

MUNICIPAL PLANNING COMMISSION

July 10, 2018, Regular Meeting at 7 p.m.

Brandon Butler, Chairman
Daniel Jenkins, V Chairman
Christie Slaughter, 1st Secretary
Mike Anderson, 2nd Secretary
Patti Carroll, Mayor

Derek Burks, Commissioner
Salvatore Cali
Jim Power
Sheree Qualls

Present: Jenkins, Slaughter, Anderson, Carroll, Burks, Cali, Power, Qualls

Absent: Butler

Others Present: City Planner Kristin Costanzo, Codes Clerk Sharon Hall, Codes Inspector Micah Sullivan

- Jenkins Called Meeting to Order at **7:02 PM**
- Opening Prayer and Pledge – **Jenkins led Prayer and Pledge**
- Approval of Agenda -
Power made a motion for approval. Qualls Seconded. All were in favor.
- Citizen Comments (limited to the first five citizens to sign in and three minutes each)

1) Debbie Kerwin lives at 7182 Wiley Circle

She lives in Western Woods and was concerned about the sidewalks, Ole South is their builder, the sidewalks were installed after they purchased their home. They were told there would be no sidewalks when they purchased their home then after they moved in they were told there would be sidewalks. The condition of the sidewalks, the sides are falling away from them, the culvert drains are slow, want completely drain out even a day after a heavy rain, she has pictures she has taken. Also, the grading and drainage of their lot is not good, it's terrible. They have said as long as it dries up in a few days there is nothing they can do about it or will do about it. Their neighborhood is designed for the water to drain in between the homes but it doesn't completely drain between the homes into the culvert, the sidewalks are higher than the space to where it's supposed to flow. Also, the detention pond behind their homes doesn't ever completely dry up, there's always water, not a lot but is standing water.

2) Amie Crolley lives at 7519 Spicer Court lot 65 in Western Woods.

She had Sissy to put pictures up of her home, some of her concerns. One they were supposed to have a street light, shows picture of hole that a street light was originally place in front of her home, the street light was removed without her knowledge, no street light in, no tree, they now just have a big hole. When they took the street light out they cracked the sidewalk, looks bad. They were under the impression that they were going to have a light and she understands there was confusion between the City and the Developer about who was going to pay for the street light so they just came and removed it, without talking to her as the homeowner because it's in her yard and she expected it to be there. Second at their entrance, she doesn't know who is responsible for keeping up the mowing but it looks terrible when they are coming in and out of the subdivision, it's knee high in spots. She showed pictures of her backyard and stated they definitely

have an erosion issue, it appears that the erosion mat was improperly placed so the natural flow is now flowing in between the two houses and causing additional erosion that should not be there, the natural flow has been blocked. Even with a light rain water just stands there, three children in her neighborhood have gotten a staff infection after playing outside and required antibiotics. There is also a drainage ditch in her neighbor's yards that is a significant ditch that holds water and it has an odor, it disgusting. Her house doesn't have a tree in front, they didn't plant a tree because it was going to be about 2 ½ feet from the light pole, now they have no tree, no light pole, it looks very awkward. Would request that is repaired as well.

3) Benjamin Giuliano lives at 7505 Nathaniel Woods

Which is on the opposite side of everything that was just discussed, his concern is the water and the retention ponds. He has lived here for 3 years, when he first moved they had no problems with drainage and flooding, his main concern is the retention pond in the new part of the subdivision which is draining into the other part of the subdivision. The entire street on Wiley Circle around the retention pond is sometimes under 4 or 5 inches of water. The house next to the retention pond which backs up to his house, you can't walk out their front porch, the entire yard is covered with water, their driveway, their crawlspace. He's lucky enough that his house is higher than his but he still sometimes gets 10 to 14 feet of his yard gets flooded. It got so bad that his neighbors that live across the street, Scott & Pam Tucker, their house flooded with around 8 inches of water, that cost them over \$50,000.00 in repairs.

- Approval of Minutes – June 12, 2018 Regular Meeting

Carroll made a motion for approval. Qualls Seconded. All were in favor.

BONDS/LETTERS OF CREDIT

1. Heartland Reserve Subdivision, Phases 1-4 – request for subdivision acceptance and reduction to a maintenance bond. 64 lots on 43.5 acres located along Triple Crown Lane and Affirmed Court. Property zoned R-20.

Carroll read below staff comments.

Staff Comments: All improvements have been completed at this time. Revised as-built drawings have been submitted by the developer and reviewed and approved by the city engineer after his site inspection. Therefore, staff recommends acceptance and reduction to a maintenance bond at this time.

No one present to represent. Costanzo stated they had discussed this last month, the developer had submitted his as built drawings to the Engineer and there were a couple items missing. There were some elevations and some grading information that had been omitted so he had his surveyor go back out and revise the as builds so that it included that information and so Mr. Owen was satisfied with the revised as builds. Jenkins asked will they need a specific dollar amount or just simply a reduction to the maintenance bond? Costanzo stated the subdivision regulations calls for a 10% of the original amount. Anderson asked does this subdivision have a home owners association? Costanzo stated she believes it does not, it has covenants and restrictions that the citizens can enforce amongst themselves but there is no common open space or anything like that. Power asked does it have a retention pond. Costanzo stated it has several

- detention ponds contained on individual lots. The recorded plats have notes on them on the 2nd sheet second sheet section two, there's a detention pond, note # 5 states that the owner of lot 14 is responsible scheduled maintenance on the detention pond located on lot 14. Basically, states they're supposed to mow it twice a month and keep debris out of the storm drain. It's part of their deed and they're all made aware when they purchase the lot. Carroll asked about a drainage issue that Mr. Collins was supposed to look into a while back was that corrected. Costanzo stated yes, The Jones Company fixed that. Burks made a motion for approval. Cali Seconded. All were in favor.
2. Western Woods Subdivision, Phase 4 – request for subdivision acceptance and reduction to a maintenance bond. 38 lots on 5.9 acres located along Wiley Circle, Spicer Court, and Colquitt Way. Property zoned RS-5 PUD. Anderson read the below staff comments.

Staff Comments: All improvements have been completed at this time. As-built drawings have been submitted by the developer and reviewed and approved by the city engineer after his site inspection. Therefore, staff recommends acceptance and reduction to a maintenance bond at this time.

Jenkins stated due to his personal connection to this subdivision he going to go ahead a withhold his vote steps away and turn meeting over to Ms. Slaughter. Ms. Slaughter opens meeting for discussion. No one present with the development. Qualls asked was the City Engineer aware of all the problems that have been mentioned tonight. Costanzo stated this has been discussed many times over several years about various issues with the subdivision, some of the issues that were mentioned tonight are not really issues the City Engineer would be looking at. Basically, he goes out and makes sure the infrastructure that was required was put in. He wouldn't be looking at a street light that hadn't been installed, from what she was told by the builder, because the City doesn't require street lights, the developer can elect to put them in if they want. It seems like he had put in some infrastructure to install a street light then he realized it wasn't required he then chose to remove it. Qualls stated she was more concerned about the drainage issues. Costanzo stated our Engineer goes out and makes sure that the drainage systems that are put in the public right of way are there and installed correctly. Costanzo stated some of these issues with individual lots is up to the builder to make sure that each lot drains properly, it's a little bit different from the public infrastructure but is something he can look at again. She knows he went out and looked at a specific set of ditch lines and recommended to the developer that he go out and dig them out, reinforce them. She believes that was done but it may have not solved all the problems, he's not here all the time so if we if we have a big rain and there is an issue he may not see it. Costanzo stated he did go out and he did look at the as built drawings and made sure they were in accordance with the approved plans. It would certainly be pertinent and appropriate for the Planning Commission to ask that he would be here if they wanted to defer this item to the next meeting so they could ask him specific questions, she thinks that will be appropriate. Qualls stated she thinks it would be a good idea to defer this because of the serious issues that are going on. Costanzo stated she will made one more comment about the sidewalk, the sidewalk is shown on the recorded plat, the builder just didn't see it, it was

eventually brought to his attention and they said it was really small on the plans and they didn't see it, although they installed them in the other phases. Anderson asked do they have a home owners association. Costanzo stated no so the detention ponds will be the responsibility of maintaining by the homeowners. Anderson asked was the streets dedicated to the City. Costanzo stated they will be but that's the purpose of this item, we recommend to the BOC to accept it. When that happens, we will put it into a one-year period to where we do keep a small bond amount in case there is a pothole or a broken storm drain, sidewalk, that way there is money set aside to fix those. Then after a year they will be inspected again to make sure everything is in good shape then The City will officially take over the infrastructure, sidewalks, roads. Anderson stated they have a boulevard coming into the entrance that is grassy, would it not be the City's responsibility to mow that. Costanzo stated she would state yes, she believes that was an oversight when the plans were approved many, many years ago, the fact that they made it so high it's difficult to get a mower over that, it will be a City street so technically she would think the City would be responsible. Anderson stated about the drainage issues is a really big problem our Engineer or someone needs to take a second look because it's not correct. Costanzo stated she doesn't know if the Engineer walks between every house but if he's made aware and given permission to go and look at those specific problem areas she's certain her would be happy to. Carroll stated she agrees with Mr. Anderson they're having to trust what is being approved and it's being looked at because once their gone the detention ponds can become a problem if they overflow and mess up our roads. This subdivision has had some problems and the development has been going on for a long time, she thinks defiantly to defer it is going to be an issue, they need to take the citizens information and let Will Owen go back and inspect it and not let the developer leave until it's fixed. Anderson asked isn't the drainage system a state permit separate from our permits, the retention and detention ponds. Costanzo stated they're designed according to TDEK, they're reviewed, it's designed to meet specific regulations but they don't have to pull a separate permit with them. Costanzo stated she's not aware of any TDEK violations that occurred during construction but again this subdivision has been going on for a long time. Carroll stated she would also like to address the street light issue and the tree because it was mentioned, the developer puts in the trees when they develop the subdivision, we have requirements of so many trees that come with the design. The City doesn't install trees it's the developer that installs them, they do approve the plan and can request for trees to be here or there. With the City light, most subdivisions put in the lights and the City pays for it. Costanzo stated it's not a requirement, some developers choose to put in street lights in the subdivision regulations. Costanzo stated she thinks that's something they may want to look at moving forward although it seems that half of Fairview wants no street lights because they like the darkness and rule character and the other half would like a street light. Carroll asked can we not hold him responsible for repairing the sidewalk when he took the pole down. Costanzo stated she's not for sure if the developer did that or a builder. Slaughter asked do we have a maintenance bond on that section. Costanzo stated we have a performance bond. Slaughter asked do we know if the storm drain on Nathaniel

Woods Blvd was ever got replace. Costanzo stated she told that it had been but she would have to refer to the Engineer. Power stated he drove around before the meeting to look at these subdivisions that are on the agenda tonight, this subdivision has so many problems, he drives by it everyday and it makes him sick, it's the worst job he has ever seen anyone ever try to pull off in our little town. Not only should they defer this item the builder should have to address all these concerns, there's not street light there but there should be a tree, isn't the tree required. Costanzo stated she inquired with the developer because he called her one day and said several people had asked that they don't have trees in front of their house because they didn't want their house blocked, that may not be where the street light was may be a different one. She told him all the trees had to be planted in the subdivision, he put the other trees in a different location, he put some in that median that was showed earlier. Costanzo stated they can ask him to put that tree back in front of that house. Power made a motion to defer till next month. Carroll Seconded. Slaughter stated could they request that the builder/developer come to next meeting so they can ask him questions and have the things available that was brought up tonight to ask him. Burks stated some of these issues we can't deal with, we can't deal with the length of the driveways, that's on the person that bought the house. As far as the trees if it wasn't in the plans it wouldn't be required because there was supposed to be a street light there, this was a PUD, correct. Costanzo stated it was. Burks stated if it was a PUD would that street light been on the master development plan when it came before them because if it was he thinks it would be required to have it there, right. Costanzo stated unfortunately this subdivision dates back a very long time doesn't know what the requirements were at that time, don't know if we have a Master Plan. Burks stated if we could check to see if there is one that's what he should be held to because that's what was approved. Burks stated he has concerns about the storm water drains, if they're not draining, sounds like they may be full of debris. If they could specifically have Mr. Owen check that and make sure they don't need to be cleaned out before they approve this. Burks stated he also thinks Mr. Owen need to be here. Vote was taken all were in favor to defer.

3. Kyles Creek Subdivision, Phase 2, Section 1 – request for subdivision acceptance and reduction to a maintenance bond. 20 lots on 12 acres located along Kyles Creek Drive, Allans Ridge Lane, and Palgrave Court. Property zoned R-20.

Slaughter read the below staff comments. No one present to represent.

Staff Comments: All improvements have been completed at this time. As-built drawings have been submitted by the developer and reviewed and approved by the city engineer after his site inspection. Therefore, staff recommends acceptance and reduction to a maintenance bond at this time.

Carroll asked what happened we use to require someone to be present to represent. Costanzo stated because it's a staff recommendation from the Engineer, she's thinks it was discussed about a year ago that they didn't have to be here, we can certainly change that practice, she thinks the majority of them will be fine for coming. That's certainly in the purview of The Planning Commission to request that. Anderson stated there is a Phase 3 for Kyles Creek because that cull de sac isn't complete, isn't that correct. Costanzo

stated it's technically Phase II Section I, that's Phase II Section II. Burks made a motion for approval. Qualls Seconded. All were in favor.

REPORTS FOR DISCUSSION AND INFORMATION

- City Planner – Costanzo stated she appreciates their dedication your inquires and questions, if we don't have the questions at hand we can certainly get them.
- City Engineer – Not Present
- City Attorney – Not Present
- City Manager – Not Present

COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS

Slaughter – Nothing

Qualls – Nothing

Anderson – Anderson stated he thanks the people for coming out and giving them their concerns, they try to make sure everything is known and the people are satisfied as best as they can between the limits of the law and requirements.

Powers – Powers thanks everyone for coming out tonight, he knows like him some of them have put up with this for quite a while. He does think on this commission before a subdivision goes in it should be in the best interest of the citizens of this town. They don't need to have so many cars that a citizen can't get from point A to point B because they didn't stop and think how man cars are going to be on this skinny road. They also at the end of the day when a developer/contractor says he's done they should have those citizens in mind.

Cali – Cali stated he just wants to echo what other commissioners said thanks for coming out, he wishes he had this venue 16 years ago when he moved in because he would have had less troubles with his house. He had all kinds of issues with drainage and other things, the guy that built his house just walked away, he feels their pain and hopes they can help them out.

Burks – Burks states it's incumbent on the citizens to let them know when there are concerns, for instance; drainage, if the Engineer isn't checking it on a day when it's heavy rain, he may not notice when there is an issue. It may be designed correctly but for some reason it may not be working and he won't necessarily see that. The citizens have to let them know when there's problems if they don't they don't know what to ask and can't try to fix those issues. They have email please email them or call them.

Carroll – Carroll stated she wasn't here when this subdivision 1st started, it's been a topic for a long time since she's been here. She thinks if they don't get it right now they are going to lose any opportunity. This isn't the original developer that started the subdivision so they can only hold this developer responsible for so much but if the new sections of the development are causing issues in the old that definitely has to be addressed. She appreciates everyone coming out and letting them know what's going on, she does agree with Commissioner Burks they have got to let them know what's going on. She probably gets a little more emails of complaints she will be glad to forward them to him. She really hasn't heard anything from this neighborhood in a while.

Jenkins – Jenkins stated thanks to everyone that came out and had the courage to stand and talk in front of a lot of people and talk he knows that's not easy. Could they add to the agenda next month to require developers/builders to be

present on issues that pertain to their development, if they have citizens with concerns he thinks they should be present to here their concerns.

Butler – Not present

ADJOURNMENT –

Jenkins stated he would entertain a motion to adjourn. Burks made a motion for adjournment. Power Seconded. Adjourned at p.m. 7:52p.m.

Chairperson

Secretary