



PLANNING COMMISSION MEETING
October 12, 2017
MEETING MINUTES

- I. Meeting called to order by Chairperson Kim Speorl at 7:07 PM in the Council Chambers Conference Room at Pelham City Hall.
- II. Invocation led by Mildred Lanier.
- III. Roll call was taken with the following members present: Kim Speorl, Russell Biciste, Mildred Lanier, Chad Hester, Mayor Gary Waters and Bob Sinclair. Jesse Jowers City Engineer, Bob Miller Building Official and Eddy Jowers Public Works Director were also present.
- IV. Mildred Lanier moved to accept the minutes of the last board meeting of September 14, 2017 as written. Chad Hester seconded the motion and all approved.
- V. **Final Plat: Camellia Ridge Phase 1 (31 Lots)**

Applicant: Newcastle Development LLC presented by Wade Lowery of Engineering Design Group LLC. The meeting started out with questions in reference to the flooding that occurred due to the sediment pond having sediment and not being cleaned out properly. Chad Hester asked the developer, Eric Mann with Newcastle Development, if the pond had been cleaned out prior to the flooding. Mr. Mann stated that it had not. Mildred Lanier asked how long they had worked in the area without cleaning the pond. Mr. Mann stated that they had worked eight to nine months in the area. Wade Lowery explained how the sediment pond should work and if it is cleaned out properly during a normal rain would be sufficient to hold the water back. He also stated that this was an unusual amount of rain and due to the sediment not being cleaned out and the fact that the ditch behind Crosscreek Baptist Church was also grown up and not cleaned out, the church flooded. He stated that once the area is vegetated and houses are built the pond will be converted over to a sediment pond. Mayor Waters asked him how long he thought that would be. Mr. Lowery estimated maybe another eight to nine months.

Mayor Waters asked Pastor Hudson of Crosscreek Baptist Church if the church had been restored. Pastor Hudson stated that it had not been restored. However, ServePro has been to the church and they found asbestos, so the remediation

process was done to remove the asbestos. They have also hired an engineer to look at the situation with the church and with the ditch in the back of the church. He estimates an approximate twelve weeks before that process is completed.

Bob Sinclair asked how deep the pond is and could they possibly make it deeper to help with the situation. Wade explained that the City of Pelham's code prevents digging the pond any deeper. Bob Miller asked if other cities allowed them to go deeper with the ponds. Wade said yes there were some cities that do. Bob asked what the depth of the other cities were. Wade stated that some are six to eight feet but the design of this pond meets the calculations and the City of Pelham's regulations.

Chad Hester asked Mr. Mann if the best management practices had been put in place and were kept up. Mr. Mann stated that they had been in place. Chad Hester asked who would be in charge of keeping the detention pond up and cleaned out once the development is completed. Mr. Mann stated that when the development was completed the Home Owners Association would be responsible for keeping it cleaned out. Mildred Lanier stated if the best management practices had been in place from day one and the detention pond had been kept up and cleaned out on a continual basis this possibly would not have happened. She stated that the development company needs to be responsible and be sure to state in the covenants that the detention pond must be cleaned out at least once a month, and that the developer should go above and beyond the best management practices. Mr. Mann stated this was already in the covenants and he would get a copy of the covenants to the city engineer. He stated that once the construction was going and build out is done the sediment will not be as bad. He stated that when the houses are built and the vegetation in place it will help. Mr. Mann also stated that the development company will hold the covenants until the subdivision is turned over to the HOA, but the HOA has to be self-supportive.

Mayor Waters expressed that he thought the Planning Commission should not proceed with Phase II until the problems with Phase I have all been addressed.

Mr. Tom Robinson, church member, stated he did not trust the developers. He thanked the Planning Commission for the concern of the HOA. He also stated that there was a notice of violation from ADEM on file with the State of Alabama in regard to his development.

Bob Sinclair stated he agrees with the Mayor that Phase II does not need to go forward. He stated he was not satisfied with Phase I and he feels the flooding could possibly happen again.

Mayor Waters asked Bob Miller as the Building Official what his observations were on the situation. Bob stated from day one he had met with the pastor of Crosscreek Baptist Church and the developer to get the situation worked out. Nine weeks later the situation is still not resolved. As Building Official he

recommended the Planning Commission not approve Phase I until the church is taken care of.

Mayor Waters made the statement what is the connection from Phase I and the church. He stated he had done some research on exactly what this board is charged to do. The purpose of this body is to make decisions for the good and betterment of the citizens of Pelham. Having said that Mayor Waters made a motion to continue Phase I and Phase II of Camilla Ridge until the November 9th, 2017 Planning Commission meeting.

Mr. Mann stated that when he contacted the owner of his company, Newcastle Development LLC, about the flooding and the problems it had caused the owner said for him to do whatever had to be done to fix the problem and make things right. He contacted their insurance company and an outside engineer. ServePro was called in but their insurance company was slowing things down in trying to get the church fixed.

Kim stated she had voted to approve the preliminary plat when it came in, and that she still thinks the calculation the engineering company presented were ok. She stated however that she was disappointed in the Development Company and hopes they will use these mistakes to learn from them.

Mildred stated she wanted the Development Company to make sure all solutions have been put in place before this comes back before the board next month.

Mr. Sinclair seconded Mayor Waters' motion and all approved.
Motion is continued until the November 9th, 2017 meeting.

Pastor Hudson stated that even though the problem was not resolved he appreciated the Planning Commission and the help he has received. He stated the goal of the church is to get back to be able to work with and minister to the people of the community. Mayor Waters stated he wanted to thank Pastor Hudson for his attitude.

VI. Preliminary Plat: Camellia Ridge Phase 2 (52 Lots)

Applicant: Newcastle Development LLC – Continued. See motion above.

With no further business to come before the Planning Commission Kim Speorl asked for a motion to adjourn. Bob Sinclair made the motion to adjourn. Claude Peacock seconded the motion all approved and the meeting was adjourned at 7:50 PM.

Respectfully Submitted,
Cathy Sweeney
Planning Commission Secretary