

AGENDA SUMMARY
SPECIAL PLANNING COMMISSION MEETING
Piedmont Civic Center – 314 Edmond Road Northwest
Monday, May 11, 2015, 6:30 PM

MEMBERS PRESENT: Chairman Richard Felton, Commission Ron Cardwell and Commissioner Eric Berger

ABSENT: Commission Marva Oard

STAFF PRESENT: Community Development Director Wade Harden, City Manager Jim Crosby, City Attorney Mike Segler, City Engineer Pat Garrett and Secretary Mary Ramsey

1. **CALL TO ORDER** – Chairman Richard Felton called meeting to order at 6:33p.m.
2. **ROLL CALL** – Secretary Mary Ramsey called roll. A quorum was present and approximately 29 people in the audience.
3. **CONSENT AGENDA** – All items on the consent agenda are non-controversial and may be approved by one motion for items.
4. **CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**
5. **HEARING OF CITIZENS** -Topics to include those items *not listed in the agenda*

None
6. **BUSINESS ITEM**

Chairman Richard Felton explained how the process of the Public Hearing will work to the audience. Explaining that Community Development Director Wade Harden will provide an update on the item, the public hearing will be opened, public is allowed to ask question during this time however questions will not be answered, the public hearing will be closed. During the Commissioner discussion time in item b questions from the audience may be addressed.

Community Development Director Wade Harden explained:

- Request is for Hidden Hill Hollow Planning Unit Development, item was before the Planning Commission in 2014 at that time the request was for RE2 zoning. Recommendation was not favorable for the request and the

applicant pulled the request and the item is being heard as a PUD.

- The property is generally located North of Washington street, approximately 915 feet west of the corner of Mustang Rd. and Washington Ave.
- Single phase development, 35 lots, 6 common areas, 48 acres.
- Owner is Volterra LLC
- Engineer is KBGE Engineering, Austin TX
- Notifications have been sent out to property owners within 300 feet.
- Comprehensive Plan designates medium density residential within the Urban Growth Boundary (UGB) which is compatible with RS1, RS2 zoning district.
- The PUD from a zoning perspective is a lower density than what the Comp plan allows for.
- Surrounding land uses are:
 - To the south is agricultural
 - To the East is single family residential and agricultural
 - 2 ½ acre, 5 acre and ¾ acre size lots.
 - To the West is single family and agricultural
 - Surrounding land uses are A1, RE2, RS1
- Zoning is hierarchy so that in a higher destiny zoning district a lower density development is allowed.
- PUD
 - No flood plain
 - Blue line stream
 - Utilities are city water, private aerobic sewage system
 - Transportation will be by access from Washington street, one point of access, 60 foot right of way with divided Boulevard entry, interior streets meet City requirements at 24 foot sections.
 - Fire hydrate spacing will not exceed 500 feet.
 - Drainage for storm water is located in designated retention and detention.
 - Cul-de-sac proposed at 3800 linear feet.
 -

Staff believes this development provides a good transition between the surrounding 5, 2 and ¾ acre lot sizes. Applicant has attempted to address the concerns from the prior rezoning request by adding headlight screening to the east of the development and increased lot size to 1 acre.

There are 15 protests of the 19 notifications and PUD will require super majority vote of CC.

Staff recommends approval of the PUD as submitted.

MOTION TO OPEN PUBLIC HEARING

Commissioner Eric Berger made a motion to open the Public Hearing. Motion was **seconded** by Commissioner Ron Cardwell.

The Vote was:

AYE: Commissioner Eric Berger, Commissioner Ron Cardwell and Chairman Richard Felton.

NAYE: None

a. **CONDUCT A PUBLIC HEARING TO CONSIDER A FORMAL APPLICATION FOR REZONING AND SUBMISSION OF A PUD MASTER DEVELOPMENT OF HIDDEN HOLLOW, REQUESTED BY VOLTERRA, LLC FOR A PLANNED UNIT DEVELOPMENT (PUD) FOR RESIDENTIAL USE ON THE FOLLOWING DESCRIBED PROPERTY:**

A tract of land lying in the Southeast Quarter (SE/4) of Section Thirty-three (33), Township Fourteen (14) North, Range Five (5) West of the Indian Meridian, Canadian County, Oklahoma, being described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence N89°56'25"W along the South line of said Southeast Quarter (SE/4) a distance of 914.09 feet to a set Mag Nail, said point is the Point of Beginning; thence continuing N89°56'25"W along said South line of said Southeast Quarter (SE/4) a distance of 379.00 feet to a set Mag Nail; thence N00°01'26"E a distance of 726.00 feet to a set 3/8" Iron Rod; thence N89°56'25"W and parallel with the said South line of said Southeast Quarter (SE/4) a distance of 300.00 feet to a set 3/8" Iron Rod; thence N00°01'26"E a distance of 235.09 feet to a set 3/8" Iron Rod; thence N00°03'31"E a distance of 662.82 feet to a set 3/8" Iron Rod; thence N89°26'25"W parallel with said South line of said Southeast Quarter (SE/4) a distance of 1034.93 feet to a point on the West line of said Southeast Quarter (SE/4); thence N00°29'43"E along said West line a distance of 1013.16 feet to the Northwest corner of said Southeast Quarter (SE/4) a found 3/8" Iron Rod; thence N89°51'29"E along the North line of said Southeast Quarter (SE/4) a distance of 1183.23 feet to a set 3/8" Iron Rod; thence S00°23'57"W a distance of 660.03 feet to a set 3/8" Iron Rod; thence N89°51'29"E parallel with the North line of said Southeast Quarter (SE/4) a distance of 132.00 feet to a set 3/8" Iron Rod; thence S00°26'24"W a distance of 659.79 feet to a set 3/8" Iron Rod; thence S89°58'26"E a distance of 659.66 feet to a set 3/8" Iron Rod; thence S00°20'04"W a distance of 357.38 feet to a set 3/8" Iron Rod; thence N89°56'25"W parallel with the South line of Southeast

Quarter (SE/4) a distance of 253.38 feet to a set 3/8" Iron Rod; thence S00°20'10"W a distance of 963.28 feet to the Point of Beginning.

This property is more commonly known to be located at the north side of Washington Street East, 915' west of the intersection of Washington Street East and Mustang Road.

Marva Oard:

My lack of participation on the Commission tonight is on the advisement of the City Attorney. I as well as of patron believe this to be an error. This is not an elected board but an appointed board. A Planning Commissioner represents the patrons of the community and the ward. By recommending that I participate from the audience stifles their voice, the numerous phone calls and letters I have received as a Commissioner should resound strongly with you. I believe all of these people have filled out protest except for 2 who did not receive notifications from the city. In attempt to mute free speech and a possible abstention on my part, this counts as a no vote should not be taken lightly by the Commission. In regards to the PUD I remind the Commissioners why the rezoning was declined the first time.

- Irregular shape of the land
- Length of the road
- One entrance in and out of the subdivision
- Current use of surrounding properties.

How does this proposed PUD address these items, it doesn't. It appears to only circumvent these issues.

In regards to the 2030 plan, if the 2030 plan is so important why has the city issued building permits that are not positioned to it, there is a large home and agricultural elements have been added on since the 2030 plan has been in place.

As for our own personal issue on behalf of Dan and myself, the road adjacent to our property is still there. Even the developer has admitted himself in a public hearing that he would not like the placement of the road, if it was his property. It limits our privacy and lowers our property value. The developer has proposed screening, what does that mean, who decides, city staff? Property owner are already unhappy with Mr. Harden lack of impartiality over this matter. If the Commission decides to approve this we would like for you to also have conversations with the property owner as to what the screening should be.

I ask that you support the patrons of Piedmont and decline this PUD.

Shannon Wilson

What brought us to live in Piedmont is that Piedmont is not over developed with homes. We have the large 5 acres to the west of the front end of this development. It is being proposed to be put the smallest lot near our property. This will lower our property value.

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There is a good way to do development and this PUD is not it.

Mark Simpson:

Not against development but this one really stinks. City spent millions of dollars to put in a sewer system and sewer line, this development is putting in aerobics. City is not based on aerobics. Section 33 will be development to the North and a sewer line could service that development as well. The City has A&B lines set up. That means the developer pays for the sewer line to be put in and then in time as others connect into it, the developer gets paid back in kind.

We cannot afford any more taxes, currently we pay:

Road Maintain \$5	Fire Protection \$1.50
Storm drainage \$1	Capital Improvement fee \$7

As a town we cannot afford anymore goofy up's, this is going to be the main part of town in time as land develops to the South and East. The development needs to have city water and sewer and acceleration and deceleration lane on 164th. Or 164th needs to a 4 lane road. Up to you guys, I am hoping you do the right thing.

Bill Long:

Hope you will be considerate to all of these people opposing this development. They are not all opposed to development; they just want it done right and consistently. Feel we deserve as much or more consideration than a commercial enterprise. 100% of the landowners to the South, North and West oppose this development. 75 to 80% of the landowners to the East oppose and the only reason it is not 100% is because two of the landowners did not receive a notification. This is not consistent with the lot and home we built.

I spoke with the Fire Chief and he does not want another 3000 ft, single entrance development, considers it a safety effort. He can only make a recommendation. You guys need to take some responsibility. In the time we have lived there, on maybe 6 or 7 occasions where as I can see how this is laid out all or a good portion of the homes would have been trapped in water. Unfortunately the land is not good for what is being proposed.

I provided you with Title 11, 43, 1-11 which gives you more than enough reason to deny, consideration is to be given to immediate adjacent land owners based upon:

Natural environment	Health	Community as a whole
Safety	Welfare	

Strongly urge you to recommend denial.

Dan Oard:

When we purchased our home in 1996 we understood we were moving into a growing city and we would have development around us. Main objection is the shape and size of the property, does not allow for a good development that is conducive to the surrounding neighborhood. This development will lower our property values and all of the other things that have already been mentioned. I do not know how we can put a development in there

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right now, that way.

Roy Mayabb:

I have been giving this thought and consideration. Headlight screen really worries me. I think a sight proof fence sounds more appropriate all the way around the entire property. But I know that probably not going to happen because our City fathers are not going to push the issue. Wade is for it and we go from there. That is my personal opinion that has nothing professional in it.

I do know during the last few rains, I have been driving up in the North pasture and looking. If you allow them to put in aerobic or septic systems and it is not maintained, all of their garbage is going to be in my pond. If you go on the South side of my pond and look, you will see all of the debris that has come from this property which is normal tress branches and twigs. So you cannot tell me Mr. Engineer that you guys can design this so that I won't catch it. Cause it all flows down hill guys, into my pond.

The only way I see this being viable is if Mr. Estes puts in the 3 houses he promised by family and not all of these or they go to city sewer system.

I am with Mark; you are going to have to put in a deceleration and acceleration lane. If you are at my house at 7:30 to 8:00 in the morning and watch the traffic coming over the hill to school, it is interesting. Now you are going to add 36 houses, 72 more cars where is the arithmetic guys.

As a ex-fireman, have you ever been down a cul-de-sac on a fire? It gets interesting with one way in and one way out. I urge you to change that or deny.

I understand the property owner to north is not for sale. I understand the property to the west made an offer to buy it and they are reluctant to sell. I understand he has left openings in his property for future access. Until the day I die and 3 days later there is not access to the west and can't go east.

I thought it was up the Community Development Director to help guide people to make their property fit what the city wants. Several years ago we tried to get Sid's hamburgers in town. We told them they did not fit our façade, we told them Sid's. I was on the Council then, I voted for it but we told them no.

Where is the intelligence?

We have a sewer system, make them get on it. If you are in a 5 mile or 3 mile circle of the post office, our Engineer should be smart enough to figure out a way to make them get on the sewer. That is what we pay him for. Community Development Director should be guiding them to get on the system.

If you allow this to pass and party A sell the home and does not tell party B what they have all of the garbage will roll down hill. If we keep allowing developers to build and not get on the sewer, someday we are going to pay for it. And I hope we don't leave that to my

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grandchildren. If the developer did it right the first time we will not have this problem.

I urge you to vote no.

Also, eliminate the headlight screening, make them put up a sight proof system around the entire project. With a 20 year guarantee, that has to be update by the homeowner association, make them put up a bond.

MOTION TO CLOSE PUBLIC HEARING

Commissioner Ron Cardwell made a motion to close the Public Hearing. Motion was **seconded** by Commissioner Eric Berger.

The Vote was:

AYE: Commissioner Eric Berger, Commissioner Ron Cardwell and Chairman Richard Felton.

NAYE: None

b. **DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON A FORMAL APPLICATION FOR REZONING AND SUBMISSION OF A PUD MASTER DEVELOPMENT OF HIDDEN HOLLOW, REQUESTED BY VOLTERRA, LLC FOR A PLANNED UNIT DEVELOPMENT (PUD) FOR RESIDENTIAL USE ON THE FOLLOWING DESCRIBED PROPERTY:**

David Box – Counsel on behalf of the developer.

We do not have sewer accessible to the site. Yes there is sewer in Piedmont, but a private developer does not have rights to commendation. We cannot get sewer to this site without an agreement with the property owners. Typically, a city does not consider that access to sewer. We cannot force someone to give us access to an easement. When you have sewer you see a significant increase in density. Typically, land that has sewer and water, you are looking at Urban density, that is what your comp plan would call for, something around 4 dwelling units an acre. What we have in the plan before you is 35 lots, 1.37 dwelling units an acre. I would submit if we had sewer and water and came back with that plan there would be significant push back and probably rightfully so. Sewer is not an option.

As it relates to the aerobic. The DEQ allows aerobic and septic on ½ acre lots, our lots are then twice the legal limits to have those private sanitary solutions. There are certain state laws when you have these systems, all of which will be maintained in accordance with those state laws.

Would like to address the length of the cul-de-sac. What the Comp plan and code allows is for the Planning Commission and their discretion to set the cul-de-sac limit. Provided to the Commissioners with examples of 10 different sub division within City of Piedmont, all of which have lengthy, cul-de-sacs all in excess of a 1000 feet. What you

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see is most have a lot count around our development or toward the end, and they get longer as you get closer to the end. You see a significant increase in the number lots with a single access point. One way that Cities deal with a single access point in a subdivision is a divided entry. That is a mean to ensure a blockage or fire concerns are greatly diminished. We hoped with a divided entry we had solved some of those problems. The Fire Chief would have been given a copy of the application and had the ability to comment. As far as I am aware there has been no negative comment for the Fire Chief.

Now the headlight screen, that was a concession on our part, when we were here last year there was a concern raised from some individuals that the way our road traversed there would be some headlights shining through. Our hope was that a berm and hedges would be able to and believe that it will block any light pollution going to the east. We have written it into the PUD, if we were here on straight zoning application, like we were last year, we could commit to it but there would be no teeth to require us to do that. It was the recommendation of at least of one of the Planning Commissioners to do a PUD, it was my belief that by doing a PUD you could require certain things that would go to help ensure that this development is compatible to the neighborhood around it.

As this Commission knows compatibility is a key point when dealing with zoning cases.

One of the many tools the Planning Commission and Council has is the Comp plan and the reason that is the case is State Statute requires when cities are dealing with zoning they do so in conformance with a Comp plan. So if we look at what the Comp plan calls for in the subdivisions, what you see is medium density residential. When we look at the plan it allows for 4 dwelling units per acre. That is significantly denser than what we are requesting. As Mr. Harden explained in his staff report this provides for a good transition from the larger lots and some of the smaller lots. Other tool you can look at, is the zoning itself. The zoning is RS1 to the East, you also have RE2, so there zoning classifications that allow for a more dense development than what we have.

From a legal aspect, they look at what the zoning will allow. Clearly this case is compatible, we are less dense than some to the East and we are significantly less dense than the zoning to the East will allow.

In order to get the commercial to develop you have to have more roof tops. We believe that our plan is trying to balance the concerns of the neighbors, trying to balance the high density the Comp plan is calling for and trying to promote what the City of Piedmont is asking for.

Chairman Richard Felton asked the other Commissioner if they had any of concerns they would for Mr. Box to address. Commissioner Ron Cardwell asked about property values.

Mr. Box explained that his legal practice is solely on planning and zoning. I represent developers every Tuesday and Thursday at Planning Commission and City Council meeting in Oklahoma City and communities like Piedmont, as well as Moore and

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Norman. In every protested case one of the main focuses is the lowering of property values. I have hired appraiser to look at it and I have never seen in a single case where property values have been lowered because of a new residential development that was compatible with same quality or better. Never seen it, I have heard it 1000's of time but never seen it in reality.

Chairman Richard Felton asked – do you have an idea of what the target marketing price per square is going to be.

David Box – We do not, - what we hoped the Planning Commission would see is when we were back here last year we had a platt with 52 lots. What you see now is a 35 lots, that is a 33% reduction in the lots. We have tried every way we can to make this palatable to everyone, while still making sure this is economically feasible.

Chairman Richard Felton asked about the acceleration and deceleration lane.

Commissioner Ron Cardwell commented that the acceleration and deceleration lane are conditions of the platt not zoning.

Chairman Richard Felton asked if a traffic study has been conducted.

David Box explained the development is 1 acre lots, with only 35 lots, a traffic study would not be warranted and the issue is usually typical a concern for platting.

Chairman Richard Felton asked Community Development Director Wade Harden to summarize Piedmonts drainage ordinance.

Commissioner Ron Cardwell explained that he had recently studied the drainage ordinance in preparation for the meeting. Article 18 of the ordinances requires to release pre developed flow rates or 2, 10, 25 & 50. They are matching every existing pre developed flow rate. The engineer is maintaining the offsite flow and by passing it so that it does flow into the existing pond. But they are constructing 2 on-site ponds to collect all of the runoff from the properties.

Community Development Director Wade Harden explained all of the drainage will be reviewed at time of Platt.

Commissioner Eric Berger commented – who should be responsible for the negotiations on behalf of the City with a PUD. We really do not know enough to vote, in this case we have excel and decell lane issues. I would expect the reason why we have incorporated the 1000 feet cul-de-sac into the ordinance is because we are trying to eliminate them. I know we had them in the past, we do not want them in the future. That is why it is in the code. I am well aware that the DEQ has their ideas about aerobic waste treatment. But I have grave concern about this land, because that water is still standing in my backyard. Water does not permeate this clay filled soil in this area of town. I have serious concerns how this is going to end up. I really appreciate that

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some effort has been made to reduce the lot size to keep in with the surrounding area. But there are access and degrees issues here.

This land is oddly shaped and not well suited for a housing development to begin with. I feel to make it work and be in the best interest of the community there needs to be successful negotiations with the surrounding land owners, to do some things that have not been done here. This is my feeling on it.

Commissioner Ron Cardwell – from the one mile perspective. There is a lot more density in the SW corner of that section and it does provide a transition from the lots that are denser on the eastern boundary. I wish sewer was sitting right in front of the property like it is over on some of the other unopened side streets on Washington. The city is using that sewer line and there have been many arguments over how much sewer is going down that pipe. Everyone is right that someone someday is going to have to bite the bullet and extend that sewer line. Odds are it will end up being a private public partnership that ends up getting it there. It is going to benefit the city, but it is going to be too expensive for a sole private developer. It will have to be done at some point and time. Do not think this developer is the person to bring it in, since it is 1400 feet away and diagonal from the property. It is not the type of facility that is being developed on the property and this developer should not have to bear that burden. However, with that being said the development is more than 10 acres and we do have the authority to require easements to bring sewer into that property should sewer ever become available and when septic system begin to fail.

Part of my recommendation is to include that easements be provided.

With regards to streets and cul-de-sacs, every section line road, when you get to the half mile line you have to turn around if there is an accident. That really is no different than a dead end street. That is 2600 feet or 3000 feet it is not as much concern as it is made out to be. The divide entrance is good. Would like to see what the specified width is going to be. I read that they are (2) 24 foot lanes, which is plenty.

A lot of these details we are discussing are engineering requirement items, more than they are land use requirement items. These details can be worked out at preliminary platt stage.

Landscaping and screening, that is specified in section 9.2. I believe it needs more definition; it is a little too loose.

On access regulations it is there on the drawing, define future easements. It really needs to be 90 degrees to the street. That street needs to be perpendicular.

Land to the north will develop, when it does people should be able to drive north rather than drive south. We need to be building a network of roads in this urban core area.

David Box addressed the Commissioners concerns about the berm. They will revise

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and submit to construct a 3 foot berm with hedges on top to maintain a 6 foot headlight screen. We will submit documents to that fact.

Signage regulation, they talk about a monument sign along the entrance. The landscaping area talks about 25 square feet of landscaping. Really that is 2 feet of landscaping, thought that was a little lacking.

I think one acre lots in that area will be sufficient, hope that the CCR's will have consistent fencing along the outside of the development.

David Box agreed to consistent fencing.

Chairman Richard Felton clarified a couple of things for the audience. There is more than 50% opposition to this development. No matter if we recommend this or do not recommend this development it still goes to the City Council. Where a 4/5 majority vote is required. It is after that where platting is submitted. At that point a lot of these issues being discussed can get worked out. All this Commission has to go by is the current City regulations. We have been talking about the cul-de-sac for months, until the regulation is changed that is all we have to go by. Our current sewer plan allows for aerobic; our current drainage plan is going to maintain the development flow. All we have to follow is what the current ordinance and City of Piedmont has in place.

The concerns are:

- Acceleration and deceleration lanes
- Sewer easements
- Right away to the North
- Standard fencing and screening
- Detailed landscape headlight screening

The idea with the urban growth boundary is everything within it goes on the City infrastructure. When the infrastructure is 1400 feet away and through 5 different private properties that is when the city is going to have to come in and start working with developers and form partnerships. Like Ron mentioned. Again, that is something the city has to take action on with developers. We as a committee cannot require that.

Commissioner Ron Cardwell made a motion to approve the PUD with the following changes:

- Provide an acceleration and deceleration lane per the City Engineers recommendations.
- Provide sewer easement for future sewer.
- Detail headlight screening barrier landscaping and fencing.
- Detail landscaping plan
- Right away to the North be put back in at 90 degrees

David Box agreed to the sub to the North.

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Instead of referring the landscaping ordinance, provide the detail.
Chairman Richard Felton **seconded** motion.

The Vote was:

AYE: Commissioner Ron Cardwell and Chairman Richard Felton.

NAYE: Commissioner Eric Berger

See above for full legal description.

NEW BUSINESS - Unplanned Items

None

7. **ADMINISTRATION REPORT – (Oral) City Manager, Engineer, Community Development, and Attorney.**

None

8. **COMMISSIONER’S COMMENTS – Oral Comments**

Commissioner Eric Berger- would like to say this is not an easy job. I have been doing it for 6 years. I do it for one reason and one reason only – I love this community and I feel my 30 years as the City Editor and 12 years of going to City Council, Planning Commission and School Board meetings, it has given me a reservoir of knowledge that can be of some use here. I do not know if I will be back here, I have heard that I may be replaced. If that is the case I would like to thank everyone for allowing me to serve.

I would like to point out in regards to City infrastructure about 2 years ago a local developer wanted to put in a development about 2 miles north of Piedmont Rd and 164th street. The City Council said fine, as soon as you put in 2 miles of water lines and when the developer said he could not do that, the City Council said that is too bad and so the development was not built.

There was a fellow out on Washington /164th street; out to the west came in with a development. We required him to put in city water and sewer. We were not ready for it; we did not have the capacity, so that did not get built. This is a community that needs development and that is why the A/B plan was developed to try to get partnership between developers and City Government. A sewer main needs to go here. If this city can say, you cannot build a development until 2 miles of water line is run then we should be able to say a ¼ mile of sewer needs to be run. That is why I feel we should require it.

Commissioner Ron Cardwell - I know what development Eric is speaking of, that development had different density. For the density they wanted they could not provide enough water. This development is different. This is a good transition from one neighbor to another and that is what we are trying to do. Provide good transitions. I struggle with how this piece of property got into the shape it is. We have a owner with a piece of property want they want to do something with it. Just because the land is an irregular shape, we cannot say your baby is ugly you cannot develop it. I think it is going to be a nice neighborhood.

Chairman Richard Felton – I would like to second Eric’s comments. This job is not easy and I spent more time today working on this then I did my regular day job. We are up here trying to do what is best for Piedmont and I understand that this absolutely personal to all of the land owners around it. We recognize that, your battle is not over, this item will move on to the City Council. You have City Councilman that you can reach out to. Just because we came up with a list of changes, does not mean you cannot come up with more.

9. **ADJOURN- Chairman**

Chairman Richard Felton adjourned meeting at 7:47 pm



Chairman, Richard Felton



Secretary, Mary Ramsey