

December 20, 2005

The City of Opelika Planning Commission held its regular monthly meeting on December 20, 2005 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail. Certified letters were mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Chairman Sadler, Dr. William D. Lazenby, Jerry Posey, Arthur Wood, Dr. William B. Whatley, Mayor Fuller, Keith Pridgen, Lewis Cherry, Jesse Seroyer, Jr.

MEMBERS ABSENT: None

STAFF PRESENT: Marty Ogren, Planning Director;
Charlie Thomas, Engineering Director;
Brian Kriel, Opelika Light & Power;
Alan Lee, Utilities Board;
Guy Gunter, City Attorney

CALL TO ORDER: Chairman Sadler called the meeting to order at 3:02 p.m. He stated that if there were no additions or corrections to the minutes for the Planning Commission Meeting for the month of November he would like to entertain a motion to accept the minutes as written.

Mr. Pridgen made a motion to accept the November 22, 2005 meeting minutes as written.

Mr. Seroyer seconded the motion.

Ayes: Wood, Lazenby, Whatley, Fuller, Pridgen, Cherry, Seroyer, Posey

Nays: None

Abstention: None

The motion to accept the November 22, 2005 Planning Commission meeting minutes passed.

A. PLATS-Preliminary & Final PUBLIC HEARING

1. Village Professional Park S/D, 1st Revision, 2 lots, Dunlop Drive, Cleveland Brothers, P/F Approval.

Mr. Ogren reported that the applicant is requesting preliminary and final approval for a 2 lot subdivision. The purpose of the subdivision is to create one commercial lot. This plat is part of the applicant's 120-acre Village Professional Park PUD. The rezoning to a PUD was reviewed by the Planning Commission at the Dec 2004 meeting and approved by the City Council at the February 5, 2005 meeting. This plat is a portion of phase one of the PUD. Phase one includes several 4,000 square foot buildings. The buildings planned for phase one total approximately 112,000 square feet. The building will front along a "U" shaped street shown on the PUD site plan.

The plat meets preliminary and final subdivision plat requirements.

Planning staff recommends preliminary and final plat approval.

Mr. Thomas, Engineering, recommended approval subject to the following:

- a) Provide a digital version of the final plat, per Sect. 4.5 of the S/D Regulations.
- b) Show sewer easements, including lift station location.
- c) A note on the plat that "No direct access to Dunlop Road is allowed from Lot 9."

Representatives of the applicant are aware of each of these requirements.

Mr. Lee, Utilities Board, reported that water service is accessible to this subdivision by a water main the R.O.W. of Dunlop Drive.

Mr. Kriel reported that Alabama Power will serve Lot #1 on this plat. The remainder of this property's electrical service will be provided by Opelika Light & Power.

Chairman Sadler opened the public hearing.
No comments were made from the audience.
Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

Chairman Sadler asked for a motion.

Dr. Lazenby made a motion to grant preliminary and final plat approval with staff requirements.

Mr. Posey seconded the motion.

Ayes: Lazenby, Posey, Cherry, Seroyer, Wood, Pridgen, Whatley, Fuller

Nays: None

Abstention: None

The motion to grant preliminary and final plat approval with staff requirements passed.

2. SouthLake S/D, Redivision of Parcel D & G, 4 lots, South Uniroyal Road, Preston Holdings LLC, P/F Approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 4-lot subdivision. The purpose of the subdivision is to add acreage to Parcel G and create Parcel I and H. At this time, the property is located in an R-1 zone. [The rezoning from R-1 to R-2 is pending City Council approval.]

The four lots meet the one acre minimum lot size requirements for an R-1 zone. Parcel I and H are 4 acres and 2 acres, respectively; Parcel G is 2.4 acres. At this time access to Parcel I and G-2 is from a 60 foot easement. The engineering plans of the street are not complete. At a future meeting a plat will be submitted showing Parcels I, G-2, and E fronting on a public street.

A note needs to be added to the plat stating that "no building permit will be issued for Parcels I, G-2, and ~~H~~ E until the 60 foot easement is an improved dedicated street".

The plat meets preliminary and final subdivision plat requirements

Planning Staff recommends preliminary and final subdivision plat requirements with the above note added to the plat.

Mr. Thomas, recommended approval subject to the following:

- a) Re-title plat as Southlake S/D.
- b) Provide a digital version of the final plat, per Sect. 4.5 of the S/D Regulations.
- c) Show existing Lot lines of Parcel G-2, dashed.
- d) A note on the plat forbidding any further subdivision of any of the properties without access to an improved public roadway.
- e) Provide a letter from affected property owners or copy of agreement concurring with use of easement.

Mr. Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of South Uniroyal Road.

Mr. Kriel reported that Opelika Light and Power will provide service to this subdivision.

Chairman Sadler opened the public hearing.
No comments were made from the audience.
Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

Mr. Pridgen asked what the purpose of subdividing this property is.

Mr. Grot stated that the property owners are wishing to build single family homes and explained various reasons why behind each lot.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to grant preliminary & final plat approval with staff recommendations.

Mr. Seroyer seconded the motion.

Ayes: Wood, Lazenby, Whatley, Fuller, Cherry, Pridgen, Seroyer, Posey

Nays: None

Abstention: None

The motion to grant preliminary & final plat approval with staff requirements passed.

3. Century Park S/D, 118 lots, Century Blvd, Century Park LLC, Preliminary approval.

Mr. Ogren reported that the applicant is requesting preliminary approval for a 118 lot subdivision. The purpose of the subdivision is to sale lots for single family home construction. Most of the property is located in an R-5 (high density residential) zone. A small portion is located in a C-2 zone (see maps attached.) Most of the lots meet the 7,500 s.f. minimum lot size for an R-5 zone. A few lot lines will need to be adjusted so each lot is 7,500 square feet. The site map attached shows existing lots and right-of-ways from a plat recorded over 40 years ago. The right-of-ways will need to be vacated before the final plat is signed and recorded.

Planning staff also discussed with the applicant's engineer (Blake Rice) about a master plan for other properties along Century Boulevard. The applicant owns most of the property along Century Boulevard between Thomason Drive and Frederick Road. He said at this time there is no master plan that goes along with this subdivision layout.

About five years ago, a master plan showed Century Boulevard from Thomason Drive to Frederick Road. This connection is important as an East-West connector that will assist the city's traffic circulation network as well as stimulate growth. This connector will take some of the traffic that now travels along Frederick Road, Gateway Drive and Thomason Drive. Without this East-West connection we will create one entrance and exit into this proposed development from Thomason Drive. Planning staff recommends that for final plat review a master plan should also be submitted to the Planning Commission that includes a plan to connect Century Boulevard to Frederick Road.

The plat meets preliminary subdivision plat requirements and should be able to meet all development requirements.

Planning Staff recommends preliminary plat approval. The flood hazard information needs to be shown on the plat for final approval.

Mr. Thomas reported that Century Blvd., is likely to be classified a minor collector with access spacing of 100'. Hopefully, the City can participate in interconnection to Frederick Road, based on a future traffic plan. Applicant intends shared driveways. He recommended preliminary plat approval, but the following items should be addressed prior to final approval:

- a) Re-title plat as Century Park S/D, 1st Addition.
- b) Lot/parcel numbers must be consecutive, unique and continuous throughout Century Park S/D.
- c) Provide a digital version of the final plat, per Sect. 4.5 of the S/D Regulations.
- d) Neither the curve in Century Blvd nor its intersection with Century St. meets City geometry standards.
- e) Proposed Century Street suffix should be revised, perhaps to place or parkway.
- f) Creekside street name has been previously approved for use by others. Final approval of street names is subject to concurrence from our public safety departments.
- g) Provide reference tie to a section corner, required water, sewer and flood zone statements, etc.
- h) Show storm-water detention/retention and water and/or sewer easements, if applicable.
- i) Clarify surveyor of record.
- j) Show City drainage study results, available electronically from the Engineering Department. If applicable, determine Base Flood Elevation(s) (BFE), which may in turn dictate approved Finished Floor Elevation(s) (FFE). Also note requirements of Section 7-62 of the City Code.
- k) Approval of final plans including, but not limited to:
 - 1) Proposed Erosion and Sediment Control (ESC) BMP implementation.
 - 2) Roadway plan and profile.
 - 3) Sanitary sewer plan and profile.
 - 4) Storm-water management design (retention/detention) with supporting calculations, and

A bond or letter of credit, payable to the City of Opelika, for any infrastructure improvements not fully complete prior to signing the final plat. *Potential property buyers are cautioned that water may stand in their yards.* Applicant is aware of each of these requirements.

Mr. Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of Century Blvd.

Mr. Kriel reported that Opelika Light and Power provides electric service to this subdivision.

Chairman Sadler opened the public hearing.
No comments were made from the audience.
Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

Mr. Seroyer made a motion to grant preliminary plat approval with staff requirements.

Dr. Whatley seconded the motion.

Ayes: Cherry, Whatley, Seroyer, Fuller, Lazenby, Wood, Pridgen, Posey

Nays: None

Abstention: None

The motion to grant preliminary plat approval with staff requirements passed.

**4. Inex Calloway S/D, Redivision of Lot 3B & Lot 1-A, 2 lots 4225
Oakbowery Road, P/F approval.**

Mr. Ogren reported that the applicant is requesting preliminary and final approval for a 2-lot subdivision. The property owner desires to give a 1.5 acre parcel to his son.

Planning staff recommends preliminary and final plat approval subject to the following changes to the plat:

1. The plat needs to be tied to a section corner.
2. Signature line "General Manager" changed to "Opelika Utilities Board" before the plat will be signed.
3. All existing buildings should be shown on the lots.

Mr. Thomas reported that Oakbowery Road is a major collector with access spacing of 200'. Based on his site visit, 3B Parcel 2 and adjacent properties comply. Sewer is not currently available to the property. He recommended approval subject to the following:

- a) Title plat as shown Inex Calloway S/D.
- b) Provide a digital version of the final plat, per Sect. 4.5 of the S/D Regulations.
- c) Consider proposed rear yard setback for proposed house.
- d) Correct parcel labeling (two 3B Parcel 2); they should be Lots 3B-1 & 3B-2.
- e) Clarify note on N.W. property boundary line. The IPS seems redundant and confusing.

Mr. Lee reported that the water service is accessible to this subdivision by a water main in the R.O.W. of Oakbowery Road. This subdivision is in the Saugahatchee Watershed Protection Area and will be grandfathered as the subdivision planning was in the process and a significant financial contribution has been made before the Saugahatchee Watershed Protection Plan was passed.

Mr. Kriel reported that Tallapoosa River Electric Co-op will provide service to this development.

Chairman Sadler opened the public hearing.
No comments were made from the audience.
Chairman Sadler closed the public hearing.

Chairman Sadler asked for comments or questions.

Chairman Sadler asked for a motion.

Mr. Seroyer made a motion to grant preliminary and final plat approval with staff requirements.

Mr. Pridgen seconded the motion.

Ayes: Fuller, Pridgen, Wood, Whatley, Cherry, Seroyer, Lazenby, Posey

Nays: None

Abstention: None

The motion to grant the preliminary and final plat approval with staff requirements passed.

~~**5. Gibson Estate S/D, 11 lots, Grand National Parkway, Gibson Family, P/F
approval. Withdrawn.**~~

B. FINAL PLAT APPROVAL

~~6. Capps-Palmer S/D, 1st Addition, 1st Revision, 6 lots, Gateway Drive, Final Approval. Withdrawn.~~

C. CONDITIONAL USE

7. Erica Love, 3715 Pepperell Parkway, C-3, GC-2, daycare

Mr. Ogren reported that the applicant is requesting conditional use approval to locate a daycare facility at 3715 Pepperell Parkway. The daycare is located across the street from Mid Way Plaza shopping center. The daycare will lease a 1,200 square foot portion of a 5,700 square foot commercial building. The daycare is a 24-hour facility that will serve up to 22 children. A minimum of six employees will be used to care for the children. The applicant will fence in an outside area to be used as a play ground. The daycare is required to meet the state requirements for daycare operations.

Planning Staff believes the proposed daycare is reasonable and appropriate at this location and should not create any adverse effect to the adjacent neighborhood. The daycare is located near commercial and residential areas and should serve the area.

Staff recommends approval.

Mr. Thomas reported that although the existing driveways (2) accessing the property do not comply with access management regulations, the proposed use is a small fraction of the property and existing building. Subject to required paved and striped parking, including handicapped, he recommended approval with the existing non-conforming access, which is allowed specifically to this case and location, not to allow or provide any future precedent.

Mr. Lee reported that each unit in this building shall have its own service line and meter.

Mr. Kriel reported that Opelika Light & Power presently provides service to this building.

City Horticulturist recommended approval.

Dr. Lazenby asked Ms. Love what are the requirements for overnight services.

Ms. Love stated that in order to provide overnight services; the building must have proper bathing facilities; in which this building does not provide.

Chairman Sadler asked for further questions or comments.

Mr. Seroyer made a motion to grant the conditional use approval with staff recommendations.

Dr. Lazenby seconded the motion.

Ayes: Seroyer, Lazenby, Cherry, Whatley, Fuller, Wood, Pridgen, Posey

Nays: None

Abstention: None

The motion to grant conditional use approval with staff recommendations passed.

8. Victory in Jesus, Ida Maddox, North 8th Street, C-1, church.

Mr. Ogren reported that the applicant is requesting conditional use approval so their church may continue to operate at 7 North 8th Street. The pastor, Ida Maddox, and the property owner, Charles Brown, were unaware that conditional

use approval was required for a church in all zoning districts. The church is located near the Opera House; and Southern Electronics is across the street. The church meets on Sundays and occasionally on Tuesday and Thursday nights. There are 10 members. The property is located in a C-1 zone. In the C-1 zone there is no setback, off street parking, or landscaping requirements.

An inspection letter from the Chief Building Inspector was submitted with the following items required for code compliance that must be resolved prior to occupancy read as follows:

1. The electrical wiring must all be metal clad. All mn cables must be removed and be replaced.
2. One open-flame gas space heater does not have oxygen depletion valve and must be replaced.
3. The use of extension cords should be minimized. If necessary, add more outlets.

Planning Staff recommends conditional use approval.

Engineering had no report.

Utilities Board had no report.

Mr. Kriel reported that Opelika Light & Power presently serves this facility.

City Horticulturist had no report.

Chairman Sadler asked for questions or comments.

Mr. Pridgen made a motion to grant conditional use approval with staff recommendations.

Mr. Seroyer seconded the motion.

Chairman Sadler asked for further discussion.

Mayor Fuller asked how the board will know if the 3 requirements will be taken care of by the business owner before a license is issued.

Chairman Sadler stated that a letter should be written to the business owner with 15 days to respond to the required conditions before the business/church can open.

Mr. Posey stated that in the #3 item of requirement regarding adding more outlets, he stated that the board should possible state that they should meet requirements from the National Electric Safety Code.

Mr. Ogren stated that he spoke with Mr. Kappelman, Building Inspector, and he said that he highly recommends it, but didn't say that it's a requirement.

Mr. Posey asked that they should have to comply with the National Electric Safety Code as far as internal wiring, correct? He stated that it's what Opelika Light & Power goes by, and it governs the inside wiring in Alabama.

Chairman Sadler asked Mr. Posey if his department inspects wiring in buildings.

Mr. Posey said no, but Mr. Newman with Building Inspections department does.

Chairman Sadler told Mr. Ogren that before the letter is sent out to Ms. Maddox, he needs to speak with Mr. Kappelman in regards to their requirements.

Mayor Fuller asked if this should be approved today.

Chairman Sadler stated that it can be approved or it can be tabled.

Mr. Pridgen suggested that the prior motion be amended for code compliance by staff for their final approval.

Chairman Sadler stated that when the business owner respond to the letter, they are excepting the terms, which leaves them with the decision to go forward with their requests or not.

Mr. Pridgen stated that if Mr. Kappelman, Building Inspector feels like we need to go with the International Electrical guidelines or not.

Chairman Sadler stated that staff should have the latitude to work it out the details. He said that this is up to the Planning Commission if you like to approve this or if you would like to see the building brought up to code of all accepts before the board approves it.

Mayor Fuller stated that it would be simpler to bring the building up to code when it's approved.

Chairman Sadler stated that there's not any control once it's approved to make sure it's done correctly unless it's physically inspected.

Chairman Sadler asked for a motion to table.

Dr. Lazenby made a motion to table the conditional use request.
Mayor Fuller seconded the motion.

Ayes: Lazenby, Fuller, Posey, Cherry, Wood, Pridgen, Whatley, Seroyer
Nays: None
Abstention: None

The motion to table the conditional use request passed.

9. Manish Desai (Mr. Munn) Econo Lodge, 1705 Columbus Parkway, C-3, GC-2, moving residential dwelling to a C-3, GC-2 zoning district.

Mr. Ogren reported that the applicant is requesting conditional use approval to move a single family home to property in a commercial zoning district (C-3, GC-2). The single family home will be used as the residence for the maintenance manager of the Econo Lodge motel. There are two other single family homes on the property used as residences by employees of the Econo Lodge. The Planning Commission reviewed this request at the November 2005 meeting. Discussion at the November 2005 meeting focused on landscaping and screening the single family homes from Highway 280 traffic as well as screening the homes from a new proposed road that will run adjacent to the motel on the east side. Basically, the appearance of the three homes was a concern especially since the homes will be next to a new street that will carry a significant amount of traffic in the future. The homes are not the same architecture as the Econo Lodge motel and appear out-of-place. At the November 2005 meeting, the Planning Commission requested a landscape plan be submitted to show screening of the homes from all existing and future right-of-ways. The plan shows twelve 6 foot tall Leyland cypress trees planted 10 feet apart. John Holley, the city horticulturists, said the cypress trees are or will be adequate to hide the homes. The landscape plan also shows existing trees along the rear property line.

The site plan also shows a private driveway along the rear property line. The driveway was the former Old Mechanicsville Road right-of-way. The applicant purchased the ROW years ago from ALDOT. The driveway is accessed from Highway 280.

Recommendation

Planning staff recommends approval to move the home to the location shown on the site plan subject to the following conditions:

1. A solid 6 foot high wooden or approved fence should be constructed to screen the single family home(s) and the storage building. The fence should run on or near the east property from the rear wall of the motel to the rear property line.
2. The landscape screen should be planted as shown on the site plan.
3. The applicant must remove the pile of debris located in the rear yard and remove all mobile homes stored on the property.
4. The single family homes must be occupied only by the immediate family of the employees or owner(s) of the Econo Lodge Motel and not leased to someone not employed at the motel as a "for profit" apartment business.
5. The petitioner shall submit proof of compliance with the Opelika Zoning Ordinance Section 8.17 5. Conditional Uses which states that "In the event a permit for conditional use is approved or approved subject to conditions, the applicant shall in writing within fifteen (15) days following such decision, acknowledge such approval and unconditionally accept and agree to any conditions imposed on the approval. The City Planner shall then take action to process the application on the zoning certificate for the development to which the conditional use permit applies. In the event such permit is not approved or is approved subject to conditions, that are not acceptable to the applicant, the applicant may, within the aforesaid time period, either appeal such decision to Circuit Court or abandon the application at the expiration of this fifteen (15) day period."

Mr. Thomas had no report.

Mr. Lee reported that this residential dwelling shall have its own service line and meter.

City Horticulturist recommended approval.

Mr. Kriel reported that Opelika Light & Power provides electric service in this area.

Chairman Sadler asked for questions or comments.

Mayor Fuller asked if the conditional use is limited for Mr. Munn's employees to live in only while working for the Econo Lodge, is that correct.

Chairman Sadler said yes, limited to the conditions for which he agrees to; with all conditional use approvals the applicant has 15 days to respond back to the Planning Department to the conditions it states set forth by the Planning Commission, which goes into the record and filed.

Mayor Fuller stated that if a year from now, Mr. Munn decided to sell the motel, but keep these three houses, and then decided to rent them, would he be able to do that?

Chairman Sadler stated that he would not be able to do that because it's on one parcel of property and it would have to be subdivided.

Chairman Sadler asked for a motion.

Mayor Fuller made a motion to grant the conditional use with staff requirements. Dr. Lazenby seconded the motion.

Ayes: Fuller, Lazenby, Cherry, Whatley, Seroyer, Wood, Posey

Nays: None

Abstention: Pridgen

The motion to grant conditional use approval with staff requirements passed.

D. REZONING-PUBLIC HEARING

10. Gulf South Development Group LLC, Veterans Pkwy, 9 acres, from PUD to C-2

Mr. Ogren reported that the applicant is requesting rezoning 9 acres from PUD (*Autumn Ridge*-Planned Unit Development) to a C-2 (office/retail commercial) zone. The property is located on Veterans Parkway adjacent to *The Estates* PUD. This same 9 acre property was reviewed by the Planning Commission at January 2005 meeting and rezoned by City Council in April 2005 from C-2 to PUD. The applicant said that since *The Estates* PUD was approved and construction of *The Estates* are underway; their plans for residential development have changed.

The applicant's Autumn Ridge PUD site plan included a townhouse development and two commercial lots. The town-homes consisted of seven buildings containing 6 units each and two building with 5 units each. A total of 52 dwelling units were proposed. The town-homes were located on an 8 acre parcel. The density was 6.5 dwellings per acre. The PUD also provided a common recreational area for the property owners. Two one-acre lots fronting along Veterans Parkway were reserved for commercial uses.

The development plans for the C-2 rezoning consists of 33 lots for modified zero lot line single family homes and two one-acre parcels fronting along Veterans Parkway for commercial uses.

The 33 lots are located on eight acres. The density of the single family home development is 4.1 dwellings per acre.

Recommendation

Planning Staff believes that the rezoning from PUD to C-2 is appropriate. A C-2 zone is adjacent to the 9 acre property and the property was zoned C-2 before the April 2005 approval to rezone the property to PUD.

Planning Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from PUD to C-2.

Mr. Thomas reported that Engineering has no objection to un-rezoning the property. He suggested a positive recommendation to City Council.

Mr. Lee stated that water service is not currently present at this location at this time.

Mr. Kriel stated that electric service to this area may be divided between Alabama Power and Opelika Light and Power.

Chairman Sadler opened the public hearing.

Mr. Goolsby stated that he agrees with the rezoning of the proposed property.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

Mr. Posey made a motion to send a positive recommendation to City Council.
Dr. Whatley seconded the motion.

Ayes: Posey, Whatley, Cherry, Lazenby, Wood, Pridgen, Seroyer, Fuller

Nays: None

Abstention: None

The motion to send a positive recommendation to City Council passed.

E. ANNEXATION

11. Elgin Dowdell, 6245 Hwy. 431 N., 1.5 acres, recommend R-1 zone

Mr. Ogren reported that the petitioner, Elgin Dowdell, is requesting annexation of approximately 1.8 acres located off Highway 431 North (Lafayette Parkway). There is one single family home on the property. This is the same area along Highway 431 that we have had several annexations. The property is located in Ward 5 (Dr. Lazenby).

Staff recommends that the Planning Commission send a positive recommendation to the City Council that the 1.8 acre lot be annexed into the City Limits and zoned R-1.

As with other annexations, the following paragraphs will be added to the annexation ordinance.

Note: None of the provisions of the annexation ordinance shall become effective nor the proposed territory described herein shall be annexed unless the petitioner(s) filing for annexation agree(s) with the following. The property owner(s) signing of the annexation petition signifies an agreement to this section.

- a. Fire and Police protections shall be provided to the territory annexed. Municipal services such as public water, sewer, right-of-way maintenance /improvements, and solid waste collection may not be available to annexed properties at the time of annexation. Provisions of said services will be extended solely at the option of the City of Opelika and/or Opelika Water Works Board. Municipal services concerning busing to and from Opelika City Schools shall be decided by the Opelika Board of Education.
- b. A subdivision or development of annexed territories that exceeds the existing or intensity at the time of annexation shall be require to utilize public sewer and/or public water service when accessible, and in accordance with City of Opelika Public Works Manual, Opelika Water Works regulations, and/or other water authorities.
- c. The City shall not be obligated to upgrade roads that are part of an annexation. In the future, if the City deemed necessary to improve the right-of-ways from which the annexed properties takes access, one of the options available to the City to provide such improvements may be to assess the property owner/owners their proportionate share of the costs of such improvements.
- d. A Fire Tax shall be charged against each property owner of territory annexed as provided under Section 8, Act No. 89-390; the property owners of said territory agrees to pay all such costs.

Mr. Thomas reported that sewer is not currently available to the property. He suggested a positive recommendation to City Council.

Mr. Lee reported that domestic and fire service water is not available at this time.

Mr. Kriel reported that Tallapoosa River Electric serves this area at this time.

Chairman Sadler asked for questions or comments.

Mr. Seroyer made a motion to send a positive recommendation to City Council. Mr. Pridgen seconded the motion.

Ayes: Seroyer, Pridgen, Wood, Whatley, Posey, Cherry, Lazenby, Fuller

Nays: None

Abstention: None

The motion to send a positive recommendation to City Council passed.

With no further business on the agenda, Chairman Sadler adjourned the meeting at 3:35 p.m.

_____ H.J. Sadler, Chairman

_____ Martin D. Ogren, Secretary