

MINUTES
PERRY PLANNING COMMISSION
SPECIAL MEETING
April 17, 2008
5:30 P.M.

1. Call to Order: Chairman Beeland called the meeting to order at 5:30 PM.

2. Roll:

Commissioners Present: Martin Beeland, Chairman; Paul Cosey; Terre Walker; Lawrence Clarington.

Commissioners Absent: Patricia Jefferson; Jim Mehserle; Todd Barker.

Staff Present: Barbara Crisler, Planning Technician; Harold Deal, Assistant City Engineer; Lee Gilmour, City Manager.

Staff Absent: Mike Beecham, Director of Community Development.

Guests/Speakers: Neil Koelbl of 9497 Thornton Blvd., Jonesboro, GA.; Harry Tanner of 127 Heather Glen Blvd., Kathleen, GA.

Press: None Present.

3. Invocation: Commissioner Cosey gave the invocation.

4. Old Business:

1) Approval for Final Plat – Walker Farm Subdivision, Phase 1 – off Highway 341 North The Knight Group – Neil Koelbl.

Chairman Beeland asked for a motion to reopen the tabled final plat approval for Walker Farm, Phase 1.

Commissioner Walker motioned to reopen the final plat approval for Walker Farm, Phase 1. Commissioner Clarington seconded the motion. The motion carried unanimously.

Chairman Beeland asked Lee Gilmour for comments relative to the legal opinion and City Council's comments.

Lee Gilmour stated it is my understanding that there was discussion in the matter of water runoff onto the adjacent property to the Walker Farm subdivision, Phase 1. The Planning Commission was requesting a legal opinion from the city attorney and comments from the City Council on the concern of legal exposure of the city relative to the water runoff. I placed an item for discussion on the City Council agenda for the meeting held April 15, 2008. Also, I met with some of the representatives from The Knight Group to hear their perspective. "I would advise the Commission to consider that Council does appreciate the awareness about the Commissions' concern relative to the city. The City Council feels it would be acceptable and assume the ultimate responsibility for the Planning Commission establishing a financial instrument in the

amount of \$17,000 to cover correcting the issue relative to the water runoff". It is my understanding The Knight Group has met all other city requirements and it would be acceptable for you to grant final plat approval to Walker Farm subdivision, Phase 1 subject to accepting a letter of credit in the amount of \$17,000.

Neil Koelbl stated The Knight Group does not feel it is their responsibility to pipe the area and make corrections. The pipe will not be installed by The Knight Group until a legal opinion is determined and agreed upon. However, The Knight Group will provide the letter of credit in the amount of \$17,000 so we can move forward and get the final plat approval.

At this time Mr. Koelbl distributed a copy of the proposed letter of credit along with a comment letter from The Knight Group for the record.

Chairman Beeland clarifying this for the Commissioners, once the legal opinion is obtained and if The Knight Group is responsible then they will correct the water runoff problem. If The Knight Group is not responsible then the City will correct the issue. The final plat will be released when The Knight Group provides the letter of credit.

Mr. Gilmour yes that is correct. It is a standard city policy and practice, which if there is a financial instrument or any additional conditions that are required from the Planning Commission, those conditions have to be met before the release of the approved final plat.

Harry Tanner Mr. Koelbl recognized this problem in the past and contacted the manager of Pecan Grove and agreed to install the piping to correct this problem on my property. The water runoff from Walker Farm subdivision is a very large amount and has collected several feet deep in this area. I will give the right-of-way to have the work done on my property.

After a brief discussion, Commissioner Walker motioned to approve the Final Plat for Walker Farm Subdivision, Phase 1, subject to a Letter of Credit is provided in the amount of \$17,000. Commissioner Clarington seconded the motion. The motion carried unanimously.

5. Adjournment: There being no further business to come before the Perry Planning Commission, Chairman Beeland adjourned the meeting at 5:42 P.M.

CHAIRMAN

SECRETARY
