Meeting Minutes – Monday July 28th, 2025 – Bolivar Planning Commission

7 PM meeting called to order.

Members Present: Barb Staats, Jeffrey Staats, Councilman Dan Jimeno & Marcelo Morinigo.

Absent: Deb Hale. **Also Present:** Mayor Chris Higdon.

Approval of Minutes

Barb proposed one minor change to the April BPC meeting minutes: under Unfinished Business (1) Annual Report and Comprehensive Plan Updates, change "She" to "Jeff". Jeff made the motion to approve the April 28th, 2025 minutes with Barb's changes; Chris seconded the motion. All members approved.

Unfinished Business:

1. Discussion/Update Hiring Certified Zoning Administrator/Code Enforcement with proper credentials

Barb reported that the Town Council is working to find someone to hire for this position. Mayor Higdon was present to explain that Council would like to contract with someone on an as-needed, time-and-materials basis. He was granted permission by Harpers Ferry Mayor Vaughn to talk to Kevin Hamilton, Harpers Ferry's Town Enforcement Officer (but has not done so yet). The Mayor went on to add (with input from Dan) that Council has not yet created a scope of work/ job description. They want someone that they can call upon to evaluate the project, including costs, and report back to the Town Council and the Planning Commission directly to ensure proper rules and protocol are being followed. Currently this hiring process is still in the investigatory stage.

2. Discussion/Update on Building Permit Application for Mercer Street Applicant

Barb recapped how the BPC was asked to review plans at the last meeting with regards to a Mercer Street home building project. The problem was that the property in question is less than a half-acre lot and accordingly did not comply with our Ordinances that requires the property to be a platted lot on the year 2000 tax map, or minimum half-acre post-2000. Barb showed a tax map printout showing the ground prior to the year 2000 where it was a single acre lot. Then she showed a printout from the year 2002 and it shows that the lot had been divided into two separate lots and a residue (residual land left over for the purpose of utility easements). The residue parcel is the site on which the project is being built, which is a .15 acre lot. Barb went on to show another printout from 2025 showing the same two lots and the residual lot with two lot line adjustments that had been made at some point and time. Based on this the Planning Commission agreed that the permit should be denied. The property owner then appealed to the BZA (Board of Zoning Appeals) for a variance. The BZA approved the variance, subsequently allowing the building permit. Barb stressed the importance of getting the Zoning Administrator position filled to monitor these types of building inquiries/ projects. Discussion ensued regarding what power the Town has to prevent building projects that do not follow our zoning ordinances. Barb responded that the Town can issue a Stop Work Order if the individual(s) are not following the guidelines laid out in the Ordinances, but currently, without a Zoning Administrator/Code Enforcement official, we don't really have that option. Mayor Higdon spoke up and said that if there was a project where something was not in line with the expectation of how it was supposed to be done, he would have Laura type up a letter and he would send the Sheriff's Department down with a Stop Work Order. The

Mayor went on to say that the Town Council now has the opportunity to establish procedure on how to handle situations like this in the future. Council can use this Mercer Street project and the various issues it has raised as an example when laying out the scope of work for what they want a Zoning Administrator/Code Enforcement Official to do.

The Mercer Street building project is already underway; they have their permit and have begun construction. The general contractor has been professional and compliant. The Town asked them to put a silt fence and safety rails up, and they did. It is their responsibility to provide a 3rd party building inspector since presently we do not have one, and have inspection reports sent to the Town. The Mayor said he plans to meet with the town attorney to look at what legal options we have and what we can do if situations like this arise in the future. Marcelo then mentioned an Ordinance, Article 1703.01, that deals with Zoning Administrator Powers and Duties, which he will send to Mayor Higdon via the Town office.

New Business:

1. Discuss/Approve Updated Building and Demolition Permits/Fees Application

Barb had Jeff send out the new Building Permit packet draft via email to all BPC members before tonight's meeting. A hard copy of the current packet was also available to review. Barb reported that the new Building Permit Packet contained the same information requirements, that it had just been revamped to make it more up-to-date and user-friendly. She used Harpers Ferry's permit application forms for comparison, while Jeff checked with Laura to make sure the fee information and documentation requirements were all correct. Barb would like to present this new draft to the Town Council. She also mentioned that in each Ordinance Section 715.04 (e) (1), 1715.04 f, and 1715.05 a(1), there needs to be an amendment from requiring six copies of the permit application to just one copy. (Barb explained that six copies were needed for each BPC member back when the Commission reviewed building permits, which is no longer the case.)

The new packet references the Ordinances Part 13 & Part 17 that pertain to building requirements, and where to find this information. (The old packet did not include this info.) Mayor Higdon praised the new permit packet and asked Jeff to go back through the document and highlight the changes made to make it easier for Town Council to see the improvements. He would also like Laura to have another look at it to see if there was anything that she wanted to add or subtract. Marcelo expressed interest in changing the fees, and wondered how the current fee schedule was created. Barb said that the fees shown are accurate according to Laura, but if we wanted to change them in future, we could do that at any time. Jeff will ask Laura about how the fees are determined and report back at the next Planning Commission Meeting.

Marcelo suggested adding other types of construction categories as well as a construction deposit in case of any unexpected issues arising. Jeff stated that the Town doesn't have other construction categories because those projects would be far bigger than the town can accommodate. The Town has also never required a retainage fee. The Mayor suggested adding some additional information about the fees to the new Building Permit packet. It was decided that the Mayor would come into the office and discuss this issue with Jeff and Laura.

Marcelo suggested adding an Environmental Impact fee on future construction to help the town get money for futures projects. Jeff said that while there are a handful of buildable lots in Town, the majority of building projects are small things like adding a deck, putting up a fence, tearing down an old outbuilding and replacing

it with new one. The Mayor explained that what Marcelo means is to put new fees on people coming into town tearing down old properties and putting something new up.

Barb asked if a motion should be made to present the new building packet to the Town Council for approval at their upcoming meeting with the changes suggested or hold off until the Planning Commission's next meeting in October. All agreed that it would be best to allow for the Planning Commission to look over the document again in October once final changes were made; then it could be presented to Council in November. Dan added that ideally the Town Council may have hired a Zoning Administrator/Code Enforcement Official by that time, and then he/she could also look over it and provide feedback.

2. Review/Discuss SLO for Progress

Barb then talked about continuing to review the S/L/O list of Goals and Objectives from the current Comprehensive Plan, which comprise the results of the surveys and public comments during the Comp Plan process. BPC is reviewing them periodically to see if the things that the townsfolk wanted are being accomplished, what we can suggest to the Town Council, and potentially what projects we can do in the future. This will include reviewing current ordinances and permit processing procedures to ensure clarity and enforceability especially with looking at hiring a Certified Zoning Administrator/Code Enforcement. Mayor Higdon suggested that when the Planning Commission gives its report to the Town Council that we mention what has been accomplished in accordance with the latest Comp Plan. This would help point out ways that the Town is working towards the Comp Plan goals and objectives as requested by townspeople. Barb asked the Mayor if the Planning Commission could submit a blurb to be published in the next newsletter to convey what the BPC is working on and to solicit ideas from the public about certain Ordinances or ways to improve transparency and communication between the Town and community. The Mayor and all BPC members present agreed that would be a good idea. Barb asked members to continue to review the SLO table and come up with ideas of what and how we might accomplish these goals in the future.

3. Discuss Outline Guide Forum for Bolivar Businesses

This agenda item was tabled for another time.

Barb announced that another virtual training for the Ethics and Open Meetings Act is scheduled for July 30, 2025, from noon to 1:00 PM. If interested in attending, please contact Kimberly Weber for an invite.

The next Bolivar Planning Commission meeting would be October 27, 2025 at 7:00 PM.

Jeff made the motion to adjourn the meeting; Marcelo seconded. All in favor. The meeting concluded at 8:33 PM.