

**MURRAY PLANNING COMMISSION MINUTES
FEBRUARY 15, 2005**

The Murray Planning Commission met in regular session on Tuesday, February 15, 2005 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

Commissioners Present: Ed Davis, Howard Koenen, Mike Lovins, Marc Peebles, Nelson Shroat, Dave Ramey and Richard Vanover

Commissioners Absent: Tom Kind, Loretta Jobs and Ed Pavlick

Also Present: Candace Dowdy, David Roberts, Sam Perry, Mike Pitman, Mayor Rushing, Don Elias and public audience

Chairman Vanover called the meeting to order and welcomed the guests. Chairman Vanover asked for any corrections to the January 18, 2005 minutes. **Marc Peebles made a motion to approve the minutes with no corrections. Mike Lovins seconded the motion and it carried by a 7-0 voice vote.**

Request For Final Plat Approval On Saratoga Springs, Unit I—Wiswell Road—Paul and Vicky Garland: Candace Dowdy stated that the preliminary plat approvals for Unit I and Unit II, Saratoga Springs, were granted on February 17, 2004, contingent upon meeting all city regulations. Ms. Dowdy stated that Unit I was on the south side of Wiswell Road, and contained 55 lots. Ms. Dowdy stated that the planning department received a final plat for Unit I from VL Associates on February 1, 2005 which was reviewed and sent back to VL Associates for corrections. Ms. Dowdy stated that the corrected plat was just received in our office today. Ms. Dowdy stated that according to the subdivision regulations, approval of the preliminary plat would lapse unless a final plat was submitted within a year from date of approval. Ms. Dowdy noted that because all improvements had not been completed for Unit I, Mr. Garland would have to submit a letter of credit to the city covering the cost of the outstanding improvements before the Planning Commission could grant final plat approval. Ms. Dowdy stated that a letter of credit for such improvements was received by the city on February 01, 2005. Ms. Dowdy stated that Mr. and Mrs. Garland have requested final plat approval so they could begin selling lots. Ms. Dowdy stated that the city still had a section of the water main to extend to Unit I, Saratoga Springs and that the city was in the process of working with Mr. Garland on the location of drainage easements on the southern property line. **Mike Lovins made a motion to approve the final plat for Saratoga Springs, Unit I, contingent upon meeting all city regulations. Marc Peebles seconded the motion. The motion carried by a 7-0 vote.**

Request For Extension On Preliminary Plat On Saratoga Springs, Unit II—Wiswell Road—Paul and Vicky Garland: Candace Dowdy reminded the commission that preliminary plat approvals for Saratoga Springs, Unit I and II were granted February 17, 2004, contingent upon meeting all city regulations. Ms. Dowdy stated that Unit II contained 81 lots and was on the north side of Wiswell Road. Marc Peebles asked if there had been discussion about the entrance to this subdivision. Ms. Dowdy stated that the

temporary entrance to the west was to remain until development to the north of the subdivision accommodated an entrance off Squire Road. Chairman Vanover asked how long of an extension Mr. and Mrs. Garland were requesting. David Roberts stated that Mr. and Mrs. Garland were requesting a full one-year extension. Mr. Roberts also stated that Mr. Garland had submitted water and sewer plans to the planning department for review. Mr. Roberts stated that some construction staking had been done, but no earth-moving had been started yet. Mr. Roberts stated that after discussion with fire, police and the developer, it was recommended that the second entrance to the west be permanent. **Nelson Shroat made a motion to grant a one-year extension on the preliminary plat for Saratoga Springs, Unit II, contingent upon the developer making the second entrance on the west side of the property permanent. Ed Davis seconded the motion. The motion carried by a 7-0 vote.**

Public Hearing for request to rezone property located at 411 N. 10th Street from R-2 to B-2--Randy Keller: Chairman Richard Vanover recused himself from this hearing due to a business relationship with the applicant. Commissioner Dave Ramey assumed the position of chairman. Sam Perry stated that Randy Keller inquired about the procedure for requesting rezoning back in August 2004. Mr. Perry stated Mr. Keller was advised to contact adjacent property owners to see if there was a mutual interest in rezoning. Mr. Perry stated that Mr. Keller owns the 0.28 acre lot at 411 N 10th Street and that he has presented the Planning Department with an application for the rezoning of his property along with copies of a survey plat of the property. Mr. Perry stated Mr. Keller's application was accepted along with the \$150.00 application fee. Mr. Perry also stated that the adjacent property owners were notified and a sign was posted on February 2, 2005. Mr. Perry stated that notice was published in the Murray Ledger and Times on February 8, 2005. Mr. Perry stated the property to the west of Mr. Keller was currently vacant and had been rezoned to B-2 in 1975. Mr. Perry stated that according to the PVA office, Mr. Keller purchased the property at 411 N. 10th Street in August 1996. Mr. Perry stated that Mr. Keller was informed of the findings necessary for a zoning map amendment. Mr. Perry stated that the City of Murray's Comprehensive Plan's land use shows the existing property as well as the properties to the south as low density residential with the property to the east being the city park which is zoned government and the property to the north as B-2 (commercial) zoning. Mr. Perry explained the existing land use element of the comprehensive plan was updated and adopted in December 2002 and that the old land use plan showed it low density residential as well. Mr. Perry stated that he informed Mr. Keller of the building setbacks required for B-2 zoning. Mr. Perry stated that the lot is 80 feet wide and 150 feet deep, and that the house currently faces 10th Street.

Mr. Perry stated that letters were sent to adjacent property owners and that the planning department spoke with the other property owners along 10th Street down to Payne Street. Commissioner Nelson Shroat asked who owned the property immediately south of 411 North 10th Street, which Mr. Perry stated, was Don and Shelia Henry. Mr. Perry distributed copies of the rezoning survey plat as well as street level pictures including pictures taken from the Coastal station and pictures of the surrounding properties zoned B-2 for the Commissioners to see. Mr. Perry showed aerial imagery from 2004 and 1998, with no obvious changes. Mr. Perry stated that the street had been widened with a turn lane in the past few months. Mr. Perry also pointed out in a photograph a sidewalk, which

is a part of the park trail system. Mr. Perry also pointed out 407 North 10th Street owned by Dortha Davidson, and the Henry House at 409 North 10th Street.

Dave Ramey asked if there were any more questions for the staff before the public hearing was opened. Marc Peebles asked if the state had a 35 foot right-of-way easement on Chestnut Street. Mr. Perry stated that they did and that the right-of-way takes in part of the Keller's driveway. Mr. Peebles asked if the setback would be from the property line or the easement. Mr. Perry replied that the right-of-way line and the property line are one in the same. Mr. Ramey asked for any other questions before opening the public hearing.

Chairman Ramey opened the public hearing and asked if there was anyone that wished to speak in favor of this rezoning request.

Randy Hutchens, attorney for Mr. and Mrs. Keller came forward and asked his clients to come forward. Chairman Ramey swore in Randal and Pamela Keller. Mr. Hutchens read KRS 100.213 sub.1: Before any map amendment can be granted a map amendment must be in agreement with the comprehensive plan or one or more of the following apply: Mr. Hutchens stated that 1a. says existing zoning classification is inappropriate or proposed zoning classification is appropriate. Mr. Hutchens stated that often 1b. is focused on, but changes are not required to be proven, but only the existing zoning classification to be inappropriate and the proposed zoning classification to be appropriate needed be proven. Mr. Hutchens stated that the commission could prove that the law in 1a. is enough. Mr. Hutchens stated that in 1b. their has been a major change in the economic, physical, or social nature within the area involved, which was not anticipated in the adopted comprehensive plan and would substantially alter the basic character of the area. Mr. Hutchens stated that the law does not permit the commission to create a "buffer zoning," which is using a house in a residential zoning district to protect another zone. Mr. Hutchens stated that what must be discussed is the best use for a particular piece of property, because it is discrimination of one residential owner over another, and that there must be no favor of one zone over another, but all must have equal consideration. Mr. Hutchens also stated zoning could not be used to protect residential property, which is often a popular concept. Mr. Hutchens stated that zoning is designed to address the best use of property. Mr. Hutchens presented several pictures of the Keller property and asked Mr. Keller to identify them. Mr. Hutchens asked about the traffic in front of his house. Mr. Keller explained that the traffic patterns beside his house are very heavy quoting that the traffic counts range about 12,000 cars a day going by his house on Chestnut Street. Mr. Hutchens stated that he had previously asked David Roberts about traffic patterns and it was confirmed that Chestnut Street could be the second highest traffic pattern in the city. Mr. Hutchens stated that a third lane had been added to 10th Street since the updated land use plan had been adopted. Mr. Hutchens asked Mr. Keller if there is a lot of traffic on 10th Street as well as Chestnut Street. Mr. Hutchens asked if all the property along Chestnut Street is business and/or commercial and Mr. Keller agreed. Mr. Hutchens listed the various businesses surrounding Mr. Keller's property. Mr. Keller agreed with Mr. Hutchens' statement that the photographs are fair and accurate to show how close his house is to the busy intersection.

Mr. Hutchens addressed the physical changes to the property, which would address subsection 1b. of the KRS 100.213. Mr. Hutchens stated that Mr. Keller's property is bordered on the north and west by business zoning, to the east is government zoning and to the south is residential zoning. Mr. Hutchens stated that Mr. Keller's property is the only property on Chestnut Street in the area between 16th Street and 8th Street that is zoned residential. Mr. Hutchens stated that the property is bordered by high traffic patterns and heavy commercial traffic on the north and east sides. Mr. Hutchens stated that Mr. Keller testified that in the past year the corner directly in front of his property has been widened into three lanes, increasing traffic. Mr. Hutchens asked Mr. Keller if the traffic has increased since the third lane was put in. Mr. Keller replied that it was anecdotal and it simply appears that way.

Mr. Hutchens stated that there were three to four corridors on the existing commercial land use map discussed in the comprehensive plan; Chestnut Street, 12th Street, Main Street, and possibly 4th Street. Mr. Hutchens stated that there are fewer available business properties on 12th Street and Chestnut Street than there were at the time this property was originally zoned residential. Mr. Hutchens stated examples of what the city has done with similar properties to Mr. Keller's. Mr. Hutchens stated that on Irvan Street in 1993, the Billy Dan Crouse property was rezoned to expand an existing car lot when the property was totally surrounded by residential zoning. In 2001, the property on Sharpe Street, where the Heritage bank property is located, was rezoned for commercial use and this property was entirely surrounded by residential homes with strong opposition from the neighbors. Mr. Hutchens stated that Mr. Keller is not asking to extend the business zoning down the block on 10th Street, but only on a corner. Mr. Hutchens stated that according to Planning Commission minutes in 2001, Poplar Street changed from R-3 to B-3 zoning. Mr. Hutchens stated that another example was on Mulberry Street where Advance Auto is located, and that the zoning along 12th Street was business and the business was expanded behind it into a residential zone. Mr. Hutchens stated that Advance Auto had a deep lot, but they had to go to a second lot to expand, which was down the street and was changed from residential to business. Mr. Hutchens stated that the City Council, not this commission, rezoned a portion of the Whitnell property located at 500 S. 12th Street to business zoning and the purpose was to create new jobs. Mr. Hutchens stated that the Chapman property on Sycamore Street was rezoned to business as well, in spite of neighbor objections, and this was next to residential property. Mr. Hutchens stated Smith contracting in 2002 was rezoned from agricultural to industrial, and there was no other industrial property on either side, and is a residential area, as well. Mr. Hutchens stated in 1996 the Brandon property on 16th was rezoned business and no other adjacent property was business. Mr. Hutchens stated he is using the previous examples to show where property was rezoned in spite of other property around not being of the same zone, and no purpose was given in those minutes for each example where this happened. Mr. Hutchens stated that on 13th street there was property rezoned from R-4 to B-2 (behind Victors). Mr. Hutchens stated that two sides were business and two sides were residential in that example. Mr. Hutchens stated another example was in 1999 when property on College Farm Road was changed from R-4 to B-2 and there was only one business on this street. Mr. Hutchens asked if there were any questions. Mr. Hutchens stated that he would present the Planning Department with a disk of his powerpoint presentation as evidence.

Mr. Hutchens asked Mr. Keller his reasons for wanting to rezone his residence. Mr. Keller stated that he and his wife are building a new home. Mr. Keller also stated that when he originally moved into this property there were two lanes on Chestnut Street and 10th Street, since then they are now one of the only houses in Murray with three lanes on each side of their property. Mr. Keller stated that it is difficult to have 12,000 cars drive by his house every day. Mr. Keller stated he has enjoyed the street, but the traffic patterns and noise has increased substantially. Mr. Keller stated according to a realtor, the chances of reselling his property as residential were reduced, but options as commercial were greater due to increased traffic. Mr. Keller believes his property has decreased in value due to increased traffic since he purchased it in 1996 in spite of significant improvements to the home. Mr. Hutchens asked if there were any questions for Mr. Keller. Mr. Keller stated that he received an appraisal from Darnell Appraisal to decide what would be the best use for this property, and his professional recommendation was for commercial. Nelson Shroat asked if Mr. Keller has any specific use for the property. Mr. Keller replied that the recommendation was that it would be an ideal office location for an attorney or dentist. Mr. Hutchens stated that state law is that what the property could be used for is not relevant as to whether the property should be rezoned. Mr. Hutchens stated that regardless of the future use, setback variances could be requested, but that should not sway the decision of rezoning. Mr. Keller stated that he was aware of the Chestnut Street widening project when he bought the property. Mr. Hutchens asked Mr. Keller if he had spoken with adjacent property owners about the proposed rezoning. Mr. Keller confirmed that Mr. Dale Campbell, who owned the property to the west, was not in opposition to the proposed rezoning. Chairman Ramey asked if Mr. Hutchens had any more statements.

Chairman Ramey asked if anyone else wished to speak in favor of this rezoning request. No one responded. Chairman Ramey asked if anyone would like to speak in opposition. Chairman Ramey swore in Richard Maddox. Mr. Maddox stated that he lived at 310 North 8th Street and had lived there for 20 years. Mr. Maddox stated that all the pictures that were presented, were presented in a manner that did not show the surrounding neighborhood. Mr. Maddox requested that the commission consider the strength of the neighborhood as it is presently, and pleaded to not weaken the “armor” of the neighborhood by rezoning Mr. Keller’s property. Chairman Ramey swore in John Purdom. Mr. Purdom stated that he lived at 302 North 10th Street. Mr. Purdom stated that he felt the intent of Mr. Hutchen’s presentation was to extend commercial zoning all the way down to Payne Street. Mr. Purdom stated that he was in opposition to the rezoning because it would threaten the pedestrian safety of the park neighborhood. Chairman Ramey swore in Jeremy Boyd. Mr. Boyd stated that he lived at 300 North 10th Street. Mr. Boyd stated that although he agrees with the statements that have been made in opposition to the rezoning, he believes that more importantly, the criteria for rezoning has not been met. Chairman Ramey swore in Sheila Henry. Mrs. Henry stated that she was neighbors with the Kellers and that she lived at 409 North 10th Street. Mrs. Henry stated that her home had been used as a “child haven” prior to her moving there in 1977. Mrs. Henry stated that she used the home the same way, as a place for children to come if they were playing in the park and needed something. Mrs. Henry stated that the park was her green space. Mrs. Henry stated that she was in the process of selling her home and hoped that someone else could raise a family there. Mrs. Henry stated that she was against the rezoning due to setback issues, shrinking residential lots in the city school

district, commercial property encroaching down 10th Street and safety concerns. Chairman Ramey swore in Sue Hood. Mrs. Hood stated that she lived at 405 North 7th Street. Mrs. Hood stated that she agreed with previous residents that spoke in opposition to the rezoning. Mrs. Hood stated that she did not believe that the property value would decrease if it were to remain residential. Chairman Ramey swore in Margaret Brown. Mrs. Brown stated that she lived at 511 North 7th Street. Mrs. Brown stated that she lived there since 1991, and was aware of the planned Chestnut Street widening at the time she purchased the home. Mrs. Brown stated that there were methods of screening residential property from the noise of Chestnut Street, without rezoning. Chairman Ramey swore in Mike Lugg. Mr. Lugg stated that he lived at 501 North 7th Street. Mr. Lugg stated that although the petitioners wishing to rezone their property may experience an increased property value, the surrounding neighborhood would sustain decreased property values. Mr. Lugg suggested that it was a clear cut case of the greater good for the greater number of people. Chairman Ramey swore in John Parker. Mr. Parker stated that he lived at 903 Payne Street. Mr. Parker stated that he suspected that the rezoning of this one property could continue on down 10th Street and west down Payne Street.

Chairman Ramey opened the floor back up to Mr. Hutchens. Mr. Hutchens asked Sheila Henry if she believed that the Keller property value had decreased because of the traffic problem that exists at the intersection. Mr. Hutchens asked Sue Hood if she was a former student of Mr. Keller's. Mrs. Hood stated that she was. Mr. Hutchens asked Mrs. Hood why she was so interested in this rezoning application, if she lived three blocks away. Mrs. Hood stated that the neighborhood was linked together. Mrs. Hood stated that what happened at 411 North 10th Street would affect the entire neighborhood. Mr. Hutchens asked Mrs. Hood if she liked Mr. Keller, her former instructor. Mrs. Hood stated that she did. Mr. Hutchens asked Mrs. Hood why she believed that the rezoning of a property to commercial would increase the traffic. Mrs. Hood stated that she did not have the ability to tear down an existing service station, but she did have the ability to stop a rezoning of a property that could become a service station. Mr. Hutchens asked John Purdom if his concern was that 10th Street would entirely become commercial. Mr. Purdom confirmed that was correct. Mr. Hutchens asked Mr. Purdom if he spoke in opposition to the construction of Taco Bell on Payne Street. Mr. Purdom stated that he did not because he was not aware of it. Mr. Hutchens asked Mr. Purdom if commercial use extended down Payne Street, as a result of Taco Bell. Mr. Purdom confirmed that it did not. Mr. Hutchens restated his question, as to why Mr. Purdom believed that commercial use would extend further down 10th Street. Mr. Purdom explained that he believed that most of the property owners on North 10th Street, between Chestnut Street and Payne Street would be in opposition to rezoning. Mr. Hutchens asked Mr. Purdom if he was aware that the job of the commission tonight was to decide the future of just 411 North 10th Street, not the remaining properties on North 10th Street. Mr. Hutchens stated that he was finished with his questions for the witnesses that came forward.

Mike Pittman advised the commission to allow the Kellers to make any rebuttal, or be asked of any questions. The Kellers did not have any statements. In closing, Mr. Hutchens stated that it is difficult to say that a property was zoned appropriately when an adopted comprehensive land use plan does not address the property specifically. Mr. Hutchens stated that the future land use plan is not a plan at all, if anything it is a status quo plan, but it does not propose any changes, with the exception of just a couple

instances. Mr. Hutchens stated that traffic on 10th Street and Chestnut Streets were significantly high and that Chestnut Street was the second highest traveled street in Murray. Mr. Hutchens suggested that these were substantial changes in the last 10 years. Mr. Hutchens stated that the commission looks at a local area and that local area is not defined as properties on 7th and 8th Streets. Mr. Hutchens suggested that the local area was property facing Chestnut Street. Mr. Hutchens stated that the reason he provided history of precedent rezoning hearings, was because in almost every situation, the property in question was a corner lot in a busy intersection, and the Murray Planning Commission approved it. Mr. Hutchens stated that in almost every situation, the properties were surrounded by business or commercial zoning on more than two sides. Mr. Hutchens requested that, based on that reason, the commission find that either there has been significant change or the zoning was inappropriate. Chairman Ramey asked if there were closing statements from anyone else. Richard Maddox stated that with the Taco Bell rezoning, it was presented as a small rezoning, and that this was a similar situation, and the commission should be careful what they are doing. Mr. Maddox stated that the Kellers wished to rezone their property, but would soon be leaving the neighborhood. Ms. Hood also stated that she had spoken with a lot of people about this rezoning. Ms. Hood reiterated to the Planning Commission that rezoning this one lot would be a slippery slope towards rezoning the remaining corner lots on Chestnut Street. Jeremy Boyd stated that when Mr. Keller purchased his property to reside in, he essentially deemed the zoning appropriate.

Chairman Ramey asked if there were any further comments. Being none, Chairman Ramey closed the public hearing.

Chairman Ramey asked the commissioners for their comments. Ed Davis stated that he felt it probable that the Board of Zoning Adjustments would have to revisit this issue regarding variances for front and/or side setbacks. Mr. Davis also stated that the intent of the B-2 zoning district was to provide adequate off-street parking. Nelson Shroat stated that the property appeared to be too small to develop and it seemed inevitable that it would have to be combined with a larger piece to be worthwhile. Chairman Ramey asked for a motion. Mike Pittman advised the commission when making the motion, of the criteria for rezoning, in KRS 100.213: (1) accordance with comprehensive plan, if not then: (2a) existing zoning is inappropriate and the proposed zoning is appropriate or (2b) major changes of economic, physical or social nature which were not anticipated in the adoption of the comprehensive that have substantially altered the character of the area. **Nelson Shroat made a motion to deny the request for the rezoning of 411 North 10th Street based on the fact that the existing zoning is appropriate and that there have not been major changes in the area since the adoption of the comprehensive plan that would have substantially altered the character of the area. Howard Koenen seconded the motion. The motion carried with a 6-0 vote.**

Richard Vanover returned to the council chamber and resumed the position of Chairman.

Public Hearing On Proposed Ordinance For Cellular Antenna Tower Regulations: Mike Pitman stated that currently there are no regulations for cellular antenna towers in the Zoning Ordinance. Mr. Pitman stated that the proposed draft of cellular antenna

regulations before the Planning Commission tonight had been researched thoroughly by himself and the planning staff over the past few months. Mr. Pitman stated that the proposed draft is in line with KRS, as well as supported by the FCC's attempts to encourage the use of cellular phones. Mr. Pitman stated that regulations beyond our control prevent the planning commission from being able to restrict cellular towers based on zoning district, aesthetic reasons, or perceived health concerns. Mr. Pitman stated that a requirement of a notification letter was now added to the regulations for the instance of a co-location, even though no new tower would be built in such a case. Mr. Pitman reiterated the fact that this set of regulations encouraged the attempt of co-location. Mr. Pitman listed the numerous points which had to be addressed in the uniform application, as well as the key points required in the co-location notice letter. Mr. Pitman stated that a public hearing would be held if the proposed location was within 500 feet of a residence.

Chairman Vanover opened the public hearing.

Chairman Vanover swore in Orville Herndon. Mr. Herndon stated that he lived at 1516 North 4th Street. Mr. Herndon stated that there was a cellular antenna tower on property adjacent to him. He also stated that he would like to see regular radiation testing required for the area around the tower. Mr. Herndon stated that often long term radiation is overlooked, and that short term radiation has been the main concern. Mr. Herndon also stated that he would like to see a definition for abandonment, in relation to a time frame, and further that a time frame be set for the dismantlement of the tower. Mr. Herndon stated that he felt that the setback for the tower should be equal to the tower height, to allow for the remote possibility of the tower falling. Mr. Herndon stated that he would like to see consideration made to the location of towers in residential areas, if the telecommunications act would allow it. Mr. Herndon stated that he would like to see the light-beacon color, on top of the tower as a subdued tone, so that it would not cast light into a residence's window at night. Mr. Herndon stated that the tower behind his house had a very bright, white flashing light that cast light into his house if the blinds were open.

Chairman Vanover asked if there were any more comments. Being none, Chairman Vanover closed the public hearing.

Mike Pitman advised the commission that according to KRS, the planning commission could not regulate cellular towers based upon the environmental effects, and there may be nothing that can be done in relation to radiation testing. Mr. Pitman recommended the possibility of defining abandonment, as 30 days, then requiring the tower to be dismantled within 60 days. The commissioners agreed that was a sufficient time frame. Mr. Pitman also suggested the possibility of extending the setback of the tower to the height of the tower. The commissioners agreed that was a viable solution. **Dave Ramey made a motion to recommend that the proposed cellular tower regulations be forwarded on to the city council for their consideration with the above recommendation regarding abandonment and setbacks be added. Mike Lovins seconded the motion. The motion carried with a 7-0 vote.**

Candace Dowdy informed the commissioners of a possible special called meeting next Tuesday, February 22, 2005 for the Murray Bank, north branch location, regarding a proposed building layout.

Candace Dowdy stated that the proposed text amendment changes to the Zoning Ordinance would most likely be forwarded on to the city council at the next council meeting.

Mike Lovins asked Mike Pitman about the procedures for allowing the public to speak at hearings, even if they did not reside adjacent to the property being discussed. Mr. Pitman advised the commission that all citizens are allowed to speak, but should be advised to not be repetitive for the sake of time.

Ed Davis made a motion to adjourn. Nelson Shroat seconded the motion. The motion carried with a 7-0 voice vote.

Chairman, Richard Vanover

Recording Secretary, Sam Perry