

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD JANUARY 12, 2015 AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

CALL TO ORDER:

Mayor King called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Mayor King then introduced Pastor Kirk Sorenson of the First Assembly of God who offered the invocation.

ROLL CALL:

Present were: Mayor Toney D. King, Sr., Vice Mayor Lori McGoffin, Councilmembers Pat Boyle, Jeff Cook, Joe Konrad, David Lambert and Peter Wangsness (via phone).

EMPLOYEE RECOGNITION: None

PROCLAMATION: None

PUBLIC HEARING: The Mayor and Council will hold a public hearing to discuss proposed text amendments to the City of Benson Zoning Regulations. The proposal is intended to amend Section 8 (B-1 Neighborhood Business) to add a new use, "Studio," the definition of which contains several qualifying criteria; and to amend Section 14 (Off Street Parking and Loading Regulations) to add the proposed use "Studio" to the existing Schedule of Required Off-Street Parking.

Mayor King opened the public hearing at 7:04 p.m. Mayor King stated no one had signed up to speak regarding the public hearing and asked if there was anyone present who wished to speak.

Randy Robicheaud addressed Council stating he owns property across from the radio station and he is concerned, adding he feels this is spot zoning and that it would devalue surrounding property. Mr. Robicheaud then stated as a Planning & Zoning Commissioner, the Council has his notes and concerns in writing and he hopes they will take them into consideration.

Raymond Patrone addressed Council stating he decided to speak because he believes CAVE FM radio station deserves to stay in the City. Mr. Patrone stated he is not an Arizona native and has traveled all over United States and to some foreign countries, adding he has listened to many different radio stations in his lifetime in many states and foreign countries as well. Mr. Patrone then stated he could remember as a child hearing an Italian radio station playing music in his grandmother's kitchen when he visited her and that station left a reminder of his Italian heritage that has stayed with him all his life. Mr. Patrone then stated in 1996, his wife and he purchased property in Arizona after looking in the late 1980s, adding they looked around several areas, but somehow they always seemed to come back to this location. Mr. Patrone then stated he recalls listening to CAVE FM in their rental and when he drove on Interstate 10, adding he was amused at the style of the station, which plays old time rock and roll and vintage, as well as new country songs that he can't hear on many other stations in the states and the advertisements and deliberate down home style are humorous too. Mr. Patrone then stated every time he returned to Arizona and headed this way, he searched for the station as soon as he left Tucson and CAVE FM became a familiar voice for him, like no other radio station. Mr. Patrone then stated the construction of his ranch was completed in 2002 and he and his wife moved in with their horses and pets, adding since that time, CAVE radio has been a part of his listening life, from early morning at 5:30 a.m. when he was tending to horses before he left for work, accompanying him as he drove back and forth to Ft. Huachuca every day and then again, in his barn every afternoon. Mr. Patrone then stated now that he is retired, CAVE FM is still a part of his listening pleasure each day, adding each announcer on CAVE FM has conveyed their own style, but all have kept that small town ambiance. Mr. Patrone then stated he is trying to convey that CAVE FM is a business and is an important part of the City that contributes in no small way to the style and identity of the City, adding every successful City needs an identity; something positive that sets the municipality apart from all others. Mr. Patrone then stated the public has watched, sometimes with sadness,

the City of Benson wrestle with its identity and everything that encompasses that much needed attribute that lends to a successful City. Mr. Patrone then stated many things contribute to that success including businesses, government, infrastructure and most importantly, a state of cooperation and teamwork exhibited by all these entities and now is the Council's opportunity to ensure that this radio station, this business, stays within the City of Benson. Mr. Patrone then stated he has personally visited the CAVE FM radio station to put a face with the voice of Mr. Joaquin Haro, whom he has heard for so many hours and he was appalled at what he observed when he walked into that radio station. Mr. Patrone stated he saw a radio announcer trying to do a credible job while working in what he would bluntly call an eyesore and a fire trap. Mr. Patrone then stated he has now heard that the station owner is attempting to replace this building with a new structure and stated the Council, the Attorneys, the City Manager and the Mayor need to get it done now, for the sake of the radio station and the City. Mr. Patrone stated the public is watching the Council's spirit of cooperation, resourcefulness and teamwork, which is what he would call their core values, as they tackle this challenge and keep this valuable business in Benson.

Jeannette Robicheaud addressed Council stating she did not come with an intention of speaking, but she feels she knows what is going on with this proposal, adding she owns property across the street. Ms. Robicheaud stated she thinks CAVE FM is a great station and that it's wonderful to be here in Benson, but she didn't think that the CAVE, the quality and what they've done for Benson is in question. Ms. Robicheaud then stated the proposal is about something much bigger than that; it's about Planning & Zoning and the future zoning of the City. Ms. Robicheaud then stated the proposal is about studio zoning and asked if it would encompass art studios, record studios, recording studios and radio stations, stating a studio zoning is very broad. Ms. Robicheaud then stated she understood the proposed zoning is for one individual to have the right to call this one spot within Benson a studio zoning and he can then bring in a manufactured home to use as a business, adding the area in question is zoned commercial for site built structures. Ms. Robicheaud then asked the Council to think about what they are doing to the future zoning of the City of Benson by approving a studio zoning in the commercial zoned area, adding that means that anyone else in the City could apply for a studio zone in any neighborhood and put up whatever structure they want. Ms. Robicheaud then stated she didn't think this was a very good idea because it will cause devaluation to certain properties in the neighborhood depending on what is able to be brought into the spot zoning. Ms. Robicheaud then stated she didn't want CAVE FM to leave; however, it is a business and as a business, they should put up a structure that fits into the actual zoning of the City, adding that is more responsible than asking a City to change its zoning to accommodate one business that for whatever reason, is not able to put up a structure that is acceptable. Ms. Robicheaud then stated her concern is not just for the moment and for accommodating a business, but for the future of the entire City of Benson and each neighborhood and area.

Jeff Cook addressed Council stating even though he was speaking, he would like to ask Mr. Lotsof to answer a few questions when the item came up for Council discussion. Mr. Cook then stated he has listened to Mr. Lotsof imply how this proposal not being approved might affect everyone's property rights and he would like Mr. Lotsof to address that during the Council discussion. Mr. Cook then stated he likes CAVE FM and he agrees with those who have said they want CAVE FM to stay in Benson and that we need to find a way to do this so that is fair to everyone. Mr. Cook then stated as a Councilman, one of Mr. Lotsof's editorials concerns him and referred to the editorial, reading "instead of encouraging us to approve our properties, they have been looking for roadblocks to toss at us" and stated Mr. Lotsof was referring to the Benson City officials. Mr. Cook then stated as a Councilman, he would like to know who is doing that and what they are doing. Mr. Cook then stated that in the same editorial, Mr. Lotsof goes on to say that "the Tucson law firm the City hired seems to think that their job is to figure out why our amendment of the zoning code can't be passed" and again, stated he would like Mr. Lotsof to explain that statement during the Council discussion, adding again, as a Councilman, that concerns him. Mr. Cook then stated as he has read Mr. Lotsof's proposal, it was clear that the proposal would only apply to one parcel of land in the City, to one owner and to one business, adding there is a part of the proposal that says it will only be allowed for a property owner that's been working in the studio for 15 years, noting this appears to be carving out a monopoly for this sort of business and he would also like that explained when the time came. Mr. Cook then restated that he did want to keep CAVE FM here in Benson and that he thinks the Council can find a way to do so that's fair to everyone.

Mayor King then asked if there were others present who would like to speak. After no responses, Mayor King closed the public hearing at 7:17 p.m.

CALL TO THE PUBLIC:

Raymond Patrone stated he had addressed the Council during the public hearing and declined to speak at this time.

Stephen Insalaco stated he would like to address the Council regarding the proposed zoning ordinance under New Business Item #6, but first he would like to welcome the new Councilmembers to the Council. Mr. Insalaco then stated he would also like to thank the outgoing Councilmembers for their dedication and commitment to the community and would hope that they would continue to contribute their efforts to the City through committees and other mechanisms. Mr. Insalaco's statement regarding New Business Item #6 will be retained with the Council packet.

Barbara Nunn congratulated the newly-seated Councilmembers. Ms. Nunn then stated for the past 9 months, Councilmember Wangsness, who chose to be on the Benson City Council, has been absent and unavailable to his constituents. Ms. Nunn then stated contact with Councilmember Wangsness has been only over a phone line; offering no face to the City of Benson. Ms. Nunn then asked how the people of Benson are benefitted by this type of representation and if this was going to be allowed to continue in the new year, adding she, for one, wants her representative, her Councilmember, to be here in Benson doing the job he asked to do. Ms. Nunn then asked Councilmember Wangsness if he was a citizen of Benson or if he was a winter visitor.

CITY MANAGER REPORT:

City Manager William Stephens addressed Council, giving the dates of upcoming meetings and events.

- Tuesday, January 13, 2015 – Library Advisory Board, 4:00 p.m., City Library
- Saturday, January 17, 2015 – Historic Preservation Commission, 9:00 a.m., City Hall
- Saturday, January 24, 2015 – Benson Airport Advisory Committee, 8:00 a.m., Airport, Hangar B9
- Monday, January 26, 2015 – City Council Meeting, 7:00 p.m., City Hall
- Tuesday, January 27, 2015 – Community Watershed Alliance, 6:30 p.m., City Hall

- Monday, January 16, 2015 – Martin Luther King Day – City Offices Closed

NEW BUSINESS:

1. **Discussion and possible action on the Consent Agenda**

- 1a. Minutes of the November 20, 2014 Regular Meeting
- 1b. Minutes of the December 8, 2014 Regular Meeting
- 1c. Invoices processed for the period from November 13, 2014 through December 30, 2014

Councilmember Boyle moved to approve the Consent Agenda. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

2. **Discussion and possible action on Resolution 1-2015 of the Mayor and Council of the City of Benson, Arizona, appointing Councilmember _____ as the City's Liaison to the Benson/San Pedro Valley Chamber of Commerce**

Mayor King asked who would like to do this with Vice Mayor McGoffin stating she worked when the Chamber met, so she wouldn't be a good choice. Councilmember Konrad expressed the same circumstances. Councilmember Boyle then volunteered for this position. Vice Mayor McGoffin moved to approve Resolution 1-2015 and appoint Councilmember Boyle to serve as the City's liaison to the Benson/San Pedro Valley Chamber of Commerce. Seconded by Councilmember Wangsness. Motion passed 7-0.

3. **Discussion and possible action on Resolution 2-2015 of the Mayor and Council of the City of Benson, Arizona, appointing Councilmember _____ as the Chairman to serve on the Public Safety Personnel Retirement System Local Boards for both Firefighters and Police Officers**

Vice Mayor McGoffin stated she would be abstaining from this item due to a conflict of interest. Mayor King asked who would be interested in this position with Councilmember Konrad asking the Mayor to briefly explain these boards. Mayor King asked City Manager William Stephens to address the Council. Mr. Stephens stated the Chairperson of these boards is normally the Mayor or his or her designee, adding the Chairperson of these boards will oversee the issues, rules and retirement applications for firefighters and police officers, usually meeting once a year. Mayor King then stated he could do this. Councilmember Konrad moved to approve Resolution 2-2015 and nominated Mayor King as the Chairman to serve on the Public Safety Personnel Retirement System Local Boards for both firefighters and police officers. Seconded by Councilmember Boyle. Motion passed 6-0 with Vice Mayor McGoffin abstaining.

4. **Discussion and possible action on Resolution 3-2015 of the Mayor and Council of the City of Benson, Arizona, recommending approval of the issuance of a Series 10 (Beer/Wine Store) Liquor Licenses at Benson Fuel, 103 W. 4th Street, Benson, Arizona**

City Clerk Vicki Vivian stated Benson Fuel has applied for a liquor license application, adding the procedures have been followed according to ARS §4-201, with no written arguments in favor of or opposed to the issuance of the license being received and the process is now at the step where the governing body of the City or Town shall then enter an order recommending approval or disapproval within sixty days after filing of the application. Ms. Vivian then stated once Council makes a recommendation, she will forward the proper documents to the Arizona Department of Liquor Licenses & Control. Ms. Vivian then stated the new owner of Benson Fuel, Greg Wood, was present should Council have any questions. Councilmember Lambert stated his only question was regarding the placement of the alcohol. Mr. Wood then addressed Council, stating the counter with the register has been moved and the alcohol will be near the new placement of the cash registers. Councilmember Lambert stated his only concern had been that the alcohol would be too far away from the cashiers. Councilmember Lambert then moved to approve Resolution 3-2015. Seconded by Vice Mayor McGoffin. Motion passed 6-1 with Councilmember Boyle voting nay.

5. **Discussion and possible action regarding a contract with Shell Energy North America for supply of Natural Gas and related services**

Public Works Director Brad Hamilton stated a Request for Proposals (RFP) was issued with the City receiving one response from Shell Energy, our current supplier, for roughly the same terms as we have now, noting the monthly fee in the previous contract is now added to each unit. Vice Mayor McGoffin asked about scenting the gas with Mr. Hamilton stating the City has odorized the gas in the past, but it doesn't have to be done all the time, adding El Paso has allowed Southwest Gas to put 2 odorizers in. Councilmember Boyle asked if there was any benefit to the City from the natural gas development around the Country with Mr. Hamilton stating as natural gas prices go up or down, so will the City's cost. Mr. Hamilton then stated each month a report comes out with price of natural gas for our area and Shell will add \$.05 to that for each unit, noting Shell will handle all the paperwork and transmission. Councilmember Cook asked what each unit was with Mr. Hamilton stating units are measure in MMBTUs, which are a million BTUs. Councilmember Cook asked what the City used last year with Mr. Hamilton stating the City purchased a million MMBTUs, or a million units. Councilmember Lambert asked how often this contract comes up with Mr. Hamilton stating the contract expired in 2000 and converted to a month-to-month contract, adding Shell notified the City that they wanted a new contract in place. Mr. Hamilton then stated after receiving that notice, the City issued the RFP. Vice Mayor McGoffin moved to approve the contract with Shell Energy North America for the supply of natural gas and related services. Seconded by Councilmember Konrad. Motion passed 7-0.

EXECUTIVE SESSION: Pursuant to A.R.S. §38-431.03 (A)(3), for discussion or consultation for legal advice with the attorney or attorneys of the public body regarding the proposed text amendment regarding B-1 district uses and associated off-street parking requirements.

Mayor King stated the City's representative from Brown & Associates, Mr. McMillian, Public Works Director Brad Hamilton and the Planning & Zoning Technician Michelle Johnson were all present, adding if the Council would like to include them in the executive session for questions, they could. Councilmember Konrad then moved to enter into an executive session with the Mayor and Council, the City Manager, City Attorney Paul Loucks, the Public Works Director, the representative from Brown & Associates, the Planning & Zoning Technician and the City Clerk at 7:35 p.m. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

Council reconvened at 8:41 p.m.

6. **Discussion and possible action on Ordinance 574 amending the City of Benson Zoning Regulations, Ordinance No. 243, as amended to: add a new Classification for replacement of Grand-Fathered structures permitted within B-1 Zoning Districts and establish the requirements for structures within that Classification**

Mayor King asked CAVE FM Owner Paul Lotsof if he would like to address the Council. Mr. Lotsof stated he had a few random comments and then could answer questions. Mr. Lotsof then stated one of the things that concern him is what the potential investors will think about coming to Benson and investing money and buying some property, if they have to hire a lawyer and fight with the City to make a minor or major improvement to their property. Mr. Lotsof then asked what kind of message the City is sending to would be investors. Mr. Lotsof then stated his personal opinion is that what he wants to do should be a simple permitting process, adding he currently has a manufactured building and he would like to replace it with a newer manufactured building. Mr. Lotsof then stated it shouldn't be tremendously different from just replacing a manufactured building at a mobile home park and that he should just be able to get a permit and have the City verify that it's properly installed, adding that is the way he did it about 30 years ago and it worked fine then and he doesn't know why it wouldn't work now. Mr. Lotsof then stated one other thing he would like to bring up is that if there ever was an emergency, getting word out to the public in a hurry would be a very important thing. Mr. Lotsof then gave an example of a tank car rupturing, stating the radio station may be the difference between life and death, adding if people need to be told where evacuation routes are, the radio station could, again, be the difference between life and death for a lot of people. Mr. Lotsof then stated the building codes and zoning ordinances would be the least of the City's concerns if something like that happened. Mr. Lotsof then stated he would try to answer any questions the Council had.

Vice Mayor McGoffin stated she listened to Spotify, but if there were an emergency, she would tune into the local radio station. Vice Mayor McGoffin then stated she just received a lot of information on this, adding there is a lot of zoning ordinances and building codes all in one proposal. Vice Mayor McGoffin then stated she didn't have any problem with a studio zoning, however, the portion related to construction should not be included as part of the zoning regulations. Vice Mayor McGoffin then stated she would like Mr. Lotsof to meet with Mr. McMillan from Brown & Associates, the City Attorney and Planning & Zoning Technician Michelle Johnson to get the zoning figured out for a broadcast studio, adding once the Council has that done, they can then look at the construction side and those rules and regulations and work on those. Vice Mayor McGoffin then stated the Council could be lenient with the City's rules and construction codes, through appeals, adjustments and variances, but she would not budge on state and federal rules, adding those include ADA and fire requirements that the Council can't just disregard. Vice Mayor McGoffin then stated if Mr. Lotsof agreed to meet the ADA and fire requirements, the life and safety issues, she would be willing to meet half-way on the other requirements. Vice Mayor McGoffin then stated she would like Staff to remove the construction portion of the proposed ordinance and bring it back to Council in 2 weeks.

Mr. Lotsof then stated he would be happy to meet with anyone who wants to meet with him, adding his brother, who is also his attorney, could talk to people over the phone. Mr. Lotsof then stated he would also like to bring up the possibility that there may be a little selective enforcement, adding he is talking about the manufactured buildings in the City. Mr. Lotsof then stated he was asked to put in an elaborate concrete foundation but Wild Dogs on 4th Street doesn't have one and International Realty only has gravel, adding he is almost positive neither location has fire sprinklers, adding they were put in long after Mr. Garcia's letter to Mr. Lotsof requiring them. Mr. Lotsof then stated there was no sprinkler system at City Hall and asked why he

had to install them when the City didn't have to do so. Mr. Lotsof then stated he would be happy to meet with anyone to get some resolution.

Councilmember Cook stated everyone he had spoken with on Staff has been open to Mr. Lotsof staying in Benson and to upgrading his mobile home. Councilmember Cook then stated everyone on Council is asking questions and making suggestions in working to find a way to get this done in a fair way. Councilmember Cook then stated Mr. Lotsof brought up what Councilmember Cook would call a red herring, adding the Council chambers don't have sprinklers because the use of the building didn't change, noting if the building were sold and the use changed, it would have to be brought up to City codes. Councilmember Cook then asked Staff to comment on Wild Dogs and International Realty. Mr. McMillan from Brown & Associates stated Staff could take a look at those and report the findings. Councilmember Cook thanked Mr. McMillan and then stated again, he thinks everyone is working on Mr. Lotsof's behalf. Councilmember Cook then stated having a low-income himself, he understands how Mr. Lotsof wants to do this at the absolute minimum cost and he is on Mr. Lotsof's side with that, but it cannot be done at the minimum cost, adding there are certain things that have to happen. Councilmember Cook then stated he was also concerned with the wiring of a residential mobile home being used with all the electronics Mr. Lotsof had, adding that is out of the City's jurisdiction with Mr. Lotsof stating he hasn't bought any building yet and he doesn't know what he will purchase. Mr. Lotsof then stated he could tell the Council that his audio equipment doesn't use a tremendous amount of electrical energy, adding the transmitting location is 7 miles east of Benson and there is no high voltage equipment at his station, noting the audio equipment is the same thing people have in their homes.

Councilmember Boyle stated his impression is that there is enough room for the Council to work with Mr. Lotsof in an incremental way, adding the Council first needs to more narrowly define the studio zoning since there are different kinds of studios, such as dance studios, that would have a need for more parking spaces. Councilmember Boyle then stated the Council could narrow the language down a bit and work on that as one part of an incremental plan and then perhaps, they could work with Mr. Lotsof on some of the requirements that the building would need, but Mr. Lotsof could do it in an incremental way, so instead of if costing to do everything all at once, the Council could work with Mr. Lotsof over a period of time. Mr. Lotsof asked how long this might take with Councilmember Boyle stating it would be up to Mr. Lotsof and his financial situation, adding what it really boils down to is money, because there would be required changes to the newer model Mr. Lotsof would be installing. Councilmember Boyle then stated it does appear, however, that there is some room for the Council to work with Mr. Lotsof through the process instead of just saying it has to be done all at once or nothing. Mr. Lotsof asked what the next step was with Councilmember Boyle stating Mr. Lotsof would need to talk to the Planning & Zoning Staff regarding narrowing the studio aspect and sharpening that language to where the Council needs it. Councilmember Boyle then stated that will help the Council figure out how many parking spaces are needed and those types of things, adding the proposed broad interpretation of a studio could encompass a dance studio that might need to have 20 parking spaces which is not what Mr. Lotsof needs. Councilmember Boyle then stated if the Council could narrow the definition to a broadcast studio, then the required parking spaces may be less since there would be no retail traffic at the radio station.

Mr. Lotsof then stated one week ago, he handed Council a proposed revised ordinance, which addresses some of these questions, adding his choice would be to use that as the model ordinance to start with rather than the earlier one he submitted last August, which the City found problems with. Mr. Lotsof then stated he was going to issue a challenge to anyone who wanted to take it, stating at any hour of the day or night, they could drive by the radio station and see if there was a shortage of parking spaces. Mr. Lotsof then stated if anyone could do that, he would like to know about it, adding the only time it's ever happened was when there was a daycare center next door with people picking up their children at all hours of the day and night. Mr. Lotsof then stated the daycare center never needed a parking lot, but they sure should have had one. Mr. Lotsof then stated the radio station was not a startup operation, he knew what he was getting into and the radio station has been there for years, adding he knows what kind of parking spaces he needs and typically, there's only 1 vehicle there at a time.

Councilmember Cook stated every time he walks by he looks there and sees only 1 vehicle, but there was a time during the recent recall election that a person was at the radio station, Chris Early was at the radio and there was a lady that was going to hand out pamphlets, adding Mr. Lotsof was there, as well as himself and

that 4 of the people there all drove vehicles. Mr. Lotsof interrupted Councilmember Cook stating that only happens once a year with Councilmember Cook stating he knows it doesn't happen very often, but when it doesn't happen, it matters.

Councilmember Konrad agreed that the term "studio" is too general, stating it could also mean a dance studio where more parking would be needed. Councilmember Konrad then stated if the Council did establish something regarding studios, there is definitely a variance procedure that Mr. Lotsof could use, adding the Council wants to work with Mr. Lotsof.

Councilmember Cook then spoke on parking, stating just because ADA requirements are in place doesn't mean the Council is trying to require 20 parking spaces, adding the number of required spaces would probably be somewhere between 2 and 4, adding Mr. Lotsof shouldn't be afraid of the unknown.

Councilmember Lambert stated there were certain things he agreed with, but the Council couldn't disregard the ADA requirements. Councilmember Lambert then stated the parking spaces could possibly be put in the back but they still have to be ADA accessible. Councilmember Lambert then stated the number of required parking spaces is determined by the square feet of the building, adding if the code requires 10 parking spaces due to the size of the building, Mr. Lotsof could use the variance process with the Board of Adjustment and Mr. Lotsof could be granted a variance to put in fewer parking spaces. Councilmember Lambert then stated the Council is willing to work with Mr. Lotsof on anything that is in their jurisdiction, but ADA compliance is a requirement from the federal government. Councilmember Lambert then stated there are multiple types of fire suppression other than a sprinkler system and the Council is willing to work with Mr. Lotsof on the bare minimum that it would take in order to keep Mr. Lotsof's costs down. Councilmember Lambert then stated the last thing he wanted to talk about was that the City Council chambers didn't have any fire suppression, which is something Mr. Lotsof has brought up many times over several years. Councilmember Lambert then stated the building was a meeting hall before and since the use had not changed, no upgrades were required; however, had the building been torn down and a new building had been put up, the upgrades would be required. Councilmember Lambert then stated again, the Council is willing to work with Mr. Lotsof. Councilmember Lambert then stated at this time, he would like to direct Staff unless there was more to say with Mayor King stating he would like to speak.

Mayor King then stated the Council wants CAVE FM to stay in Benson, but there are regulations the Council has to follow, adding when it comes to state and federal laws or regulations, the Council has to abide by them and can't ignore or change them. Mayor King then stated he thinks the Council can work with Mr. Lotsof, adding Staff is willing to meet and work on this issue and then asked Mr. Lotsof to please meet with City Staff so this can be worked out and a good building can be put into place with people being able to continue working there. Mayor King then stated he listens to CAVE FM on a daily basis and again, he is asking Mr. Lotsof to do whatever he can to work with the City and the City will do what it can to work with Mr. Lotsof. Mr. Lotsof stated that sounded simple to him.

Councilmember Cook then told Mr. Lotsof that the Council would probably all appreciate it if Mr. Lotsof would tone down his rhetoric and the things Mr. Lotsof has said about the City employees and the City Attorney, adding they are not true. Councilmember Cook then stated the City Council is not over a barrel simply because Mr. Lotsof broadcasts his criticism over the radio, adding the Council wants this to work well for Mr. Lotsof. Councilmember Cook then stated he thinks it probably diminishes Mr. Lotsof's stature in the community when he presents himself as a victim while the City Council is trying to help him, adding he would ask that Mr. Lotsof please move forward on this issue in a positive manner.

Councilmember Lambert then stated he also listens to and enjoys CAVE FM, adding he has been to the station multiple times and he wants the station to stay in Benson. Councilmember Lambert then stated he believes the proposed ordinance just needs to be fine-tuned and with the Mayor's permission, he would like to direct Staff to work on separating the zoning and the building code issues in the proposed ordinance and bring it back to Council at the next Council meeting in two weeks. Mayor King asked if there was any further discussion with no responses.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Vice Mayor McGoffin moved to adjourn at 9:03 p.m. Seconded by Councilmember Konrad. Motion passed 7-0.

ATTEST:

Toney D. King, Sr., Mayor

Vicki L. Vivian, CMC, City Clerk