

MARCH 22, 2016

The Planning Commission of the City of Phenix City, Alabama met on Tuesday, March 22, 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 Secretary Culligan to call roll. Upon roll call, the following members answered present: Member Johnny Barfield, Vice Chairman Jimmy Davis, Member Marie Gill, Chairman Pat Howard, Member Don Ivy, Member Will Lawrence, Member Annie Lindsey, and Secretary Shaun Culligan.

The second item on the agenda was the Oath of Office for Member Billy Sims. Mr. Sims 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. Vice Chairman Davis made a motion to approve, seconded by Member Barfield. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Vice Chairman Davis, Member Gill, Chairman Howard, Member Ivy, Member Lawrence, Member Lindsey, Member Sims, and Member Culligan. Nays: None. Abstain: None. Motion thus passed.

The fourth item on the agenda was the Acknowledgement of City Council; At Large Councilmember Johnny Barfield and District Three Councilmember Arthur Day, Jr. were present. Chairman Howard asked Secretary Culligan to note the City Employees that were present in the minutes. The following City Personnel were present: Graduate Engineer Matthew Sellers, Utilities Engineer John Spraggins, Fire Chief Kris Kennedy, Building Official Gil Griffith, City Attorney Jimmy Graham, and Recording Secretary Kathy Jo Davis.

The fifth item on the agenda was the approval of the March 8, 2016 meeting minutes. 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 Gill and seconded by Member Barfield. 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: Vice Chairman Davis, Member Sims, and Member Culligan. 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 Public Hearing and Approval of Rezone for 0.085+/- acres on Day Lily Court, Har-ding Builders, LLC and McIntosh Homeowners Association, owners. Graduate Engineer Matthew Sellers reviewed the staff report with the Planning Commission members. At this time Chairman Howard asked Secretary Culligan to read the department memo.

Memo

To: Planning Commission

From: Angel Moore, City Engineer

Date: March 18, 2016

Re: Approval 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 opened the public hearing. With no one coming forward Chairman Howard closed the public hearing. Chairman Howard asked if there was a motion. Member Sims made a motion to approve seconded by Member Barfield. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Vice Chairman Davis, Member Gill, Chairman Howard, Member Ivy, Member Lawrence, Member Lindsey, Member Sims, and Member Culligan. Nays: None. Abstain: None. Motion thus passed.

The eighth item on the agenda was the Approval of Administrative Replat and Waiver for 3.712+/- acres located on Day Lily Court, Har-ding Builders, LLC and McIntosh Homeowners Association, owners. Graduate Engineer Matthew Sellers reviewed the staff report with the Planning Commission members. At this time Chairman Howard asked Secretary Culligan to read the department memo.

Memo

To: Planning Commission

From: Angel Moore, City Engineer

Date: March 18, 2016

Re: Administrative Replat and Waiver for 3.712 Acres on Day Lily Court, Har-ding Builders, LLC and McIntosh Homeowners Association, owners.

The above referenced administrative replat has been reviewed by the Building, Utilities, and Engineering Departments. As per Article III, Section 6-i of the Phenix City Subdivision Regulations, "Existing structures shall be located on the plat and fully dimensioned so that conformance with any applicable regulations can be verified." A waiver of this section is being requested due to not all structures on the property of Phase III of Villas at McIntosh Creek being affected by this plat. The structures that are affected by this plat have been shown. The Engineering Department has no objection to this waiver request.

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

The ninth item on the agenda was a 24 Month Time Extension Request for the Preliminary Plat for Ridgewood Cove Subdivision, Phase III located on 43rd Avenue and Elmridge Drive for Mill Creek Alabama, LLC (Jimmy Hall), owner. Graduate Engineer Matthew Sellers reviewed the staff report with the Planning Commission Members. Chairman Howard asked if there was a motion to accept the letter from the developer into the minutes. A motion to accept was made by Vice Chairman Davis and seconded by Member Gill. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Vice Chairman

Davis, Member Gill, Chairman Howard, Member Ivy, Member Lawrence, Member Lindsey, Member Sims, and Member Culligan. Nays: None. Abstain: None. Motion thus passed.

At this time Chairman Howard asked Secretary Culligan to read the department memo.

Memo

To: Planning Commission

From: Angel Moore, City Engineer

Date: March 18, 2016

RE: 24 Month Time Extension Request – Preliminary Plat for Ridgewood Cove Subdivision, Phase III, Mill Creek Alabama, LLC (Jimmy Hall), owner

The above referenced request for a 24 month time extension has been reviewed by the Engineering Department. The preliminary Plat for the above referenced subdivision was approved on April 23, 2013, and amended on March 25, 2014. As per Article III, Section 3 of the newly adopted Phenix City Subdivision Regulations, "Any outstanding Preliminary Plats approved after June 22, 2010, and prior to the most recent amendment to these regulations shall be granted a maximum of one (1) more extension of twenty-four (24) months." Construction Plans for the above referenced subdivision have been approved, however, construction has not begun at this time.

At this time Chairman Howard asked if there was a motion to approve or deny. A motion to approve was made by Member Lawrence and seconded by Member Sims. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Vice Chairman Davis, Member Gill, Chairman Howard, Member Ivy, Member Lawrence, Member Lindsey, Member Sims, and Member Culligan. Nays: None. Abstain: None. Motion thus passed.

The tenth item on the agenda was the Acceptance of Amended Subdivision Regulations. At this time City Attorney Jimmy Graham came forward to explain the changes to the Indemnification and Hold Harmless Agreement. Mr. Graham stated that For Residential Subdivisions was added to the top of the agreement; Developer and Land Owners were removed from the top title; and the last sentence of paragraph two (2) was re-worded to only apply to residential subdivisions not commercial or retail development. At this time Chairman Howard asked Secretary Culligan to read the department memo.

Memo

To: Planning Commission

From: Angel Moore, City Engineer

Date: March 18, 2016

RE: Proposed Amendment to Subdivision Regulations

The proposed changes to the Subdivision Regulations include revision to the Certificate of Engineering Accuracy and indemnification Agreement located within the Appendix. Also included is a revision to Section 6-i of Article III to match the proposed changes in the Appendix. The proposed changes to the Indemnification Agreement include changing the duration from twenty years to fifteen years, clearing up language of negligence, removing developers, owners, and contractors from the agreement, and changing the application of the agreement to residential subdivisions only.

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

The eleventh item on the agenda was Citizens' Concerns. Mr. Tim Simpson with Barrett-Simpson, Inc. came forward and stated that he has gone to extreme length with the insurance companies about the Indemnification Agreement and would provide a letter at the public hearing. Mr. Larry French with French Associates from Columbus, Georgia came forward and stated his firm has been in business for 58 years and his insurance also says the same and he will not be doing any more business in Phenix City.

The twelfth item on the agenda was Old Business. None.

The thirteenth item on the agenda was New Business. None.

The fourteenth 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 Sims. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Vice Chairman Davis, Member Gill, Chairman Howard, Member Ivy, Member Lawrence, Member Lindsey, Member Sims, and Member Culligan. 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, April 12, 2016.

Chairman – Pat Howard

Vice Chairman - Jimmy Davis