

SUMNER COUNTY PLANNING COMMISSION MINUTES

OCTOBER 22, 2019

5:00 P.M

**SUMNER COUNTY ADMINISTRATION BUILDING
COUNTY CHAMBERS
355 N. BELVEDERE DRIVE
GALLATIN, TN. 37066**

MEMBERS PRESENT:

**LUTHER BRATTON, CHAIRMAN
BILLY GEMINDEN, VICE-CHAIRMAN
JERRY KIRBY
GENE RHODES
TOM TUCKER
JIM WILLIAMS**

MEMBERS ABSENT:

**MIKE HONEYCUTT
CHRIS TAYLOR**

STAFF PRESENT:

**JOSH SUDDATH, DIRECTOR OF PLANNING & STORMWATER
KATHY YOUNG, ADMINISTRATIVE ASSISTANT
JOE PHILLIPS, STORMWATER MANAGER
LEAH MAY DENNEN, COUNTY ATTORNEY
BEN ALLEN, STAFF ATTORNEY**

Mr. Bratton announced that with six members present, there was a quorum.

MOTION TO APPROVE THE SEPTEMBER 2019 MEETING MINUTES BY MR. WILLIAMS, SECONDED BY MR. GEMINDEN. MOTION PASSED UNANIMOUSLY.

At this time, Mr. Bratton asked Mr. Suddath to introduce the new county employee. Mr. Suddath announced that the County has hired a new MS4 Stormwater Manager, Mr. Joe Phillips. Mr. Suddath stated that Mr. Phillips comes to Sumner County from the city of White House where he was the MS4 Manager.

Mr. Joe Phillips stepped forward to introduce himself, stating that he grew up in Cross Plains, has 10 years of Stormwater experience in White House. Mr. Phillips let everyone know that he is available for questions anytime.

Mr. Bratton welcomed Mr. Phillips.

Mr. Suddath announced that there were two revisions to the Minutes, which included

- Item # 6 – Bruce Rainey requested a 30-day deferral for the James Reese Preliminary Plat
- Item #8 – Road name correction from Weeping Willow to Rogue’s Fork Rd.

MOTION TO APPROVE THE OCTOBER 2019 AGENDA BY MR. WILLIAMS, SECONDED BY MR. KIRBY. MOTION PASSED UNANIMOUSLY.

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Mr. Bratton turned the meeting over to Mr. Suddath for staff comments.

- 1. SMART, SMART AND PUCKETT – FINAL PLAT (MAJOR) – Represented by Jim Carman – 4th Commission Voting District (Jerry Foster and Leslie Schell) -** Applicant is requesting Final Plat approval for a 3-lot subdivision located at **Weeping Willow Road, Hendersonville, TN, 37075**. Subject property is P/O Tax Map 101, Parcel 038.00, contains 3.03 acres, and is zoned Residential 1A (R1A).

Mr. Suddath provided an overview of the item, stating that the project engineer is Andy Leath from GreenLID Design. Mr. Suddath stated that the preliminary plat was approved last month. Mr. Suddath displayed an aerial photo. Mr. Suddath stated that White House Utilities has said they cannot put a fire hydrant at this location, therefore, a fire protection plan will be due upon submission of the final plat.

Mr. Suddath displayed the submitted drainage calculations and the proposed rain gardens on all three lots. Mr. Suddath stated that if approved, the Final Plat will need to show the rain gardens prior to receiving signatures.

Mr. Suddath concluded his presentation with example motions.

Mr. Bratton called Mr. Jim Carman forward.

Mr. Carman stated he would answer any questions. Mr. Carman stated that he would take ideas for fire protection.

Mr. Tucker made a motion to approve a Final Plat for Smart, Smart, and Puckett Subdivision, with the following conditions:

- Applicant shall revise the Final Plat to show the proposed drainage facilities being located within a Public Utility and Drainage Easement prior to signature of the Final plat by the Planning Commission Secretary.**
- Applicant shall meet the requirements of Article III, Section, Part 1 of the County Subdivision Regulations related to Fire Protection prior to signature of the Final plat by the Planning Commission Secretary.**
- Applicant shall obtain final approval for Construction Plans prior to issuance of a Land Disturbance Permit.**
- Applicant shall construct all drainage infrastructure as shown upon approved construction plans to a point of substantial completion as determined by the County prior to submission of any Final Plat for the development.**
- Applicant shall submit “as built” drawings as per County Stormwater Management Resolution prior to the signature of the Final Plat by the Planning Commission Secretary.**
- Applicant shall submit a signed Stormwater Inspection and Maintenance Agreement and maintenance plan for this development to the Planning and Stormwater Department for recording with the Register of Deeds prior to the signature of the Final Plat by the Planning Commission Secretary.**

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g) Applicant shall add a note to the Final Subdivision Plat related to the Record Book and Page number location of the Stormwater Maintenance and Inspection Agreement with the Register of Deeds,
Seconded by Mr. Geminden. Motion passed unanimously.

Mr. Geminden asked when a decision will be made regarding the funds set aside for fire protection, further asking if the issue must go before the County Commission.

Ms. Dennen stated that the Board is waiting on the study from CTAS, and until then, there is no plan.

Mr. Suddath added that the subdivision regulations state that a donation can be made to the Volunteer Fire Department, with a receipt provided as proof of such donation

Mr. Bratton turned the meeting over to Mr. Suddath for staff comments.

2. **RETREAT AT NORMAN FARMS – FINAL MASTER DEVELOPMENT PLAN**
Represented by CSDG – 7th Commission Voting District (Loren Echols and Gene Rhodes) - Applicant is requesting Final Master Development Plan approval for a 234-lot subdivision located at **Anderson Road and Jones Lane, Hendersonville, TN 37075**. Subject property is located on Tax Map 138, Parcels 028.00, 028.02 and 030.00 contains 156.6 acres, and is zoned Low Density Residential Planned Unit Development (LDRPUD).

Mr. Suddath began by stating that the property was rezoned in June 2019 to LDRPUD, and further explaining how this development complies with the requirements of a LDRPUD Zone.

Mr. Suddath provided an aerial of the property, the Final Master Development Plan, typical lot layouts and the Comprehensive Plan, showing this is in the Suburban Place-Type.

Additionally, Mr. Suddath showed the Phasing Plans, depicting the planned internal roads and sidewalks, and stated that the subdivision amenities are included in Phase 2 of the development.

Mr. Suddath provided the traffic study results as well as the proposed improvements to Anderson Road and Jones Lane.

Further, Mr. Suddath stated that a voluntary transportation contribution is proposed to be made by the developers, to the county, in the amount of \$1150.00 per lot, totaling 269,100.00. Mr. Suddath explained that the HOA Covenants and Restrictions state that \$58,500.00 will be paid upon approval of the Final Plat, with the remainder due in payments of \$900.00, as each lot is completed.

Fire protection will be fire hydrants with a mandatory HOA \$5.00 per month, per approved lot, donation to the volunteer fire department that services this community which totals \$14,040.00 per year.

Next, Mr. Suddath displayed the Drainage Plans, the HOA proposed amenities, a centralized mail kiosk, open space preservation plan, signage and landscaping plan-set stating that all the subdivision regulations have been met.

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Mr. Suddath stated that the next general steps are that the applicant turns in a Preliminary Plat for the first phase of the Development, which has been done for Phase 1, and is the next item on the Agenda. Mr. Suddath stated that if the Preliminary Plat is approved, the infrastructure will be completed, followed by the Final Plat submittal to the Planning Commission for approval.

Concluding the presentation, Mr. Suddath provided example motions.

Mr. Bratton asked if it were appropriate to address the Final Master Development Plan and the Preliminary Plat separately.

Mr. Suddath stated that it was appropriate.

Mr. Bratton asked for any questions at this time. No further questions were asked.

Mr. Geminden made a motion to approve a Final Master Development Plan for the Retreat at Norman Farm Planned Unit Development, contingent upon the following condition:

- a) Applicant provide an additional Entry Drive Landscape Plan Sheet (L2.2) depicting southern entryway off of Jones Lane, Seconded by Mr. Taylor. Motion passed unanimously.**

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

- 3. RETREAT AT NORMAN FARMS (PHASE 1) – PRELIMINARY PLAT (Major) - Represented by CSDG – 7th Commission Voting District (Loren Echols and Gene Rhodes) - Applicant is requesting Preliminary Plat approval for a 55-lot subdivision located at **Anderson Road and Jones Lane, Hendersonville, TN 37075**. Subject property is Tax Map 138, Parcels 028.00, 028.02 and 030.00 contains 18.53 acres, and is zoned Low Density Residential Planned Unit Development (LDRPUD).**

Mr. Suddath gave an overview of the item, showing Construction Plans from CSDG which included the Preliminary Plat and infrastructure design. Mr. Suddath explained that four feet of road frontage will be added to the shoulder of Anderson Road, stating that Anderson Road was annexed to the city of Hendersonville, which may present a complexity because those road improvements must be coordinated with the city.

Mr. Suddath restated the developers proposed \$1150 per lot contribution to the Volunteer Fire Department by paying those fees in Phase 1 as \$58,500, prior to the issuance of a Land Disturbance Permit.

Mr. Suddath showed the plans for the utilities, fire protection and drainage, pointing out that 8 of the lots will be considered as “critical lots,” due to slope. Mr. Suddath explained that each “critical lot” which will require an individual plot plan be submitted, for review and approval, to the county engineer.

Further, Mr. Suddath stated that amenities for Phase 1 will include a trails network that

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will be developed in Phase 2 and the mail kiosk.

Completing his presentation, Mr. Suddath provided example motions.

Mr. Bratton opened the floor for questions.

Mr. Kirby asked for explanation of what types of developments will be required to be serviced by a mail kiosk.

Mr. Suddath replied that according to the Gallatin postmaster, it appears that all future subdivisions may be required to use a centralized mail kiosk, stating that it may be between the post office and the developer to work out the specifics for these mailbox and kiosk requirements. Mr. Suddath stated that this can affect the design of the development and should therefore be looked at on the front-end of the design.

Mr. Kirby stated that a centralized mail kiosk would require a large chunk of real estate, especially in larger developments.

Mr. Suddath stated that this new policy has come from Washington as a Post Office priority.

Mr. Bratton asked the project engineer, Ryan Lovelace if this mail kiosk is something he is familiar with.

Mr. Ryan Lovelace stated that yes, he is familiar with the mail kiosk requirement. Mr. Lovelace further stated that the problem with larger developments, is that only one kiosk is allowed per subdivision. Additionally, Mr. Lovelace explained that some developments require standard roadside box units, while some are required to be under roof, with parking, which presents traffic issues after 5:00pm.

Motion to approve a Preliminary Plat for Retreat at Norman Farm, Phase 1, subject to the following conditions:

- a) Applicant shall obtain stamped approval from County Consultant Engineer for Construction Plans prior to issuance of a Land Disturbance Permit.**
- b) Applicant shall provide payment to the County for transportation improvements as stated in the submitted Private Covenants, Conditions and Restrictions for the Retreat at Norman Farm Development prior to the issuance of a Land Disturbance Permit.**
- c) Applicant shall construct all roadway and drainage infrastructure as shown upon approved construction plans to a point of substantial completion as determined by the County and the City of Hendersonville as appropriate prior to submittal of any Final Plat for the development.**
- d) Applicant shall submit “as built” drawings as per the Sumner County Subdivision Regulations and County Stormwater Management Resolution prior to approval of any Final Plat for the development.**

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- e) **Applicant shall submit a signed Stormwater Inspection and Maintenance Agreement and maintenance plan for this development to the Planning and Stormwater Department for recording concurrent with the submission of first Final Plat for this phase, made by Mr. Rhodes, seconded by Mr. Tucker. Motion passed unanimously.**

Mr. Rhodes asked an “off the record” question regarding the types of trees that are proposed to be planted, citing a concern for tree roots eventually raising sidewalks.

Mr. Suddath stated that Mr. Brian Dunn could address the issue of trees.

Mr. Brian Dunn, Planner and Licensed Landscape Architect with CSDG, stated that the landscape and street tree plan will exceed the plantings of 15-20 years ago.

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

4. **HUFF ESTATES - PRELIMINARY PLAT (MAJOR) – Represented by Richard Graves – 1st Commission Voting District (Moe Taylor and Terry Wright) -** Applicant is requesting Preliminary Plat approval for a 10-lot subdivision located at **Mount Vernon Road and James Whitefield Road, Bethpage, TN 37022**. Subject property is P/O Tax Map 049, Parcel 043.00, contains 16.33 acres, and is zoned Agricultural (A).

Stating that Mr. Richard Graves was present, Mr. Suddath provided an overview of the property stating there is a small wetland present on the property. Mr. Suddath stated that the roads, right-of-ways and lot width requirements are all met.

Mr. Suddath displayed a proposed fire hydrant on Lots 4 and 5.

Mr. Suddath stated that the drainage meets requirements and the construction plans are being reviewed by the County Engineer. Mr. Suddath further stated that detention basin and water quality structures are present in Tract #11, explaining that maintenance of the detention basins would be the responsibility of the property owner, in lieu of no HOA for the development.

Mr. Suddath stated that construction engineer added notes to the plat, explaining that swales must be created, along the lot lines, to direct drainage toward the basins.

Mr. Suddath concluded his presentation with example motions.

Mr. Bratton called Mr. Graves forward to address any issues or concerns.

Mr. Richard Graves stated that he agrees and understands the outstanding issues, stating that the issues are minor. Mr. Graves asked Mr. Suddath if that were correct.

Mr. Suddath emphasized the important need for a resolution on the record, regarding the maintenance responsibility of the water quality and detention basins on Tract #11.

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Mr. Graves asked Ms. Dennen for guidance and clarification for the restrictions to be platted, stating that the water quality structure and detention basin bond be built, bonded, and after one year, maintenance responsibility be placed on the landowner of Tract #11.

Ms. Dennen emphasized that the maintenance responsibility must be clearly stated.

Mr. Graves stated that it will be clearly stated on the Deed and on the Plat.

At this point, Mr. Bratton summarized that the landowner of Tract #11 would be responsible for the infrastructure maintenance.

Motion to approve a Preliminary Plat for Huff Estates subject to the following conditions:

- a) **Applicant shall revise the Preliminary Plat to show the proposed drainage facilities being located within a Public Utility and Drainage Easement, and shall add a 5 foot PUDE along all interior lot lines prior to any endorsement of the Preliminary Plat by County Staff.**
 - b) **Applicant shall obtain approval from County Consultant Engineer for Construction Plans prior to issuance of a Land Disturbance Permit.**
 - c) **Applicant shall construct all drainage infrastructure as shown upon approved construction plans to a point of substantial completion as determined by the County prior to submission of any Final Plat for the development.**
 - d) **Applicant shall submit “as built” drawings as per the Sumner County Subdivision Regulations and County Stormwater Management Resolution concurrent with submission of any Final Plat for the development.**
 - e) **Applicant shall submit a signed Stormwater Inspection and Maintenance Agreement and maintenance plan for this development to the Planning and Stormwater Department for recording concurrent with the submission of first Final Plat for this phase.**
 - f) **By-Laws for any proposed Home Owners Association must be approved by County staff prior to application for Final Plat approval.**
 - g) **Applicant shall add a note related to any neighborhood restrictions submitted for the development upon the Final Plat, and shall make note of their Record Book and Page number upon the Final Plat**
- by Mr. Kirby, seconded by Mr. Geminden. Motion passed unanimously.**

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

5. **KIRKHAM ESTATES – PRELIMINARY PLAT (MAJOR) – Represented by Richard Graves – 1st Commission Voting District (Moe Taylor and Terry Wright)**
- Applicant is requesting Preliminary Plat approval for an 8-lot subdivision located at **Fowler Ford Road and Dobbins Pike, Portland, TN 37148**. Subject property is Map 050, Parcel 036.01, contains 20.97 acres, and is zoned Agricultural (A)

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Mr. Suddath provided an overview of the property by displaying an aerial photo and the Preliminary Plat, explaining that the drainage infrastructure will be the responsibility of that individual homeowner.

Mr. Suddath stated that no road improvements will be required. Mr. Suddath added that one more fire hydrant will be required on Fowler Ford Road.

Mr. Suddath stated that drainage requirements have been met, but the maintenance of the drainage infrastructure appears to be the sole responsibility of Tracts #8 and #9, which raises concern of who maintains the drainage infrastructure if no home is ever built on these tracts, or if the homes are foreclosed on.

Mr. Suddath concluded the presentation with sample motions.

Mr. Bratton asked about road frontage for several of the tracts.

Mr. Tucker asked about feedback questions from the volunteer fire departments around the county regarding allocations.

Mr. Suddath stated that no, he has not received any feedback.

Mr. Bratton stated that he would like to see a work study done to recommend that the county not escrow fire hydrants if they are not going to install hydrants within the near future, stating that if they do not plan to install them, it is a waste of money. Mr. Bratton stated that he would like to see a plan of how to administer that money.

Mr. Tucker made a motion to approve a Preliminary Plat for Kirkham Estates, with the following conditions:

- a) Applicant shall revise the Preliminary Plat to show the proposed drainage facilities being located within a Public Utility and Drainage Easement, prior to any endorsement of the Preliminary Plat by County Staff.**
- b) Applicant shall obtain approval from County Consultant Engineer for Construction Plans prior to issuance of a Land Disturbance Permit.**
- c) Applicant shall construct all drainage infrastructure as shown upon approved construction plans to a point of substantial completion as determined by the County prior to submission of any Final Plat for the development.**
- d) Applicant shall submit “as built” drawings as per the Sumner County Subdivision Regulations and County Stormwater Management Resolution concurrent with submission of any Final Plat for the development.**
- e) Applicant shall submit a signed Stormwater Inspection and Maintenance Agreement and maintenance plan for this development to the Planning and Stormwater Department for recording concurrent with the submission of first Final Plat for this phase.**

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- f) **By-Laws for any proposed Home Owners Association must be approved by County staff prior to application for Final Plat approval.**
- g) **Applicant shall add a note related to any neighborhood restrictions submitted for the development upon the Final Plat, and shall make note of their Record Book and Page number upon the Final Plat, seconded by Mr. Williams. Motion passed unanimously.**

6. **JAMES REECE SUBDIVISION – PRELIMINARY PLAT (MAJOR) —**
Represented by Bruce Rainey - 7th Commission Voting District (Loren S. Echols and Gene Rhodes) - Applicant is requesting Preliminary Plat approval for a 4-lot subdivision located at **2898 Long Hollow Pike, Hendersonville, TN 37075**. Subject property is P/O Tax Map 123, Parcel 036.00, contains 7.59 acres, and is zoned Residential 1A (R1A).

DEFERED BY APPLICANT

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

7. **SANDERS LOTS – SKETCH PLAT AND VARIANCE REQUEST – Represented by Anthony T. Bollinger – 12th Commission Voting District (Michael Guthrie and Justin Nipper)** - Applicant is requesting Approval of a Sketch Plat and a request for variances from County Requirements related to Flag Lots and Minimum Lot Width requirements along a Collector Street for property located at **Highway 76E**. Subject property is on Tax Map 075, Parcel 025.04, contains 5.29 acres, and is zoned Residential A (RA).

Mr. Suddath began the presentation by explaining that the variance request would create two irregularly-shaped flag lots with lot widths smaller than required by the county on a Collector Road.

Mr. Suddath provided an overview of the property, displaying the sketch plat, an aerial and road access.

Mr. Suddath stated that the County Major Thoroughfare Plan classifies Highway 76 as a Collector Roadway adding that TDOT has classified Highway 76 as a Minor Arterial Road, which is a more significant roadway than a Collector Road.

Mr. Suddath explained that the County Subdivision Regulations discourages direct cuts on Arterial and Collector streets if other means of access is available.

Mr. Suddath displayed and explained the section of the Subdivision Regulations regarding Lot Width Requirements, further stating that the Sanders lot widths are fifty feet wide, which does not meet the minimum lot width of 150' for a Collector street.

Mr. Suddath provided the Subdivision Regulations which states that when a variance is granted, if the Planning Commission finds that compliance with certain subdivision regulations will increase the difficulty of development, without benefit to the public, a

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waiver may be granted, provided that such a waiver will not have the effect of nullifying the intent and purpose of the regulations. Thus, Mr. Suddath stated that the question to address is whether this a special circumstance or is this a precedent that will nullify the subdivision regulation.

Mr. Suddath provided other possible alternatives to the proposed Sanders Lot configuration, displaying the potential for two 150' lots that would each be over one acre in size, leaving 120' feet that would stay with the third lot, keeping said lot over 5 acres. Mr. Suddath further stated that the lot width requirement doesn't apply to lots that are over 5 acres.

Mr. Suddath concluded his presentation with example motions.

Mr. Bratton called Mr. Todd Bollinger forward.

Seeing that Mr. Bollinger was not in attendance, Mr. Suddath stated that the Board may wish to defer this item for a month. Mr. Suddath added that Mr. Bollinger will be notified that his presence is needed.

Motion to defer the request for approval of a Sketch Plat and a request for variances from County Requirements related to Flag Lots and Minimum Lot Width requirements along a Collector Street for property located at Highway 76E by Mr. Geminden, seconded by Mr. Tucker. Motion passed unanimously.

Due to there being no one in attendance to represent the item, the Planning Commission elected to defer a decision on the Sanders Lots Sketch Plat until the November meeting. The November meeting of the Sumner County Regional Planning Commission will be held at 5:00 pm on November 26, 2019 in the County Commission Chambers at 355 N. Belvedere Drive. This item will be first on the agenda.

Mr. Bratton turned the meeting over to Mr. Suddath for staff comments.

8. **HOWARD CLARK PROPERTY - SKETCH PLAT AND FLAG LOT HEARING (MAJOR)** – Represented by Richard Graves – 1st Commission Voting District (Moe Taylor and Terry Wright) - Applicant is requesting Sketch Plat approval for a 4-lot subdivision containing one flag lot located at **Rogues Fork Road, Bethpage, TN, 37022**. Subject property is P/O Tax Map 063, Parcel 020.00, contains 5.43 acres, and is zoned Agricultural (A).

Mr. Suddath began by stating that there are numerous small wetlands depicted on the plat, but none impacting this subdivision.

Mr. Suddath displayed an aerial of the property as well as the plat, stating that right-of-way, road frontage and lot width requirements are met. On the plat, a proposed hydrant is displayed, but Mr. Suddath stated that it will probably not be able to be installed on the 3" water line.

In conclusion, Mr. Suddath stated that the next steps include Preliminary and Final Plat

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approval, by providing example motions.

Mr. Bratton asked if there were any questions for Mr. Graves.

There being no questions, Mr. Kirby made a motion to approve a Sketch Plat for Howard Clark Property, containing one flag lot with the following condition:

- a) Applicant shall submit Construction Plans depicting all roadway and drainage improvements, as well as drainage calculations and Erosion Prevention and Sediment Control plans concurrent with submittal of a Preliminary Plat for this development, in accordance with the County's Subdivision Regulations,**
- seconded by Mr. Geminden. Motion passed unanimously.**

Mr. Bratton asked if it would be appropriate and legal for this Board to recommend that the County hold the fire protection escrowed funds, until a decision is made regarding how to disperse them.

Ms. Dennen stated that she would have to talk to the finance department.

Mr. Bratton stated that he is getting questions regarding this.

Mr. Suddath stated that he has offered the position of County Engineer to Mr. Richard Jones, who will begin working next week. Mr. Suddath thanked the members of the Planning Commission and County Commission for allowing the Planning Department to post the position.

The meeting was adjourned at 6:07 pm.