

**SPECIAL CALLED PLANNING COMMISSION MINUTES
REGARDING DAYTON WEST SUBDIVISION SIDEWALK
MAY 14, 2018**

PLANNING COMMISSION MEMBERS PRESENT: Gary Bowman, Hunter Barnett, Colby Miller, Charles Long, Susan Smith

PLANNING COMMISSION MEMBERS ABSENT: None

ALSO PRESENT: Jason Ham, Town Attorney; Bobby Popowicz, Town Superintendent; Gwen Gottfried, Recorder; and Local Citizens.

CALL TO ORDER: 6:04 pm, Colby Miller

ADOPTION OF AGENDA:

A motion by Charles Long was seconded by Gary Bowman to adopt the agenda as written.

MOVED, TO ADOPT THE AGENDA AS WRITTEN

ACTION MATTERS: None

CONSENT AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS: Superintendent Popowicz explained the background of the issue: some residents of Dayton West have requested that the proposed sidewalk to be constructed in front of their homes be moved to the opposite side of the street. He pointed out that while some residents prefer this move, it is not a unanimous decision by all property owners.

Attorney, Jason Ham, explained the legal ramifications of the move of the sidewalk and recommended that, in order to avoid complicated and costly legal procedures, the sidewalk remain where it was originally planned.

Mr. Mack Nichols, co-owner of Dayton West shared that they are willing to do what needs to be done to keep residents happy but moving the sidewalk does substantially increase their costs. Existing Comcast line in the area where residents propose they move the sidewalk needs to be considered and a retaining wall will need to be built in some areas.

Ms. Kelly Hind, owner of Lot 39, spoke on behalf of the residents that would like the sidewalk to be moved. She said that current planned location of sidewalk cuts into their parking space, significantly decreases their landscape area and is actually more expensive than building a sidewalk across the street. She had a petition signed by 9 of the residents.

Mr. Derek Brown, owner of Lot 38, requested a plan for the sidewalk be given to the residents and also stated that he would like the sidewalk to move across the road.

Mrs. Ellen McFee, owner of Lot 37, expressed concern about moving the sidewalk because the proposed area across the street has a steep slope. She pointed out that there may be difficulty in keeping the grass mowed in this area and possible erosion issues. She also asserted that the remaining residents should be contacted as well.

Attorney, Jason Ham, reiterated the difficulties of moving the sidewalk, but said it was important to side with the majority of the residents

PUBLIC COMMENT:

Mr. Zachary Fletchall asked who will be responsible for maintaining the sidewalk across the street. Attorney Ham was unsure but thought it would probably fall to the HOA but possibly the Town. Mr. Fletcher also asked who would be liable for injury on the sidewalk. Attorney Ham replied that if the sidewalk had holes and was not kept safe, the Town could be liable but it would be a hard case for someone to win.

Planning Commission Member, Susan Smith, pointed out that sidewalks are built for safety reasons and it seems that a sidewalk on the same side of the street as the houses is safer for children walking to school.

Mr. Art McFee wondered if, in the case that the sidewalk could not be moved, could it be changed from 5 feet to 3 feet wide, to take up less space. Attorney Ham replied that the same legal procedures and zoning permits would need to be submitted for any change to the current plans.

Ms. Hind asked if her homework should be to acquire signatures of every property owner in Dayton West. Attorney Ham affirmed her statement. Mr. Nichols also confirmed that this would be needed for the developer to put the time and effort into investigating the requirements for them to move forward with the change. Ms. Hind also thanked Mrs. McFee for her transparency and honesty in the discussion.

MAYOR & COUNCIL COMMENTS:

After discussion it was decided, and announced by Hunter Barnett, to table the issue until the petition is received from Ms.Kelly Hind.

ADJOURN:

With no further business to come before the commission, a motion to adjourn was made by Susan Smith and seconded by Gary Bowman

Meeting adjourned at 6:58 PM

Respectfully Submitted;

Chairman, Colby Miller

Acting Recorder, Gwen Gottfried