

APRIL 12, 2016

The Planning Commission of the City of Phenix City, Alabama met on Tuesday, April 12, 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, Chairman Pat Howard, Member Don Ivy, Member Will Lawrence, Member Annie Lindsey, Member Billy Sims, and Secretary Shaun Culligan. Member Marie Gill was not present.

The second item on the agenda was the Approval of the Agenda. 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, Chairman Howard, Member Ivy, Member Lawrence, Member Lindsey, Member Sims, and Member Culligan. Nays: None. Abstain: None. Motion thus passed.

The third item on the agenda was the Acknowledgement of City Council; At Large Councilmember Johnny Barfield was present. Chairman Howard asked Secretary Culligan 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 Engineer John Spraggins, Utilities Director Roger Conner, Fire Chief Kris Kennedy, Building Official Gil Griffith, City Attorney Jimmy Graham, Attorney James McKoon, and Recording Secretary Kathy Jo Davis.

The fourth item on the agenda was the approval of the March 22, 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 Lawrence and seconded by Member Ivy. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Vice Chairman Davis, Chairman Howard, Member Ivy, Member Lawrence, Member Lindsey, Member Sims, and Member Culligan. Nays: None. Abstain: None. Motion thus passed.

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

The sixth item on the agenda was the 24 Month Time Extension Request for Brandywine Estates Subdivision Phase IVB Preliminary Plat located on Williamsburg Drive and Woody Lane, B&B Land Developers, LLC (Mike Barbee), owner. City Engineer Angel Moore reviewed the staff report with the Planning Commission members. At this time Chairman Howard asked Secretary Culligan to read the letter from Mr. Barbee and the department memo.

Letter:

9 March 2016

To: Phenix City Engineer

Attn: Angel Moore

1206 7th Avenue (PO Drawer 279)

Phenix City, Ala 36868-0279

From: Mike Barbee

Member/Manager B&B Land Developers, LLC.

953 W. Choctawhatchee Dr.

Niceville, Fla 32578

Subject: Brandywine Estates Subdivision Phase IVB Preliminary Plat

I received your undated letter stating the Preliminary Plat for the subject subdivision project would expire 27 March 2016. Per that letter, I request a 24 month extension for effectiveness of that Preliminary Plat. Phase IVA has now been completed. However, I was forced to wait for final acceptance of Phenix City's extension of sanitary sewer to Brandywine to complete the final design of Phase IVB.

Please contact me to confirm receipt of this letter and let me know if there are any issues that I need to address prior to consideration of this request. Also, please let me know when the Commission will consider this request so that I can plan to attend.

Thanks,

Mike Barbee

Member/Manager B&B Land Developers, LLC.

653 W. Choctawhatchee Dr.

Niceville, Fla 32578

Cell 706-718-1778

Home 850-279-6777

Email Auburn73@aol.com

Memo

To: Planning Commission

From: Angel Moore, City Engineer

Date: April 8, 2016

Re: 24 Month Time Extension Request-Preliminary Plat for Brandywine Subdivision, Phase IVB, B&B Land Developers, LLC (Mike Barbee), 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 January 23, 2007. As per Article III, Section 3 of the newly adopted Phenix City Subdivision Regulations, "Any outstanding Preliminary Plats approved prior to June 22, 2010, will not be granted any further extensions." The Developer states he was waiting for Phenix City Utilities to complete an extension of the sanitary sewer system to this phase so the final design could be completed. The City of Phenix City accepted maintenance of the sanitary sewer extension in May of 2013. Construction plans for the above referenced subdivision have not been submitted at this time.

Mr. Mike Barbee came forward and stated that he had asked for the extension in 2014 due to the sewer extension not being completed by the City. He also stated he never heard if his letter requesting the extension was received or if it was approved until he received this current letter for this meeting. Mr. Barbee stated Mr. Sellers did call him several times with notification about the meeting today. Discussion followed.

Chairman Howard asked if there was a motion to approve or deny the request. Member Lawrence made a motion to deny seconded by Member Lindsey. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Vice Chairman Davis, Chairman Howard, Member Ivy, Member Lawrence, and Member Lindsey. Nays: Member Sims. Abstain: Member Culligan. Motion thus passed.

The seventh item on the agenda was the 24 Month Time Extension Request for Summerville Cove Subdivision Preliminary Plat located on Stadium Drive for John M. Dudley, owner. City Engineer Angel Moore reviewed the staff report with the Planning Commission members. At this time Chairman Howard asked Secretary Culligan to read the letter from Barrett-Simpson, Inc. and the department memo.

Letter:

March 31, 2016

Mr. Matthew Sellers

*Phenix City Engineering Department
1111 Broad Street, Building B
Phenix City, AL 36867
Re: Summerville Cove Subdivision
Request for Preliminary Plat Extension*

Dear Matthew:

This letter has been prepared as a formal request, on behalf of the developer, to request an extension for the approval of the Preliminary Plat for Summerville Cove Subdivision. Due to the economic climate, the developer has not yet been able to proceed with the project; however, he would like to extend the Preliminary Plat approval so he may proceed if the project becomes feasible. The developer understands that if this extension is granted, the newly adopted subdivision regulations will not allow any additional extensions.

Please let me know if you have any questions or require any additional information.

Sincerely,

Barrett-Simpson, Inc.

Chris Rogers, P.E.

Engineering Manager

Memo

To: Planning Commission

From: Angel Moore, City Engineer

Date: April 7, 2016

Re: 24 Month Time Extension Request-Preliminary Plat for Summerville Cove Subdivision, John M. Dudley, 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 June 10, 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 not been approved at this time.

Discussion followed. 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, 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 for 7 Griggs Road for The Broadway Group, LLC owner. City Engineer Angel Moore 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: April 7, 2016

RE: Administrative Replat – 7 Griggs Road, The Broadway Group, LLC, owner

The above referenced administrative replat has been reviewed by the Building, Utilities, and Engineering Departments and meets the minimum requirements of the Subdivision Regulations.

At this time Chairman Howard asked if there was a motion to approve or deny. A motion to approve was made by Member Barfield and seconded by Member Sims. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Vice Chairman Davis, 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 the Public Hearing and Approval of the Amended Subdivision Regulations. Chairman Howard opened the Public Hearing. Mr. Tim Simpson came forward and thanked the Planning Commission members for listening to the engineering firms and investigation the issue. However, Mr. Simpson stated that he would need to go back to his insurance company with the new seven (7) year amendment and would like to ask for it to be tabled. Mr. Simpson stated his company wants to work in Phenix City and see Phenix City grow. Chairman Howard stated he had spoken with a couple of insurance companies and that they would not insure anything over the seven (7) years as that is what the State requires. Discussion followed. Discussion followed. Mr. Larry French with French and Associates in Columbus, Georgia came forward and stated that he has had his insurance company review the original Indemnification Agreement and the one with the changes but not the one that was presented today. Mr. French stated that everyone needs to understand that the insurance companies are not indemnifying anybody; the Indemnification Agreement is based on your licensures and is a personal signature. At this time Chairman Howard closed the Public Hearing. 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 to approve or deny the amend Indemnification Agreement from fifteen (15) years to seven (7) years. A motion to approve was made by Member Barfield and seconded by Vice Chairman Davis. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Vice Chairman Davis, 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 if there was a motion to approve or deny the amended subdivision regulations with the Indemnification Agreement which was just voted on. A motion to approve 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, 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 Citizens' Concerns. None

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

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

The thirteenth 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 Culligan. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Barfield, Vice Chairman Davis, 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 26, 2016.

Chairman – Pat Howard

Secretary – Shaun Culligan