

February 13, 2019
Public Hearing
City of Gaston

Present: Mayor Jerry **Spaulding**, David **Meeker**, Marion **DePiero**, Bill **Martin**, Sarah **Branch**, Suzy **Carver**, and Don **Richter**.

Absent: None

Staff: City Recorder Wenonah **Blanchette**, Public Works Director Brent **Whittaker**, City Clerk Sharon **Bregante-Candau**, and Washington County Deputy Rob **Richards**.

PUBLIC HEARING

Mayor Jerry **Spaulding** called the quasi-judicial hearing open on a second approval hearing request for a time extension for City approval of the 34-lot preliminary subdivision plan for two years from its original approval date on February 11, 2015 at 7:00PM.

Mayor **Spaulding:** Okay we're opening up the meeting for the Gaston Heights Phase 2 Preliminary Subdivision and extension.

HEARING DISCLOSURE STATEMENT: Mayor **Spaulding** read aloud the hearing disclosure statement:

Mayor **Spaulding:** As for a declaration of conflict of interest, or contact, or personal bias. Is that how you do it?

Recorder **Blanchette:** Call for declaration of conflict of interest or ex-parte communication or personal bias.

Mayor **Spaulding:** There is none?

Dale **Smith:** Would it be members of the Council of members of the audience?

Mayor **Spaulding:** Everyone

Recorder **Blanchette:** Everyone

Mayor **Spaulding:** Okay move on to the next one. Asking for challenges or to impartiality?

Tracey **Nolan:** Challenges meaning opponents to or connection to the extension

That's later on the agenda, we'll get to that.

Okay staff report.

Are there any questions to the staff report? Does everyone have a staff report? Communications?

Brent **Whittaker:** Mayor **Spaulding**, if I can touch real briefly just on the findings we don't have to go through the entire document if we just go through the findings from Carole. So, Gaston Heights phase two preliminary subdivision plan was approved by the City Council February 11, 2015, due to the slow demand for new housing and off-site improvement requirements, in 2017 the applicant requested a two-year extension on April 12, 2017. The applicant requests an additional two-year extension to 2021. 2.) The Gaston Development Code permits a maximum of two one-year extensions for a land division approval. To eliminate unnecessary paper work for the 2015 request staff recommended one two-year extension

rather than two one-year extensions. The Gaston Development Code does not provide for multiple extensions, although in many jurisdictions' extensions became common practice after the 2008 recession. If approved the applicant will have been granted a six-year approval to the record the final plat rather than the original 18-month approval to file, the final plat. 3.) The conditions in the area have not significantly changed since the original approval in 2015. Gaston Development Code requirements have not changed whereby the same standards apply as in the original review. However, the applicant has modified the sanitary sewer plan whereby the sewer was to be extended to the second phase from Cottonwood, the applicant obtained approval from Clean Water Services and the city to extend it from Olson Rd. 4.) The first and second extension approvals are subject to the original Gaston Heights Phase 2 Preliminary Plat conditions of approval verbatim. And then the decision, is there's two suggested motions for the council to have there on page two.

Recorder **Blanchette**: It says three, only if you extend it and postpone it to the next meeting.

Mayor **Spaulding**: Applicant's Report

APPLICANTS REPORT

Tim McDonald: What's submitted is pretty much the same report and nothing's changed on the plat or anything. We changed the sewer direction from running down cottonwood where the new school is because now they've got it cutting down the big bank that's going down the there's and so I'm changing that to Olson road. So that the City would some flexibility to move cottonwood. In case the Council didn't know Cottonwood is part of your transportation plan and at some time must go through. So, we have that planned through our subdivision and not going through the school's property that will happen sometime in the future. And since the school moved on and didn't take the original plan we have here—. Anyway, they don't have a grade school down Olson road anymore, so the city may want to change the transportation plan and move cottonwood down or change how it ties into our subdivision. So, when would Cottonwood would come across in a _____ manner, so why it would be easier the Transportation plan to get in touch with. That's why we're got the sewer down Olson road since the school district doesn't need it anymore and the old plan, if and when you put the sewer your road would have to be cut to put the sewer in.

Mayor **Spaulding**: Okay. Are there any proponents?

PROPONENTS *(no proponents heard)*

OPPONENTS

Mayor **Spaulding**: Opponents? The Chair recognizes Tracey Nolan.

Tracey Nolan: Tracey Nolan, 420 Hedin Terrace, Can I hand out some literature members? This is a first kind of a cover letter of our opposition in this. Would the mayor like one?

Mayor Spaulding: Yes.

Tracey Nolan: This cover letter basically touches on a lot of the issues brought, presently dealing with Tim McDonald and going through the CCB to try to get through a vast very-hood of problems fixed, I only could make two of they are expensive copies. There's just a lot of papers, there are many, many, many pictures in there. We have been begging Tim for one solid year since closed on this house January 5th to fix many, many, many problems. He has done nothing. Once we filed a claim with CCB we had a mediation; have again had a mediation and through this mediation it was either sign an agreement to get things fixed or walk away. That was both of our choices the mediator at this time, now I didn't know until later and this is written in this literature here, the CCB has no judicial jurisdiction since 2011. So, we are in turn, signing an agreement to fix a lot of the smaller things probably 15 on are list that's it, everyone put them on two name packets. He sent a gentleman in to fix 4 or 5 of them and then he stopped and when I called the CCB yesterday and asked them what the process was they told me to take him to court. Well that was my option right from the get-go. Some of the problems were talking about are multi thousand dollar problems and I am going to take him to court, my whole thing here and I hope you take the time to look pictures and the literature that the CCB has and at least determine that these things do need to be address, we sent a mediator out to me and said he won't address my floor that Tim put nails in to keep the ends from coming up. He won't address my siding that rattles from wind the entire house rattles and roars like a freight train going by and you can't sleep. The CCB mediator said he cannot address the flooring issues because he doesn't know how floors are laid down. He said he cannot address the siding issue because he does not know how the siding is laid down. We've asked him to justify why my brand-new home has a heater that is in fact the heating unit that was manufactured in 2009 and installed in a home in 2017. The mediator would not even compare him to offer us a document; a receipt-I got this from Lowes, I got this from some so-and-so heating & air in 2016 or 2017, or whatever. It's hard pressed to believe that he's been sitting on this thing for 9 years even when the economy took a downturn. And he hasn't even said that, if he said that it might have resolved this, or something. So, we've got million issues, now at minute last three and a half hours ago I've got these two documents here in the two packets. Last Wednesday I sent him a letter to please move forward with the proof he is going to fix some of this stuff. He got to me 2 hours and half ago and addressed one little flooring issue and that's it. I can tell you that if the growth of this City is determined by the contractor things like this, and I hope, I really, really hope you take the time to go through some of this literature and pictures I've offered you. He does not need to represent this City, if he's

trying to promote this area as a tech-moving area, nobody's going to come out here and buy a home from him because he has just too bad of a reputation. I don't know if I can—slow me down if I'm getting to personal on things that I can't prove pictures of proof of something with that man. But when the people next to us started to build a home and Tim's building that home instead of selling the lot either side of us. Four of us came out on the street and met these new homeowners and warned them not to build with Tim. That they've built homes before in the past and they know what they're doing. They told the 5 of us they know can control Tim on costs and control him on quantity and everything else. And these houses are just sitting here riding and riding and it'll be a year and a house to get these houses built and I can't say it will or it won't, it's nothing. The house up on the corner took two years to build. And they had already sold their house and had to do a rent-back and finally had to move in before it was finished. If he puts in all of that infrastructure you're going to have nothing but weeds like we did on both sides of us. I love the growth, I wish somebody else was behind this making this happen because the growth simply means that my house is going to be worth more. I think it's going to invigorate the City and everything else, but this is not a man that is going to represent your City very well. He was always, always drowning in litigation and I have a million things to say but it's another situation and I'll drop it there and let everyone read the material and see what happens.

Mayor Spaulding: Is there anyone else who has any opponents? Are there any council man-council ladies? Are there any questions?

Councilor Branch: If I can, I think we should, read, I mean, we should have another meeting for a final decision. That's what I'd do.

Councilor Carver: We haven't had enough time to verify.

Mayor Spaulding: I thought, I may be wrong, but I thought this development of the lots and for not building houses.

Tim McDonald: It is.

Mayor Spaulding: Okay, how is building houses pertain to approval for the structure of your lots. I mean, your business with him as far as houses, really isn't about we're here to approve the houses on the lot.

Tim McDonald: That is true it's not a land use issue?

Any more questions? Because this will be brought up in City Council as to whether this is or not?

Mayor Spaulding: So, is there neutral comments?

NEUTRAL COMMENTS

Dale Smith: I'm Dale **Smith** and property on Salter and also off 6th. I like Tim; I've known for a long time. I did have issues with a couple of the builders he had, I've used a couple of them and had some issues with them myself and I was kind of concerned at that point. Because when he originally got into this, he was not originally going to be building houses, he was going to

sell lots, people were going to have their own houses built. Everything else. Economy went down in the dumper and he has taken on the project of trying to sell these lots which means putting houses on them and selling them and he's used a couple different people assembling them to do it. But yes there are, with some of the builders that are up there have issues and I guess that's the question we have for the Council and if we're approved going forward on this are we going to have one builder building on this property, say like Lynar or Adair or these other maker-builders or are they always going to be built with individual builders building projects and then so there's no continuity in this. I see you didn't get into this to build houses?

Tim McDonald:

Right.

Dale Smith:

But are we going to have one builder or are we going to have multiple builders in this project or do you have an idea at this point?

Tim McDonald:

No there's not an idea at this point, after we do the 34 lots are in and either I build it or someone else builds then we'll look at phase three over there in the designing process then again it could be me or another builder; Lynar, PRW, Riverside, one of the big ones that come in and buy all the lots.

Mayor Spaulding:

Does anyone else have any more questions?

Councilor Branch:

Can you remind me do you own the lots, who owns the lots? Or who owns the land or, that's what I thought.

Tim McDonald:

I own the land.

Councilor Branch:

Yeah, okay that's what I thought.

Councilor Richter:

Excuse me, I think there should be some kind of effort for him to step up to the plate and help this gentleman fix his home. Bring it up to the way he likes it. You know if there's a whole bunch of mistakes and stuff—

Councilor Martin:

They didn't buy the house as is, they bought it new. So, if there's any things that should be done, they should be done.

Councilor DePiero:

I don't think this is a councilors issue.

Recorder Blanchette:

It's a public hearing.

Councilor Richter:

That's just the way I see it.

Mayor Spaulding:

I think the only thing we're really concerned on this issue is whether he should be able to go onto phase 2 and it has nothing to do with the building of the houses.

Councilor Branch:

I do have a question—

Mayor Spaulding:

Sure

Councilor Branch:

With the items that were put into our packet, there's a lot of listed items of this has to be done, this has to be done and it was what I was trying to make sure about is, if these are the original conditions of approval, correct?

Councilor DePiero:

Yeah

Councilor Branch:

So, the original approval have they been met and they're all in place?

Tim McDonald:

No, the conditions are met when we build it.

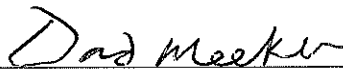
Councilor Branch:

Okay, thank you. I'm not a builder or developer

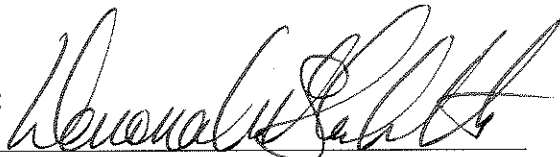
Tim McDonald: No, and so when the streets go in _____ the condition, from Trail Street to Salter Street, there's a new water line down there put in same time as the subdivision is.

Councilor Branch: Okay, perfect. Thank you for answering this.

Mayor Spaulding: Anymore discussions? Alright, I guess we need to close the hearing and we'll discuss it in City Council if we approve it or not. The hearing has now ended at 7:20PM.



Mayor Jerry Spaulding
Council President David Meeker

Attest: 

City Recorder Wenonah Blanchette