

JUNE 27, 2017

The Planning Commission of the City of Phenix City, Alabama met on Tuesday, June 27, 2017 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 Shaun Culligan to call roll. Upon roll call, the following members answered present: Member Bailey, Chairman Howard, Member Ivy, Member Lindsey, Member Sims, Member Taylor, and Member Culligan. Vice Chairman Davis and Member Gill were not present.

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

The third item on the agenda was the Acknowledgement of City Council; District One Councilmember Bailey 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, Assistant Director of Engineering Michael Pattillo, Graduate Engineer Tyler Hayes, Fire Chief Kris Kennedy, Fire Marshall Marc Wells, Building Official Gil Griffith, Utilities Engineer John Spraggins, City Attorney Jimmy Graham, and Engineering Recording Secretary Kathy Jo Davis.

The fourth item on the agenda was the approval of the May 23, 2017 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 Ivy and seconded by Member Lindsey. Upon said motion being put to a vote, the following vote was recorded: Yeas: Chairman Howard, Member Ivy, Member Lindsey, Member Sims, and Member Taylor, Nays: None. Abstain: Member Bailey and Member Culligan. Motion thus passed.

The fifth item on the agenda was the approval of the June 13, 2017 meeting minutes. Chairman Howard asked if there was a motion to approve the written minutes and erase the recorded minutes. A motion to table due to not enough members being present to vote was made by Member Taylor and seconded by Member Sims. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Bailey, Chairman Howard, Member Ivy, Member Lindsey, Member Sims, Member Taylor, and Member Culligan. Nays: None. Abstain: None. 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 a De-Annexation of 26.05+/- acres located at 4413 Lee Road 248 for Jay B. Shepherd, Bruce Wade, II, and J. Gilbert Dyer, Jr., owners. 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. At this time Chairman Howard opened the public hearing. Mr. Jeff Torbert of 2208 St. Andrews Way came forward. Mr. Torbert lives in St. Andrews Subdivision and the subject property abuts the back of his property. Mr. Torbert stated he had dealt with Chief Smith about 3 years ago about the shooting of firearms and noise on the subject property. The City ordinance was re-written 3 years ago due to a change in law. In the last year or so there have not been any issues. Chief Smith came forward and stated if they were to de-annex

the City would not have any jurisdiction over the shooting of firearms at the shooting house which is on the property line on the powerline easement.

Member Gill was in attendance at 5:30pm EST.

Member Bailey stated the reason for the de-annexation was for Justin Shepherd to build a house and by doing so it should eliminate the shooting. The Phenix City Fire Department cannot access the property so therefore the property needed to be de-annexed. Mr. Bill Barret with Barrett-Simpson came forward and stated that Mr. Shepherd's son wanted to build a house and they found issues with the fire department so the de-annexation was the only way to go. Mr. Barrett stated he had no knowledge of any shooting issues. City Attorney Jimmy Graham came forward and stated that once the de-annexation goes through the Planning Commission it then has to go to City Council and then to the Probate Judge in Lee County with public hearings all along the way. Any municipality that decides to de-annex property, the courts will not overturn the decision unless objecting parties can prove they acted unreasonably. Mr. Graham stated he wanted the Board to understand the process and steps of the de-annexation. Ms. Michelle McCrary of 5404 Kirkealdy Lane in St. Andrews Subdivision came forward. She stated if they are building a house, that's great. From her experience with her animals and kids, while outside they were not sure as to where the shots were going so they would go back inside. As for the music she can deal with that, sometimes she enjoyed it. Chief Kennedy stated that this is a safety issue. The Phenix City Fire Department cannot provide the same level of fire protection that Mr. Torbert or Ms. McCrary would get for their property. The fire trucks cannot go over the damn not knowing if they will sink due to this is a private road and the road was not built to the specifications of the city as it is a private subdivision. Discussion followed. Chairman Howard closed the public hearing and asked Secretary Culligan to read the department memo.

Memo

To: Planning Commission

From: Angel Moore, City Engineer

Date: June 23, 2017

Re: De-Annexation of 26.05 +/- Acres at 4413 Lee Road 248 (Summerville Road), Jay B. Shepherd, T. Bruce Wade, II, and J. Gilbert Dyer, Jr., Owners

The above referenced petition has been reviewed by the Building, Fire, Engineering, and Utilities Departments and there are no objections to the de-annexation of this property.

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

The eighth item on the agenda was the public hearing and approval of the Preliminary Plat of 26+/- acres located at Lee Road 312 and Lee Road 860, CF Properties, LLC., (Janna Hilton), 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: June 23, 2017

Re: Approval of Preliminary Plat – Kelsey's Woods Subdivision, CF Properties, LLC, (c/o Janna Hilton), owner

The above referenced preliminary plat has been reviewed by the Building, Fire, Engineering, and Utilities Departments and meets the minimum requirements of the Subdivision Regulations for approval.

At this time Chairman Howard opened the public hearing. With no one coming forward the public hearing was closed. Chairman Howard asked if there was a motion. A motion to table was made by Member Sims and seconded by Member Ivy. The motion to table was due to the Board having questions regarding the preliminary plat and no representative present to answer the questions. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Bailey, Member Gill, Chairman Howard, Member Ivy, Member Lindsey, Member Sims, Member Taylor, and Member Culligan. Nays: None. Abstain: None. Motion thus passed.

The ninth item on the agenda was the approval of Final Plat and As-Builts for The Villas at St. Andrews located on Summerville Road, JD Real Properties, LLC., (Gil Dyer), 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: June 23, 2017

Re: Final Plat & As-Builts – Villas at St. Andrews Subdivision, JD Real Properties, LLC (Gil Dyer), owner.

The above referenced Final Plat and As-Builts have been reviewed by the Building, Fire, Engineering, and Utilities Departments and meets the minimum requirements of the Subdivision Regulations; however, the Developer has not submitted the required bonds.

The Engineering Department received a letter from The Heritage Agency, Inc., stating that as soon as all of the paperwork is received their bonding company is prepared to issue the following bonds for The Villas at St. Andrews Subdivision:

- Performance Bond (Incomplete Improvements)*
- Performance Bond (Asphalt Overlay)*
- Maintenance Bond (2 Year Warranty)*

The approval of the Final Plat and As-Builts should be contingent upon receiving said bonds.

Chairman Howard asked if there was a motion to approve or deny. A motion to approve contingent upon receiving said bonds was made by Member Sims and seconded by Member Taylor. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Gill, Chairman Howard, Member Ivy, Member Lindsey, Member Sims, Member Taylor, and Member Culligan. Nays: None. Abstain: Member Bailey. Motion thus passed.

The tenth item on the agenda was Old Business. None

The eleventh item on the agenda was New Business. None

The twelfth 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 Gill, seconded by Member Sims. Upon said motion being put to a vote, the following vote was recorded: Yeas: Member Bailey, Member Gill, Chairman Howard, Member Ivy, Member Lindsey, Member Sims, Member Taylor, 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, July 11, 2017.

Chairman – Pat Howard

Secretary – Shaun Culligan