commissioner Hilton seconded the motion. Commission members Allred, Hilton, Kirch, Merx, Peterson, Watts, and Yeoman voted "aye." The motion carried.

6. PRELIMINARY APPROVAL OF HIDDEN COVE SUBDIVISION LOCATED AT APPROXIMATELY 5400 SOUTH 3275 WEST

Mark Larson stated that Joe Adair and Mike Hansen of M. J. Land and Livestock were requesting preliminary approval of the Hidden Cove Subdivision located at approximately 5400 South 3275 West. Last year, their property was annexed and given an R-1-8 Zone. The subdivision consisted of 14 lots on 4.04 acres. It would connect to stub roads in the Mirage Estates and McCall Fields Subdivisions. All of the lots met the minimum size and width requirements of the R-1-8 Zone. There was a small remnant of land left on the north side of 5400 South. The Subdivision Ordinance required that Mr. Adair and Mr. Hansen deed that to the adjoining property owner. Mr. Larson said the staff had received a call from David Norman of the Jordan Valley Water District. Mr. Norman indicated that Jordan Valley Water was trying to purchase Lot Nos. 8 through 14 of this property for a future water line.

Joe Adair, Hooper, stated that they planned to install a 6-foot v-mesh, no climb horse fence along the east subdivision boundary.

Commissioner Hilton asked if they intended to develop the property to the east with an R-1-10 Zone. Mr. Adair said they did.

Joe Adair stated that the staff had a question about the ditch between their property and Mirage Estates. The property line ran down the middle of the ditch. The ditch was dug to drain water from the properties to the east. However, some property owners had collapsed the ditch and filled it with compost material. The ditch was unusable. To solve the elevation difference, he proposed to grade back the ditch to the east and slope it into Lot Nos. 1 through 7.

Chairman Peterson felt it might be helpful to have a statement about the actual location of the property line on the plat. That might solve a boundary dispute in the future. Joe Adair felt that was covered in the State's disclosure laws.

Joe Adair didn't feel there was a need to put in a new ditch on the east side of the subdivision. They watched the water carefully to make sure it didn't cause flooding.

Gerry Adair, 5433 South 3100 West, stated that he controlled the water because he didn't want a law suit.

Commissioner Hilton moved to recommend that the City Council grant preliminary approval of the Hidden Cove Subdivision located at approximately 5400 South 3275 West subject to the recommendations of the staff and City Engineer. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Kirch, Merx, Peterson, Watts, and Yeoman voted "aye." The motion carried.

7. OTHER BUSINESS

Mark Larson stated that last spring Roy City and Riverdale had adjusted their boundaries. Three parcels were involved in the boundary adjustment. Parcel A was located on the southwest corner of 4800 South and Airport Road; Parcel B was located on the east side of the Ray Citte Auto property at 1677 West Riverdale Road; and Parcel C was located on the east side of Freeway Park Drive at approximately 5500 South. Riverdale gave Roy City Parcels A and B in exchange for Parcel C. Mr. Larson stated that when the City Council adopted the ordinance approving the boundary adjustment, it failed to assign zones to Parcels A and B. The staff recommended that Parcel A be zoned R-4 and that Parcel B be zoned M-1. It was necessary for the Planning Commission to recommend zones to the Council.

**Commissioner Watts moved to recommend that the City Council zone Parcel A located at approximately 4800 South Airport Road R-4 and that Parcel B located at approximately 1677 West Riverdale Road be zoned M-1. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Kirch, Merx, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

8. ADJOURN

**Commissioner Kirch moved to adjourn at 9:23 p.m. Commissioner Allred seconded the motion. Commission members Allred, Hilton, Kirch, Merx, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

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Larry Peterson  
Chairman

Attest:

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Michelle Drago  
Secretary  
dc:pmar1103