



PLANNING COMMISSION MEETING
February 15, 2018
MEETING MINUTES

- I. Meeting called to order by Chairperson Kim Speorl at 7:00 PM in the Council Chambers Conference Room at Pelham City Hall.
- II. Invocation led by Russell Biciste.
- 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. Chris Cousins, Engineer, Bob Miller, City Building Official and Gretchen Difante, City Manager were also present.
- IV. Mildred Lanier moved to accept the minutes of the last board meeting of January 11, 2018 with changes on page 1, changing the name of Kim Hester to Kim Speorl. Claude Peacock seconded the motion and all approved.
- V. Public hearing to consider the adoption of the revised **Subdivision Regulations**. Kim Speorl made a motion to continue the vote to the next meeting or for a special called meeting in order to have time to present the regulations to the City Council. Chad Hester seconded the motion and all approved.
- VI. Release of Sealcoat Bond on **Keeneland Valley Subdivision**. Bob Sinclair made a motion to release the bond for Keeneland Valley Subdivision. Mildred Lanier seconded the motion and all approved.
- VII. **Preliminary Plat: Oakmont Subdivision, Phase 1 (115 Lots)**
Applicant: Pelham 157, LLC --- Continued to March 8, 2018 meeting----
- VIII. The Highlands Resurvey of lots 20A & 21A
Applicant: Two Mountains LLC presented by Ben Watson of Insight Engineering. He stated they are requesting to move the lot line on two properties due to the purchaser wanting more property. Kim Speorl asked Chris Cousins if there were any issues with the proposal. Mr. Cousins stated there were no issues. Bob Sinclair made a motion to accept the plat as submitted. Chad Hester seconded the motion and all approved.

IX. Final Plat: Camellia Ridge Phase 1 (31 Lots)

Applicant: Newcastle Development LLC – Presented by Glenn Siddle of Newcastle Development LLC. Claude Peacock stated after the special called workshop meeting on February 1, 2018 he contacted Lynn Roper with ADEM which she stated that Camellia Ridge was out of compliance on that day. Wade Lowery of Engineer Design Group explained that in September of 2017 notice of violation was given to them for the construction entrance, broken silt fence etc. Wade responded and sent pictures on October 1, 2017 to ADEM. He did not hear back from ADEM until the day before the meeting. At times it takes months before ADEM gets back with them.

Mildred Lanier thanks everyone for attending the special called meeting and also thanked Mr. Siddle for his diligence in seeding for erosion, seeding inside the pond and seeding outside the fence.

Mr. Siddle thanked the commission and asked for permission to speak on his behalf. He stated he has had no violations to the subdivision regulations and as soon as the weather allows and he can get to the pond he will make the repairs to the pond. Last month the Planning Commission denied the final approval based on the prior inspection reports from ADEM. As was stated previously the emails were sent to the wrong email address and therefore he never received the reports. The 9 inch rainfall event was the reason we are here today. As David Stovall quoted in a previous meeting this was a 100 year flood. The church was built on a flat lot. The ditch if it had been maintained would have helped. The church and insurance company have reached a settlement. He stated the water will run down to the ditch no matter what.

Mr. Siddle presented photos of the damage at the church and stated there was no way that this damage could have happened with one flood. The church has rotting wood in several places. There is dirt built up on the side of the church to try to divert water. Evidence of water issue has been there due to the rotting wood. Mr. Siddle asked the Building Official, Bob Miller, if water had been in the church. Bob Miller stated that based on the pictures yes there has been water in the church. Mr. Siddle stated that in one of the last meetings someone stated “is this the type company we want building in the city.” Mr. Siddle stated he takes personal offense to that statement. He stated he had worked hard for several years to build a reputable company and feels as though this was an unfair statement. He stated he owns a development company, a construction company and a real estate company. The motto for his company is ‘Do the right thing and I will back you up.’ He also stated that Engineering Design Group was a great company.

Mr. Siddle stated the insurance company wanted it to go to litigation. He wanted it settled instead. He stated he believes in working things out if possible. He stated he offered to fix it at his expense, however, he was denied the opportunity.

Mr. Siddle stated he ask for the commission to go by what the city leaders have suggested.

Pastor Hudson stated the church has been at this location since 1977. The church has never had 2/3 of the church covered in silt. Water has never been in the church except if a pipe burst. Pastor Hudson stated he has disagreements with Mr. Siddle. Mr. Sinclair asked him to be more specific and go into detail. He stated that when he calls he speaks to someone different every time. When Newcastle was called the day after the flood Eric Mann came and called ServPro. He stated they did offer to repair the damage but he did not want to make any commitment at that time. He stated he disagrees with the 9 inch rain event being the cause of the church flooding. He has a problem with the issues with the ditch and the pipe putting water in the ditch. He has a problem with the ditch not being on the plans. Water has not ever gotten into the church as it had at that time. He stated he realized there has been flooding in Cedar Cove and even in Buck Creek from Helena.

Raymond Hayden stated he had several bullet points he wanted to make. First of all ADEM is slow. He has concerns with the Home Owners Association and questions the 100 year flood issue. He also has concerns with the water tower and water lines in Sector 3 that will be proposed.

Neville Peacock questioned Wade Lowery if the church was ever asked about the ditch being used. Mr. Lowery stated the runoff leaves the land in the design as before. The water that is coming out of the pipe and out of the pond as designed. The standard design is that the flow rate is the same post construction as it is in pre-construction. Mrs. Peacock asked Chris Cousins if this was accurate. Mr. Cousins stated it was accurate. They can't construct something that throws additional water on the property.

Tom Robison questioned why the ditch mattered. He stated he was afraid the commissioners were being strong armed into voting for this. He also stated he did not understand how anybody can think this was the church's fault.

Angie Hester asked Chris Cousins about the flow off the property. Mr. Cousins stated there would be a hydrogeology report done by the engineer. The calculations are done on the pre-side and Post-side of construction.

Mildred stated no one strong armed me in anyway. I had three items on the list that I wanted addressed, Mr. Siddle has stated he did not receive my list, however, they were all three taken care of and I appreciate that. The land can't be put back like it was before all this started, therefore we must move forward and try to make a good thing out of this relationship between the church and the subdivision.

Mayor Waters echoes the same feelings. He stated I don't believe in aliens and I don't believe in fairy tales but I believe the detention pond was built as the subdivision regulations require. He also stated he believed the 9 inch rainfall was

the reason we are here again today. The law compels us to move forward. If they have met all regulations on the preliminary plat according to the subdivision regulations we have to approve the plat.

Bob Sinclair stated he agrees with Mayor Waters that the rainfall caused the flooding. He also stated that when Mr. Robison said that he was afraid the commission had been strong armed he insulted the commissioner's integrity. The pictures indicate the water damage. When we approved the preliminary plat we were not anticipating the 9 inch rainfall event. He stated he thought we have carried this as far as we can.

Kim Speorl asked for a motion. Bob Sinclair made a motion to approve the plat with the stipulation that there needs to be a note on the final plat stating purchasers are to be made aware of long term responsibility to the detention pond. Mildred Lanier seconded the motion. Roll call vote is as follows:

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

With a 5 to 3 vote the final plat was approved.

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

Applicant: Newcastle Development LLC presented by Glenn Siddle of Newcastle Development LLC. Claude Peacock questioned the commission if we should wait to see how Phase I turns out. Mr. Siddle explained he has contracts already on several of the lots in phase I and would like to get approval to start clearing the land for phase II. Mildred Lanier asked Chris Cousins if they had new calculations for the water runoff in Phase II. Mr. Cousins explained there is very limited drainage on this sector.

Mayor Waters asked Bob Miller if they have met all requirements to the subdivision regulations. Mr. Miller stated they had met all requirements.

Chris Cousins stated a variance is requested for Section 4:01 (k) of the subdivision regulations to allow the length of Camellia Ridge Drive to exceed 1000 feet in length. Length as shown in Phase II is approximately 1220 feet. Approval of this request is recommended.

Mr. Siddle asked the commission to consider what they have already been through. He stated this land was previously approved for townhomes. We are going to build nice houses.

Raymond Hayden stated he again had some bullet points. First of all blasting and then the detention pond and existing drainage and finally the geological report.

Neville Peacock stated she drove by last week after the rain and saw big rocks on the side of the property. Wade Lowery stated that was the Alabama Power access road and eventually will be the Fire Department access road. The rocks are used for rip rap during construction. She asked him if they had an easement from Alabama Power and he stated they did. She stated she also noticed some erosion on the side of Bearden Road. Mr. Lowery stated they would check it out.

Mildred Lanier asked Chris Cousins how Bearden Road will handle the water. Chris Cousins stated pre and post calculations will not be any different. Wade Lowery stated the discharge from the ponds will go into the ditch along Bearden Road. No more water will be on the road than is flowing on there now. Mildred Lanier asked if there has ever been flooding on the Bearden Road. Chris Cousins stated there had not been in this location of Bearden Road to his knowledge.

Henry Copeland stated Bearden Road and Hwy 261 has flooded. He stated that he had done some research and the amount to clean out the detention pond is anywhere from \$10,000.00 to \$15,000.00 each time they are cleaned out. He stated they are proposing at least 2 ponds and more. He stated that this was all going to fall on the Home Owners Association to keep up. Wade Lowery explained the fact that once the houses are constructed and vegetation is growing the ponds will not have as much silt in them as now.

Mr. Siddle stated he has served on several Home Owners Associations and it's very unlikely that you will have to do the clean out. Before Home Owners Association takes over my company will clean them out.

Kim stated she originally voted to approve the development and then voted no until tonight. Maybe I should have looked a little more. So saying that, this is preliminary plat and now is the time to look at it closer. She stated she did not believe the land should be developed any further.

Mayor Waters made a motion to approve the plat as presented. Russell Biciste seconded the motion. The roll call vote is as follows:

The vote was as follows:

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

Mildred Lanier – no
Chad Hester – no

With a 5 to 3 vote the motion was denied.

- XI.** With no further business to come before the Planning Commission Kim Speorl asked for a motion to adjourn. Chad Hester made the motion to adjourn. Mildred Lanier seconded the motion all approved and the meeting was adjourned at 8:35 PM.

Respectfully Submitted,
Cathy Sweeney
Planning Commission Secretary