

# Bay Minette Planning Commission

## Regular Meeting Minutes

Minutes April 14, 2022

Monthly Meeting No. 3

The Bay Minette Planning Commission met in Regular Session on Thursday, April 14, 2022. Both the Chairman and Vice Chairman were absent; therefore, the meeting was called to order at 8:02 a.m. by Clair Dorough, City Planner, in the Council Chambers 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 8:02 a.m. the following members were present and a quorum established:

Robert A. "Bob" Wills, Mayor  
Rob Madison, Building Official  
Earl Emmons, Commission Member  
Scotty Langham, Commission Member  
William Taylor, Commission Member

Commission Members absent:

Todd Stewart, Chairman  
Neal Covington, Vice-Chairman

Commission Members late:

Ray Clark, Commission Member

Other persons in regular attendance:

Clair Dorough, City Planner  
Jessica Peed, Planning Assistant  
Tammy Smith, City Administrator  
Scotty Lewis, City Attorney  
Steven Stewart, Fire Department  
Kristina Pittman, Chamber of Commerce

### GUESTS

Archie McMillan  
Albert Crane  
James Crane  
Clayton Crane  
Stephanie Bertagnolli  
William F. Green  
Brenda Kelson  
Earlene Kelson

### INVOCATION

Mrs. Dorough states that since both the Chairman and Vice Chairman are absent, the Commission must elect an Acting Chairman for the April 14, 2022 meeting. Commission Member Langham nominated Mayor Wills. The motion was seconded by Commission Member Emmons and was unanimously carried.

Councilman Taylor gave the invocation, followed by the pledge by Commission Member Langham.

- ITEM 3.** Approval of the Minutes of the March 10, 2022 meeting. Commission Member Langham made a motion to approve the March minutes as written. The motion was seconded by Commission Member Taylor and was unanimously carried.

*Ray Clark enters the Planning Commission meeting at 8:05 am.*

- ITEM 4.** Mrs. Dorough states there was a minor typo error that was overlooked on the previously approved minutes for both the December 9, 2021 and February 10, 2022 meetings that will require another motion to approve the corrected minutes as shown in the Planning Commission packet. Councilman Taylor made a motion to approve the corrected December 9, 2021 as newly written, with Commission Member Emmons seconding and unanimously carrying. Councilman Taylor made a motion to approve the corrected February 10, 2022 minutes as newly written, with Commission Member Clark seconding and unanimously carrying as well.

- ITEM 5.** Old Business

- a.) SE-22001, Taylor/Calloway Property Special Exception

Mrs. Dorough gives a status update on the recently reviewed Towing Special Exception request, stating that the Planning Commission made a recommendation for approval to the Board of Adjustment with the condition of a screening plan submitted prior to the BOA meeting. Mrs. Dorough states that screening plan has been submitted that meets the requirements and the Board of Adjustment meeting has been scheduled for April 28, 2022. There were no questions or comments from the Planning Commission.

- b.) ES-22001, Kelson Family Exempt Subdivision

Mrs. Dorough introduces the previously tabled request for a Family Exempt Subdivision, stating the plat has been amended to the correct number of owners going from 4 owners to 3 owners due to quit claim revisions. She reviews the information located in the Planning Commission staff report regarding location, existing structures, and the requirements that have been met. Councilman Taylor inquired on location to which Mrs. Dorough shows on the slideshow and a brief discussion ensues. Mayor Wills inquires if all criteria has been met to which Mrs. Dorough states that they have. Commission Member Emmons makes a motion to authorize the Chairman to sign the plat, as presented. Commission Member Langham seconds the motion and it was unanimously carried. There is a brief discussion on authorized signatory since the Chairman and Vice Chairman are absent, to which was concluded that it best for Chairman Stewart to sign the plat, and not Acting Chairman "Mayor" Wills. Mrs. Dorough tells the applicant she will contact them as soon as Chairman Stewart signs the plat, and the Notice of Action is complete.

- ITEM 6.** New Business:

- a.) SD-22001, Forestry Equipment Subdivision – Public Hearing  
Disclosure of Prior Communications and/or Conflict of Interest  
Request: 2- lot Minor Subdivision of 562± acres for commercial use  
Location: The subject property is located on the East side of State Hwy 59, approximately 1.5 miles North of the intersection of State Hwy 59 and State Hwy 287

Mayor Wills inquires on any prior Communications or Conflicts of Interest to which Scotty Lewis, City Attorney, states that while he is not staff, he will recuse himself from the discussion due to potential conflict stemming from his professional involvement with the applicant, but he will remain in the meeting. Mayor Wills introduces the request for a 2-lot Minor Subdivision. Mrs. Dorough reviews the staff report

and maps including that while one parcel is County Unzoned, per the Jurisdiction agreement that took effect in 2021, it would still be reviewed by the City since part of the subdivision involves property within municipal limits. She explains the basis for a Minor Subdivision review instead of administrative review including that the request is essentially a lot line reconfiguration, but since it is not residential it would not qualify as an Administrative Subdivision. She states there were no concerns from the Fire Department or North Baldwin Utilities, and states there is no sewer provided at this location, only septic. Mrs. Dorough clarifies that since the property is located on State Hwy 59, the City would not be controlling access but if any changes or expansions were to occur, ALDOT would be required to be involved. Mayor Wills verifies the lot change reconfigurations, and Commission Member Clark asks if the city limits were changing to which Mrs. Dorough states that only parcel lines are reconfiguring, City limits can only be changed through annexation or de-annexation, not through Subdivision Regulations. With no further questions, Mayor Wills opens the Public Hearing at 8:21am for public participation. James Crane inquires on the intentions for the property. Mrs. Dorough states the property has existing commercial uses, but much of the property is undeveloped. She states that the applicant is in attendance and can speak on the issue. Mr. McMillan states the property will be left the same and they are strictly cutting out 6.9 acres to sell and the remaining property will remain in its current undeveloped state. James Crane states they were concerned about what would be facing their property and what would be taking place. With no further questions or comments, Mayor Wills closes the Public Hearing at 8:23am. Commission Member Emmons made a motion to approve the Minor Subdivision. Commission Member Clark seconded and it was unanimously carried.

b.) Proposed Fee Schedule

Mrs. Dorough reviews the proposed revision of the fee schedule for the Planning and Zoning Department. She states the proposed changes primarily include the clarification of forms for the convenience of the public, but some items are proposed for increases including the Commercial and Industrial application fees for Fencing/Screening and Land Use Certificates; the addition of a separate fee for Planning Commission Approval of use location per the Table of Permitted Uses instead of the Site Plan approval process for new construction; annexation and de-annexation fees; Right-of-Way Request fees; and large format printing fees. Commission Member Clark inquired as to how these fees compare to other municipalities fees to which Mrs. Dorough states when they were established in 2020-2021, a comparison was done that showed the City's fees were lower than surrounding municipalities but at that time the City did not have the volume to justify increasing the cost of services. There is a discussion on costs incurred by the Planning Department to determine whether the proposed fees are "fair" for the work being handled. Tammy Smith states the Planning Department does not have express authority to generate revenue from Planning services, and instead the fees are only intended to offset costs of services provided. Both she and Mrs. Dorough were concerned about increasing the fees any more than the proposed fee schedule. There is brief overview of prior fees vs currently established fees since the department grew to include Planning staff. With no further questions or comments, Commission Member Clark made a motion to recommend approval for the currently proposed fee schedule. Councilman Taylor seconded and it was unanimously carried. Mayor Wills states that since the new fee schedule will have to be presented as an Ordinance, it will take effect after public notice and two City Council readings.

**ITEM 6.**

Reports:

a.) Mayor/Council Report

- Councilman Taylor states the mechanic shop, known as 225 Automotive, has moved out and the property appearance has greatly improved. Mrs. Dorough comments that Novus Glass has been approved and is now moving into that site. Commission Member Clark gave a public appreciation for the City Staff's follow up to remedy the situation since the applicant did not do what they said or intended when they received Planning Commission Site Plan approval. Mrs. Dorough states the Fire Department is primarily to thank as they were the responsible party that submitted issues to ADEM, which "got the ball rolling." There is a brief discussion on the status of Piggly Wiggly's new ownership and potential ventures operating from the site. Mrs. Smith speaks on the Justice Center plans that should be ready within 1-2 weeks for construction bids. There is a brief discussion on the Sheriff's office relocating into the renovated building, downtown sidewalk reconfiguration and the Bay Minette water tower. Mayor Wills states there was hope that some remnants could be saved to potentially create a model and place in a site with signage that details the historic nature of the tower.

b.) Attorney – None

c.) Commissioner – None

d.) Planning Staff

- Mrs. Dorough states she removed the lot discussion since the Chairman and Vice Chairman are not in attendance, but states she gave out selected readings from 2020 League of Municipalities which is a plain language summary of state codes, authorities, and other related information. She includes that she will be meeting with other municipalities and entities throughout the County to discuss exempt subdivisions and hopes to bring information to the next Planning Commission meeting. Commission Member Clark states he will not be in attendance at the next meeting, to which Mrs. Dorough includes that no decisions will be made that day, only general discussion will ensue.

**ITEM 7.** With no further business Acting Chairman "Mayor" Wills adjourned the meeting at 8:54 a.m.

DONE THIS THE 14th DAY OF APRIL 2022

  
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Todd Stewart, Chairman

ATTEST:

  
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Jessica Peed, Planning Coordinator