

MUNICIPAL PLANNING COMMISSION

August 14, 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, Butler, Slaughter, Anderson, Carroll, Burks, Cali, Power, Qualls

Absent:

Others Present: City Engineer Will Owen, City Manager Scott Collins, City Attorney Andrew Mills, City Planner Kristin Costanzo, Codes Clerk Sharon Hall, Codes Inspector Micah Sullivan

- Butler Called Meeting to Order at 7:05 **PM**
- Opening Prayer and Pledge –**Butler led Prayer and Pledge**
- Approval of Agenda -
Carroll 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) Arlinda Pickrell lives at 7508 Nathaniel Woods Blvd. - for the past month she has had debris in her front yard surprised her neighbors haven't complained because it is an eye sore and it hasn't been picked up and she wants to know what the problem is. **Butler stated this particular Board won't be able to have feedback on this, there are some people here that could check on this.**
 - 2) Amie Crolley lives at 7519 Spicer Court in Western Woods it's lot 65, shows pictures that she presented last meeting. Concerned about the drainage issues still, defiantly a water flow back up, impossible to grow any kind of grass. She did file a warranty claim February 18, 2017 and they said they fixed the issue and was told accidentally since the water doesn't stand for 3 days that it's appropriate. The matting they put down to prevent erosion is just bunching up and rolling off the side of her lawn. She was under the impression from the last meeting that someone would be coming out and look at these things, she's home everyday and hasn't seen anyone. Also, the curb is still cracked and where the street lamp was supposed to be no one has ever come and filled in the hole. She did speak with Marlon Cunningham more than one time about this lamp, told her it was going to be a large 7 or 8-foot decorative lamp that would go in during the paving process, that didn't happen and the hardware was removed. The sidewalk needs to be repaired, also median continues not to be mowed.
 - 3) Ron & Deidre Forte has a concern about the detention pond that is located on Wiley and Grand Blvd., he's a tall guy and grass gets up over his knees, he's seen different type of animals in it, it's a concern, kids play in it as well, he wants to know who is in charge of cutting that. There are some concerns in the neighborhood that it's really dark, needs more lighting.

- 4) Ben Giuliano lives at 7505 Nathaniel Woods Blvd. said his concern is also with the retention pond, the meeting tonight is about the newer side of the subdivision, he lives in the older part, since they put in the other retention pond his side overflows and floods everything. He said he forgot to mention at the last meeting, it over flows to the point, doesn't know if it's a sewage pump or a sewage grinder that's right next to the retention pond backs up into that after it rains and smells terrible. Last meeting, said they couldn't mow the median because the mowers couldn't get up over the curb, there is a median right out side City Hall that is exactly the same height as the median in their neighborhood and it is mowed weekly, so there should be no excuse.
 - 5) Debbie Kerwin lives at 7182 Wiley Circle wants to know if they have any status on the drainage issues, she has drainage problems on the left side of her house facing the street. She was told by her builder that all the drainage would drain in between the homes and completely dry up within 3 days, the water isn't supposed to stand. Well on the left side of her home facing the street it's like a dry creek bed, nothing will grow there. It wasn't her understanding that her lawn would continue to look like this a year later, with many attempts to grow grass. They installed a sidewalk after they purchased their home, doesn't know if it's the level of the sidewalk that's keeping the water from completely draining. The detention pond behind their house has water standing in it, she was told that it was to completely drain and it never does. Anderson asked her to state the Builders name. Ms. Kerwin stated Ole South Builders.
- Approval of Minutes – **July 10, 2018 Regular Meeting**
Burks made a motion for approval. Jenkins Seconded. All were in favor.

OLD BUSINESS

1. 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 zones RS-5 PUD.
 Jenkins recused himself from this item. Carroll read below staff comments.
Staff Comments: As discussed at the July 2018 meeting, all improvements have been installed by the developer and the required as-built drawings were submitted. This item was deferred from that meeting due to citizen complaints and a request for the developer and the engineer to be present to answer questions.
 Marlon Cunningham present to answer questions. Butler ask Owen what are they inspecting, what is the City overtaking, what are they releasing. Owen stated the specific agenda item is to release the performance bond for Section 4 and a conversion to a 1-year maintenance bond that would be held by the City in conjunction with that this body would make a recommendation for or against acceptance of the improvements that have been made within public right of way. Once that formal acceptance occurs at the Board of Commissioners level then all improvements located within the public proposed right of way that's platted will become public property then operation and maintenance of those improvements will become the City's responsibility. The maintenance bond will be in place for one year and would be a mechanism to have any repairs to any work that was done within the public right of way that shows up or is encountered within that one year. The developer that post the bond would be responsible for making those

repairs to the satisfaction of the City, if he neglects to make those repairs the City could call the maintenance bond and have the work performed in lieu of the developer choosing not to. Butler asked would the individual lot drainage be in that review. Owen stated individual lot drainage would typically not be in that purview. The infrastructure of the development is put in to accommodate the ability for each lot to be served by a public road, water, sewer, electric utilities and storm drainage. Each lot should have a location across the rear or the front of the lot if it's draining into the street, for storm water to be discharged into the development infrastructure that would be carried to the detention pond then ultimately off site. Butler asked about the sidewalks and the cracked curb that were mentioned, would that be something that should be repaired prior to acceptance. Owen stated yes, they would seek to have these repaired by the developer before the maintenance bond expires or potentially have a portion of the maintenance bond called and have the work done. Butler do they do another inspection at the end of 1 year, 6 months inspection? Owen stated what typically occurs is somewhere around 9 or 10 months into the 1-year maintenance bond there would be an observation of what takes place to have an opportunity to generate an observation report and forward that to the appropriate entities for action to be taken and allow them some time to perform the work. Anderson asked if a developer develops and his drainage plans are approved for the entire subdivision and 1 or more lots failed to deliver the storm water in the appropriate direction so that it does flood adjoining pieces of property, who's responsibility is that? Owen stated typically each builder/owner of a lot would be responsible the drainage on that individual lot is shed away from the structure into the development drainage system. Qualls asked does the detention pond have anything to do with this. Owen stated yes, the one thing they look at in the detention pond obviously that is an improvement that not only serves this section but also the entire drainage basin. The discharge from this detention pond does route through the Section 1 detention on the corner, they would look to make sure that the as built survey that was provided reflects the elevations that were on the design plans, to make sure the pond has the storage volume that was shown on the construction plans and also that the discharge structure of the pond is placed at the elevation that was approved on the construction plans. When the construction plans come through the design engineers are required to submit drainage calculations according to industry standards and requirements within your subdivision regulations to detain or retain a certain storm event, he has to design the detention pond to meet those criteria. When those calculations come in they do review those calculations and make sure realistic assumptions have been made when variables have been considered. They review those calculations to make sure there aren't any gross, negligent or erroneous mistakes in those calculations. At the end of the day the Design engineer is responsible it's his professional license and stamp that's on those plans and says it will perform as he has designed it to if installed according to these plans. Anderson asked doesn't the Design Engineer sign off on the as-builds as it's completed. Owen stated for The City of Fairview the Design Engineer isn't specifically required to sign off on the as-builds, the as-build is required and to be conducted and be stamped by the surveyor. Anderson stated so we do have a stamped as-build by

a certified land surveyor. Owen stated yes. Cali asked how much money is in the maintenance bond. Owen stated he can look that up, it's going to be 10% of the original performance bond. Butler asked do we still have a maintenance bond in place for the detention pond in the original phase. Owen stated he doesn't know will have to find out. Butler is that detention pond included in the new phase inspection since it's now adding stress on the other detention ponds. Owen stated that criteria that the new one is designed to says that under a certain storm event that is predetermined based on rainfall data that the industry has available to it. Based on a storm event that's defined the host developed discharge, after everything is developed, the rate of flow that's leaving that pond and going to the existing pond isn't greater than the predeveloped flow that was previously going there. That designed storm can certainly be surpassed by a rainfall event, the current standard is the 25-year storm. Butler asked is that detention pond in the original phase part of a lot, parcel, who should be maintaining it. Owen stated the original plat, which was recorded in 2004 identified lot 8 detention basin the developer to maintain detention basin. Carroll asked who was the developer? Marlon Cunningham stated he was. Carroll asked if they know there is issues why are they going to wait a year to repair it. Cunningham they've had numerous meetings at this subdivision, across the road from Wiley Circle, where the 1st original pond discharges, he actually went and took pictures today, he thinks it's around a 30-inch pipe going across the road on the outfall side, it's about a 1/3 of the way full, if they would look outside of that, it actually raises up about 15 inches high, that water has no where to go. That's not on his property it's on the property across the road, some of the problem with that pond not completely drying up as quick as it should is because it has no where to go. He has talked to the City about this for 8 or 9 years, goes across the road on Mr. Spicer's farm. He's had Mr. Bledsoe, Mr. Hall, Mr. Lovvorn look at it, it's a well-known fact that there's an issue across the road for that water to discharge out of there, that's out of his control because he can't go onto someone else's property. The City would have to talk to the people, he knows Mr. Hall has talked to Mr. Spicer about this. Power stated he doesn't think any Engineer would engineer water to go nowhere. He just can't believe that an Engineer would stamp off on this where water has no where to go unless there was a plan for something to be done with the water. Cunningham said that's been talked about for several years and nothing has been done about it, he agrees. Power stated what's the answer to this, when it rains he drives through 6 to 8 inches of water, doesn't live in the subdivision lives up the road. Cunningham asked Owen had he seen what he's talking about. Owen stated yes, he has, he would agree with the assessment of the current condition and unfortunately not being here when that original came on line, he can't speak to what the Design Engineer did or did not sign off on. Carroll stated her biggest problem is, she asked when this phase came before the Planning Commission about the issue with the detention pond and she was told that they were going to be able to fix some of the original detention pond, but it sounds like with the new detention pond just made it worse, so it was never fixed. Carroll stated without looking at tapes who told her this but she knows this was a question and a hope. She has heard about what he's talking about across the street but was under the impression it was something that could be fixed. Burks stated if a developer says

where he had it flowing doesn't work that should have been taken into consideration when this was originally done. Owen stated yes, he would suggest to him if he were the Design Engineer he would want to make sure that his discharge location that he modeled that appropriately and if that existing condition is submerged under large rain events he would need to model his detention pond accordingly so that he got the achievement of what he wanted to out of the design. Cunningham asked does he think this filled up over a period of years? Owen stated certainly they are talking 14 years ago, there is a number of things that could have or have not been in place at the time when the Design Engineer took that into consideration. Anderson asked does the City have a drainage easement on that far side of that road that they can come in and clean out. Owen stated as far as he knows there's no formally recorded drainage easement. Cunningham said Mr. Hall did talk to the gentleman about getting in there to clean it out and he acted like he was opened minded for them to get in there and clean it out to try to open it up some. Burks asked Owen if the developer is responsible maintaining this detention pond isn't part of that maintenance making sure that it does work correctly and drains correctly. Owen stated within the bounds of the detention pond, yes. Butler stated the new plat has a note; maintenance scheduled at least two times a month as needed and clearing of any debris from storm drains at least once a month. Doesn't know if the old plat had a note or a maintenance schedule. Owen stated he doesn't think it does. Power stated he called TDEC about the amount of mud that's out there. When he tells him it's filled up, he would say it filled up when he was building out there. Cunningham stated it was filling up about 7 or 8 years ago. Power asked didn't he start building out there about then. Cunningham stated its limbs, leave that have fell in there. Power asked how much red clay is out there because he's seen them scraping it off the road 4 to 5 inches deep. Butler asked since this isn't included into this current phase, could they task our staff to research further, what options might be to try and help that detention pond on that phase. Carroll stated the new detention pond running off into the old one is still a problem even though it's not what their voting on and she thinks it still needs to be addressed. Butler asked can it be resolved here? Carroll stated no but they can give the builder direction of what they want but it will be up to him to follow through. Burks asked Mr. Owen who's responsible for making sure that water drains out of there and if there is an issue on the other side who is supposed to be fixing it, is it the City, is it the developer. Owen stated if it's on the pond side, according to the recorded plat it's the developer. Burks if it's on the side where the pipe is who's responsible for that. Owen stated let's say that pipe collapsed, it's in public right of way it would be the City's responsibility to fix it. Burks stated the City can clean out what's in the right of way. Owen stated correct. Burks stated outside of that who's responsible for that. Owen stated if a property owner damned across where the natural flow came across, can't do that it's illegal. Burks asked attorney Mill, is there something like a constructive easement that would allow the City to get in there a clear that drainage area out. Mills stated he thinks he's talking about a water right of way, ask Costanzo have they passed a storm water ordinance. Costanzo stated no. Mills stated what he has seen in the past for Municipalities, they would pass a storm water ordinance that would basically give them the right

to go in and make sure those storm water drainages are flowing. If it's within the public right of way, within 10 feet of each side of the road, if that's where the pipe is coming out the City can go in there and fix that. Burks asked if it extends beyond that is there any mechanism that the City can take other than asking nicely and hoping the owner would say come fix it. Mills stated other than emanate domain if they really wanted to but he doesn't think that's the right path. Mills stated he thinks exploring, storm water drainage has been a very important topic since 2010 and it's going to continue to be, as they heard from the citizens tonight. Mill stated they may want to look at giving a recommendation to the Board of Commissioners to pass an ordinance to give them the authority to go in and make sure water keeps flowing, that may be something they want to think about. Burks stated he thinks the first step would be to contact the property owner to see if they could come in there and clean it out. Mill stated absolutely that's the easiest. Cunningham stated Mr. Hall had talked to Mr. Spicer and they were in the works talking about that the last time he talked to Mr. Hall. Burks asked Costanzo could we look into that. Scott Collins City Manager stated he lives adjacent to the subdivision he drives this street at least once a day, there are a couple issues with this specific drainage and he will tell them what the City can do and what the most relatively simple fix would be in this area. They have two concerns as it relates to the pond itself, the out fall on the south side of the road, this worked and he didn't live here at the time so he speaks based on just what he's seen, it appeared to work prior to the new section coming in. There is an open drainage that runs along the street there's an out fall that drains between the lots. If they drive the street they will notice that the in flow where it escapes under the road there is a 30-inch plastic pipe and the side of the road on the northside of the street is depressed compared to the side of the road on the southside of the street. What's happening is the water comes under the road this pond fills with water makes its way comes in and water swirls in this area and causes a backup, such so that the inflow is 6 to 8 inches below to where it should be to a point to where it can escape as it's done this area has grown in to where the water can't escape any further. The fix would simply be for the City to come in on it's right of way to plan to remove this drain pipe, which is relatively an inexpensive cost, lower it about 6 inches, so it's at grade at the inflow, the lowest part of this detention pond. At that point it will be the responsibility of the developer to notify the owners, they would need to take a track hole with a 30-inch bucket open it up about 10 feet so the water can disperse as it did prior to it flowing in. The City can't operate out of the right of way but they can make a small repair to the drain pipe that goes under the road. Burks asked can they make sure that gets done. Collins stated our part is simple, the biggest deal is between the developer and the property owner to open up the output. Butler asked him about the curb on the entry. Collins stated he sent out an email to the Board of Commissioners for an initial vote to except that curb, they got in a discussion of who is going to maintain that long term, will it be the City or their HOA, as they know tonight there isn't an HOA. If this is brought in as it exists then the City would become the owner of that and we don't have a way to maintain that grass as it is in the median. His proposal to the Board of Commissioners is to come in to the median and remove the grass and replace it with some material that is esthetically pleasing that is low

maintenance, want to keep the trees in the median, but they have to do this in a manner that they can maintain. Butler asked does anyone want to make a motion. Burks asked if they know of a couple things that need to be fixed why would they reduce the bond until it's fixed then have to make the repairs, why not have the repairs made then reduce the bond. **Burks made a motion to defer until the sidewalk is fixed, the curb is repaired anything else that needs to be fixed. Qualls Seconded.** Cunningham asked could the City help him to get entrance into that property. Butler asked could we try and help make that connection. Carroll could we give him an ideal list of all the comments. Butler could Mr. Owen go out and do an inspection to get a list. Owen stated his preference would be, there's no better inspector than the residents that live there, if there's something known tonight let's just put it on a list and get it fixed. City Manager Collins stated along Wiley Circle lots 14,15,16,17,18 & 19 he would like to make sure that they have the sidewalks measured to make sure they are ADA compliant. He believes the sidewalks at lots 17 & 18 aren't going to meet ADA on the 2-degree left or right. Butler stated he doesn't know why the plat is showing lots 14-19 but they are going to be 54,55,56,57,58,59 & 60. Carroll stated she actually went to the subdivision after the last meeting, those lots it seems like there's not the space, is there anything he can do to help this situation, can tell there has been some major water damage. Cunningham ask was she talking about Wiley Circle ditches. Carroll stated yes. Cunningham stated he had talked to the representative for Ole South, John Davis before tonight, he told him to take notes on addresses with issues and they would look into it. Carroll stated the issue where there was a hole where there was going to be a light. Cunningham stated he took those out, they actually went over there and put top soil back in those places, adjusted some mailboxes that needed to be adjusted, those should be fixed now. Butler asked could he confirm that lot 65, 7519 Spicer Court was one of those lots. Cunningham stated he will look at that, he knows a couple people didn't want trees planted and the guy that planted them took them out. Carroll stated that would have had to come before them or at least the City Planner to be changed. Cunningham stated he told him that but the guy said he didn't want to plant them and the homeowners didn't want them to be planted. Butler stated they have a motion and a second could he maybe task someone on the staff to gather a list from the citizen to get the list to Mr. Cunningham for the repairs that are active. Owen stated they do need to clarify that the repairs be located within the boundaries of the public right of way. Cunningham stated sidewalks, curbs anywhere he had the lights, he will get those taken care of. Carroll stated if he will follow up with the builder with the list. Cunningham stated he will do that. Vote was taken. All were in favor.

NEW BUSINESS

2. Site Plan, Dollar General Store. Proposed 9,100 SF retail store. 2.36 acres. Property located at 1391 Highway 96 North (Tax Map 018, Parcel 22.02). CG Zoning District. Property owned by Boulevard Investment Group, LLC. Jenkins read below comments.

Staff Comments: Developer is requesting a variance from the underground detention requirement. Pursuant to this request, the design engineer has

moved the detention pond to the rear of the building so it will be visible from Highway 96. All other requirements have been met

David Ferlisi with Ferlisi Civil Design representing Monte Turner the Developer. Burks asked why is the builder wanting a variance from an underground detention holding area to an above ground detention pond. Turner stated they just want to better utilize the property for esthetics and also cost savings as well, thinks it better serves itself located in the back more readily discharges into the adjacent creek to the left of the pond. Turner stated if they were to put it underground in the front it would be more complicated to construct and wouldn't make a lot of sense. Burks asked Owen typically they grant a variance for a topographical reason, is there a topographical reason that would really call for them to grant a variance here or is it more a financial reason. Owen stated there's a couple of things that play here, one is the site naturally does slope to the rear of the property. Another thing with it being next to a stream, when you have underground detention as opposed to the service detention that they see there is less of an opportunity for potential pollutants to be filtered and/or caught within the underground detention as opposed to the service detention. So, there is a couple of things that play here that could potentially warrant a beneficial surface detention pond where it would not otherwise be beneficial. The pond appears to sit approximately 6 or 7 feet below edge of pavement there on the back of the property, the north side of the pond, thinks 2 or 3 feet depth on that side, it's somewhat built into the landscape of the property. Butler stated this is the site plan review, will they see construction plans. Owen stated no this is all they will see. Butler stated it shows parapet wall, where is the HVAC equipment. Turner stated it will be screened in the rear of the building. Butler stated this meets all the design review manual requirements of the exterior. Burks stated he knows in the past they have requested the detention ponds be fenced, doesn't see a fence around this one, if they are going to allow the variance are they going to request this be a fenced area. Butler asked do they know the slope on that. Turner stated it is a 3 to 1 side slope, believes it's less than 3 foot in depth. Typically, they provide a chain length fence or some kind of security fence when it gets any deeper than that prevents children potentially getting in the pond and accidents happening. With a 3 to 1 side slope if someone gets in there they should easily be able to walk out. Carroll asked what does this detention pond back up to just for clarification. Turner stated he doesn't know what backs up to them. Costanzo stated she doesn't know the property directly behind it but from the rear of the detention pond to the property line is a rather lengthy way, she will certainly look into it for her. Butler asked was there a monument sign and does it meet requirements. Costanzo stated yes. Carroll stated in the past they have made exceptions for above ground detention ponds based on what's around them. Butler stated looks like quite a of distance from the back of the detention pond and they've put some landscaping around the outside. Costanzo stated there is a buffer strip that is proposed for the rear, the perimeter on the east west, south side are heavily wooded, already a natural buffer of mature tree stand, doesn't think will be able to see the detention pond from any direction. Mr. Turner stated he can somewhat answer what's behind them, on the right side of Dollar General there's a gravel drive that goes back to a really densely wooded area. He would

say there's 10 to 14 acres of woods back there and they do have a fairly substantial distance between that pond and the rear property line. They appreciate their consideration on the above ground detention. Slaughter asked could they add some landscaping in between the parking lot and the detention pond so it isn't visible from the parking lot. Turner stated some more trees to the right of the dumpster enclosure. Slaughter stated yes. Turner stated he doesn't see a problem they can do that. Burks made a motion to approve. Jenkins Seconded. All were in favor.

3. Recommendation to the Board of Commissioners on the Rezoning of Property, requested by Loy Hardcastle, Parks Realty. Property located at 2451 Fairview Boulevard (Tax Map 046, Parcel 87.00). 48+ acres. Current zoning district: RS-40, Single-Family Residential; Proposed zoning district: RS-40, Single Family Residential; Proposed zoning district: CG, Commercial General. Jenkins read below Staff Comments.

Staff Comments: There is currently no specific plan for development, but the owners would like to have the property rezoned to commercial similar to the properties in the immediate vicinity since they have frontage on Highway 100. This property is located directly next to Jingo Market/Jefferson's Restaurant and across from the Mid-Pointe Plaza and the MTEMC substation. Staff notes that the old future land use map from 2012 shows it as being medium-density residential, although it is located immediately adjacent to commercial areas and directly on Highway 100, which is viewed as the city's main commercial corridor. However, as discussed, the city is undergoing the comprehensive planning process currently, which will create a new proposed future land use map and designated growth and development areas.

Burks recused himself from this item. Mr. Hardcastle stated the family, it is the Sullivan property and the Sullivans have passed away and the heirs have requested that the property be rezoned so they can sell it for commercial use and they have no plan at the moment that would come from whoever buys the property. Jenkins asked Owen the current plans they are developing for the Land Use Map is that leaning Commercial or is it being viewed Residential in that area. Owen stated they're not developing a future land use map. Butler asked what our current staff's vision for this area. Costanzo stated personally with all the surrounding commercial in the vicinity as she mentioned in the staff report, she anticipates especially the length of that frontage, she would see it being commercial defiantly along the front of that. She knows with speaking with the representative, they've talked about mixed use with maybe some residential in the rear, at this point their asking for commercial zone, for them to do a mixed use they would have to come in as a PUD and they would have to have a specific master plan. Anderson made a motion to approve. Qualls Seconded. All were in favor.

4. Recommendation to the Board of Commissioners on a Proposed Plan of Services to Accompany Resolution 17-18, a Resolution Calling for a Public Hearing on the Proposed Annexation of Territory into the City of Fairview by Owner Consent (Tony Cavender) and Approving Aplan of Services (7329 Taylor Road; Tax Map 042, Parcel 77.00)

Jenkins read below staff comment.

Staff Comments: The owner/developer is requesting that this 8-acre parcel be annexed into the city limits for the purpose of residential development similar to the surrounding neighborhoods. There are no plans for rezoning, and the annexed property will remain as RS-40 for the purpose of creating several one-acre or larger lots.

Tony Cavender present. Butler stated this will be a section into that other anticipated phase behind there? Cavender stated no it's separate, the houses to the left and the right and across the street are around an acre so they want some newer houses going into Otter Creek. They have a 60-foot road that will feed Otter Creek right next to that property that they have already purchased and annexed into the City. Burks asked north of this is that the area that Mr. Mangrum is going to develop. Cavender stated yes, thinks he's going 4 or 5 one-acre tract. Burks made a motion to approve. Anderson Seconded. All were in favor.

5. Recommendation to the Board of Commissioners on a Proposed Plan of Services to Accompany Resolution 18-18, a Resolution Calling for a Public Hearing on the Proposed Annexation of Territory into the City of Fairview by Owner Consent (John Bledsoe/Hudson Family Revocable Trust) and Approving a Plan of Services (Northwest Highway; Tax Map 021, Parcel 61.22).

Jenkins read the below comments.

Staff Comments: The owner/developer is requesting that this 8-acre parcel be annexed into the city limits for the purpose of subdividing the property into several lots for family.

John Bledsoe present to answer questions. Jenkins stated looking at the properties to the north of it are they City or not City. Bledsoe stated the City limits goes to the Polston Place subdivision and Northwest Highway the properties to the North are in the County. Burks stated this is to just approve the plan of services. Burks made a motion to approve. Carroll Seconded. All were in favor.

6. Request to set the bond – Otter Creek, Phase 1, Section 1.

Staff Comments – the city engineer will provide a bond estimate.

Costanzo stated they had the preconstruction meeting today so they were hoping to get their bond set and she believes the City Engineer has looked at this and has an amount. Owen stated the performance bond amount \$854,000.00, stabilization bond amount \$235,000.00. Cali made a motion to except these amounts. Anderson Seconded. All were in favor.

7. Request to set bond amount – Otter Creek, Phase 1, Section 2. Cali Seconded. All were in favor

Staff Comments – the city engineer will provide a bond estimate.

Owen stated the performance bond amount \$763,000.00, stabilization bond amount \$128,000.00. Burks made a motion to approve these amounts provided by the City Engineer. Cali Seconded. All were in favor.

REPORTS FOR DISCUSSION AND INFORMATION

- City Planner – Thanks to all them for their attention and dedication to a long evening.
- City Engineer – Nothing
- City Attorney – Nothing

COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS

Slaughter – Nothing

Qualls – Nothing

Anderson – Nothing

Powers – Powers stated on builders is there a way to do a report card on them, if they have builders that comes before them that is constantly a problem maybe when they go to approve their plans maybe there could be more restrictions. He knows this was a poor performance on Western Woods from the builder and the person that finished it and there ought to be some way that they can say if you come in here with D's on your report card we really don't want them to come in here and build houses in our town. Doesn't know if that is a legal thing they could do and may not be anything that is binding, if they keep getting D's Micah is going to come out and see them on a weekly basis, or something like that. Maybe something to consider, knows this isn't the only subdivision that they have had problems with it would just be nice to know which builders are good builders, which ones that follows up and give this town a good product and which ones that are failing.

Cali – Nothing

Burks – Nothing

Carroll – Carroll stated she just wants to thank Mr. Owen for everything he's done during the workshops, just over the years the dedication and the time they've put into cleaning up our Codes. She knows they're not done with that, she just can't thank him enough for his commitment to the City. She is sure glad that she got to serve during a time that he was here.

Jenkins – Jenkins stated he believed that last month they requested the builder and the developer both for Western Woods be present tonight for that issue, the builder wasn't present at all, did we reach out to them, did they just ignore us. Butler stated he doesn't think it would have been the builder's business. Costanzo stated right they had discussed the developer and the City Engineer, she knows the developer was in a lot of contact with the builder about making sure he would step up to the plate and handle some of these issues that were sort of outside of the developer. Costanzo stated the City doesn't have no contractual obligation with the builder, when they approve a subdivision we require the developer to sign an agreement so they're the ones basically ones on hook answering the City's request.

Butler – Butler thanks the staff for getting this all together, great discussion everyone. August 20th is the planned meeting for the Comprehensive Plan at Camp Marymount, it is opened to the public. Thinks it would be good for everyone to attend. Costanzo stated it's 6:00 to 8:00 p.m.

ADJOURNMENT – Butler stated he would accept motion to adjourn. Burks made a motion to adjourn. Jenkins Seconded. All were in favor Adjourned at 8:33p.m.

Chairperson

Secretary