



PLANNING COMMISSION MEETING
JANUARY 11, 2018
MEETING MINUTES

- I. Meeting called to order by Chairperson Kim Speorl at 7:00 PM in the Council Chambers 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, David Russell, Mayor Gary Waters, Claude Peacock, Chad Hester and Bob Sinclair. Jesse Jowers, City Engineer, Bob Miller, City Building Official, Gretchen Difante, City Manager and Bill Justice, City Attorney were also present.
- IV. Bob Sinclair moved to accept the minutes of the last board meeting of December 14, 2017 with changes on pages 4 & 5, changing the name of Kim Hester to Kim Speorl. Chad Hester seconded the motion and all approved.
- V. **Final Plat: Camellia Ridge Phase 1 (31 Lots)**
Applicant: Newcastle Development LLC – Presented by Glenn Siddle of Newcastle Development LLC. Chairperson Kim Speorl made a motion to enter into Executive Session to discuss with the City Attorney a course of action which may, if taken, lead to litigation. Chad Hester seconded the motion. Executive Session resumed at 7:05 PM. Kim Hester called the meeting back to order at 7:58 PM. Mildred Lanier asked Mr. Stovall of Engineer Design Group if they had considered the recommendation of the Planning Commission to install a retention pond in this section along with the detention pond. Mr. Stovall stated there was no room on the property for a detention pond. Mr. Tino, a member of Crosscreek Baptist church spoke to the fact that the church has a portion of the church that is still not useable. He stated they have tried on multiple occasions to contact the developer but the developer would not return their calls. Pastor Hudson of Crosscreek Baptist Church stated that by enlarge there is conversations with the developer and that there were some things that they do not discuss. Pastor Hudson questioned the planning commission on the procedures of allowing someone to divert water from one property owner to another property owner. Kim Speorl asked Jesse Jowers, City Engineer to respond to this question. Mr. Jowers referred to Mr. Stovall and Mr. Stovall stated that it had been diverted. Tom Robinson asked the city engineer was anything filed with the city in reference to the water. Jesse stated that the

preliminary plat was submitted and approved by the planning commission. Neville Peacock questioned the developer on what had changed since the last meeting. Mr. Siddle stated that the city had not given them any instructions on changes to be made. Mr. Siddle explained how ADEM works, he stated that every time there is an inch or more in rain ADEM will come to each construction site and inspect. He stated that they always find something to write the contractors up for but his company has never been fined for anything from ADEM. He also stated that once the report was received the problems were immediately addressed and corrected. Jesse Jowers stated that all corrections have been made and ADEM has been satisfied. Neville Peacock questioned Mr. Siddle on the fact that last month it was mentioned that the lots cannot be sold without first getting the approval of the Planning Commission. Mr. Siddle agreed with that statement. Mrs. Peacock then inquired about the sold signs on the lots. Mr. Siddle stated that the lots were not sold but were indeed reserved lots for people that have inquired about buying the lots. Mrs. Hayden asked why not put a sign up that reads under contract instead. Mr. Siddle stated they can indeed do that. Mr. Hayden stated that he hoped the Homeowners Association were going to be prepared for what they will be facing. Mr. Mann stated they have agreed to put a third party agreement in the Homeowners Association agreement to take care of the pond. Mr. Siddle stated the rainfall event happened over the weekend the city contacted them on Monday and they were on site that Monday to start the process of taking care of things. He stated that they had offered to come fix the church building but were instructed that the church did not want them to do the work. Mr. Siddle stated they are in negotiation with Crosscreek Baptist Church and their insurance company. Pastor Brandon Hudson stated they were at that time not sure who they wanted to do the contract work. He stated that ServPro had been contacted and did come out. He stated that to the best of his knowledge this was the first time this church has ever flooded.

Robert Sinclair asked Mr. Hayden if his property had been damaged during the flood. Mr. Hayden stated that it has not and they had not had any damage. Mr. Sinclair then asked Mr. Hayden what his big concern was over the development of the property. Mr. Hayden stated they felt as though they were being steam rolled on their property. He stated that he felt as though the church was being looked at but not the citizens at Chandalar. Neville Peacock stated she feels the Planning Commission and the Mayor should have the citizens of Pelham's allegiance and that they should be more concerned for what is best for the city of Pelham. Mayor Waters stated that he believes there is not a member of this board that does not feel the same way. However we still have to abide by the law. After consulting with the city attorney if the developer has met all requirements on the preliminary plat we have to go forward. Mildred Lanier stated she had gone out the site with Bob Miller. She stated she had concerns with the rip rap and the flat land. She then met with Pastor Hudson and Calvin, a church member and walked the creek. She noticed bare spots where there were no grass or sod. She also observed a gap from the gate and pond and was concerned that there would be no barrier for the water. She also questioned the pipe exposed water running onto the ground. She asked If

Newcastle has an easement and was there anything on the plat that states Newcastle would cross the easement and divert water onto the private property and did they get permission to divert the water.

Mildred Lanier also addressed the issue of the Homeowners Association Agreement stating that the Association will be responsible to the maintenance and monitoring of the residential ponds in the neighborhood.

Mr. Stovall explained that the fence is not there to catch water. The pipe is intended to flow around the level spreader and goes above and beyond the requirements of the city. Mildred asked Mr. Stovall did something change on the plans. Mr. Stovall stated they had not and it was constructed as stated on the plans. Chad asked him where the out fall of the pipe was intended to go. Mr. Stovall stated it was intended to fall where it is located. Chad then asked him in reference to the emergency spillway where water goes. He explained the water is going where it has always gone down the ditch. Chad asked Mr. Stovall if at the time of the flood was there something obstructing the flow in the ditch. Mr. Stovall stated that was correct. Chad asked him if they inspected the ditch. Mr. Stovall stated they did not. Chad then asked Mr. Stovall if the planning commission were to ask you to redesign the pond would you be willing too. Mr. Stovall stated we would look at the cost. He stated they still stand behind the design of the pond.

Mayor Waters asked when the church was going to be settled. Mr. Siddle stated that was up to the church and the insurance company. Pastor Hudson stated they appreciated the Mayors concern but they are working with the insurance company.

Kim stated her concerns were not with the design of the pond but with the fact that she feels Newcastle did not do their job. The ADEM reports show several times the pond needed to be cleaned out.

Kim Speorl asked for a motion. Chad Hester made a motion to approve the plat as presented. Bob Sinclair seconded the motion and the following is the vote:

Kim Speorl – no
Russell Biciste – no
Mayor Gary Waters – yes
Bob Sinclair – yes
David Russell – no
Claude Peacock – no
Mildred Lanier – no
Russell Biciste – no

With a 6 to 2 vote the motion was denied Kim Speorl stated the denial is based on the prior inspection reports.

Mildred Lanier read the following statement from the current Pelham Subdivision Regulations:

Page 12----Article IV. Design Standards

"Standards above the minimum may be required by the Planning Commission or the City Engineer."

Page 15-----Article IV. Design Standards-----Section 4:05 C (1)

"No lot shall shed channeled surface runoff water on to any other lot, unless such runoff is contained within an easement provided, graded and dedicated for such purpose.

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

Applicant: Newcastle Development LLC presented by Glenn Siddle of Newcastle Development LLC. Jesse Jowers stated there were two comments in the packet that needed to be addressed. The first comment is in reference to the subdivision regulations requiring cul-de-sacs shall not exceed one thousand feet in length. He stated they were requesting a variance from the subdivision regulations. Mayor Waters asked how long the cul-de-sac was. Joe Schifano with Engineering Design Group stated it was 3000 feet. Mr. Hayden asked if Phase II was going to have blasting of rock. Mr. Stovall stated they hoped there would not be the need for blasting, however, if it is needed all requirements would be met. Kim Speorl asked for a motion. Chad Hester made a motion to approve the plat as submitted. Claude Peacock seconded the motion. The vote was as follows:

Kim Speorl – no
Russell Biciste – no
Mayor Gary Waters – yes
Bob Sinclair – yes
David Russell – no
Claude Peacock – no
Mildred Lanier – no
Russell Biciste – no

With a 6 to 2 vote the motion was denied Kim Speorl stated the denial is based on Jesse Jowers comments.

VII. Public hearing to consider the adoption of the revised Subdivision Regulations.
Continued to February 8, 2018.

VIII. Public hearing to consider an amendment to the zone district boundaries of the City of Pelham changing the present zoning A1 (Agricultural District) to R-G (Residential Garden Homes District). Property located on Highway 11 presented by HighPointe Properties. Mr. Farmer stated there were no water issues with this property. He stated the property is located between Weatherly and the railroad tracks. He also stated the design of the subdivision will be similar to that of

Keeneland Valley located on Highway 261. Mr. Sinclair asked him how big the lots would be and the price range of the homes. Mr. Farmer stated they were 70 Foot lots and the price would range between \$275,000.00 and \$400,000.00. Chad Hester asked how many homes they propose. Mr. Farmer stated 160 homes. Bob Sinclair asked Jesse Jowers if this property was in the 2003 comprehensive plans as the overlay district for commercial property. He stated it was. Mildred asked if there were any issues on this property for building. Mr. Connor stated there would not be any.

Kim Speorl asked for a motion. Mayor Waters made a motion to recommend the approval of rezoning to the City Council. Claude Peacock seconded the motion and all approved. Motion was approved.

IX. Preliminary Plat: Oakmont Subdivision, Phase 1. (115 Lots)

Applicant: Pelham 157, LLC --- Continued by Developer to February 8, 2018.

- X. Release of Seal Coat Bond for Keeneland Valley.** Jesse Jowers, City Engineer, spoke to the fact that there were still water issues. Mr. Jowers explained he requested a bond and a secondary bond for repairs in the amount \$10,000.00 from the contractor. Chad Hester asked Jesse Jowers if he thought \$10,000.00 would be enough. Mr. Jowers explained that the estimate came from Wiregrass Construction. Kim Speorl asked for a motion. Chad Hester made a motion to release the bond and Claude Peacock seconded the motion the vote is as follows:

Kim Speorl – yes
Russell Biciste – no
Mayor Gary Waters –no
Bob Sinclair – yes
David Russell – yes
Claude Peacock – yes
Mildred Lanier – no
Russell Biciste – no

With a 4 to 4 vote the motion was denied.

- XI.** 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. Mildred Lanier seconded the motion all approved and the meeting was adjourned at 9:35 PM.

Respectfully Submitted,
Cathy Sweeney
Planning Commission Secretary