

**PLANNING COMMISSION
MEETING
MAY 24, 2010**

MEMBERS PRESENT: Lynne Matthews, Chairman
John Burrage, Massey Loughman, Charles Thomas,
Edward Viola, Charles Zajicek, Edward Zapke

MEMBERS ABSENT: Heinz Schmidt

OTHERS PRESENT: Teri Tubbs, Zoning Official
David Hilston, Urban Design Manager
Dennis Murphy, Growth Management Director
Lisa Hannon, Zoning Coordinator
Mayor Harvey Goldberg
Bill Schindler, Alternate Commission Member
James Getz, Barbara McCann

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - June 28, 2010
- C. Election of Chairman
 - Recording Secretary Kelly opened the floor for nominations for Chairman.
 - Mr. Burrage NOMINATED Mr. Zapke for Chairman.
 - Mr. Viola NOMINATED Ms. Matthews for Chairman.
 - Recording Secretary Kelly called three times for any other nominations.
 - Mr. Zapke MOVED, Ms. Matthews SECONDED to close the nominations. MOTION CARRIED UNANIMOUSLY.
 - Recording Secretary Kelly called for a show of hands, with Ms. Matthews receiving a majority vote of five to two.

APPROVAL OF MINUTES

- A. Meeting of April 26, 2010
 - Mr. Zapke made a correction to page 3.
 - Ms. Matthews made a correction to page 2.
 - Mr. Burrage MOVED, Mr. Loughman SECONDED approval of the April 26, 2010 minutes as amended. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS

- Recording Secretary Kelly swore in all participants.
- Ms. Matthews called members' attention to correspondence from staff, as delineated in the agenda material, with regard to the wording of the Commission's motions, stating

items must be found to be consistent with the City of Punta Gorda Comprehensive Plan.

- Mr. Zapke questioned the outcome if the Commission found an item to be inconsistent with the Comprehensive Plan.
- Ms. Teri Tubbs, Zoning Official, replied staff would not bring any item forward which was not consistent with the Comprehensive Plan.
- A. ZA-02-10 - An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 26 of the City Code of Ordinances known as the Land Development Regulations, Article 16, Application Review and Approval Requirements, amending Subsection 16.8, Application for Special Exception, amending all references to the Department of Community Development to be Urban Design Division; amending Subsection 16.8(e)(5), adding exception for home occupations; adding Subsection 16.8(e)(6)a-g, Requirements for application for a special exception for home occupations and renumbering accordingly; amending Subsection 16.8(k), Approval criteria for special exceptions other than home occupations; adding Subsection 16.8(l), Approval criteria for special exception requests to be located in residential dwelling units and renumbering accordingly; providing for conflict and severability; and providing an effective date (continued from April 26, 2010).
- Ms. Tubbs stated members had discussed ZA-02-10 at length at their April 2010 meeting, as delineated in the April 26, 2010 Commission Minutes, confirming staff met with representatives of various property owners' associations as well as other citizens to gain comment and input. She reported a consensus was reached to allow home occupation requests by special exception approval with the following conditions: (1) limit any home occupation to no more than two vehicles trips per day; (2) include specific safeguards with any approval to ensure the business was operating as approved and did not expand beyond the restrictions of the specific approval granted. She pointed out another property owner's association representative indicated deed restrictions were in place which could be enforced. She advised ZA-02-10 was presented to City Council on May 19, 2010, with a request from staff for direction as to the Commission's recommendation for the drafting of an ordinance precluding home occupations by special exception in the Special Residential Overlay (SRO) district. She confirmed staff also advised City Council of the Commission's comments and recommendations as to proposed amendments, as denoted in the April 26, 2010 Commission minutes. She announced City Council recommended approval of the draft ordinance on first reading by a four to one vote contingent upon limiting home occupations to two trips per day and including the definitions of "home occupation"

and “limited home occupation” within City Code for clarification purposes. She continued City Council also requested the Commission provide a recommendation with regard to ZA-02-10’s consistency with the Comprehensive Plan.

- Mr. Zapke disclosed ex parte communication during the Punta Gorda Isles (PGI) Civic Association (CA) Board and Land Development Regulation (LDR) Review Committee meetings. He questioned the basis for this item being on the Commission’s agenda in that ZA-02-10 had already been approved by City Council.
- Ms. Tubbs explained State Statute required any amendment to the ordinance be reviewed and a recommendation made by the Commission; however, should the Commission make no recommendation within a two month period, City Council was permitted to take final action on any item.
- Mr. Zapke asked if City Council had been out of order by approving ZA-02-10.
- Ms. Tubbs replied per the City Attorney, City Council was permitted to take action on the first reading as same did not constitute final action.
- Mr. Zapke clarified the second reading before City Council would constitute final action. He then recalled the Commission had recommended the SRO district be exempt; however, he understood that had not been done. He drew members’ attention to an excerpt of the May 19, 2010 City Council Meeting minutes, as delineated in the agenda material, noting Councilmember Larry Friedman stated the Commission had acted out of order by making a recommendation. He questioned the Commission’s purpose based on same, acknowledging the Commission was an advisory board.
- Ms. Tubbs replied based on staff’s perspective, City Council acted upon the City Attorney’s direction. She clarified staff must act upon the direction provided.
- Ms. Matthews clarified the Commission’s recommendation to exclude the SRO district was not taken into consideration by City Council when voting on ZA-02-10.
- Ms. Tubbs responded staff was not directed to move forward with drafting an ordinance to specifically exclude the SRO district. She explained there was no way to exclude the SRO district within Article 16, which was covered by the subject ordinance, adding same would have been required to be addressed by an amendment to the section of City Code pertaining to the SRO district; however, staff had not been so directed by City Council.
- Mr. Burrage recalled Councilmember Friedman had contended the Commission had no right to direct staff to make a change when City Council had already directed staff otherwise.
- Ms. Matthews countered she understood the Commission’s task was to make such recommendations, specifically to offer and render opinions.

- Mr. Zajicek questioned the outcome if the Commission made other recommendations.
- Ms. Tubbs replied she believed any recommendation of the Commission would be taken into consideration at the time of the second reading. She noted City Council included two of the Commission's recommendations in their approval, one being the number of allowed trips and the other to include the definitions as stated above.
- Mr. Zajicek commented he continued to have issues with the proposed ordinance as written.
- Mr. Zapke stated it seemed the Commission had been told to "shut up."
- Ms. Matthews reiterated Mr. Zapke's earlier comment with regard to the Commission's purpose.
- Mr. David Hilston, Urban Design Manager, reminded members they were asked to make a recommendation to City Council, who in turn were charged with wrangling with the facts while taking the Commission's recommendations into consideration.
- Mr. Zapke countered the excerpt stated the Commission did not take appropriate action.
- Mr. Hilston explained same was in reference to the lack of a finding of consistency with the Comprehensive Plan.
- Mr. Zajicek interjected he believed that comment represented only one Councilmember's view.
- Mr. Burrage pointed out the Commission still had an opportunity to make another recommendation regardless of City Council's action on first reading.
- Ms. Matthews called three times for anyone to speak on ZA-02-10.
- Mr. Viola MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Zajicek commented on Section 26-16.8(l)(f), "No on-site storage of goods and merchandise related to the occupation is permitted", citing an example of a manufacturing sales representative who would require goods to be delivered and/or stored at their home.
- Ms. Tubbs acknowledged that section did prohibit same; however, she opined the intent was to prohibit warehousing or excessive deliveries. She suggested the Commission may wish to recommend allowing limited storage if desired.
- Mr. Zajicek opined adding "limited" would be satisfactory.
- Ms. Matthews clarified such storage must be related to supplies necessary for the occupation.
- Mr. Zapke expressed agreement with Mr. Zajicek's stated concerns relative to storage.
- Mr. Viola pointed out there would be no way to control same.

- Ms. Matthews added “limited” was subjective.
- Ms. Tubbs interjected each special exception would be specific and have its own characteristics as to what was being requested. She suggested the Commission may wish to recommend prohibiting retail sales.
- Mr. Burrage MOVED, Mr. Thomas SECONDED to find ZA-02-10 consistent with the City’s Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented.
- VOTING AYE: Burrage, Thomas.
- VOTING NAY: Loughman, Viola, Zajicek, Zapke, Matthews.
- MOTION FAILED.
- Mr. Zajicek commented he remained troubled with taxing tutors, teachers, babysitters or adult caregivers, opining same was unfair.
- Mr. Thomas clarified the Local Business Tax (LBT) was simply the tax receipt required to license a business to operate in the City.
- Mr. Zapke cited an example of a 14 year old babysitting a 2 year old, asking if an LBT would be required.
- Ms. Tubbs replied only if a daycare center was being operated.
- Mr. Loughman MOVED to find ZA-02-10 consistent with the City’s Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented contingent upon removal of Section 26-16.8(l)(f).
- MOTION DIED FOR LACK OF A SECOND.
- Mr. Burrage suggesting maintaining the status quo but extending the existing special exception to one or two years.
- Ms. Tubbs countered the ordinance, as proposed, accomplished same. She explained prior to the drafting of the proposed ordinance, staff was approached with a request to operate a home based business legitimately. She continued that request was brought forward based on the criteria for a special exception, providing a brief description of same as outlined in the City Code. She explained City Council felt that criteria did not address the issues specific to a home occupation; thus, staff was tasked with creating additional criteria specific to same. She stated if the proposed ordinance was not adopted, the issue would revert back to the only criteria being that related to special exceptions, which was geared more toward commercially zoned properties.
- Mr. Zapke stated perhaps the Commission should simply take no position.
- Mr. Burrage countered he felt same constituted a “cop-out.”
- Mr. Zapke agreed; however, he reiterated he did not believe maintaining the status quo constituted a solution.

- Ms. Matthews summarized the Commission should either make a recommendation for approval with stipulations or for denial.
 - Mr. Zapke MOVED, Mr. Zajicek SECONDED to find ZA-02-10 consistent with the City's Comprehensive Plan and to recommend denial of same based upon the evidence and testimony presented.
 - VOTING AYE: Loughman, Viola, Zajicek, Zapke, Matthews.
 - VOTING NAY: Burrage, Thomas.
 - MOTION CARRIED.
- B. SV-01-10 - An Ordinance of the City Council of the City of Punta Gorda, Florida, approving the change of name of the street known as Antigua Drive lying west of St. Thomas Drive in the City of Punta Gorda to Antigua Drive in the City of Punta Gorda; and providing an effective date.
- Mr. Burrage announced City Council had already approved this action.
 - Ms. Tubbs disagreed, explaining only the resolution declaring City Council's intent had been approved. She clarified this item was the ordinance which would constitute final action. She then displayed an overhead of the subject location, as delineated in the agenda material, stating this change was due to a typographical error on the original, recorded plat of record. She explained this was a request to change the name from "Antigua" to "Antigua" Drive and had been initiated by the property owners along that right-of-way (ROW). She concluded this was a housekeeping item which was being proposed simply to correct a scrivener's error, recommending approval of the request.
 - Mr. Zajicek noted the agenda material included a letter stating there had been a typographical error regarding the naming of the street; however, the letter also stated affected property owners would be required to share the cost of the name change in the amount of \$800, expressing disagreement with same.
 - Mr. Dennis Murphy, Growth Management Director, responded City Council voted against charging the property owners.
 - Ms. Matthews called three times for anyone to speak on SV-01-10.
 - Mr. Zapke MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Burrage MOVED, Mr. Zajicek SECONDED to find SV-01-10 consistent with the City's Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- C. SV-02-10 - A Resolution of the City Council of the City of Punta Gorda, Florida, Vacating a 10 foot wide alley lying in Block 11, City of Punta Gorda, according to the plat

thereof, as recorded in Plat Book 1, Page 15, of the public records of Charlotte County, Florida, as more particularly described in Exhibit "A"; and providing an effective date.

- Ms. Tubbs displayed an overhead of the subject location, as delineated in the agenda material, stating the request for this alley vacation was due to a proposed single family home planned to face Berry Street with a double loaded garage and a second driveway accessing same and facing Dolly Street. She noted there was also a proposed swimming pool which would extend across the alley. She confirmed the alley was not currently being utilized, adding another alley which ran parallel to West Retta Esplanade and West Marion Avenue to the south end of Block 11 was vacated in 1980. She mentioned another alley running parallel to West Retta Esplanade and West Marion Avenue on the north portion of Block 11 had not been vacated but rather access was blocked by several trees. She explained this alley vacation was necessary to allow construction of the proposed swimming pool. She summarized approval of this alley vacation would allow the property owner of Lots 22, 23, 26, 27 and 28 to proceed with plans to construct the new single family residence and accessory pool. She noted the Public Works Department recommended denial of the request due to possible, unforeseen, future uses of the alley; however, the Urban Design Division recommended approval of SV-02-10.
- Ms. Matthews stated she understood the applicant was requesting vacation of the alley between the long section parallel with Berry and Dolly Streets, asking if the alley behind Lots 7 through 10 was also being vacated.
- Ms. Tubbs replied it was not.
- Mr. Viola stated he understood the City did not own the alley.
- Ms. Tubbs responded the alley was public land.
- Mr. Murphy interjected alleyways were dedicated to the public and were actually a portion of the parcels. He explained owners of adjacent properties received half of the alley upon its vacation.
- Mr. Zajicek confirmed there were no City utilities located within the subject alley.
- Mr. Zapke confirmed the property would go back on the tax rolls once the vacation was approved. He clarified SV-02-10 required Development Review Committee (DRC) approval and had received same.
- Ms. Matthews asked if the owner of Lot 21 had expressed any opinion, either for or against.
- Ms. Tubbs replied that property owner did not want the alley which ran between Berry and Dolly Streets included as part of this vacation as it was used for their driveway and property access.

- Ms. Matthews asked if any concern had been expressed with regard to garage frontage facing Dolly Street in that same was not consistent with the neighborhood.
 - Ms. Tubbs replied there had been none.
 - Mr. Thomas questioned the City's compensation for this vacation.
 - Ms. Tubbs replied nothing with the exception of same being placed on the tax rolls.
 - Mr. James Getz, applicant, announced he had contacted all of his neighbors regarding this matter, stating all but one property owner had signed his petition; however, he pointed out that property owner was present, confirming she did not object to the vacation. He mentioned a tax record regarding Lot 29 indicated a previous, partial vacation of the alleyway behind same.
 - Ms. Tubbs responded staff had researched the latter and found no evidence whatsoever that portion had ever been vacated.
 - Ms. Matthews asked if the alleyway to the right of Lots 25 and 30 had been vacated.
 - Ms. Tubbs replied affirmatively.
 - Ms. Matthews called three times for anyone to speak on SV-02-10.
 - Mr. Burrage MOVED, Mr. Zapke SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Zajicek MOVED, Mr. Zapke SECONDED to find SV-02-10 consistent with the City's Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- D. ZA-09-10 - An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 26, City of Punta Gorda, Florida, Code of Ordinances, known as the Land Development Regulations, Article 11, Sign Standards, amending Section 11.1, Purpose and intent; amending Subsections 11.2(a)(1)(2)(3), adding Subsections 11.2(h)(i)(j); amending Section 11.3, Subsections 11.3(c)(d)(f)(g)(k)(l)(o)(p), regarding permitted signs; amending Section 11.4, regarding projecting and suspended signs; repealing the sunset provisions of Ordinance #1562-08 and #1573-08; amending Section 11.6, prohibited signs and devices; adding Section 11.6(j)(k)(l)(m)(n); adding Section 11.12, definitions; amending Chapter 26, Article 19, Section 19.3, deleting definitions for signs and renumbering accordingly; providing for conflict and severability; and providing an effective date.
- Ms. Tubbs stated this zoning amendment was proposed by staff to address situations where the City was not able to approve signage which was logical for the site and provided clarification as needed as well as to remove scribes' errors. She drew members' attention to a list of specific, proposed changes, as delineated in the agenda

material, reading same into the record. She recommended approval of ZA-09-10, offering to answer any questions.

- Mr. Zapke disclosed ex-parte communication at a recent LDR Review Committee meeting.
- Mr. Thomas commended staff for taking this action.
- Ms. Matthews spoke in favor of the business friendly nature of ZA-09-10. She then called three times for anyone to speak on this item.
- Mr. Burrage MOVED, Mr. Zapke SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Zapke MOVED, Mr. Zajicek SECONDED to find ZA-09-10 consistent with the City's Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- A. Neighborhood Convenience Store and Deli in the City Center (CC) Zoning District
- Ms. Tubbs announced an existing convenience store/deli in the CC zoning district sold prepared foods, adding many of their customers preferred to consume same before leaving. She stated once customers began to consume prepared food on the premises of such a retail establishment, the literal definition was that of a restaurant. She mentioned most dictionaries defined restaurants as "a business establishment where meals or refreshments may be purchased and are eaten." She explained if this use was determined to be that of a restaurant, a special exception would be required to have tables in place for their customers, adding in this case, the store was located less than 200 feet from the Neighborhood Residential (NR) zoning district. She clarified staff wished to help promote this business and hoped to determine if there was a reasonable way to accommodate this use without creating unintended consequences. She drew members' attention to a draft amendment to the CC zoning district, as delineated in the agenda material, stating same provided a proposal to allow this use without requiring a special exception. She specified Section 26-3.9(a)(9) as follows: "This is not intended to prohibit a convenience store/deli from placing up to four (4) tables outside of the deli. See Uses Permitted with Conditions." She further pointed out the proposed addition of Section 4.26, Neighborhood Convenience Store and Deli.
 - Mr. Burrage commented the proposed Section 4.26 singled out a certain part of the locality, suggesting additional verbiage such as "... Deli, Ice Cream Parlor, Coffee or Tea Shops, etc."
 - Ms. Tubbs responded the applicable section of City Code was very straightforward with regard to restaurants, asking if members wished to include additional uses which

would not be determined as detrimental to a neighborhood residential district, i.e., ice cream shops.

- Mr. Burrage explained he simply did not wish to exclude businesses such as tea shops or ice cream stores, for example.
- Ms. Matthews asked if the new 7-11 convenience store would fall under this category.
- Ms. Tubbs replied it would not.
- Mr. Zapke commented on the U.S. 41 business corridor and the City's efforts to provide conformity among the various business districts, suggesting same be included in this proposal.
- Ms. Tubbs replied current City Code did not prohibit such a use in that zoning district.
- Mr. Zapke clarified staff's proposal was to prohibit consumption of alcoholic beverages on site, asking who would be responsible for enforcement of same. He further questioned where liability would fall in the event individuals were found to be consuming alcoholic beverages on site, i.e., the store owner or the customer. He asked if such sites would be subject to open container laws.
- Ms. Tubbs replied the store owner would be liable as would the individual possessing an open container, adding the Urban Design Division reviewed all alcoholic beverage licenses to ensure the proper type of license was in place. She explained certain types of alcoholic beverage licenses allowed the sale of beer and wine but did not allow on-site consumption.
- Mr. Zapke asked if any provision had been made to ensure the outside premises were maintained as far as cleanliness and appearance as was the case with the recently approved 7-11 convenience store.
- Ms. Tubbs replied a standard provision existed requiring all commercial properties to be kept neat and trash free; however, same could be emphasized.
- Mr. Zapke requested the proposed ordinance specify such a requirement.
- Ms. Matthews agreed.
- Mr. Zajicek questioned the result if the deli obtained a different type of alcoholic beverage license, stating it seemed there would be a conflict.
- Ms. Tubbs replied application for a license allowing on-premise consumption would constitute operation of far more than a simple deli. She assured members any such applications entailed much more scrutiny.
- Mr. Zajicek opined enforcement of on-premise consumption would be problematic.
- Ms. Tubbs responded such enforcement was the business owner's responsibility.
- Consensus of the Commission was approval of staff's recommendation contingent upon comments made this date.

UNFINISHED BUSINESS

- A. Hedge Height in Residential Districts
- Ms. Tubbs reminded members on January 6, 2010, staff had been directed by City Council to determine whether current regulations for hedge height should be amended. She mentioned this issue was discussed at an LDR Review Committee meeting as well as a Commission Meeting on January 29, 2010, and February 22, 2010, respectively. She noted staff had drafted two options based on the comments and concerns articulated, adding both options were provided in the Commission's agenda material for their consideration. She pointed out staff also met with representatives of various property owners' associations and other, individual citizens, adding the consensus was in favor of Option #2. She displayed several photographs of various types and locations of hedges and read Options #1 and #2 into the record.
 - Mr. Zapke disclosed ex-parte communication relative to this matter at meetings of both the LDR Review Committee and the PGI CA Board. He opined the northwest corner of Bal Harbor Boulevard and Aqui Esta Drive did not comply with current City Code, asking if staff was aware of same.
 - Ms. Tubbs replied affirmatively, stating a quote had been obtained for maintaining that foreclosed property.
 - Ms. Matthews asked if staff was proposing implementation of both Options #1 and #2.
 - Ms. Tubbs replied in the negative, stating she was seeking a consensus of either one or the other or a combination of the two.
 - Ms. Matthews commented she felt enforcement would be difficult.
 - Mr. Zapke spoke in favor of Option #2.
 - Mr. Burrage concurred.
 - Ms. Matthews agreed Option #2 was the more favorable of the 2 choices.
 - Mr. Zapke stated Option #2 did not mention properties which abutted a highway such as those backing on to Burnt Store Road, for example, where vegetation was desired for use as a sound barrier. He recommended appropriate language be included allowing same in those areas. He urged emphasis on the rear yard section which stated all hedges and vegetation must be maintained so as not to overhang any property line, further requesting a requirement for maintenance of vegetation overhanging fences.
 - Mr. Zajicek asked if these regulations were proposed to replace existing City Code specific to the SRO districts.
 - Ms. Tubbs replied the intent was for City-wide regulation.
 - Mr. Thomas asked if staff received many complaints regarding hedge height.

- Ms. Tubbs replied they did not, with the exception of overhanging between properties, visibility at corners and backing out of driveways.
- Mr. Thomas questioned the potential number of properties anticipated to be impacted.
- Ms. Tubbs replied hundreds.
- Mr. Thomas clarified enforcement would be over the long term.
- Mr. Loughman commented the standard distance between two homes in PGI was roughly 14 to 15 feet, stating he understood previous regulations limited hedges to approximately 8 feet in height.
- Ms. Tubbs replied she believed the limitation was five feet within side yards.
- Mr. Loughman expressed concern with no height restriction, stating hedges would eventually grow to the height of a home's eaves and "kick over."
- Ms. Tubbs agreed, thus the basis for prohibiting any overhang of a property line.
- Mr. Zajicek questioned the definition of "vegetation," expressing concern with regard to prohibiting hedges or other vegetation in the front yard ROW. He pointed out trees constituted vegetation.
- Ms. Tubbs responded trees were not permitted in the ROW. She acknowledged the need to exempt sod as same was considered vegetation.
- Consensus of the Commission was in favor of Option #2 including comments and recommendations made this date.

STAFF COMMENTS

- A. Community Redevelopment Agency (CRA) Project Status Report
 - Ms. Tubbs drew members' attention to an update of CRA projects, as delineated in the agenda material, offering to answer any questions regarding same.
 - Mr. Zapke asked if there had been a change in ownership of the City Marketplace property.
 - Ms. Matthews replied she understood the property was in foreclosure.
 - Mr. Zajicek thanked staff for the conciseness of the CRA Report.

CITIZEN COMMENTS

- Ms. Barbara McCann, 2491 Palm Tree Drive, displayed several photographs of an adjacent property, stating her own property was bordered by tall hedges in an attempt to shield her from same. She explained the neighboring property was in terrible condition; thus, the hedges assisted in blocking that view.
- Ms. Tubbs confirmed staff was addressing Code violations at that site.
- Ms. McCann questioned the effect of Option #2 on her own property.
- Ms. Tubbs replied she would have a Code Compliance Officer visit Ms. McCann's property, stating there may be a minor effect on the hedges close to the driveway. She

displayed an aerial view of Ms. McCann's property, pointing out any vegetation in the ROW area of the red triangle must be trimmed. She noted the ROW in this instance was sufficiently wide so as not to encroach upon Ms. McCann's property.

- Ms. McCann asked if she could assume her property was essentially in compliance.
- Ms. Tubbs replied affirmatively with regard to the hedges; however, there were other issues related to invasive species, specifically carrot wood trees.
- Ms. McCann countered the City had permitted the planting of same 20 years earlier.
- Ms. Tubbs responded she must obtain direction from City Council regarding same, reiterating they were not part of the hedge discussion.

ADJOURNMENT

- Meeting Adjourned: 3:32 p.m.

Lynne Matthews, Chairman

Mary Kelly, Recording Secretary