

## MARCH 8, 2016

The Planning Commission of the City of Phenix City, Alabama met on Tuesday, March 8, 2016 at 5:15 PM EST in the Phenix City Council Chambers located in the Public Safety Building, 1111 Broad Street.

Chairman Pat Howard called the meeting to order and asked Recording Secretary Davis to call roll. Upon roll call, the following members answered present: Member Johnny Barfield, Member Marie Gill, Chairman Pat Howard, Member Don Ivy, Member Will Lawrence, and Member Annie Lindsey. Vice Chairman Jimmy Davis and Secretary Shaun Culligan were not present.

The second item on the agenda was the Oath of Office for Member Johnny Barfield. Mr. Barfield read as follows:

*"I solemnly swear that I am eligible for membership on the Planning Commission of the City of Phenix City, and will execute the duties of same according to the best of my ability, and that I will support the Constitution, and will obey the Laws of the United States and the State of Alabama; that I will, in all respect, observe the provisions of the Ordinances of the City of Phenix City, and will faithfully discharge the duties of the office of the Planning Commission of the City of Phenix City, Alabama."*

The third item on the agenda was the Approval of the Agenda. Member Lawrence made a motion to approve, seconded by Member Gill. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Member Gill, Chairman Howard, Member Ivy, Member Lawrence, and Member Lindsey. Nays: None. Abstain: None. Motion thus passed.

The fourth item on the agenda was the Acknowledgement of City Council; At Large Councilmember Johnny Barfield was present. Chairman Howard asked Recording Secretary Davis to note the City Employees that were present in the minutes. The following City Personnel were present; City Engineer Angel Moore, Graduate Engineer Matthew Sellers, Utilities Director Roger Conner, Utilities Engineer John Spraggins, Fire Chief Kris Kennedy, Building Official Gil Griffith, City Manager Wallace B. Hunter, City Attorney Jimmy Graham, and Recording Secretary Kathy Jo Davis.

The fifth item on the agenda was the approval of the February 23, 2016 meeting minutes. Vice Chairman Howard asked if there was a motion to approve the written minutes and erase the recorded minutes. A motion for approval was made by Member Lawrence and seconded by Member Ivy. Upon said motion being put to a vote, the following vote was recorded: Yeas: Chairman Howard, Member Ivy, Member Lawrence, and Member Lindsey. Nays: None. Abstain: Member Barfield and Member Gill. Motion thus passed.

The sixth item on the agenda, Chairman Howard set the rules for addressing the Planning Commission.

The seventh item on the agenda was the Acceptance of Rezone for 0.085+/- acres on Day Lily Court, Har-ding Builders, LLC and McIntosh Homeowners Association, owners. City Engineer Angel Moore reviewed the staff report with the Planning Commission members. At this time Chairman Howard asked Recording Secretary Davis to read the department memo.

Memo

To: Planning Commission

From: Angel Moore, City Engineer

Date: March 4, 2016

Re: Acceptance of Rezone of 0.085 Acres on Day Lily Court, Har-ding Builders, LLC (Keith Ingram) and McIntosh Homeowners Association (Donald Kellett, President), owners.

The above referenced petition has been reviewed by the Building, Fire, Engineering, and Utilities Departments and meets the minimum requirements of the Zoning Ordinance for R-2 and A-O as shown on the provided map.

Chairman Howard asked if there was a motion. Member Gill made a motion to accept seconded by Member Lawrence. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Member Gill, Chairman Howard, Member Ivy, Member Lawrence, and Member Lindsey. Nays: None. Abstain: None. Motion thus passed.

At this time Chairman Howard moved the ninth item up "Old Business" to discuss the Indemnification Agreement and Certificate of Engineering Accuracy and then we would do the eighth item on the agenda which will be "Citizens' Concerns" to allow comments from the public.

The ninth item on the agenda was Old Business. City Attorney Jimmy Graham presented to the Planning Commission members the changes to the Indemnification Agreement and Certificate of Engineering Accuracy. Mr. Graham stated that the time frame changed from 20 years to 15 years; the word "residential" would be added to the second paragraph, and the only ones required to sign agreement would be the Surveyor and Engineer. On the Certificate of Engineering Accuracy a Notary Acknowledgement was added.

At this time Chairman Howard stated we would move back to the eighth item of Citizens' Concerns. Chairman Howard asked if there was anyone that wanted to speak on the changes that were presented by City Attorney Jimmy Graham. At this time Mr. Billy Sims, President of the Phenix City Relators came forward. Mr. Sims stated he thought this was a step in the right direction with this agreement. He also stated that the procedures are a lot better and more thorough due to Mrs. Moore. Next to come forward was Warren Mason with Moon, Meeks, Mason & Vinson in Columbus, Georgia. Mr. Mason stated he was aware of the agreement and his insurance carrier told him not to work under this agreement. Mr. Mason's opinion is that the City's goal will not be achieved with this agreement. It's a lot of burden on the Engineers and Surveyors; it will cause additional development cost to keep someone on site to oversee the job and make sure everything is done correctly. Mr. Chuck McClure of Upatoi, Georgia came forward and stated he owns about 19 acres across from Wal-Mart next to McDonalds on Highway 280. He is currently working with Warren Mason and trying to sell. Mr. McClure thinks this will cause other businesses to go elsewhere. Mr. Ernie Smallman came forward and stated he has helping Mr. McClure for about three years. They currently have a letter of intent for Mr. McClure's 19+/- acres for a 100 sf+/- retail; if this agreement goes through, they won't come. Chairman Howard stated this was not for commercial only residential subdivisions. Next to come forward was Mr. Dave Ericson. Mr. Ericson stated he currently doesn't have a project in Phenix City at this time. He has developed in Iowa, Georgia, and currently working on a project in Smiths Station. It's a burden on the Engineers. Mr. Ericson went on to explain the process of a development from start to finish. Mrs. Moore stated this was being presented to the Planning Commission members to review and ask any questions or make any changes. In two weeks at the next meeting we would have an acceptance and then two weeks after that would be a public hearing and at that time would be voted on by the Planning Commission members.

The eleventh item on the agenda was the Adjournment. Chairman Howard asked if there was a motion to adjourn. A motion to adjourn was made by Member Barfield, seconded by Member Gill. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Member Gill, Chairman Howard, Member Ivy, Member Lawrence, and Member Lindsey. Nays: None. Abstain: None. Motion thus passed.

There being no further business to come before the Planning Commission, the meeting was adjourned until the next scheduled meeting on Tuesday, March 22, 2016.

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Chairman – Pat Howard

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Recording Secretary – Kathy Jo Davis