



## COMMITTEE OF THE WHOLE MEETING ON JULY 13, 2026

Council President Pro-Tem Derek Varney called the Council Committee of the Whole meeting to order at 5:00 PM on Monday, July 13, 2026.

### ROLL CALL

Mr. Michael Flaherty – present; Mr. Robert Kramer – present; Mr. Guiles Richardson – present; Mr. Derek Varney – present; Mr. Mike Kimbler – present; Mr. Todd Gibbs – present. Also present were Gene Hollins, Esq., Law Director; Joe McDaniels, Esq., Assistant Law Director; Stacey Boumis, AICP, Community Services Director; Mike Confer, Police Chief, and, Rod Davisson, Esq. City Administrator.

### MINUTES

Mr. Varney called for a motion to approve the minutes of the June 8, 2026 meeting. Motion made by Mr. Richardson; seconded by Mr. Gibbs. Voting as follows: Mr. Flaherty – yes; Mr. Kramer – yes; Mr. Richardson – yes; Mr. Varney – yes; Mr. Gibbs – yes; Mr. Kimbler – yes.

### DISCUSSION

Mr. Varney stated Mr. Davisson has a presentation tonight. Mr. Davisson stated Council will not be able to change the parking ordinance to allow RVs to park on the street. He then stated as we were going through a public records request, as this caught more of my attention, I looked deeper into it to try to figure out the solution for you. He stated that the newer neighborhoods in the City are governed by recorded restrictive covenants. When someone purchases property, they agree to follow these private agreements that are part of the chain of title. Restrictive covenants are built to protect the character and expectations in the neighborhood, and they are enforceable by the property owners themselves.

The city's role is not the same as it is in restrictive covenants. We establish minimum public safety standards through our ordinances, while the restrictive covenants are private agreements that may impose additional restrictions, often above and beyond what we do as a City. Mr. Davisson showed the restrictive covenants for Fairchild Estates, and those are attached and run with the property for each of the houses there. And, in those restrictive covenants, in Section 12, it says that no truck, trailer, boat, camper, recreational vehicle, or commercial vehicle shall be parked or stored in front of or on any lot unless it's in a garage or other vehicle enclosure out of the view from the street and abutting properties provided however that nothing herein shall prohibit the occasional and non-recurring temporary parking of such truck trailer boat camper recreational vehicle or commercial vehicle on the property for a period not to exceed 72 hours in a period of 30 days and so that says very clearly that in that neighborhood you may not ever according to their own rules park an RV on the street.

Those restrictive covenants, also called deed restrictions, are private contracts that govern the use of property. They are recorded with the property's deed. They're created by the original developer or subdivider. They're binding on all future owners. They're enforceable in this instance by all the residents there. And again, intended to preserve the character appearance and value of the neighborhood. It is not a City ordinance. It's a private property right that exists independently of our municipal law. The developer records those. Every buyer that purchases the property is subject to them, and the covenants run with the land. So, any future owners who buy into this neighborhood are also bound by those same rules, those same restrictions.

Public law and private property rights coexist. Our ordinances are adopted by Council; they apply uniformly throughout the municipality, and protect health, safety, and welfare. They establish minimum public standards. They are enforced through our police powers. They can be amended by Council through our legislative process. But you cannot eliminate or rewrite private contractual rights created by the restrictive covenants. You don't have that power to do that. And if you think about it, all the folks who bought houses in these neighborhoods said, these are rules we want to live by. We're going to have these restrictions here. The City should not be able to come into that afterwards and say, we don't care what you came up with.

Butler Farms has its own covenants; Mulberry Grove has its own. You have a bunch of different sets of them out there. Developers can impose restrictions stricter than we are; and, they are enforced typically by the HOA or by other property owners in that same subdivision.

Property owners must comply with all City ordinances and recorded restrictive covenants and changing one of those does not automatically change the other and so in this neighborhood we're talking about the RV parking ordinance. Currently the City ordinance that says you can't park RVs on the street aligns with the recorded restrictive covenant of the neighborhood. If the City were to relax its ordinance while the restrictive covenants remain unchanged, it would create a conflict where one doesn't exist right now.

The policy question is not whether you have the ability to amend the ordinance; it's whether you should weaken a public standard in a manner that undermines enforceable private property agreements. It matters because the City does not enforce private covenants. Council is being asked whether it should change a public law to authorize conduct that the homeowners themselves already agreed to prohibit. Mr. Davisson explained why he thinks Council should not change public law. He stated homeowners relied on these recorded restrictions when they purchased their houses. Mr. Davisson stated an inactive HOA does not change the analysis. The restrictive covenants are on the deeds. It doesn't matter if there's an HOA or not.

Mr. Davisson stated homeowners can change the restrictive covenants. Each set of restrictive covenants outlines the provisions for modifying them. Mr. Davisson and Council discussed Fairchild Estates' restrictive covenants and what is needed to modify them.

Mr. Davisson stated there are six other developments with very similar language and Fischer is about to start that development that will also have similar regulations. He then recommended

Council respect the existing private property agreements and avoid creating unnecessary conflicts between public law and private covenants; maintain consistency where no conflict currently exists. He stated the ordinance related to RV parking has been modified to clarify the definitional language related to RVs. It removes all references to allowing on-street parking. It is a flat prohibition just like the City has always had with a little bit more modernized language. Mr. Davisson further reviewed the updates in the ordinance.

Mr. Davisson and Council discussed the difference between restrictive covenants and City laws. They also discussed what it takes to typically change restrictive covenants.

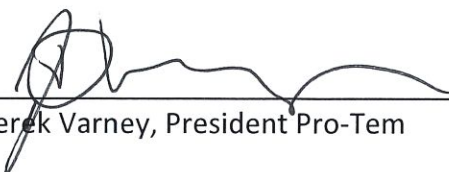
Jonathan Masteller, 5300 Princeton Lane, addressed Council. He stated he wants to make sure he understood correctly that he can't park on the street but can park on the property. Mr. Davisson stated he can park in the driveway only, not on the grass. Mr. Masteller stated he was confused and asked if that is a more restrictive City ordinance that prohibits parking on grass.

just want to make sure I understand, because I don't work in legal, and I live in Fairchild Estates, so I can't park on the street, but on the property is okay. Council discussed where an RV can be parked within the subdivision. Mr. Masteller asked how law enforcement knows the different restrictive covenants. Mr. Davisson stated the City does not enforce the restrictive covenants. Mr. Davisson and Council discussed enforcement.

Mr. Davisson started discussing e-bikes. The State recognizes class one, two, and three e-bikes, which have their own definitions. The City has current laws relating to e-bikes and bicycles and whether you can ride them on a path or a street and all those kinds of things. But what has really not been contemplated is the quick and dangerous technological change that is happening in e-bikes. We now have e-bikes that are 60, 70 mile an hour bicycles, which is a motorcycle, no matter what you call it. These aren't the 34 mile an hour moped of our past. This is something else and something dangerous. Mr. Davisson then discussed a recent incident involving minors on e-bikes. He stated he has created a package for Council to review with numerous questions related to where Council wants to be legislatively. Council continued to discuss e-bikes until time to adjourn the meeting.

#### **ADJOURNMENT**

Mr. Varney adjourned the meeting at 5:44 PM.

  
Derek Varney, President Pro-Tem

  
Stacey Bounis, Clerk of Council