

Planning Commission Meeting Minutes
April 28, 2025, at 6 PM

1. **ROLL CALL** – The meeting was called to order by Chair Robert Mann. A quorum was present.

PRESENT

Robert Mann, Chair
Gerry Harris, Vice Chair
Chad Ball
Howard Carter
Judy Horne
Keith Macedo
Norm Toering
Bobby Wilson

ABSENT:

City Employees Present: Melissa McCarville, City Business Manager; Jay Moore, City Attorney; Chris Brackett, City Engineer; Bill Hellard, Fire Chief; LeAnn Tolleson, City Administrative Assistant.

2. **Approval of Minutes:** March 24, 2025, minutes were unanimously approved.

3. **Comments from Citizens:** None

1. **Unfinished Business**

1A. Large Scale Development – Property owned by Brand New Church, Location –512 W. Main Street, Presented by Bates & Associates.

Geoff Bates representing Bates & Associates stated he brought Jeff Coyle; Coyle Construction who could help answer any questions he couldn't from the last meeting. City Attorney Jay Moore reviewed the situation and concluded that the road in question is private. He stated that the original plan was to pave only the section from Highway 62 to the Brand-New Church parking lot. Because it's a private road, he believes the city does not have the authority to approve the paving or to tell other homeowners that the church has the right to pave it. There needs to be an agreement between homeowners and Brand-New Church. The Planning Commission can still approve the plan, but it must be contingent on the section from the church lot to where Ruby Road connects to Highway 62 or Tyler Road. I don't think part of our plans can be that we tell them they have a right to pave that when it's a private drive. I emailed the Arkansas Municipal League and got a little bit of guidance. They are trying to improve the road and not necessarily make it worse and on the other hand there is increased traffic. Chad Ball asked if it would be civil, Jay Moore answered yes, between property owners it would be civil. The best scenario is they all get together and talk about what's best. You can still approve it, the difference would be if you approved it and the adjacent homeowners said no, we don't want it paved it would remain like it is. Chairman Robert Mann stated if we pass it, it would be contingent upon change in the plan. City Business Manager commented it would approve of what is in the legal description of the property.

Chad Ball noted that the private road is not included in the current Large-Scale Development plan. City Attorney Jay Moore confirmed that while there is deeded access to the private road, the city and Planning Commission cannot authorize paving it; that must be resolved between Bates & Associates and Brand-New Church. The Planning Commission can approve the development up to the section leading to the parking lot, contingent on an agreement being reached and submitted, to protect the city. Vice Chair, Gerry Harris, clarified that it's a private road/easement, which Mr. Moore confirmed.

City Engineer Chris Brackett read a memo as follows.

The Large-Scale Development for the Brand-New Church Parking Lot has been reviewed, and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. A temporary construction easement will be required prior to construction plan approval for the work being performed on the adjacent properties.
2. Access to the adjacent properties will have to be maintained during the construction of the parking lot.
3. A completed Grading Permit Application and fee must be submitted to the City prior to final approval of the construction plans. A preconstruction conference will be required prior to any grading on the site. The owner, their engineering consultant, and the contractor responsible for the best management practices will be required to attend this conference.
4. After a final review set of plans and drainage report have been approved by KMS, the applicant shall submit to the City one (1) set of the full-size plans and two (2) sets of the half-size plans, and one (1) copy of the final drainage report that have been sealed by the engineer of record for final approval and distribution.
5. This approval of this large-scale development is effective for a period of one year and thereafter as long as work is actively progressing on the installation of the required improvements.

Chad Ball explained that a temporary construction easement will allow adjacent property owners to maintain access during construction, with minimal maintenance to keep the easement usable. He asked if that was the intended purpose. City Engineer Chris Brackett confirmed, stating equipment cannot be parked in a way that blocks access to residents' homes.

Chairman Robert Mann clarified that the Planning Commission is reviewing a development for the parking lot, not the road. City Attorney Jay Moore responded that while the right to ingress and egress is relevant, it should not be included in the Large-Scale Development plan.

Comments from Citizens:

Kyle Hunt, 12842 Ruby Road expressed concerns about ongoing damage to the road, noting he has spent many hours over the past five years repairing water leaks caused by the public. He pointed out that utility lines—including gas and water—are all in one ditch and run directly under the proposed parking lot area. He fears the construction could further damage the water line. Additionally, he raised complaints about loud music from the church on Sunday mornings starting around 7:30 a.m. and the increased traffic the project may bring.

Robert Phelps, Pastor of the Apostolic Church at 750 W. Main St., expressed strong concerns about the proposed development, stating that the current plan is worse than the previous one. He noted that some people must use the church's parking lot to access their own properties, as shown in plans by Jerry Coyle. He emphasized this is an issue of right versus wrong, criticizing a proposal from Mr. Coyle to "bless" the church by taking four feet of its property without proper discussion or city involvement. Phelps questioned how water runoff would be managed if the parking lot is paved, stating no clear answers were given. He also raised safety concerns after witnessing Brand New Church attendees cut through his church's lot to avoid traffic, causing congestion and posing a danger to children and elderly members. He questioned whether the city would be liable if someone were hurt and asked for clarity on the runoff coefficient will it be .5 or .9.

Eleanor McDonald 12839 Ruby Road, In regard to the .5 to .9 coefficient (Ms. McDonald passed out pictures to the commission) voiced her concern about drainage issues and spoke about the basin that is not covered. She went on to say that any grassy area is going to move from .5 to .9, if its just one acre in one inch of rain for .9 it is 24,439 gallons of water, .5 is 13,577 gallons, that is a difference in one inch of rain, 10,900 gallons of water dumped on my property. How is this drainage easement going to suffice, they are running a

construction easement on my property , it goes to the fence to the rip rap and to dam up the rip rap it will cost \$5,000. Regarding the easement, there are hundreds of cars that will have access to the easement. They are calling the sixty-foot easement on their property a utility easement but not a road easement and the reason I think it's permitted because there is a deed restriction on this area. Ms. McDonald then read the deed restriction for 12842 & 12839 Ruby Road. Can you put parking spots on a road easement?

Hannah Gloria 12847 Ruby Road, the question posed last time and was not fully addressed where are we going to put the meters? My concern is it will end up on my neighbor's property, my other concern is the flooding, over the last month we have had more substantial flooding (Ms. Gloria showed the commission a video of flooding where the ditch runs on her property and neighbors' property). Under the fence is where the water runs out and has nowhere to go and is not passable, it is unsafe. The coefficient is doubling to .9, we shouldn't have to sacrifice safety on our properties. The other concern is the chemical run off, the section of property where her hobby farm is located is adjacent to the creek, where is all the gas and oil run off going to go? It's going to run into the creek and the creek deposits into the pond adjacent to my property and cow fields. Will this affect my crops and cows?

Jeff Crowder 1503 Garden Court stated he works for another government agency and knows about easements and roads. Mr. Crowder stated there is a case law that does govern easements and what they can be used for and how they can be changed. Case law states you cannot change use of easements and read the law and guidelines of the Arkansas Supreme Court. The law is clear what it can be used for, cities cannot be sued for monetary but can be sued with restrictions. The Large-Scale Development that has been submitted does have the driveway in it, if you want to take that out it would seem practical, I would think they would have to resubmit a whole new plat before this would be approved without easement access.

Jesus Avila 12847 Ruby Road stated initially this was a road improvement, the purpose was asphalt versus gravel so the runoff coefficient increases from .5 to .9, at the current state that being the .5 run off coefficient our neighboring residents pass through their property through the cattle gate, their property is the last step in the process of that water run off and currently presents a threat to the safety of us and neighboring residents, the issue needs to be more proactive not reactive. At the last meeting Judy Horne proposed a deeper detention pond, I don't know if this has been investigated or will be investigated. Mr. Avila stated what other viable options do we have to direct this water elsewhere and not pose a safety risk.

Jennifer Whitney of 12881 Tyler Road expressed concerns about property encroachment related to the easement between her property and the church. She stated that her deed includes a 20-foot easement and the church's deed includes a 10-foot easement but stakes recently placed on her property indicate a 30-foot easement from the cap, which exceeds what's allowed. She noted that gravel placement may have shifted property markers, with rebar and other markers being knocked over and a cotton spindle moved. Whitney shared evidence from her title company with the commission, showing measurements from the cap that confirm the overreach. She also questioned whether there have been any discussions about relocating the gas meters, as the current stakes are encroaching on their placement.

Jason McDonald 12839 Ruby Road, since the last meeting there seems to be a lot of lies about omission per our counsel (we are the ones that have our own counsel) we want to get clarity on the drainage and construction easements. As landowners we have not given our approval for either Brand New Church, Bates & Associates or any other contractors they have hired and have not obtained any easement rights from us and don't know how a commission can confirm without said drainage and construction easements. Our counsel looked up Farmington codes and the codes states plainly that they require drainage easement rights, which were stated previously by City Engineer back in February or March. They have already found themselves in other people's properties utilizing taking property that's not theirs. They sent an individual out a few days ago to try and force the issue and have us sign document for a construction easement, plus proving their plat is deficient without approvals and thus lacking details and not following requirements. As property owners at 12839 Ruby Road, we have not given our approval of temporary construction easement or drainage

easement. We were notified of easement by Coyle Construction on April 23, 2025, five days ago. They provided a document to sign on April 25, 2025, via text message and I cannot in good faith do so without consultation from our attorney. I am here asking to please table this until adjacent property owners can determine their rights regarding the construction and drainage easements instead of being forced into it.

William Joseph Chrisley 12881 Tyler Road commented everyone has touched on a lot of bases, where they are going to put the water lines they will be digging on my property and encroaching on my tree line. On the corner of my property there is the large maple tree, you can see it when you come into Farmington. If they push over the gas meter and push the road over the tree is done. I am concerned about my trees, and I do not give any approval for construction.

Chairman Mann closed the floor for public comment.

Chairman Robert Mann asked City Attorney Jay Moore if the issue of water lines that was asked during the comments from the citizens is pertinent and if they pave the parking lot will it cover up the water and gas lines, Mr. Moore answered and said this is a city engineer question. City Engineer Chris Brackett stated he didn't know where the utility lines are running but they will have to be maintained. If they aren't paving the road, it is my understanding we aren't going to give them authority to pave it unless they get approval from owners. Jerry Coyle commented if there is any damage we will fix during construction, and I understand I will be one-hundred percent responsible. Chairman Mann had City Attorney Jay Moore answer the question that was asked about the music being too loud. City Attorney Jay Moore answered the city has noise ordinance and if it gets too loud, they can call the police.

Chairman Robert Mann asked Jerry Coyle about the question that was asked regarding taking up some of the property cutting off corners on property. Jerry Coyle answered and said I don't believe so. Chad Ball asked Geoff Bates of Bates & Associates about the plats being called deficient. Mr. Bates answered and stated they have been in business for over twenty years, it's illegal what they are saying we are doing. Chad Ball asked when you put stakes down what is that based on? Jerry Coyle answered it is based on property corners and our licensed surveyors and if it's not correct it will go on their license.

Norm Toering stated this has always been a gravel shared private road, is the center of the drive twenty feet this way and ten feet that way? Mr. Bates answered it's twenty feet off the property line. Mr. Toering then voiced his concern over traffic stating he sat there for four hours and from 8:30am-10:30am six cars drove into the private drive, from 10:38am-10:57am five cars came out and 127 cars used that illegally. Chad Ball stated this goes back to the question Mr. Crowder had about the change and the intended purpose of the land, this land is zoned R-1, losing the right to the access easement if the adjacent property they might lose right to access easement, would that be moved by the city or by adjacent property owners? City Attorney Jay Moore answered City wouldn't be involved it would be up to the property owners; I don't want the city to approve something that would affect the rights of the private drive owners. Chad Ball commented it's not the city that would move on that issue it would be the property owners which is a civil issue. Easement is one issue, and Large-Scale Development is another issue. How they access easement could be a factor but not what we are looking at as far as Large-Scale Development. City Attorney Jay Moore answered its an ancillary part of it and not the biggest part, I do think it's fair to consider it.

Chairman Mann asked Geoff Bates to answer the question about the meters. Mr. Bates answered we aren't moving any meters. Chad Ball asked if they must move the meters who is responsible for moving them? Jerry Coyle answered it is the utility company's responsibility. Chad Ball asked if the city was allowed to grant a temporary construction easement. City Engineer Chris Brackett answered no, the

utility company would have to attain it to do work on other people's property before they start construction.

Chairman Mann stated the parking lot is the main focus, the parking lot is going to be paved how does that affect the drainage? City Engineer Chris Brackett answered they are adding a detention pond, that's why they must have a retention pond. Judy Horne commented the detention pond allows slow run off and it will go down to that creek. It's going to run across the road and go into the drainage swale it's going to increase from .5 to .9. City Engineer Chris Brackett stated that's why they have a detention pond so they can mitigate for the impervious area they are adding to the land.

Chairman Robert Mann asked City Attorney Jay Moore if they put the parking lot in and the property owners want to shut down and put up a gate on it, if they get together and decide as a group do they have the legal right? City Attorney Jay Moore answered that anyone affected can file a lawsuit. They all have access, and all have rights from that deed, that's why I want to limit the Planning Commission decision on parking lot minus paving that portion. Chad Ball commented it's hard for the Planning Commission to look at this just as the Large-Scale Development without looking at easement. We need to make sure the run-off is contained, and they are not encroaching on anyone's property.

Vice Chair Gerry Harris asked City Attorney Jay Moore if he had read the deeds and where these easements are on the deeds and from what we are hearing it affects these people who live there. Can we as a body say yes, you can go ahead and pave it just by using the access you already have, isn't it part of our mission to protect the rights of people that are there? City Attorney Jay Moore answered and said that it is a legal argument between the parties and doesn't have anything to do with the city and yes you have a legal right.

Bobby Wilson voiced his concern about safety with traffic and asked if Brand New Church had done a study with how many people will be using the new parking spots during the services. Jerry Coyle stated he can't answer that. Bobby Wilson went on to say he didn't have an issue with the parking lot he had issues with the traffic and people trying to turn left on to Hwy 62. Mr. Coyle responded and said that is why they are hoping to get some help with the traffic control but have been turned down. Chairman Mann asked Deputy Chief Mike Wilbanks to explain the traffic Control. Deputy Chief Mike Wilbanks stated that Brand New Church had offered to pay for an officer to come out, but it translates to those who will be inconvenienced, those traveling through out the city. I think turning right is the best way to handle it. We are not going to have an office stop traffic on a U.S. state highway. You cannot stop traffic on Why 62.

Chairman Robert Mann called to question the Large-Scale Development Brand New Church, property owned by Brand New Church, property located at 512 W. Main Street, presented by Bates & Associates subject to Chris Brackett's memo dated April 28, 2025, contingent upon in agreement amongst all the parties that they are in favor of a paved access. 12842 & 12840 Ruby Road will be allowed access to their property in perpetuity. Failed 5-2 with Norm Toering, Keith Macedo, Judy Horne, Gerry Harris and Bobby Wilson voting no.

City Business Manager Melissa McCarville stated their appeal process is to the City Council within fifteen days.

Public Hearings

1B. Conditional Use for Meramec Specialty Co.; property located at 233 E. Main owned by Meramec; presented by Meramec Specialty Co.:

Dave Stewart represented this company. All requirements for Conditional Use had been met.

Comments from Citizens:

Jason McDonald 12839 Ruby Road wanted to say thank you and they have been buying from them for eleven years. Upon roll call vote, the Conditional Use Request was approved by unanimous vote.

1C. Conditional Use for Freedom Fireworks, LLC; property located at 233 E. Main owned by Freedom Fireworks; presented by Freedom Fireworks:

Chelsea Mahan represented this company. All requirements for Conditional Use have been met. There was no public comment and no questions. Upon roll call vote, the Conditional Use Request was approved by unanimous vote.

1D. Variance Off Street Parking – Property owned by Derek Winkle, Location –S. Bois D’Arc & W. White St., Presented by Blew & Associates.

Jorge Duquesne representing Blew & Associates stated they had everything except for the space we were short. They do have garage spaces where they could park a car, but it does not meet parking standards. This will be an office building with a lot of storage. Chad Ball asked how they came up with 996.18 square feet of office space, 3.82 shy of needing additional parking spot. Mr. Duquesne answered they had a building, but the building was a lot bigger, and we presented that to the city to begin with. We took the architectural drawing where it showed an area used for office space. Derek Winkle, owner of the building, spoke and said the garage will be used for storage or to house trailers.

Norm Toering stated they came to work session and spoke about having a twenty-foot setback and wanted ten-foot setback but eliminated that and now want twenty-foot setback. Mr. Duquesne answered and said he had brought the paperwork for the setback but thought it was more for the Large-Scale Development and not the parking variance.

Chad Ball asked what would be considered undo-hardship to this property that is unique that we should consider? Mr. Duquesne answered they have a couple of different variations of the variance when we submitted it we thought we had the correct setbacks. There is an adjustment of two-in-half feet to one of the buildings and it will not be enough for the one parking space.

Comments from Citizens: None

Chairman Robert Mann called to question to approve off street parking variance, property owned by Derek Winkle, property located at S. Bois D’ Arc & W. White Street, presented by Blew & Associates upon roll call vote the variance passed 6-1 Chad Ball voting no.

1E. Large Scale Development – Property owned by Derek Winkle, Location –S. Bois D’Arc & W. White St., Presented by Blew & Associates.

Comments from Citizens: None

George Duquesne representing Blew & Associates said he had received the memo from City Engineer Chris Brackett. Mr. Duquesne went on to say that one of the hardships being the sewer line in back that forced the orientation of building and not being able to maximize which forced us to put a detention pond on White Street making the parking lot go over the sewer line between setbacks. We have a

twenty-foot easement that City of Fayetteville is requesting is requesting to be put on top of sewer line, having to use a retaining wall to meet ADA requirements.

City Engineer Chris Brackett read a memo as follows.

The Large-Scale Development for the Beacon Ventures Commercial has been reviewed, and it is our opinion that the Planning Commission should table this project for the following reasons.

1. This property has two front, and two side setbacks. The setback is shown as 15' along Bois D'Arc Street and that should be 35' and it should be taken from the proposed MSP right-of-way. This building is 12'-6" from the proposed right-of-way.
2. As per the Drainage Criteria, the building must be 20' from the 100-year WSE of the detention pond. It is currently shown around 9'.
3. These items would have been caught at Technical Plat Review but this plan was completely changed from the plan submitted for Technical Plat Review. These issues need to be addressed, and the plan needs to be resubmitted for the next planning review.

If the Planning Commission decides not to table this project, it should be approved with the following conditions.

1. A waiver for the first two conditions above must be approved by the Planning Commission.
2. The fire flow, fire hydrant and fire lane locations must be reviewed and approved by the Farmington Fire Department prior to construction plan approval.
3. The water and sewer improvements must be reviewed and approved by the City of Fayetteville Engineering Department and the Arkansas Department of Health prior to construction plan approval.
4. Submit two (2) copies of the filed easement plat prior to construction plan approval. A copy of the proposed easement plat shall be submitted to KMS for review and approval prior to signatures.
5. A sign permit will be required for the construction of the signage for this project.
6. A completed Grading Permit Application and fee must be submitted to the City prior to final approval of the construction plans. A preconstruction conference will be required prior to any grading on the site. The owner, their engineering consultant, and the contractor responsible for the best management practices will be required to attend this conference.

Mr. Duquesne stated that one of the first things they did go to Tech Plat and it was nowhere near meeting the requirements and needed to come up with what would work, we did a code study and did the setback based on code study (handed out study to the Planning Commission). City Attorney Jay Moore asked for it to be explained a little bit more. Mr. Duquesne If you look at set back chart it labels as front yard, side yard, frontage and it was hard to know what was met. City Business Manager Melissa McCarville stated normally on a corner lot its two front and two sides, the two street adjacent lots are front setback and sides.

Comments from Citizens: None

Chad Ball made a motion to table the Large-Scale Development until the May 27th Planning Commission meeting, Bobby Wilson seconded upon roll call vote and the request was approved 6-0.

1F. Preliminary Plat – Property owned by KD Real Estate Investment, LLC, Location –275 E. Old Farmington Rd., Presented by Crafton Tull

Blake Murray representing Crafton Tull stated they were putting in 103 residential lots, will have no waivers, variances or rezoning and all lots meet code, and he has read City Engineer Chris Brackett's memo.

City Engineer Chris Brackett read a memo as follows.

The Preliminary Plat for the Old Farmington Rd Subdivision has been reviewed, and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. A discussion has been started to use the payment in lieu of parkland dedication amount to help pay for the improvement of Old Farmington Road along the frontage of the subdivision to South Holland Drive. The city staff have agreed that this is acceptable.
2. Payment in lieu of Park Land Conveyance will be required for this subdivision at \$900 per single family unit. This fee will be \$92,700 for the 103 lots.
3. The fire hydrant locations shown on the plat and the utility plans must be reviewed and approved by the Fire Department.
4. The water and sewer improvements must be reviewed and approved by the City of Fayetteville Engineering Department and the Arkansas Department of Health prior to any construction activities.
5. After the U.S. Army Corp of Engineers approval for the stream relocation, you will have to dedicate the area of stream as a drainage easement to the 100-year WSE. This can be dedicated on the final plat. The construction plans will not be approved until the Corp of Engineering has approved the relocation.
6. A completed Grading Permit Application and fee must be submitted to the City prior to final approval of the construction plans. A preconstruction conference will be required prior to any grading on the site. The owner, their engineering consultant, and the contractor responsible for the best management practices will be required to attend this conference.
7. After a final review set of plans and drainage report have been approved by KMS, the applicant shall submit to the City one (1) set of the full-size plans and two (2) sets of the half-size plans, and one (1) copy of the final drainage report that have been sealed by the engineer of record for final approval and distribution.
8. This approval of this preliminary plat is effective for a period of one year and thereafter as long as work is actively progressing on the installation of the required improvements.

The following comment can be addressed in the construction plan submittal.

1. The access to the detention ponds must be a permanent drive with a concrete entrance from the road. This access will have be covered by an access easement.

Vice Chair Gerry Harris inquired whether the channel would be open or closed. Mr. Murray confirmed it will be an open channel, with a fence planned along the south property line, which the Property Owners Association (POA) is responsible for building. Regarding the 80-foot gas line easement, Harris asked about possible restrictions for structures like sheds or driveways. Mr. Murray stated there are no restrictions on driveways and similar uses, and that streets were designed to meet code and standards. Gerry Harris asked if they had approval from the Corps of Engineers and thinks we need the Corps of Engineer approval before we approve it. Mr. Murray said no, they submitted the nationwide permit in March and should hear back from them anytime.

Judy Horne voiced her concern about the gas transmission line, and it scares her the way the lots and homes are oriented up to the gas line. Mr. Murray stated there are 107 lots, 103 are buildable leaving lots 66,107,29 & 25 unbuildable.

Chad Ball said he has concerns about #1 in the memo, in lieu of payment of parkland dedication to improvements of Farmington Road will there be connectivity to sidewalks? Mr. Murray answered we are meeting all city codes and are fine paying the park fee. City Business Manager Melissa McCarville

said the requirement is to only build their half of Old Farmington Road.

Comments from Citizens:

Sally Schoen

~~Sarah Shone~~ 246 Wolfdale said her property is the largest property on the southside where the rechanneling will be. The field today is a hayfield that we hay, and the biggest concern is understanding how the rechanneling will work. Ms. Shone always voiced her concern about the flooding and erosion, there is a twenty-five-to-thirty-foot drop by Holland to detention pond. What is going to happen in terms of flooding and erosion in my hayfield? Asking for consideration of the gas line which goes through her entire property, there has been discussion about adding second gas line at some point.

Josiah Davidson 100 Sprague Lane said they have four kids and will live next to the detention pond. Mr. Davidson voiced his concern about what will happen to the detention pond as well as where Old Farmington Road meets Main Street, it will increase the traffic making it harder to turn on road.

Jep Hasbrook 25 S. Holland showed the commissioners pictures where his house is and said his main concern is how far the houses will go and will they back up to his property. There is a pond, and the water flows quite a bit and has walked out in to that field and it is very wet. There are three places on his property where the water flows and will flow into that field. If they build on the field it will have to be back filled and if they back fill it, it will create a dam on my property. I have already spent thousands of dollars putting in a French drain on my property trying to do something with the water flow. The water flow comes down the hill and has three places that it goes on the property.

Chairman Mann closed the floor for public comment.

Chairman Robert Mann asked about rechanneling the field with water and the pond issue, pond does not count as part of the development. City Engineer Chris Brackett answered all the relocation of the streams is on this property and will be contained on this property, it won't be on the adjacent property. They do have two detention ponds and will not use the existing pond as part of the development and won't be able to dam up any water coming on to them. Mr. Brackett said he will review when he looks at the construction drawings.

Chairman Mann stated we don't have anything in our ordinance about fences. City Attorney Jay Moore answered if it's a wet retention pond and holds water it must be fenced. Chris Brackett commented these are both dry retention ponds. Bobby Wilson asked, can we request a primary fence be put in where the barbed wire fence is and can we legally add that? City Attorney Jay Moore answered if you are talking about just on the south then other people will want it. City Engineer Chris Brackett answered it will be hard to maintain fence by the creek and if the Corps of Engineers does not approve the relocation this will be coming back to the Planning Commission. Mr. Murray said he was confused as to why this isn't moving forward, they came before the commission at work session they didn't ask for waiver or variance, and it all met code.

Chair B

Vice-Chair Gerry Harris made a motion to table the preliminary plat to the May 27th meeting. Bobby Wilson seconded the motion upon roll call vote and the request was approved 5-2. Howard Carter and Keith Macedo voting no.

Adjournment: Having no further business, motion was made and seconded to adjourn; it was approved unanimously, and meeting was adjourned.



Chad Ball, Secretary



Robert Mann, Chair