



# City of Bay Minette

## Board of Adjustment

301 D'Olive Street · Bay Minette, Alabama 36507

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### AGENDA

June 17, 2025

Special-Called Meeting

8:00 a.m.

City Hall Council Chambers

301 D'Olive Street, Bay Minette

- 1.) Call to Order
- 2.) Invocation and Pledge
- 3.) Announcements & Registration to Address the Board
- 4.) Approval of Minutes for May 1, 2025, Regular Meeting
- 5.) Disclosure of Prior Communications and/or Conflicts of Interest
- 6.) Old Business
  - a.) Board of Adjustment By-Law Revision
- 7.) New Business
- 8.) Reports & Comments
  - a.) Mayor/Council/Administration
  - b.) Attorney
  - c.) Board Members
  - d.) Planning Staff
  - e.) Citizen Comments
- 9.) Adjournment

**\*\*Training Event Immediately Following\*\***

**June 17, 2025**

**8:15 AM**



## Bay Minette Board of Adjustment Regular Meeting Minutes

Minutes May 1, 2025

Meeting No. 1

The City of Bay Minette Board of Adjustment met in a Regular Meeting on Thursday, May 1, 2025. The meeting was called to order at 8:00 a.m., by Chairman, Dr. Abby Hamilton, in the Conference Room located in Bay Minette City Hall, in Bay Minette, Alabama; this being the proper place, date and hour as advertised to hold such meeting.

**IN ATTENDANCE** At 8:00 a.m. the following members were present:

Dr. Abby Hamilton, Chairman  
Shane Hadley, Vice Chairman  
Willie Walker, Board Member  
Liana Barnett, Board Member  
Earl Emmons, Board Member

Board Member(s) absent:

John W. Biggs, Supernumerary Board Member

Board Member(s) late:

None

Other persons in regular attendance:

Clair Dorrough, City Planner  
Paula Bonner, Planner Associate  
Madison Workman, Planning Technician

**GUESTS** None

**INVOCATION** Board Member Walker gave the invocation, followed by Chairman Hamilton leading the pledge.

**ITEM 3.** Announcements & Registration to Address the Board  
Mrs. Dorrough introduced Madison Workman as the new Planning Technician in the Planning & Development Services Department. She also introduced Earl Emmons, the new Board of Adjustment member and Planning Commission representative.

**ITEM 4.** Approval of Minutes of the May 2, 2024, Regular Meeting.  
Board Member Hadley made a motion to approve the May minutes as written. The motion was seconded by Board Member Walker which carried unanimously.

**ITEM 5.** Disclosure of Prior Communications and/or Conflicts of Interest

**ITEM 6.**

Old Business

a.) Board of Adjustment By-Law Revisions

Mrs. Dorrough presented the proposed Draft By-Law revisions followed by discussion of:

- The minor text and grammatical corrections in the draft.
- The change of the annual meeting date from July to May.
- The addition of an Electronic Meeting Policy to the By-Laws.
- The recent inclusion of the same Electronic Meeting Policy in the Planning Commission's By-Laws.
- The attendance policy, criteria, equipment and procedures of an electronic meeting
- No action will be taken today; the matter will be reconvened and voted on at a later date.

**ITEM 7.**

New Business

a.) Election of Officers

Current Chairman Hamilton opened the floor for Chairman nominations. Vice-Chairman Hadley nominated Dr. Abby Hamilton to continue as chairman. As there were no more nominations, Chairman Hamilton closed the floor for nominations. Vice-Chairman Hadley made a motion to re-elect Dr. Hamilton as Chairman. Board Member Walker seconded the motion which carried unanimously.

Chairman Hamilton opened the floor for Vice-Chairman nominations. Board Member Walker nominated Vice-Chairman Hadley for re-election. As there were no more nominations, Chairman Hamilton closed the floor for Vice-Chairman nominations. Board Member Walker made a motion to re-elect Vice-Chairman Hadley. Board Member Emmons seconded the motion, which carried unanimously.

b.) Updates & Upcoming Cases

Mrs. Dorrough reported on, followed by discussion of:

- Follow-up on Board Member Walker's inquiry from the previous meeting regarding Special Exception SE-23001: access conditions are compliant, but there is an active code enforcement case for an unpermitted large shed on the property.
- Right of Way Maintenance Flyer.
- City of Bay Minette Community Profile Flyer provided by the Baldwin County Economic Development Alliance.
- Update on the second draft of the Comprehensive Plan, including the grant, preferred plan, quality of life survey, and public engagement.
- The City of Bay Minette Redevelopment Authority and the proposed expansion of it.
- Update on Big Mike's Restaurant on N. Hoyle Avenue which is part of the Redevelopment Authority.
- Update on the Cobblestone Hotel & Suites on D'Olive Street which is part of the Redevelopment Authority.
- Proposed 16-unit Shopping Center and stand-alone restaurant on US Hwy 31.
- Two (2) proposed Circle K Convenience stores, one at US Hwy 31 and another at McMeans and Hand Avenue.
- Proposed Tambo's Barbecue Restaurant on W. 5<sup>th</sup> Street.

- Update on Old Towne Commons Planned Unit Development.
  - Current and proposed Baldwin County construction projects in Bay Minette including a new District Attorney office, proposed atrium in front of the courthouse, and the addition of a sally port to the courthouse.
- c.) Upcoming Meeting Dates & Possible Training Dates  
Mrs. Dorough presented 2025 and 2026 calendars, followed by discussion of:
- Scheduling a meeting date to vote on the proposed By-Laws.
  - Scheduling training sessions either exclusively for the Board of Adjustments or jointly with the Planning Commission.
  - Potential training types and topics.

After discussion it was decided the Board of Adjustment will meet on June 17, 2025 at 8:00 a.m. for training and to vote on the proposed By-Laws.

**ITEM 8. Reports and Announcements**

- a.) Mayor/Council/Administration - None
- b.) Attorney – None
- c.) Board Member - Board Member Walker inquired about, followed by discussion of, the potential development and right-of-way for property located at the end of Williams Street behind Heritage Oaks.
- d.) Planning Staff – Mrs. Dorough shared the online Baldwin County Map site on the screen, pointed out the Novellis site, and encouraged everyone to view the website.
- e.) Citizen Comments - None

Vice Chairman Hadley made a motion to adjourn, and Board Member Barnett seconded the motion.

**ITEM 9.** With no further business, the Chairman adjourned the meeting at 8:56 am.

DONE THIS THE 1<sup>st</sup> DAY OF May 2025,

\_\_\_\_\_  
Dr. Abby Hamilton, Chairman

**ATTEST:**

\_\_\_\_\_  
Paula Bonner, Planner Associate

**Motion Summary:**

- 1.) **Minutes:** Approval of Minutes for the May 2, 2024 Regular Meeting. Board Member Hadley made a motion to approve the May minutes as written. The motion was seconded by Board Member Walker which carried unanimously.

- 2.) **Election of Officers:** Election of Chairman. Vice-Chairman Hadley made a motion to re-elect Dr. Hamilton as Chairman. Board Member Walker seconded the motion, which carried unanimously.

Election of Vice-Chairman. Board Member Walker made a motion to re-elect Vice-Chairman Hadley. Board Member Emmons seconded the motion, which carried unanimously.

- 3.) **Adjourn:** Vice Chairman Hadley made a motion to adjourn. Board Member Barnett seconded the motion, which carried unanimously. With no further business, the Chairman adjourned the meeting at 8:56 am.

# City of Bay Minette

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## Board of Adjustment



## By-Laws of the Board of Adjustment

### Article I – Objectives

The objectives of the Board of Adjustment are to hear appeals from decisions of municipal administrative officers relating to the application of municipal zoning regulations, to grant variances and to authorize uses permitted on appeal. The City of Bay Minette's Board of Adjustment shall in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the zoning ordinance in harmony with its general purposes and interests and in accordance with general or specific rules therein contained by the City of Bay Minette.

**The powers and duties of the Board of Adjustment shall be as set forth in Title 11, Chapter 52, Code of Alabama, 1975, as amended.**

### Article II – Members

The Board of Adjustment shall consist of five (5) regular members and two (2) supernumerary members appointed by the Mayor. All members of the Board of Adjustment shall be bona fide residents and qualified electors of the City of Bay Minette.

### **Article III – Terms of Office**

The Board of Adjustment members shall be appointed by the Mayor for overlapping terms of three (3) years.

### **Article IV – Vacancies**

Any vacancy among the Board membership caused by death, resignation or removal for cause shall be filled for the unexpired term by appointment by the Mayor. Members shall be removed for cause by the Mayor upon written charges and after a public hearing thereon.

### **Article V – Compensation**

All members of the Board of Adjustment serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

### **Article VI – Officers**

The Board of Adjustment shall elect a Chairman and Vice-Chairman from among the membership. The terms of office of these two elected officers shall be one year or until re-elected or a successor is elected.

The officers shall be elected in the following order: the Chairman and then the Vice-Chairman. A voice vote shall be conducted until a nominee receives a majority vote. Officers shall assume their duties immediately upon election.

The Chairman shall set the agenda and preside at the meetings of the Board of Adjustment; special meetings as required in accordance with the By-Laws; sign documents of the Board of Adjustment, decide all points of order and see that all actions of the Board of Adjustment are properly taken. The Chairman, or in their absence the acting chairman, may administer oaths and compel the attendance of witnesses.

A member of the Planning & Community Development Department Staff shall serve as Secretary of the Board of Adjustment. The Secretary shall maintain a public record of the agenda, proceedings, and findings and voting records for each meeting of the Board of Adjustment; see that the minutes of all meetings of the Board of Adjustment are recorded and kept in an appropriate location, and give notices required by law or these by-laws.

The Vice-Chairman shall, during the absence, disability or disqualification of the Chairman, exercise and perform all of the powers and duties and be subject to all responsibilities of the Chairman. The Vice-Chairman shall succeed the Chairman if the Chairman vacates his office before his term is completed. In that event, a new Vice-Chairman shall be elected by the Board of Adjustment members at the next regular meeting of the Board of Adjustment to fill the unexpired term.

If the Chairman and Vice-Chairman are not able to preside at any meeting of the Board of Adjustment and a quorum is present, an Acting Chairman to serve only at the meeting shall be elected by a majority of the quorum present.

## **Article VII – Conduct of Members**

No member of the Board of Adjustment shall represent any applicant before the Board and any member with any direct or indirect interest in any business brought before the Board shall immediately recuse themselves prior to deliberation or voting on any such matter. In addition, any member with any relationship to any party having interest in any matter brought before the Board, whether directly or indirectly, shall immediately recuse themselves prior to deliberation or voting so as to prevent any appearance of impropriety. In addition, all members of the Board shall abide by the provisions of Title 36 of The Code of Alabama, Chapter 25, hereafter referred to as the Code of Ethics. Members of the Board of Adjustment shall have authority only when acting as a body legally assembled.

## **Article VIII – Meetings**

Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board may determine by a majority vote upon giving of a forty-eight (48) hour notice to each member. All meetings of the Board of Adjustment are open to the Public. The regular meeting in July of each year shall be the annual meeting at which elections of officers shall take place. The Board of Adjustment may convene executive sessions in accordance with applicable laws.

No member shall be absent more than three (3) consecutive or a maximum of five (5) regularly scheduled Board meetings per fiscal year. The Board shall recommend to the Mayor the dismissal of a member. Then the Mayor, at his/her discretion, shall coordinate the member's replacement and the appointment of a new member.

## **Article IX – Quorum**

A quorum for the official transaction of business by the Board of Adjustment shall consist of four (4) members. A concurring vote of four (4) members of the Board shall be necessary to take official action on matters presented to the Board, pursuant to Section 11-52-80, the Code of Alabama (1975). Each member of the Board of Adjustment shall have one (1) vote. Voting shall be by voice vote.

## **Article X – Powers and Duties**

The Board of Adjustment shall have the authority to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City Zoning Ordinance or of any ordinance adopted pursuant thereto.

The Board of Adjustment shall authorize upon request in specific cases such variance from the terms of the City Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the City Zoning Ordinance would result in unnecessary hardship.

The City of Bay Minette's Board of Adjustment shall hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of the City Zoning



Ordinances; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under City Zoning Ordinance, or to deny special exception when no in harmony with the purpose and intent of the Zoning Ordinance.

The Board of Adjustment shall exercise all other authority as set forth in Title 11, Chapter 52 of the Code of Alabama and the City of Bay Minette Zoning Ordinance.

## **Article XI – Order of Business**

**Roberts Rules of Order shall normally govern the conduct of business of the Board of Adjustment.**

The order of Business at Board of Adjustment meetings, unless altered at the discretion of the Board, shall generally be as follows:

- A. Call to Order
- B. Invocation/Pledge of Allegiance
- C. Approval of minutes from previous meeting
- D. Consideration of new applications and requests
- E. Reports and Announcements
- F. Miscellaneous Items
- G. Public Participation
- H. Adjournment

During the consideration of variance requests, special exception applications or any other matter requiring a public hearing, the following procedure shall normally be observed; however, it may be rearranged at the discretion of the Chairman for the expeditious conduct of business.

- A. Before any application requiring Board of Adjustment approval is considered, the engineer, developer, owner or designated representative of the engineer, developer or owner shall be present at such hearing to present the submittal to the Board. In the absence of such engineer, developer, owner, or designated representative, an application request shall not be heard.
- B. The Board of Adjustment members ask questions concerning the presentation.
- C. Planning Staff will be asked to present their recommendations.
- D. Statements or questions will be accepted from the general public with the approval of the Chairman or Vice-Chairman.
- E. The Board of Adjustment members may ask any final questions that they may have of the applicant, City Staff or the Public and then public participation is closed.
- F. The Board of Adjustment member deliberate and vote on the issue.

In order to be placed on a Board of Adjustment agenda, applicants must submit complete applications, together with all required supporting documentation and payment of required fees, on or before the submission deadline as set forth in the City's Zoning Ordinance.

All applicants, or their designated representative, shall attend the meeting(s) where their application is placed on the Board of Adjustment Agenda.

## **Article XII – Electronic Meeting Policy**

### **Section 12.1 Electronic Attendance**

Occasionally, situations may occur when a member of the Board of Adjustment is unable to be physically present at a meeting due to illness. In accordance with *Section 36-25A-5.2 of The Code of Alabama*, Board of Adjustment members may participate in a meeting by means of telephone conference, video conference, or other similar communications equipment that allows all participants to hear one another at the same time; provided, that both of the following are fulfilled:

- 1.) No less than a quorum of the members of the Board of Adjustment are physically present at the physical location.
- 2.) The member(s) of the Board of Adjustment participating by electronic means are unable to be physically present at the meeting due to illness.

**12.1.1** Participation by electronic means in compliance with this section shall constitute presence in person at the meeting for all purposes, except for the establishment of a quorum.

**12.1.2** Each meeting in which members of a governmental body are participating by electronic means in accordance with this section shall be held at a physical location available for persons wishing to be physically present, at which any interested member of the public shall be able to hear all persons who are participating remotely.

**12.1.3** Any vote taken at a meeting utilizing electronic communication equipment shall be taken as a roll call vote that allows each participant to vote individually in a manner audible to all persons participating or present at the physical location of the meeting.

**12.1.1.4A** A member participating in a meeting by electronic means as provided by this section may not claim any form of reimbursement for expenses relating to that meeting, including mileage.

### **Section 12.2 Communications Equipment and Electronic Meeting Participation Policy & Procedures**

**12.2.1 Communications Equipment.** “Communications Equipment” means any tools, devices, hardware, software, or other things necessary to facilitate communication among meeting participants who are in different physical locations, including telephone conference, video conference, or other similar communications equipment; and that allows all participants to hear one another at the same time.

**12.2.2 Member Unable to Be Physically Present Due to Illness.** If a member of the Board of Adjustment is unable to be physically present at a meeting of Board of Adjustment due to illness, and he or she wishes to participate electronically in the meeting, then the member shall provide notice to the to the Chairman and City

Planner on or before the day of the meeting. If the member who is unable to be physically present at the meeting is the Chairman, then the Chairman shall provide notice to the Vice Chairman and City Planner on or before the day of the meeting.

- 12.2.3 Quorum Required.** A member who is unable to be physically present due to illness may only participate electronically in a meeting if a quorum of the Board of Adjustment is physically present at the meeting location.
- 12.2.4 Participation by Electronic Means.** Consistent with *Section 36-25A-5.2 of The Code of Alabama*, participation by electronic means shall constitute presence in person at the meeting for all purposes, except for the establishment of a quorum.
- 12.2.5 Public Access.** All regular meetings of the Board of Adjustment shall be open to the public as required by the *Alabama Open Meetings Act*. All regular meetings of the Board of Adjustment will be conducted in a building that is open to the public. At this physical location of the meeting, all members of the public shall be able to hear all persons who are participating electronically in the meeting.
- 12.2.6** To allow a member to participate electronically in a meeting, the Planning Commission will use either of the following methods:
- 1.) A conference phone with a dial-in number, microphone(s), a set of speakers and any other necessary teleconferencing communications equipment. The member who is not physically present will receive the dial-in number in advance to facilitate his or her participation in the meeting. At the physical meeting location, there will be
    - a.) a microphone that allows members who are physically present at the meeting location to speak to the member who is participating electronically, and
    - b.) a set of speakers that allows those who are physically present at the meeting location to hear the member who is participating electronically.
  - 2.) A computer or laptop utilizing video-conferencing software, microphone(s), a webcam, a set of speakers, and any other necessary video-conferencing equipment. The member who is not physically present will receive a dial-in number or weblink in advance of the meeting to facilitate his or her participation in the meeting. To the extent possible, the webcam will be situated in the physical meeting location in such a way that the physically present members may be seen by the member who is participating electronically. A microphone will be set up to allow members who are physically present to speak to the member who is participating electronically.
- 12.2.7 Testing the Communications Equipment.** Immediately before the commencement of a meeting at which a member participates through electronic means, the communication equipment shall be tested to verify: 1) All participants will be able to hear one another at the same time, and 2) Interested members of the public who are present at the physical meeting location will be able to hear those who are participating electronically in the meeting.
- 12.2.8 Roll Call Voting.** Any vote taken at a meeting utilizing communication equipment described in this Electronic Meetings Policy shall be taken as a roll call vote that

allows each member to vote individually in a manner audible to all persons participating or present.

**12.2.9 Recordkeeping.** Documentation of the member's request to participate electronically due to illness shall be kept in the records of the Board of Adjustment. Additionally, the following information will be noted in the meeting minutes for a meeting in which there is participation by electronic means:

- 1.) The communication equipment was tested immediately before the meeting for sufficient compliance with these requirements: 1) All participants will be able to hear one another at the same time, and 2) Interested members of the public who are present at the physical meeting location will be able to hear those who are participating electronically in the meeting.
- 2.) The names of the members who were physically present at the meeting location.
- 3.) Whether a quorum of members was physically present at the meeting location.
- 4.) The names of the member(s) who participated electronically in the meeting due to illness and that the member(s) who participated electronically were absent due to illness.

#### **Article XIII – Amendment**

These by-laws may be amended at any regular or special meeting of the Board of Adjustment by a concurring vote of four (4) members of the Board provided that five (5) days advance notice of any proposed change shall be given to all members.

#### **Article XIV– Adoption**

These By-Laws were reviewed, approved and officially adopted by the City of Bay Minette Board of Adjustment. All previous By-Laws of the Board are hereby repealed.

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Date of Adoption

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Abby Hamilton, Chairman

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Clair Dorrough, City Planner