

# City of Fairview

7100 CITY CENTER WAY  
FAIRVIEW, TN. 37062



Phone: 615-799-1585  
Email: codes@fairview-tn.org

## Municipal Planning Commission

Regular Meeting  
December 12, 2017  
7:00 p.m.

Brandon Butler, Chairperson  
Daniel Jenkins, V. Chairman  
Salvatore Cali, 1<sup>st</sup> Secretary  
Mike Anderson, 2<sup>nd</sup> Secretary  
Patti Carroll, Mayor  
Derek Burks, Commissioner  
Christie Slaughter  
Jim Powers

**Present:** Jenkins, Anderson, Carroll, Burks, Slaughter, Powers, Cali

**Absent:** Butler

**Others Present:** City Manager Scott Collins, City Attorney Tim Potter, City Planner Kristin Costanzo, Codes Clerk Sharon Hall

**1. JENKINS CALLED THE MEETING TO ORDER AT 7:00 p.m.**

1.1 Jenkins led the prayer and pledge.

**2. APPROVAL OF THE AGENDA-**

2.1 Carroll made a motion to approve. Burks Seconded. Jenkins stated they need to add 4.3 to appoint a 1<sup>st</sup> Secretary. Powers made an amendment to the motion. Slaughter Seconded. All were in favor.

**3. CITIZENS COMMENTS - (Limited to the first five to sign in and a limit of three minutes each.)- None**

**4. APPROVAL OF THE MINUTES-**

**4.1 October 10, 2017 – REGULAR MEETING**

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

**4.2 November 14, 2017 – REGULAR MEETING**

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

**4.3 Appoint a 1<sup>st</sup> Secretary**

Burks made a motion to appoint Mr. Cali. Anderson Seconded. All were in favor.

**5. BONDS –**

5.1 **Stable Acres – irrevocable standby letter of credit in the amount of \$65,000.00 to cover roads, sidewalks, storm drainage, and other improvements specified by the approved plans. Planning Commission set the amount on December 12, 2008. Letter of credit will expire January 6, 2018.**

Burks read the City Staff Report, which will become part of these minutes. Exhibit A. Burks made a motion to call the existing Letter of Credit if not renewed by January 6, 2018. Anderson Seconded. All were in favor.

- 5.2 **Stable Acres – irrevocable standby letter of credit in the amount of \$12,500.00 to cover sidewalks along road frontage of lots 16-20, fencing of detention pond, and installation of drainage ditch. Planning Commission set the amount on June 9, 2015. Letter of credit will expire January 6, 2018.**

Burks read Staff Report, which will become part of these minutes. Exhibit A. Burks made a motion to call the Letter of Credit if not renewed by January 6, 2018. Powers Seconded. All were in favor.

- 5.3 **Western Woods Village, Section Four – irrevocable standby letter of credit in the amount of \$181,000.00 to cover roads, sidewalks, storm drainage, and other improvements specified by the approved plans. Planning Commission set the amount on June 9, 2015. Letter of credit will expire January 10, 2018.**

Burks read Staff Report, which will become part of these minutes. Exhibit A. Carroll stated there has been several times that this neighborhood has had drainage problem issues and she wants to make sure before any reduction is made that everything has been cleared up and taken care of. Costanzo stated the City Engineer has gone out and preformed his site inspection and definitely took into account anything related to drainage an addition to the roads and sidewalks, nothing will be overlooked, as far as drainage goes. Powers stated he drives through this every day, the roads are deteriorating where they were torn up during construction, the ditch has gravel dumped into it, before he could vote on this he would like Will Owen to be here, to ask him questions. He has neighbors that stop him to ask him about this, unless he as all the answers from Mr. Owen he will not be voting for this tonight. Carroll asked is there anything he can ask staff or does he want to wait on Mr. Owen. Powers asked are they going to fix the road. Costanzo stated yes, there are definitely deficiencies as far as the ditch on the other side of Wiley Circle that has deteriorated. Costanzo stated they will have to fix that before the maintenance bond goes into effect, this is just to reduce the bond that is in place for infrastructure that hasn't gone in yet. They periodically will reduce after they have put in the sidewalks, they take out the money that was set aside for the sidewalks. Costanzo stated anything that is deficient, the Building inspector took photos and sent to her, there was a culvert that had a lot of sediment in it, those items will have to be corrected before any releasing is done or before it goes into a maintenance bond. Costanzo stated as far as reducing the performance bond, that just covers the installations of improvements that have been put on the ground. Anderson said \$60,000.00 doesn't seem like a lot of money unless he's almost completed the project. Costanzo stated Western Woods actually has another bond on the City's book for other parts of the subdivision, this is just for Phase 4, there is other money set aside for other improvements in different parts of the subdivision. Powers stated he wasn't on the Planning Commission when the other Phases were approved, knows Phase 1 & 2 they did good on those but this last phase the roads are terrible. Costanzo stated this Phase 4 covers the extension of Wiley Circle and Colquitt cull de sac, they just did put in the remainder of the sidewalks, she believes the \$60,000.00 would cover, they still have to put in street trees, some additional

storm water improvements and some drainage. Costanzo stated Will Owen does a break down, she will have him to forward to her and she will send it to them tomorrow. He is pretty thorough and comprehensive when he makes his recommendations. Powers stated he's been in these situations and he knows what he sees driving up the road, not looking at anything else, he would be hard pressed to do that for \$60,000.00, repaving, fixing the road, cleaning the ditches out and still got the streetscape, trees & etc. Carroll asked can they not approve the bond amount and request more without Will Owen being here. Costanzo stated actually we have another meeting it's the day before the meeting, next meeting will be January 9<sup>th</sup>, this bond doesn't expire until the 10<sup>th</sup>, that's why we put on tonight we didn't want to vote the day before to call it. If they want to vote to get a more thorough breakdown to defer it until the January 9<sup>th</sup> meeting. Anderson made a motion to increase from \$60,000.00, City Engineers recommendation to \$85,000.00 until the work is completed and our Engineer can verify there's enough monies and the work has been satisfied. Carroll Seconded. All were in favor.

## **6. OLD BUSINESS-**

### **6.1 Rezoning of Property, Requested by Jeff Wynn. Property located at 1179 and 1183 Highway 96 North (Tax Map 021, Parcels 23.10 and 23.11). 5.26 acres. Current zoning district: RS-40; Requested zoning district: CG, Commercial General. Property owned by Jeff Wynn.**

Jeff Wynn present to represent. Burks read City Staff Report, which will become part of these minutes. Exhibit A. Potter stated at the last meeting Commissioner Burks had ask him a question about, apparently Mr. Wynn had acquired his property by executive deed. The executors deed makes reference to certain restrictive covenants on the land that would run the land until December 31, 2020. His opinion to the Planning Commission is that they don't know if someone may or may not have standings to enforce these restrictive covenants but it shouldn't have any bearings on how the City approaches rezoning request, so if the City wishes to rezone the property it can rezone the property. Mr. Wynn may or may not have an issue with someone who wishes to enforce restrictive covenants, he doesn't know if someone has standing to do that or if those rights have been waived or if he doesn't plan on doing anything until those rights are waived, he doesn't know. **Anderson made a motion to approve as written. Powers Seconded.** Slaughter stated she has a problem putting another storage facility there, would make 3 in a row, are all them full to capacity that we would need an additional same type of business or is that not the Planning Commissions purview. Cali stated that's not our property, if he wants to put up a Church or whatever, who are we to say what he puts up. Carroll stated she believes there is commercial around there but this particular property isn't commercial and they have to think about the impact to the surrounding residential homes. This is kind of spot zoning and as a Planning Commission they may want to consider that. Costanzo stated two things, this is just for a commercial rezoning, they really should only be looking at it going from residential to commercial not residential to a storage facility because he could get it rezoned commercial and put anything in there that is allowable in the CG zone. The other thing is, there are several nodes along

Highway 96, on the Land Use Map from 2012, where there is a major intersection, like Northwest Highway, shown on the future Land Use Map, to be commercial. Burks thanked the City Planner for bringing up, once it's rezoned commercial any commercial that is allowed can go in there. Burks concerned about the impact of the traffic and it's a long narrow stretch of property that is surrounded by residential, does feel like spot zoning. Is this specific parcel under the Land Use Map Future Commercial General or is it the one beside it? Costanzo stated no the two red parcels, he owns them, are both Future Commercial General and a couple of parcel that are adjacent that about Northwest Highway are all shown future Commercial. Anderson stated to him it would be a serious negative to turn this down to Commercial, looking at Highway 96 from the Flying J coming towards the City it's become a little bit better quality Commercial. Vote was taken, all in favor except Burks, Carroll & Jenkins. Motion passes.

## **7 NEW BUSINESS-**

### **7.1 Final Plat, Whispering Winds Subdivision. 14 Proposed lots on 10.47 acres. Property located along Cumberland Drive (Tax Map 047, Parcel 67.01). Property zoned R-20. Property owned by Walt Totty.**

Walt Totty present to represent. Powers read City Staff Comments, which will become part of these minutes. Exhibit A. Powers made a motion for approval. Anderson Seconded. Burks amended the motion to include City Staff Comments. Costanzo stated those comments were already addressed she just wanted to point out that was a change from what the Planning Commission approved on the Construction plans after we had consulted with the Water Authority. Burks withdrew his amendment. Slaughter asked would there be an easement on the corner lot. Costanzo stated lot 15 has access off that gravel drive off to the rear on Cumberland Drive. All were in favor.

### **7.2 Final Plat, Fairview Station, Phase Three. Three Proposed lots on 2.12 acres. Property located along Tiger Trail (Tax Map 042, Parcel 28.05). Property zoned R-20 PUD. Property owned by A-1 Restoration Inc.**

Jeremy Moody with SEC present & Huntley Gordon to represent. Powers read City Staff Report, which will become part of these minutes. Exhibit A. Powers made a motion for approval. Burks Seconded. Carroll stated she has concerns about the road not being an option anymore, she thinks it should still be considered. Costanzo stated in addition to the comments that were part of the City Staff report, the City could have taken some of the responsibility in purchasing some of this property in the past to try to make this a reality. The developer worked hard trying to talk with the property owner directly South of the 3 lots to see if they could do a land swap or something, there is just no progress, just doesn't look like a feasible option. Also with the topography we're looking at a road that was going to have a grade over 10%, if they hold up that last phase they could have an unfinished subdivision for 20 or 30 years while their waiting to try to make a connection. She thinks the other safety concerns regarding opening it up and having another major intersection that close to the intersection of Lake

Road & Cox Pike is potentially a bad idea in addition to having cars speeding past the school. Looking at it there might be a possibly where they could have a spur coming off Tiger Trail that connected to Lake Road, which she thinks would be a better idea, there is actually a couple 5-acre tracts that are open there that would potentially make for a better option. Carroll stated she sees a couple issues from knowing some of the conversations, she thinks it played a lot in some of decision making of this subdivision of allowing in to go there is the fact that it would potentially help finish a vision of the City to have a connector road from Highway 96 to Cox Pike and going through City Circle. She agrees the City hasn't done any purchasing to make that a reality but there was a lot of conversation that took place over this and making sure it was left open for a potential road. She thinks the new board need to take that into consideration because once there is houses there no way there will be a road. Anderson asked how long ago was this was originally talked about. Gordon stated approximately 18 months ago. Anderson asked was that a contingency with they got their 1<sup>st</sup> phase approved. Carroll stated there was a lengthy conversation making sure that they left that road where we could access Cox Pike. Gordon stated when the subdivision was originally approved they had requested this to be one phase and there were only 20 taps available at the time so they phased that in this manner to leave this cull-de-sac as it is should they not have taps and the City have a major thorough fair plan to access this then they would work with the City to alter the plan as approved but once they add the other 10 taps and purchase those they completed what was phase 2, which was 24-30 & these 3 lots as well. So, this is, quote, phase 3 of the subdivision, all the info structure is in place, there's no construction drawings with this. This is simply a final plat, all the utilities and the infrastructure has been installed, and approved. Anderson stated if he had his say, he would like to see a road come straight out where the cull-de-sac is and not to put in the cull-de-sac. Anderson stated even if they change the design and moved the cull-de-sac back to a straight road to a dead end, how may lots would they lose. Gordon stated they would actually pick up a lot if they modify two lots that are currently under construction, meaning the houses are going vertical now, so it really wouldn't be very feasible. Anderson on stated on an approved section. Gordon stated yes phase 1, they have lots 6 & 7 having homes built on them and they would have to be modified in order to rip out the road that is already installed. Anderson asked have they been sold. Gordon stated not for sure, they just started the construction on them, this entire subdivision is expected to be complete by July. Burks stated this open space is where they were thinking the road would go down, is there realistically enough room to put a road there. Gordon stated there's really not because the way everything is designed. Burks asked Costanzo would she agree there not enough room to put a road there. Costanzo stated yes, she definitely agrees and to Mr. Anderson's comment wanting to see the cull-de-sac go directly straight down and you can't make those people sell their property for the



purpose of constructing a road some day in the future. Burks stated outside of condemning the property. Costanzo stated yes. Gordon stated where that joins Cox Pike it's at the top of a hill on a curve so you making a curve right there at that junction, he doesn't think that's a very logical road entrance. Burks stated he agrees. Jenkins stated it's already really dangerous around there as it is. Carroll stated she just has a problem with them approving a subdivision thinking this was potential possibility regardless if it was. She is sure the Westwood Elementary would prefer no traffic behind the school and if they talked to the citizen they would say don't don the pass through. Maybe with the comprehensive plan, if this was going to ever happen this was their chance and their going to let it go because they weren't staying on top of it. Mr. Moody stated he represents SEC that did most of the design work on, not only the two safety issues that they have with the connection on the road but the road itself is almost not feasible to build, the topography of that hill would road anywhere to 11 or 12% grade and with the line of sight coming off that into an intersection into a curve, the Engineering just not possible based on City regulations currently. Moody stated if the plan was to make a connection the Engineering on the front should have been done first to make sure the connection was possible before approval. Carroll stated valid point but she still feels like with the conversation they were at some point was included and knew this was an expectation, where the City followed up and made sure that this was a feasible thing to do. Burks stated he just wanted to clarify, this approval was not made contingent upon this road connection being there, may have been discussion, more of a wish list. Costanzo stated that's correct, there was a lot of discussion that it was a wish list item. As they can see it was designed without the connection made, otherwise it would be in the plans. Carroll stated she has a feeling in the motion it states that in the minutes, if we look that up, but she doesn't know how much the Engineer is stating it's not feasible. Costanzo stated she did pull the minutes to see if that was the case and the approval was not contingent upon the connection being made but there was discussion that they would like to see it happen. Costanzo stated she would be happy to send her the minutes. Carroll stated yes, she would but she has a feeling if she pulled the tape she would hear that so she recommends her doing that also. Vote was taken all in favor except Carroll. Motion passes.

**7.3 Construction Plans, Cumberland Estates, Phase Three. 40 Proposed lots 13.62 acres. Property located on Ambie Way, Bobo Court, and Brazelton Way (Tax Map 047, Parcel 66.04). Property zoned R-20 PUD. Property owned by Cumberland Estates, LLC.**

Anderson read City Staff Report, which will become part of these minutes. Exhibit A. Richard Houze with SEC present to represent. Burks made a motion for approval. Powers Seconded. All were in favor.

**7.4 Modification to Cumberland Estates Phase One Approval Requirements as They Pertain to Lots #2 and #48. Parcels located at 7420 and 7424**

**Cumberland Drive (Tax Map 047P, Group C, Parcels 47.00 and 48.00). Property zoned R-20 PUD. Property owned by Cumberland Estates, LLC**

Burks read the City Staff Report, which will become part of these minutes. Exhibit A. Applicant asked that this item be deferred to January 2018 meeting. Jenkins made a motion to defer until next months meeting. Burks Seconded. All were in favor.

**7.5 Rezoning of property, requested by Delores June Lambert. Property located at 7170 Horn Tavern Road (Tax Map 022, Parcel 69.01). 2 acres. Current zoning district: RS-40; Proposed zoning district: R-20.**

Anderson read City Staff Report, which will become part of these minutes. Exhibit A. Candice Lambert was present to represent. Powers made a motion for approval. Slaughter Seconded. Burks stated considering how this lot is and the current house is kind of stuck in the middle of that lot, will there be enough room under an R-20 to put this house there and meet the setbacks that are required. Costanzo stated yes there will be, they had looked at a couple different designs between the applicant and herself. As she had mentioned in the staff comments, the house is proposed to go in the southwest corner of the yellow flag, so it would roughly line up with the house across the street and for a 20,000' lot, they have enough room and road frontage. Carroll asked how will they access it. Costanzo stated most likely they will access off Hidden Lake, the purpose of this is for the daughter of the homeowner to build on that Southwestern corner. They did discuss that she may just utilize the existing driveway that's off Horn Tavern Road, they would just share the driveway. The applicant is present if they have any questions for her. Ms. Candice stated she thinks they prefer it to be off Hidden Lake. Carroll the house will be facing the subdivision, the house will be designed to look similar. Ms. Candice stated yes. Jenkins stated so the new property line would be split in to a Northern half and a Sothern half, property line going east to west. Ms. Candice stated yes. Vote was taken. All were in favor.

**7.6 Rezoning of property, requested by Tim Mangrum. Property located on Fernvale Road (Tax Map 042, Parcel 63.00). 6.6 acres. Current zoning district: RS-40; Proposed zoning district: RM-12.**

Tim Mangrum present to represent. Jenkins read Staff comments, which will become part of these minutes. Exhibit A. Burks asked is this going to connect to the current Fernvale Springs Subdivision. Costanzo stated that is something should the property be rezoned that is something they would discuss during the site plan phase and they would hope that it would connect through. Costanzo stated in discussion with the applicant, you can see where Fernvale Springs Way goes East then North up towards units 12 & 13, she believes he was willing to have those removed to allow the continuation of the road through into the northern parcel. Burks asked are there not units there currently. Costanzo stated no. Burks asked what's the current status of Fernvale Springs, is it completed? Costanzo stated it's still under construction. Burks asked is this road actually deeded to the City or is this

considered private still? Costanzo stated not totally sure. Mangrum stated it's private. Burks stated there has been several complaints from the home owners about the final layers of asphalt not being put on, can they make the approval contingent upon that final layer of asphalt being put down upon completion of that 2<sup>nd</sup> phase & the 1<sup>st</sup> phase as well. Costanzo stated she doesn't know if they can have the rezoning contingent upon that but should the rezoning go through during the approval of the site plan. Carroll asked did he work with the original development of is he working with the original, as far as connector roads. Mangrum stated he was the original developer of Fernvale Springs, it's changed hands over the last couple of years we have acquired the balance of Fernvale Springs. The only units in there now that haven't been started is 10,11,12 & 13. Just to clarify one thing that the City Planner said, they would intend on putting the road actually somewhere between somewhere 11 & 12 is and turn those buildings to face the new street, they wouldn't lose any, just simply turn those. He has talked to the HOA for Fernvale Springs, was hoping to get this on the agenda couple months back and they didn't have their annual meeting until October, they voted and approved for them to extend the development contingent upon City approval. One thing they would like to see, he wants say if he agrees or disagrees, they would like it to remain one way in and one way out, they seem to think that would be less traffic for them. He tends to believe if there was another exit it would be less for the home owners. Carroll stated that house on the acre lot, the entrance comes right off the Highway, is that correct. Mangrum stated yes. Carroll stated are you going to create a buffer between this house and the units. Mangrum stated yes and he will be glad to go talk to her because she has her beauty salon in the basement & the entrance is actually on this piece of property. If the City doesn't have a problem with it he would just as soon use the new road if they end up coming out on that upper side to access her beauty salon opposed to her having two driveways at her house. Anderson asked does he have any issues of use with ingress or egress for her that he has to manage. Mangrum stated no the owners of that property actually inherited from their parents, parents own the house and that and split it off 15 or 20 years ago and the house was sold off about 10 years ago. Slaughter stated she's actually using a driveway off property that's not hers. Mangrum stated he hasn't had it surveyed but that's the way it appears. Mangrum stated to clarify Mr. Burks question, there has been a lot of complaints on the road especially back before they acquired it back that was another of his wants to finish that development. They were hoping to pave before winter time this year but construction didn't far enough as they thought it would. He did get a quote about a month ago from a paver then he's got another paver that is actually starting to pave Horn Tavern today he's coming next week to get a quote for spring. Burks asked will that be up to City standards even though it's a private road. Mangrum stated it's not up to City standards because it doesn't have curbs or sidewalks but it's built to City standards as far as the binder, the gravel underneath and the topping.



Burks asked will there be a separate construction entrance separate. Mangrum stated yes that's another thing he had told the HOA he would either have a construction entrance on one of those two other access points. Carroll stated please tell her it's going to affordable price range; the newest ones start at about \$189,000.00 and their senior friendly. Burks made a motion to approve. Powers Seconded. All were in favor.

**7.7 Rezoning of property, requested by Habitat for Humanity. Property located at 500 Highway 96 North (Tax Map 022, Parcel 134.07). 8.34 acres. Current zoning district: RS-40; Proposed zoning district: R-20.**

Slaughter recused herself because she is employed by Habitat. Anderson read City Staff Comments, which will become part of these minutes. Exhibit A. Dan Reynolds with Habitat for Humanity present to represent. Anderson stated he lives off Chester Road, they just completed a 2<sup>nd</sup> home, the house was fairly well built but he deplores the landscaping, grading, terrible layout of the street, the parking area, a very poor job. Mr. Reynolds asked what specifically does he not like about the landscaping or grading. Anderson stated the parking area for the driveway is at a pretty steep grade on one side. Jenkins stated they are simply voting on the rezoning not voting on design or a plat. Powers made a motion for approval. Carroll Seconded. All were in favor.

**7.8 Review and Approval of Planning Commission Calendar of Dates for 2018.**

Powers asked is the PC workshop the staff meeting. Costanzo stated it was previously called plans review meeting that was something that she had hoped to change when she came on board, since she has been here the only member of the Planning Commission that attended was the Chairman so there for the remainder of the Planning Commission didn't have any input into any of the plans that were on the agenda. She thinks it's a better idea if they have the entire Planning Commission be welcome to come to the plan review as long as it is a published calendar that is made public there won't be any conflict of interest with the members coming and discussing the items. She was also hoping to ask, currently we have the meeting at 9:30 a.m., she would be open to changing to afternoon or evening, whatever works for everyone's schedule. Even if the whole membership can make it to the workshop every month to review the plans and give their input it would still be better than just having one person. Costanzo stated the City staff reviews the plans, talks briefly about the submitted plan, comments, concerns, deficiencies, that's the other thing they will be changing, between the submittal deadline and the workshop, there will be a 8 day spread instead of 3 days, that will give herself and the City Engineer time to adequately all the submitted plans and work up the staff comment sheet for the workshops. So, when the applicant comes they will actually give them the comments at the workshop instead having to wait for the comments to be drafted then send them out. So, this should be more efficient time frame getting everything done that needs to be done. Burks asked will this allow the information to get to the Planning Commission sooner, such as staff

reviews. Costanzo stated they would be invited to be there, so it would be the 1<sup>st</sup> week after they get the Planning Commission packets. It will give them the opportunity, if they are able to come to the workshops, for them to have input on the plans so if there is anything they want to see changed that would be something they could add to the staff comments from the Engineer and herself. The applicant will have another week to have those revisions made and get the plans back to them and they get back to you. Burks made a motion to approve the 2018 calendar. Calander attached Exhibit B. Slaughter Seconded. All were in favor.

## **8 REPORTS FOR DISCUSSION AND INFORMATION**

8.1 **CITY PLANNER-** Costanzo stated she looks forward to seeing them at the training on Thursday.

8.2 **CITY ENGINEER-** Not Present

8.3 **CITY ATTORNEY-** Potter stated Happy Holidays.

8.4 **CITY MANAGER-** Collins stated we look forward to the work session Thursday, it will take most of the day, lunch will be provided and will be a working lunch. We would like to get started at 8:30 and end around 4:00, we will get an agenda out to everyone tomorrow evening. They will meet with Will Owen tomorrow at 10:00 and 1:00 to finalize everything, we look forward to a productive day and appreciates them for taking the time to come.

## **9 COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.**

Slaughter stated one of the things that was discussed at the Tree Board last night was Mr. Berkley was able to make his original comments on finalized trees, he was never actually seeing and signing off on the finals where changes had been made. Collins stated there has been ongoing questions since he got here, he will walk them through the process and this will be part of our discussion on Thursday. The question that has been brought to him is the process for approval for landscaping designs, things of that nature, they come before this board. The discussion has been whether or not there's a requirement that those go back to the Tree Board for approval as a part of the submission to The Planning Commission. The answer to that is generally no. Slaughter said no she was saying that Mr. Berkley wasn't seeing them and signing off on them a second time was only seeing the preliminary, making comments, recommendations, he said he would say these items aren't on the tree list or whatever. Collins stated correct there's no ordinance or resolution that that takes place, no ordinance by the City or no subdivision regulation that requires that. So, what's typically happened in the past but what it comes down to is what is established for the Tree Board to consider or their activities in the approval of these things. Collins stated the information that he has, again this part of our discussion for Thursday, the Tree Commission essentially had three functions, 1) establish an approved plantings list 2) Matters brought to their attention that are trees that are on the public rights of way 3) a tree plan or planting plan for the City for its planting trees, shrubs, whatever have you, as a plan going forward to be developed for the City on the rights of way. The last thing is the establishment of a tree fund, when property is cleared there is an ordinance that was recommended by the Tree Commission to the Board of Commissioners that established the tree fund,

if trees are to be removed there is a value to those trees, those funds will be remitted back to the City. Collins stated her question and a question that's been brought up over the last year, is there a requirement that the City Arborist sign off on plans that are submitted to the Planning Commission. Staff signs off on the submitted approved plans. Costanzo stated when plans come to them in the beginning of the review, there is a landscape plan that is submitted. The approved canopy tree list, the approved shrub, the approved understory tree list is all published as part of the City regulations. She knows when looking at the landscape plans if yes this meets it or no it doesn't, if something is incorrect the numbers of trees, the spacing or the species, she would put that on the staff comments that goes back to the applicant for them to change. Slaughter stated so it is getting addressed and approved and signed off on someone.

**Anderson** stated he is very much in favor of Habitat for Humanity, he just feels like their giving a helping hand to people it should not be half way done. Those people more so than others need to have their product as perfect as possible because they may or may not have the capability financially or physically take care of their property.

**Cali** stated he won't be able to make it Thursday because his daughter is in from New York City and he won't be able to see her Christmas so he will be spending Thursday with her.

**Carroll** stated she wanted to wish everyone a Merry Christmas and Happy New Year. She also wanted to remind everyone make sure the microphone is up to their mouth's because the citizens cans hear them and they get complaints.

**Jenkins** stated thank everyone for their gracious tonight and allowing him to come up here tonight and stumble a little bit and keeping him on track and let it be a successful meeting. Have a Merry Christmas and enjoy your time with your families.

- 10. ADJOURNMENT-** Jenkins asked for adjournment. Burks made a motion for adjournment. Carroll Seconded. All were in favor. Adjourned at 8:31p.m.

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Chairperson

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Secretary