

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

June 11, 2015

A meeting of the Land Development and Transportation Committee was held on Thursday, June 11, 2015, at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present were:

Vincent Jarboe, Chair
Donnie Blake, Vice-Chair
Jeff Brown

Committee Members absent were:

Carrie Butler
Cliff Turner

Staff Members present were:

John Carroll, Legal Counsel
Brian Davis, Planning Supervisor
David Wagner, Planner II
Christopher Brown, Planner II
Julia Williams, Planner II
Sue Reid, Management Assistant (minutes)

The following matters were considered:

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Approval of Minutes

Approval of the May 14, 2015 LD&T Committee Meeting Minutes

On a motion by Commissioner Blake, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, the Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted Thursday, May 14, 2015.

The vote was as follows:

YES: Commissioners Blake, and Brown.

NO: No one.

ABSTAIN: Commissioner Jarboe

NOT PRESENT: Commissioners Turner, and Butler.

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New Cases

Case No. 15AREA1000

NOTE: Commissioner Turner arrived at approximately 1:10 p.m.

Request:	Area Wide Change in Zoning from R-4 (Single Family Residential), M-1 (Industrial), & M-2 (Industrial) to PEC (Planned Employment Center) and a Change in Form District from Neighborhood to Suburban Workplace
Project Name:	Jeffersontown Commerce Park
Location:	Multiple Properties
Owner:	Multiple Owners
Applicant:	City of Jeffersontown
Representative:	City of Jeffersontown
Jurisdiction:	City of Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	David B. Wagner – Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:10:20 David Wagner presented the case (see recording and staff report for detailed presentation.)

00:13:23 Commissioners' deliberation.

The Committee by general consensus scheduled this case for the July 16, 2015 Planning Commission public hearing.

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New Cases

CASE NO. 15SUBDIV1002

Request:	Revised Conservation Subdivision
Project Name:	Flat Rock Ridge Section 4
Location:	1700 Flat Rock Road
Owner:	Ball Homes LLC
Applicant:	Ball Homes LLC
Representative:	Mindel Scott and Associates; Bardenwerper Talbott and Roberts LLC.
Jurisdiction:	Louisville Metro
Council District:	19- Julie Denton
Case Manager:	Julia Williams, AICP, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:14:40 Julia Williams presented the case (see recording and staff report for detailed presentation.)

The following spoke in favor of the request:

Bill Bardenwerper, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223

Kathy Linares, 5151 Jefferson Blvd., Louisville, KY 40219

Summary of testimony of those in favor:

00:17:50 Bill Bardenwerper, the applicant's representative, explained the applicant's request.

00:20:49 Kathy Linares answered questions presented by Commissioner Brown.

The following spoke in opposition to the request:

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No one spoke.

The following spoke neither for nor against:

No one spoke.

00:21:41 Commissioners' deliberation.

On a motion by Commissioner Brown, seconded by Commissioner Turner, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the Revised Conservation Subdivision Plan for Case Number 15SUBDIV1002 on the condition that Public Works and KTC note number 13 references the correct lot, and that the meandering sidewalk along Flat Rock Ridge is outside the edge of pavement on the Court C cul-de-sac that is shown up by the bend in Flat Rock Road, based on the staff report and testimony heard today.

Proposed Conditions of Approval

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.

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- b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these conditions of approval to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
6. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
- a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of TCPAs etc.) and other issues required by these conditions of approval.
 - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

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7. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

8. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.

9. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

10. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

11. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.

12. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.

13. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's

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labeling. This language shall appear in the deed of restrictions for the subdivision.

14. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.

15. No tree over 6" caliper shall be removed by the developer unless necessary for roadway, utility or home construction. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the LDC and for required plantings in the Scenic Corridor Buffer along Flat Rock Road. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10. Said plans shall be submitted for review and approval prior to recording the record plat. Prior to, or during DPDS staff review of the landscape plan, the developer shall be responsible for providing a copy of the plan to the Eastwood Neighborhood Association president for review prior to receiving approval by DPDS staff.

16. There shall be language in the deed restrictions requiring maintenance of the 30' Scenic Corridor Buffer by the Homeowner's Association.

The vote was as follows:

YES: Commissioners Turner, Blake, Brown, and Jarboe.

NO: No one.

NOT PRESENT: Commissioner Butler.

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New Cases

CASE NO. 15ZONE1005

Request: Change in zoning from RR to R-4, Preliminary and Revised Conservation Subdivision Plan
Project Name: Primrose Meadows Section 3 and Revised Section 2
Location: 11700 Mary Morley Lane, 8812 Wooden Horse Drive, 11403/11405 English Garden Way, & 8901 Thixton Lane
Owner: Lisa and Kevin Goben & Ball Homes LLC
Applicant: Ball Homes LLC
Representative: Mindel Scott and Associates; Bardenwerper Talbott and Roberts LLC.
Jurisdiction: Louisville Metro
Council District: 22-Robin Engel
Case Manager: Julia Williams, AICP, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:24:00 Julia Williams presented the case (see recording and staff report for detailed presentation.)

The following spoke in favor of the request:

Bill Bardenwerper, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223

Kathy Linares, 5151 Jefferson Blvd., Louisville, KY 40219

Summary of testimony of those in favor:

00:28:05 Bill Bardenwerper, the owner's representative, explained the applicant's request.

00:32:34 Kathy Linares discussed conservation issues.

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CASE NO. 15ZONE1005

The following spoke in opposition to the request:

Steve Rogers, 8500 Pine Valley Trail, Louisville, KY 40229

Dave Archer, 9014 Woodlily Trail, Louisville, KY 40229

Ken Richardson, 8501 Pine Valley Trail, Louisville, KY 40229

Summary of testimony of those opposed:

00:35:06 Mr. Rogers stated that the opposing neighbors just want to make sure that Mary Morley is vacated, and they absolutely do not want access to Pine Valley Trail. They also want to make sure that in the future the buffer zone is enforced, and that the green space stays green space.

00:38:09 Mr. Archer stated he is opposed due to conservatory reasons.

00:39:23 Mr. Richardson stated his concern was about the Mary Morley Lane easement that is running across his property. He just wanted to make sure that it is vacated.

00:43:57 Commissioners' deliberation.

The Committee by general consensus scheduled this case for the July 16, 2015 Planning Commission public hearing.

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New Cases

CASE NO. 15ZONE1004

Request: Change in zoning from C-1 to EZ-1; Change in form district from Neighborhood to Suburban Workplace; Land Development Code waivers and Detailed District Development Plan

Project Name: Louisville Industrial Center Building W

Location: 7830 National Turnpike

Owner: Alesia G. Bishop
Randall K. George
Laura G. Band

Applicant: NAI Fortis Group

Representative: Bill Bardenwerper

Jurisdiction: Louisville Metro

Council District: 13 – Vicki Aubrey Welch

Case Manager: Christopher Brown, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:45:35 Christopher Brown presented the case (see recording and staff report for detailed presentation.)

The following spoke in favor of the request:

Bill Bardenwerper, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223

John Campbell, 642 S. 4th Street, Suite 100, Louisville, KY 40202

Summary of testimony of those in favor:

00:48:49 Bill Bardenwerper, the applicant's representative, explained the applicant's request.

00:52:16 John Campbell discussed the plan and landscaping issues.

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CASE NO. 15ZONE1004

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

00:55:52 Commissioners' deliberation.

The Committee by general consensus scheduled this case for the July 16, 2015 Planning Commission public hearing.

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New Cases

CASE NO. 15DEVPLAN1063

Request:	Revised Detailed District Development Plan
Project Name:	Preston Crossings Apartment
Location:	4901 Oldshire Road
Owner:	Fehrway Partnership
Applicant:	Highgates
Representative:	Mindel, Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Christopher Brown, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:59:15 Christopher Brown presented the case (see recording and staff report for detailed presentation.)

The following spoke in favor of the request:

David Mindel, 5151 Jefferson Blvd., Louisville, KY 40219

01:04:05 David Mindel, the applicant's representative, responded to a question presented by John Carroll regarding a neighborhood cemetery.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

01:06:36 Commissioners' deliberation.

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New Cases

CASE NO. 15DEVPLAN1063

On a motion by Commissioner Blake, seconded by Commissioner Turner, the following resolution was adopted:

WHEREAS, the Land Development and Transportation Committee finds that there does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Transportation Planning has approved the preliminary development plan; and

WHEREAS, the Committee further finds that open space requirements of the Land Development Code are being provided on the site; and

WHEREAS, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks. The proposed changes to the building design are compatible with the surrounding area; and

WHEREAS, the Committee further finds that, based the staff report and on the evidence and testimony presented today, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan **SUBJECT** to the following binding elements:

Existing Binding Elements

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CASE NO. 15DEVPLAN1063

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of tracts or lots than originally approved shall occur without approval of the Planning Commission.
3. Use of the subject site shall be limited to Multi-Family Residential. There shall be no other use of the property unless prior approval is obtained from the Planning Commission or the LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or demolition is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

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7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 10, 2013 Land Development and Transportation meeting.

10. The site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

All plans setting out tree preservation areas must contain the following notes:

1. Tree preservation areas (TPAs and TCPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.
2. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all

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construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.

4. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.

5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.

11. The owner/applicant shall install landscaping and a fence per the Exhibit provided at the April 5, 2012 Planning Commission Public Hearing.

Proposed Binding Elements

9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~October 10, 2013~~ **June 11, 2015** Land Development and Transportation meeting.

12. Garbage collection shall be between the hours of 8:00 a.m. and 8:00 p.m.

The vote was as follows:

YES: Commissioners Turner, Blake, Brown, and Jarboe.

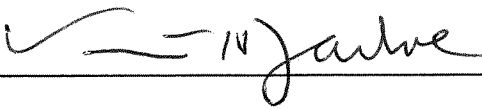
NO: No one.

NOT PRESENT: Commissioner Butler.


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The meeting adjourned at approximately 02:05 p.m.



Chairman



Division Director