



Baldwin County Commission

Legislation Text

File #: 18-0217, **Version:** 1

Meeting Type: BCC Regular Meeting
Meeting Date: 6/5/2018
Item Status: New
From: Ronald J. Cink, County Administrator
Submitted by: Miranda N. McKinnon

ITEM TITLE

Order Granting License to Establish Private Cemetery - Minchew Haven of Rest Cemetery

STAFF RECOMMENDATION

Memorialize for the record, the Order Granting License to Establish Private Cemetery (Case No. 35385) from the Baldwin County Judge of Probate, dated May 8, 2018, granting a license to James Minchew and Mona Minchew, owners of the real property upon which the proposed cemetery will be situated, to establish a private cemetery on the property of James Minchew and Mona Minchew, in Robertsedale, Baldwin County, Alabama, said family cemetery to be located at 33000 Arlie Minchew Road, Robertsedale (Baldwin County), Alabama, and to be known as "Minchew Haven of Rest."

BACKGROUND INFORMATION

Previous Commission action/date: 04/03/2018

Background:

On February 22, 2018, Administration Department received a Petition to Establish Family Cemetery in Robertsedale, Baldwin County, Alabama. The petition was filed at the Judge of Probate Office on February 20, 2018, by James Minchew and Mona Minchew. The property is located at 33000 Arlie Minchew Road in Robertsedale (Baldwin County), Alabama.

Commissioner Tucker Dorsey (District 3) visited the proposed cemetery site on February 26, 2018 and recommends approval of the petition.

On March 13, 2018, the Commissioners met at the regular scheduled Work Session, during discussion the question of the name of the Cemetery was brought before the Commissioners to confirm.

On March 21, 2018, the Administration Department received an Amended Petition to Establish Family Cemetery changing the name of the Cemetery from The Minchew Family Cemetery to the Minchew

Haven of Rest.

During the April 3, 2018, Baldwin County Commission regular meeting, the Commission approved as follows:

Waive Baldwin County Commission Policy #2.7 - Licensing of Cemeteries, pursuant to an email from the Alabama Department of Public Health, dated December 30, 2011, which recognizes that a family burial plot on an individual's private property is not to be considered a cemetery for the purpose of regulation under Section 22-20-4, Code of Alabama 1975, unless the County or municipality has promulgated an ordinance that may include family burial plots within the definition of a cemetery; and

Pursuant to the request from the Judge of Probate Office to consider an Amended Petition to Establish Family Cemetery, the Minchew Haven of Rest, submitted by James Minchew and Mona Minchew, owners of the real property upon which the proposed cemetery will be situated, approve the establishment of a family cemetery on the property of James Minchew and Mona Minchew, in Robertsedale, Baldwin County, Alabama, said family cemetery to be located consistent with said Petition. The property is located at 33000 Arlie Minchew Road, Robertsedale, Alabama; and

Authorize the Chairman to execute any and all necessary documents and/or orders related to the Baldwin County Commission's approval to establish the Minchew Haven of Rest cemetery.

According to the Alabama Department of Public Health, the Health Department allows a family burial plot on an individual's private property not to be considered to be a cemetery for the purpose of regulation under Section 20-20-4, Code of Alabama 1975, unless the County or municipality has promulgated an ordinance that may include family burial plots within the definition of cemetery. (Staff notes that the proper Alabama Code Section is 22-20-4.)

County Policy #2.7 - Licensing of Cemeteries, requires the Health Department to inspect and give the Commission a recommendation as to the approval/disapproval of the proposed cemetery. In order for the Commission to approve the request for the establishment of this family cemetery, Policy #2.7 should be waived.

The Judge of Probate issued the Order Granting License to Establish Private Cemetery for the Minchew Haven of Rest on May 8, 2018, and today's action will make the Order part of the record.

FINANCIAL IMPACT

Total cost of recommendation: N/A

Budget line item(s) to be used: N/A

If this is not a budgeted expenditure, does the recommendation create a need for funding?
N/A

LEGAL IMPACT

Is legal review necessary for this staff recommendation and related documents? No

Reviewed/approved by: N/A

Additional comments: N/A

ADVERTISING REQUIREMENTS

Is advertising required for this recommendation? N/A

If the proof of publication affidavit is not attached, list the reason: N/A

FOLLOW UP IMPLEMENTATION

For time-sensitive follow up, select deadline date for follow up: N/A

Individual(s) responsible for follow up: N/A

Action required (list contact persons/addresses if documents are to be mailed or emailed):

Administration - Make Order a part of the June 5, 2018, BCC Meeting record.

Additional instructions/notes: N/A