

Bay Minette Planning Commission Regular Meeting Minutes

Minutes January 9, 2020

Monthly Meeting No. 1

The Bay Minette Planning Commission met in Regular Session on Thursday, January 9, 2020. The meeting was called to order at 8:04 a.m., by Chairman, Todd Stewart, 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 8:04 a.m. the following members were present:

Todd Stewart, Chairman
Ed Pepperman, Vice-Chairman
Jessica Davis, Commission Member
Wynter Crook, Commission Member
Neal Covington, Commission Member
Pat Robinson, Building Official

Commission Members absent:

John Biggs, Council Member
Scotty Langham, Commission Member

Commission Members late:

Robert A. "Bob" Wills, Mayor

Other persons in regular attendance:

Scotty Lewis, Attorney- *joined late*
Tammy Smith, City Administrator/Finance Director
Clair Dorrough, City Planner
Leslie Johnston, SARPC
Jessica Peed, Planning Assistant
Steven Stewart, Fire Inspector
Rita Diedtrich, City Clerk

GUESTS Steven Boeschen
Al Boykin

INVOCATION Chairman Stewart gave the invocation, followed by the pledge.

ITEM 3. Approval of Minutes of the December 12, 2019 meeting. Commission Member Pepperman made a motion to approve the minutes as written. The motion was seconded by Commission Member Covington and it was unanimously carried.

- Chairman Stewart reordered the agenda to hear New Business before Old Business.

ITEM 4. New Business:

a.) AS- 1903, Boeschen Subdivision

Request: Approval to divide one lot into two

Location: The subject property is located at 43800 Pine Grove Road

Chairman Stewart introduced the Boeschen Subdivision request.

Mayor Wills joined the Planning Commission Meeting at 8:09am.

Mrs. Dorough briefly explained the property is located outside city limits but within our extra-territorial jurisdiction (ETJ), and that the request is to have the seven-acre parcel subdivided into two parcels, with (1) three-acre parcel and (1) one-acre parcel. She indicated that Mr. Boeschen would like to build a house on the three-acre parcel. Mrs. Dorough stated Mr. Boeschens' request meets two of the Administrative Subdivision Regulation criteria, and discussed the shed is thirteen and one-half feet from the lot line and therefore not an issue. Chairman Stewart asked if Mr. Boeschen would like to make any comments. Mr. Boeschen stated he had none. Chairman Stewart asked if anyone else had any other comments or questions. None were made. Commission Member Pepperman made a motion to authorize the Chairman to the plat that divides the property into two parcels, with (1) three-acre parcel and (1) one acre parcel. Commission Member Davis seconded the motion, and it was unanimously carried.

b.) AS- 1904, Boykin Subdivision

Request: Correction related to Baldwin County exempt subdivision approval

Location: The subject property is located at Co. Rd. 138 near Tall Pine Road

Chairman Stewart briefly explained the history regarding the subject property. Mrs. Dorough stated in 2013 the highway department changed the parcel lines. The owner recently sold the property. When he attempted to obtain an E911 address, he was informed it would not be issued without the City of Bay Minette's approval since, at the time of the parcel lines being changed, the permitting jurisdiction overlapped between Baldwin County and the City of Bay Minette. Mrs. Dorough stated he would have been approved in 2013, and currently still meets regulations. Chairman Stewart stated he personally called E-911 and attempted to rectify the situation on Mr. Boykin's behalf in June of 2019, but was unable to do so.

Scotty Lewis, City Attorney, joined the Planning Commission at 8:14am.

Mr. Boykin stated he would need an exemption letter as well. Chairman Stewart explained the Planning Commission does not normally issue exemption letters as the Commission does not recognize the terminology in the Subdivision Regulations. Mrs. Dorough stated the Planning Department sends a "Notice of Action" letter to the applicants post Planning Commission meetings, so a letter can be sent to Mr. Boykin stating the action the Planning Commission takes regarding his request. Chairman Stewart asked Mr. Boykin if he had any questions, and he had none. Chairman Stewart asked if anyone had any questions or comments. None were made. Commission Member Pepperman made a motion to authorize the Chairman to sign the plat with the addition of issuing a letter of approval. Mayor Wills seconded the motion, and it was unanimously carried.

ITEM 5.

Old Business:

- Chairman Stewart introduced the Subdivision Regulation amendment to Section 8, Administrative Subdivision Ordinance. He explained the differences in the markup on the amendment. Mrs. Dorough explained there is a re-revised version, that was issued with the Planning Commission agenda, after speaking with Scotty Lewis, City Attorney, regarding a few changes to specific wording. Mrs. Dorough indicated the main issue is lot line requirements, which was marked on page two, line item number forty-four. Chairman Stewart explained to the newest commission members, Jessica Davis, Wynter Crook, and Neal Covington, as to why the Amendment to the Subdivision Regulation was made in 2012. Chairman Stewart confirmed with Mrs. Dorough that the proposal is for Exempt Subdivisions to receive Planning Commission approval, and Administrative Subdivisions would only need City Planner approval. Mrs. Dorough stated the Penalties Section,

Section 9, currently has a penalty of \$100, whereas Baldwin County currently has a penalty fee of \$1,000 per lot. Scotty Lewis interjected that Rita Diedrich pulled the City Ordinances from Municode, and the fee can go up to \$500 per lot. Mrs. Dorough explained Bay Minette's current penalty fee is less than the application fee, and it is her recommendation to increase the fee to \$500 per lot, as it is in more in line with the other fees. Chairman Stewart asked if this revision were to be approved, would the previous applicant, Mr. Boykin have had to pay. Tammy Smith, City Administrator, explained the applicant met with former Building Official, Oscar Waters, so in this instance it would have been waived. Mayor Wills also asked if the Planning Commission would have the authority to waive the fine in special circumstances. Scotty Lewis agreed that per the penalty provisions, there would be an option to waive the fine, and he would be concerned going above the \$500 suggested increase. Chairman Stewart asked if there were any issues with proposing the penalty fee be changed to \$500 in lieu of the current \$100 fee. No issues or comments were stated.

Chairman Stewart opened the public hearing at 8:30am to approve the revised Subdivision Regulations to go into the Ordinance. Chairman Stewart asked if there were any questions or comments. There were none. Chairman Stewart closed the public hearing at 8:31am. Commission Member Covington made a motion to approve the proposed Subdivision Regulation amendments with the modification presented on the revised document, and the penalty fee be increased to \$500 in lieu of the current \$100 fee. Commission Member Pepperman seconded the motion, and it was unanimously carried.

ITEM 6. Reports:

A. Mayor/Council Report:

- Mayor Wills stated the City of Bay Minette had a good Christmas season, and Christmas Fest was the best it has been in a few years with it being located around the Courthouse Square again. He informed everyone that Marisa Lund was recently hired in the Recreation Department. The City is also looking forward to working with Dr. Pouncy, the new president of Coastal Alabama Community College, and who is already a great asset to the City. Mayor Wills included that we are selling the Police Department building to the Sheriff's department so they can build a new jail tower. He stated the City is waiting to hear from the Board of Education on whether we will be able to move the SAIL/Senior Center into a portion of the old Elementary/Intermediate School. Mayor Wills concluded by stating this

year will be an exciting year, as the upstairs of City Hall will be renovated, and it is an election year, where he will be running for Mayor again.

B. Attorney

- Scotty Lewis stated that State Senator Chris Elliott will most likely be bringing up his bill to remove municipal police jurisdictions.

C. Commissioner

- None
- Leslie Johnston, SARPC representative, stated the annual SARPC meeting will be held next week.

D. Planning Staff

- Mrs. Dorough stated we had no topics to discuss, but gave Chairman Stewart JW Joiner's previously approved PUD plans to be signed.

ITEM 8. With no further business Chairman Stewart adjourned the meeting at 8:50am.

DONE THIS THE 9TH DAY of JANUARY 2020



Todd Stewart, Chairman

ATTEST:



Jessica Peed, Planning Assistant