

**PLANNING COMMISSION**  
**December 17, 2008**  
**3:30 p.m. in Council Chambers**  
**MINUTES**

**REGULAR MEETING**

**ROLL CALL**

Chairman Joseph Geers opened the meeting at 3:30 by asking Mrs. Town to call the roll. Mayor Thomas Williams, Chairman Joseph Geers and Commissioner Bridget McGraw were in attendance of the meeting. Also attending the meeting Tim Burke from the Law Office of Manley Burke, Building Commissioner Gerry Stoker and Carri Town secretary for Planning Commission.

**APPROVE MINUTES FROM December 3, 2008 MEETING**

On the motion of Mrs. McGraw with a second by Mayor Williams it was moved to accept the minutes from December 3, 2008

**OLD BUSINESS:**

- A. 2420 Drex Avenue-“R1 with a PUD overlay” Ms. Tumblison presenting a PUD Preliminary Plan Submittal for St. Aloysius Orphanage at the proposed location at 2420 Drex Avenue, Norwood, Ohio 45212.

Chairman Geers explained that Staff gave the Commissioners written findings on December 12 and asked Building Commissioner Gerry Stoker if he had any comments or anything to add to the findings to do so at this time.

Mr. Stoker asked if the Commissioners would like him to read the whole memorandum which gives the background, the property history and the request or just go to the facts and the written findings. Mrs. McGraw said just the facts and the written findings and the Planning Commission would accept the memo for the file as if read. Mr. Stoker read the following:

**The Facts**

- This school would accommodate up to 90 enrollees in grades K thru 8.
- The attendees are problem adolescents with serious behavioral difficulties (mental and social), referred to St. Aloysius from surrounding school districts as a possible final resort to assimilate back into normal society.
- The attendees of St. Aloysius School are subject to daily physical searches (pat-downs) in an effort to discern weapons or other possible contraband.
- The attendees may be enrolled at St. Aloysius up to nine months before re-entering a normal school situation.

- The outdoors activities of school attendees during school hours are highly restrictive and are proposed to be controlled within a limited fenced secured area, though the area to be fenced is not called out on the plans.
- The attendees will be transported into the facility by small G-10 passenger buses. The transports of attendees, along with staff, will produce at minimum approximately 50 vehicular trips per day in and out of the complex.

Mr. Stoker continued with the written findings as follows:

### **Written Findings**

Staff has reviewed the proposed Preliminary Plan for St. Aloysius Orphanage and, in accordance with §1155.14 of the Norwood Zoning Code, has prepared the following written findings for Planning Commission's consideration. This property is located within a Residential Planned Unit Development

- 1. The relationship, beneficial or adverse, of the proposed Preliminary Planned Unit Development Plan to the neighborhood in which it is proposed to be established:**
  - Applicant indicates that the school attendees will draw from several area school districts and will serve kindergarten through 8<sup>th</sup> grade. On average, students stay at the school for six to nine months and are then re-integrated into their home school district.
  - Attendees of St. Aloysius are subject to a daily personal search, screening for weapons.
  - Additional security fencing will be added to limit the area that students will congregate, but its location has not been specified.
  - The underlying R-1 zoning allows "public and private elementary schools" as a permitted use in the district.
  - The applicant states that currently there are only a couple of Norwood students that attend this facility.
  - Attendees are sent to St. Aloysius due to severe behavioral problems -- mental and social.
  - The school serves students that come from areas outside the immediate neighborhood, and the student enrollment at the school is temporary.
- 2. Whether or not there are adequate services and utilities available or proposed to be made available in the construction project**
  - Utilities are preexisting. However,
  - St. Aloysius School authorities desire to partner with the Norwood Police Department for purposes of school resource officer and other in-house school programs, similar to the current arrangement with the City of Cincinnati District 4 Police. This may place an additional burden on the Norwood Police resources.
- 3. Whether or not the proposal meets the intent and objectives for Planned Unit Developments as expressed in this chapter**

- Proposed school is consistent with the uses permitted in a Residential Planned Unit Development. However stark differences are evident to what is normally conducted with the Norwood City Schools, i.e., daily individual (pat down) search for weapons and contraband.
- The facility will be used for the sole purposes of conducting school activities for the attendees who are enrolled and attending St. Aloysius at this location and not serving the families living within the R1-PUD zoning district.
- St. Aloysius will **not** be relocating any of its other social services to the property. Only the educational component will be located at the Holy Trinity Campus. Any medical care or psychological care will be in accordance with an IED. The applicant has represented to the Planning Commission that the Partial Hospitalization Program, After School Hospitalization program, and any other program unrelated to the school will **not** be relocating to the Holy Trinity Property.

#### **4. Whether or not the proposal meets all the general regulations for Planned Unit Developments**

- The proposed use meets the requirements of the area, density, perimeter, and setback requirements as enumerated in Section 1155.05.
- The proposed use is not intended to “benefit primarily the residents of the Planned Unit Development” (1155.01(c)).
- In residential PUD’s schools must “service the occupants of the Planned Unit Development” or the Planning Commission and Council may approve other uses which are, “designed to serve primarily the occupants of the Planned Unit Development” (1155.03(a) and (b)).
- The proposed school use draws regionally from dozens of school districts, and is not intended to “serve primarily the occupants of the Planned Unit Development neighborhood.

As stated in the background section of the report, the Holy Trinity School existed prior to the zone change designation of R1-PUD and did allow students outside of Norwood to attend its tuition-based center of learning. However, it did not serve the R1-PUD neighborhood and was considered non-conforming until 2006 when it ceased to exist.

St. Aloysius will **not** be relocating any of its other social services to the property. Only the educational component will be located on the Holy Trinity Campus. Any medical care or psychological care will be in accordance with an IED. The applicant has represented to the Planning Commission that the Partial Hospitalization Program, After School Hospitalization program, and any other program unrelated to the school will **not** be relocating to the Holy Trinity Property.

#### **5. Whether the Planning Commission recommends approval, approval with modifications, or disapproval of the Planned Unit Development, with a statement of the reasons for the recommendations by the Planning Commission.**

- **The proposed school does not fulfill the intent and requirements of an R-1 PUD:**
  1. The purported school use does not primarily serve the R1-PUD neighborhood, but instead draws students regionally.

2. Busing of students into the neighborhood will now occur which did not previously exist. Student and facility staff will generate a minimum of 50 trips per day or 250 trips per week.
3. The applicant has described the attendees of the purported school as individuals with serious behavioral problems (mental and social) that are referred to St. Aloysius by conventional school districts, as a possible last resort effort to assimilate into normal society.
4. One could describe the school more appropriately as a corrective (remedial) learning facility rather than a conventional elementary school.

Therefore, in consideration of all the documentation submitted and reviewed, it is staff's recommendation that the preliminary plan be denied. However, if it is the Planning Commission's desire to recommend acceptance of the St. Aloysius School into the R1-PUD, I recommend that the following restrictions be a condition of approval:

1. St. Aloysius shall use the facility only for a school as presented in the PUD application. Any expansion of the school beyond what is being proposed is subject to the approval of the Planning Commission and City Council.
2. Any change in operating hours shall be reported to the City of Norwood to determine if it will create any negative impact to the surrounding neighborhood.
3. St. Aloysius should be required to staff appropriate full-time security personnel to control its students.
4. Plans delineating the placement of the proposed fence for the purpose of restricting the outside activities of the individuals attending St. Aloysius, along with enhanced landscape plan shall be subject of Planning Commission approval.
5. No office uses, medical uses, or clinical uses shall be permitted on the property unless St. Aloysius applies for and receives a zone change to allow for such uses.
6. Plans for the fencing contemplated by St. Aloysius must be submitted and approved by the Building Commissioner.
7. Bus transportation shall be limited to small buses and vans no larger than 12 passengers and following consultation with the Norwood Police Department regarding traffic and transportation safety issues St Aloysius shall present a plan to the Safety Service Director for approval as to how bus transportation will be handled on the site and the surrounding side streets.
8. St Aloysius shall present a plan for the landscaping and maintenance of the landscaping, as required in the PUD, to the Building Commissioner for approval.

Per Section 1155.14 and 1155.15 of the Norwood Zoning Code, the recommendations of the Planning Commission are to be forwarded to the Norwood City Council for final action and shall include written findings and recommendations in accordance with those provisions.

Chairman Geers asked if there were any question from the Planning Commissioners for Mr. Stoker.

Mayor Williams asked if the previous school was a non-conforming use. Mr. Stoker answered that it was.

Mrs. McGraw asked Mr. Stoker to elaborate on that point stating she is not sure she understands why Holy Trinity was a non-conforming use. Mr. Stoker explained Holy Trinity was established before the R-1 PUD was placed; therefore Holy Trinity did not primarily serve the residents within the PUD. Holy Trinity was similar to St. Aloysius in the regard that it drew people from surrounding areas. Mrs. McGraw knows Mr. Stoker is relying on section 1155.04(b) for that annalist, when Mrs. McGraw looks at the code in the PUD regulations she looks at 1155.04(a) under the R-1 District; public and private elementary schools are permitted as a right. If we did not have the PUD over the Holy Trinity complex it would be R-1 and schools would be permitted. Mrs. McGraw asked why Mr. Stoker is relying on section (b) rather than section (a) in his annalist. Mr. Stoker answered section (b) is the one currently in law because it is in a PUD. If it was not stated in the PUD that it has to primarily serve the PUD then it would be permitted straight out. Mrs. McGraw then stated that section (a) talks about what the underlying zoning is for the PUD and the underlying zoning of this PUD is R-1; that is what she is trying to understand why we are not relying on section (a) and the underlying zoning. Mr. Stoker answered because there are added restrictions that were placed upon it when it was a PUD, even though you have an underlying zoning that does call out principal permitted uses, they have additional guide lines once the PUD is created. There fore those additional guide lines are what come into place now.

Chairman Geers asked if there were any other questions for Mr. Stoker. Chairman Geers allowed Mr. Trauth to comment reminding him this is not a public hearing. Chairman Geers also stated to Mr. Trauth and for the record the letter submitted by Mr. Trauth was on the table today.

Mr. John Trauth stated he did submit today, just before, the December 16 letter. The letter was just to point out some errors in the report that are conflicted by the testimony. Mr. Trauth is with Keating Muething & Klekamp representing St. Aloysius Orphanage.

- On page three of the report it indicates the school will be protected with metal detectors. At the December third hearing Mr. Goulet stated there will not be a metal detector in the building.
- The second bullet point at the bottom of page four indicates that the St. Aloysius School authorities desire to partner with the Norwood Police Department. Mr. Goulet in pages 25 through 28 of the transcript indicated that would be a voluntary thing; if the Police Department wants to participate fine, if they don't that is fine also. The school does want to have a good relationship with the police, how ever it would not place a burden on the Police Department because it is voluntary.
- The point about whether or not the proposal meets all the general regulations for Planned Unit Development. Mr. Trauth explains why the PUD was put into place as being because when the Seminary was no longer and became the Holy Spirit Center there was a large track of land that combined with the St. Peter and Paul Church were put in an R-1PUD because the concern was that could be redeveloped into housing and a larger development. Mr. Trauth believes sections of the PUD were taken from urban PUDS where there may be 500 to 1000 homes and you have storage facilities and schools that support that PUD. Mr. Trauth states that if you follow that in this PUD then the only people who could go to the school would be Father Ray and the Priest living at the Holy Spirit Center. Mr. Trauth does not think the PUD really means that or implies that. Chairman Geers states for the record that Father Ray could not go there either because he does not live there. He lives in a different City.

- There was a comment in the report that St. Aloysius Elementary is a school of last resort. Mr. Trauth states it as not being a school of last resort, but a school that offers students with learning disabilities and other problems a good education.
- There was a statement made that the school could be more describe more appropriately as a corrective (remedial) facility. Mr. Trauth stated that in checking with the Board of Education they have no such designation. That term is not used by the State or by Norwood Schools.

Mr. Trauth and Mr. Stoker did speak before the meeting about the proposed conditions:

#1. Would be used as stated.

#2. The operating hours would be normal school operating hours. As long as this includes PTA meetings and things like that in the evening St. Aloysius would not have a problem with that.

#3. St. Aloysius indicated on number three that all of the staff are trained in security issues so they don't think an additional person is needed. Mr. Trauth and Mr. Stoker spoke about it and if this were approved we could see how it goes for the first school year and if the City felt later that something like that needed to be done St. Aloysius would entertain it.

#4. Fencing is already indicated they would do that. There is landscaping there already and St. Aloysius does not know how much enhanced landscape condition four would entail.

#5. We have agreed essentially to.

#6. Deals with the fencing and there is no problem with that.

#7. Most of the vans are seven to twelve passenger vans. Mr. Goulet indicated a yellow bus came in from Middletown with one student on it. This happens occasionally and St. Aloysius would not want to be chastised for that.

#8. Deals with the landscaping and maintenance: the currant facility has a company to take care of the grounds; that kind of contract could be supplied.

Mr. Trauth just wanted to point out they have had some discussion about that.

Mrs. McGraw asked, generally St. Aloysius has the ability to comply with the eight conditions with some of the changes you indicated. Mr. Trauth answered yes as long as there is that understanding. Mrs. McGraw stating she wanted to be clear because the last paragraph of Mr. Trauth's letter says "the eight conditions are not in anyway reasonable". Mr. Trauth explains only in the respect of what he just explained.

Chairman Geers asked the Commissioners if there were any other questions or comments. Mayor Williams is glad to see there are other people here today, but has some issues he needs to clear the air on:

- It is nice to hear the law argued. In the past we were berated with accusations and problems. To clear something up it has been portrayed in the media that this cold hard city does not want these children there. The fact of the matter is that Mayor Williams believes the people of this City and this city has the right and the obligation to do things to protect the integrity of the Neighborhoods and the City it's self.
- St. Aloysius has a location to operate out of, they already have a facility. To clear the air when we first met with the top officials from St. Aloysius, their plan was to move there (Holy Trinity) so they could develop office space at the location off of 562 for the exposure. They ran into some difficulties with the City of Cincinnati. One Official said to the Mayor that one Council person is against it and as soon as that person is term limited out we will get what we want.
- Then it came here. As it was questioned and discussed an array of testimony came forward to us being dishonest, kangaroo court, the church may close it was just one

thing after another. We got off; somehow the path got diverted to issues other than the law.

- We have made tough decisions against one church in this city that when it went to council it cost them well over one hundred thousand dollars to put in a sprinkler system. It was not a popular decision, but that decision was made.
- It comes down to very simply this. In the Mayor's opinion this is not about the children, this is about money. The services that are provided to those children are probably well worth it. By testimony it is 28 to 30 thousand dollars a year. Then it comes to one local church has financial difficulties, for whatever their reason is they owe The Archdiocese money and the sale of this property will help them to pay their debts off and maybe they can exist longer.
- It is really refreshing to hear Mr. Trauth, Mr. Stoker and Bridget discuss the law, because up until this point that was not the main issue, that got lost. There were threats of law suits that we would be discriminating and in a little bit I would like to ask about that, I don't know what that means or what that is.
- We are a close knit community, his family attends that church and he would hope they are treated with out any concern with the discussions here.
- In the Mayor's opinion Planning Commission's obligation is to the Residence and to this City and we make decision in that process.
- Mayor Williams read an article in the Enquire an editorial "that those kids don't have tails and horns" My God nobody said that. When the Mayor's family and those he knows read and say to him you are against the children. When you say that and you think that, you have hit an all time low.
- Mayor Williams says again our responsibility is to the City and the good pastor said to this Commission that school will never open again. Mayor Williams never held any hope that that school would ever open again; it would be best for the children who attended that school that it never open again, because now they are in a school where they can get some stability and live with out the threat of closing their school. Mayor Williams feels fortunate for those children that they are at that location.
- Mayor Williams hopes he has cleared the air because what has been portrayed to the public is not accurate. These are tough decisions and you lose friends and acquaintances over them. But his responsibility is to the City.

Mayor Williams then asked Mr. Trauth about a resident that called over to St. Aloysius making inquiries and was told "allegedly" that if we did not do this that a discrimination suite would be filed against the City of Norwood. Mayor Williams believes he recalls Mr. Trauth also making that statement. Mayor Williams also stated that an individual he has known for forty years refer to it as racist. Mayor Williams ask if Mr. Trauth can tell him, or is he privileged to the Mayor, or is it Client/Attorney privilege, what the basis is on how they would be discriminating or how discrimination would fall into this? Or what direction that would go in. Mr. Trauth believes what was quoted and stated in the paper was that Mr. Trauth had indicated in several of the hearing that St. Aloysius wants equal treatment under the laws, but they want to be treated just like the previous school, Holy Trinity, was treated. In other words they wanted the same rules applied to St. Aloysius that were applied to Holy Trinity. Mr. Trauth states that as the meaning of "we don't want to be discriminated against" because we help children who have more severe learning disabilities than the children at Holy Trinity.

Mayor Williams asked Mr. Trauth to explain why the City would be treating St. Aloysius differently; As the Mayor understands this if Holy Trinity School which was not a permitted use, it was there but not a permitted use. If that school fails to exist then legally it could not close and then come back in and reopen unless it came to Planning Commission, would that be correct? Mr. Trauth stated that he corrected that in his letter. Saying there were many

statements saying that Holy Trinity closed in the summer of 06; it actually closed in the summer of 07. They were continuing to move out during the summer and through the fall of 07. The building of the school and the parish hall continued to be used by the Church up through October of 08. The Church still reserves the right be able to continue to use that so if a legal non-conforming use did not cease then it is allowed to continue as all as it is not expanded, under your code.

Mayor Williams stated the school closed and that was it. Those children left and went somewhere else. They told everybody to get their stuff out of there. They told everybody this is gone don't even think about it. There were no school functions going on in there. Mayor Williams asked, so under the law, once Holy Trinity closed and those children went out to a better life in Deer Park, and they said ok, we want to come back. They couldn't? Mayor Williams is having a hard time understanding were the discrimination comes in. the reason for Mayor Williams asking these questions is because people want to do the right thing. But for what ever reason and the mayor believes in probable cause. Mayor Williams believes people have been told that what is going to happen is that if you do not do this you are going to get sued and you are going to lose and it is going to cost a lot of money. Mayor Williams believes in probable cause, Mayor Williams has no intent and does not think that anyone there has any intent to discriminate or do anything. Mayor Williams would not fear somebody threatening to sue him because he feels that if there was probable cause and no intent to actually discriminate against children, the Mayor has never seen. Mayor Williams just wants that to be clear stating that he does not know how any one is going to vote, they follow the law. The Mayor was talking (to Mrs. McGraw) and Mr. Geers walked away. Another problem we have is that two Commissioners resigned because they moved. Mayor Williams has not changed his position. Mayor Williams does not know how it is going to go, if a Judge told him then he would follow the law but right now his position has not changed. Mayor Williams appreciates Mr. Trauth's answers.

Chairman Geers stated for the record that there have been two public hearings and at both of those hearing we had those who wanted to speak in favor and those who wanted to speak against. We had no one come to speak against it at either meeting. At the first meeting those in favor we five or six or seven people come forward and at the last meeting we had five or six people come forward to speak for it. The people who were speaking in favor do not own any property in Norwood, not that that matters, it is just the fact that we did give the opportunity for residence and citizens to come forward for or against, for the record.

Mrs. McGraw spoke on this issue. Mrs. McGraw appreciates Mayor Williams's comments. Mrs. McGraw thinks certainly reasonable minds can differ. On this issue Mrs. McGraw understands the potential for litigation. Mrs. McGraw's position isn't the result of a litigation threat. Mrs. McGraw understands there are some emotional attachments with the Church and the potential closer there, and her position isn't a result of that. This is really not an issue of what the school is or isn't, whether there is security measures, or delving into the ins and outs of St. Aloysius verses Holy Trinity. Mrs. McGraw is looking at this as a code consideration. Mrs. McGraw states this is what they are charged with. Mrs. McGraw states to Mr. Stoker that reasonable minds can differ on the interpretation of the Norwood Zoning Code. Mrs. McGraw looking at both section (a) and section (b) lead her to the same conclusion. First Mrs. McGraw would look at section (a) an argue that public and private elementary schools are permitted as the underlying zoning district. If you do go to that section (b) Mrs. McGraw still thinks we are looking at a state chartered school continuing a use on that property. Mrs. McGraw under either consideration would feel compelled to vote in favor of this school. Secondly considering Mrs. McGraw is on here as a citizen of Norwood, she thinks it is important to the extent we should maintain occupancy in the buildings in the City of Norwood. Mrs. McGraw thinks St.

Aloysius has come into the City of Norwood and wants to make a commitment to the City. Mrs. McGraw appreciates the folks from St. Aloysius that have come before this Board and discussed with us what St. Aloysius is and what their commitment is to their students and the City. Mrs. McGraw does understand the concerns, although they can not make distinctions between State Chartered Schools this is a different kind of school and she thinks everyone recognizes that including St. Aloysius who has been very candid about that. Mrs. McGraw appreciates Mr. Trauth running through the different conditions that Gerry purposed. With the modifications Mrs. McGraw thinks they are very reasonable and they are something she could vote for so that they have the balance of being fair and being true to the code, but also taking in those additional considerations that come with this different kind of school. Mrs. McGraw made some note on her position and asked Mr. Trauth to let her know if he disagrees and perhaps she could make some modifications.

- #1. is fine.
- #2. operating hours “normal school hours and incidental uses as said PTA meetings and the like”
- #3 change to say “St. Aloysius be required to staff appropriate personnel to manage its students and ensure security. Additional security personnel needs may be evaluated jointly by St. Aloysius and the City of Norwood as required
- #4 is ok
- #5 just so we are clear; no office uses, medical uses or clinical uses except as ancillary to the school uses such as a school nurse or something along those lines.
- #6 is fine “bus transportation shall be “generally limited” to small busses taking into account some of those special situations were you may have, because it is what is available to the school district, one large bus transporting one or several students.
- #7 the landscaping certainly and all of the other conditions are appropriate considerations for this Board.

These would be Mrs. McGraw’s position with those modifications that we would vote in favor of allowing St. Aloysius to occupy the property.

Chairman Geers asked the Mayor if he had any other comments. Mayor Williams said no enough had been said.

Mrs. McGraw asked Mr. Trauth if he had any issue with the language she proposed. Mr. Trauth said no.

Mayor Williams asked what the mechanism is if those are not followed. Mrs. McGraw stated it would be the same mechanism that we would put in place for any sort of conditions we put on any property. Whether it is through this Commission or it is through the Board of Zoning Appeals, Mr. Stoker would be empowered with the ability to enforce the conditions that were put on the property.

Chairman Geers asked if Mrs. McGraw wanted to make a motion.

Mrs. McGraw made a motion to accept the use of St. Aloysius School at 2420 Drex Avenue with the following conditions placed on the property in Mr. Stoker’s memo dated December 12, 2008 with the following **changes**:

Item #2: ***Operating hours shall be normal school hours and incidental operating uses.*** Any change in operating hours shall be reported to the City of Norwood to determine if it will create any negative impact to the surrounding neighborhood.

Item #3: St. Aloysius be required to staff appropriate **personnel to manage its students and ensure security. Additional security personnel needs may be evaluated jointly by St. Aloysius and the City of Norwood as required.**

Item #5: No office uses, medical uses or clinical uses **except as ancillary to the school use (eg: school nurse)** shall be permitted on the property unless St. Aloysius applies for and receives a zone change to allow for such uses.

Item #7: Bus transportation shall be **generally** limited to small buses and vans no larger than 12 passengers and following consultation with the Norwood Police Department regarding traffic and transportation safety issues St Aloysius shall present a plan to the Safety Service Director for approval as to how bus transportation will be handled on the site and the surrounding side streets.

Chairman Geers seconded the motion and asked if there was anymore discussion, comments or questions. Chairman Geers then asked for the roll to be called  
Mrs. Town,"Mayor Williams": No. "Chairman Geers": Yes. "Mrs. McGraw": Yes.

## **COMMUNICATIONS AND MISCELLANEOUS**

Mr. Tim Roberts of Land Bank came forward to give the Commissioners an update. Mr. Roberts affirmed the demolition has started on the site and stated they would like to be on the January agenda.

Chairman Geers explained that we do not know if there will be a January 7<sup>th</sup> meeting. The first of the year Mrs. McGraw will not be here and we have to have a quorum. We have a five member board and at that point we will be down to two.

Mr. Roberts explained to the Commissioners that Land Bank would like to purpose a minor revision to the PUD that is in place, the preliminary phase II. Land Bank is going to sell a portion of the land to someone who would develop another building. The lot split that we legally need does not fit with the PUD. So what we need to find out is weather we can revise the PUD, get that approved so that the lot split will match with the PUD revision. That is a condition to our deal, that we have those two decided. So if we can not do it till February, I don't know..... Minor revision to the PUD can we revise the PUD and get that approved so that the lot split can

Chairman Geers stated that there are dead lines to be on even today's meeting, that dead line was missed which had nothing to do with us. Mr. Roberts said right. Chairman Geers can't say where the Planning Commission is going to be in January, if they do not have a quorum they can not have a meeting. Chairman Geer's states he knows Mr. Roberts has spoken with Mr. Stoker in reference to the lot split.

Mr. Stoker stated the City does not have any control if Land Bank wants to split the lot, they would be doing it their own risk, not guaranteeing the preliminary plan revision would be approved. Mr. Stoker does not foresee any difficulties with the preliminary plan phase II being okayed by the Planning Commission with regards to this minor revision. But again states they would be doing the lot split at their own risk.

Mayor Williams asked the cable audience if they had any recommendations for Planning Commission to please contact him at 458-4502.

Chairman Geers said for Mr. Roberts to keep in touch with Mr. Stoker.

### **EXCUSE ABSENT MEMBERS**

There are no absent members. Chairman Geers thanked Bridget for all of her help and advice over the past couple of years.

### **ADJOURN**

Mrs. Bridget McGraw made the motion to adjourn, Mayor Williams seconded the motion. All members present voted YES.