

PROCEEDINGS HELD BEFORE THE
BALDWIN COUNTY COMMISSION

(Work Session)

Tuesday, July 9, 2019

The following proceedings were held on this the 9th day of July, 2019, at the Baldwin County Administration Building, Conference Room, 322 Courthouse Square, Bay Minette, Alabama, before Susan C. Andrews, Certified Court Reporter Number 287.

A P P E A R A N C E

COUNTY COMMISSIONERS PRESENT:

Charles F. (Skip) Gruber, Chairman

Billie Jo Underwood

Joe Davis, III

James E. (Jeb) Ball

ALSO PRESENT:

Wayne Dyess, County Administrator,
Administration Department

Ron Cink, Director, Budget/Purchasing
Department

Donna Bryars, Acting and Interim
Clerk/Treasurer, Finance/Accounting
Department

Brian Peacock, Director, CIS Department

Anu Gary, Administration/Records Manager,
Administration Department

Lisa Sangster, Administrative Support
Specialist IV, Highway Department

Vince Jackson, Planning Director, Planning
Department

Joey Nunnally, County Engineer, Highway
Department

Zachary Hood, Director, Emergency Management
Agency

David Conner, County Attorney

Brad Hicks, Conflict Counsel

APPEARANCES (cont.)

ALSO PRESENT (cont.):

Lee Lawson, President, Baldwin County

Economic Development Alliance

Wanda Gautney, Purchasing Director,

Budget/Purchasing Department

Terri Graham, Director, Environmental

Management (Solid Waste) Department

Linda Lee, Planner, Planning Department

Joe Rector

Paul Shoenight

Mark Davis

Frank Hale

Don Fuqua

Bruce Austin

Renae Austin

Jesi Ward

Carolyn King

Deana Jones

Robert Pollard

Shirley Pollard

Christine Darby

Dan Middleton

A. W. Russell

John Dorn

Drew Neiderriter

Donna Hinote

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APPEARANCES (cont.)

ALSO PRESENT (cont.):

- Guy Busby
- Dan Middleton
- Dawn Hoffer
- Allen Russell
- Mark Stephens
- Lydia Franz

I N D E X

WELCOME, INVOCATION AND PLEDGE OF ALLEGIANCE..... 10

BUDGET/PURCHASING

B-1 Competitive Bid #WG19-33 - Interior Renovations of Courtroom No. 7 in the Baldwin County Courthouse Located in Bay Minette, Alabama For the Baldwin County Commission..... 143

B-2 Competitive Bid #WG18-36 - Provision of Fiber Optic Network-Maintenance and Locates For the Baldwin County Commission..... 144

B-3 Competitive Bid #WG19-43 - Provision of Pest Control For the Baldwin County Commission..... 144

B-4 Competitive Bid #WG19-44 - Provision of Bottled Water For the Baldwin County Commission..... 145

B-5 Competitive Bid #WG19-48 - Purchase of One (1) New Police Interceptor Utility K8a Vehicle For the Baldwin County Sheriff'S Department..... 147

B-6 Competitive Bid #WG19-49 - Purchase and Installation of Audio/Video Systems For the Courtrooms Located in the Baldwin County Courthouse, Fairhope Satellite Courthouse and Foley Satellite Courthouse For the Baldwin County Commission..... 145

B-7 Copy Machine Recent For the Baldwin County Judge of Probate Office, Fairhope Commission Office, Planning & Zoning Department and the Council on Aging Department..... 147

B-8 Request For Proposals (RFP) For Developing a Baldwin County Solid Waste Gas-to-Energy Project Located At the Magnolia Sanitary Landfill..... 148

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I N D E X (cont.)

BUDGET/PURCHASING (cont.)

- B-9 Request For Qualifications For the 2020 Digital Orthophoto Acquisition..... 149
- B-10 Pre-Qualification of Contractors For the Interior Build-Out of the Second Floor of the Baldwin County Satellite Courthouse Located in Fairhope, Alabama. 150

HIGHWAY

- C-1 Advertise Amendments to the Baldwin County Subdivision Regulations..... 151
- C-2 Discussion Regarding Fiber Installation Methods Provided By Point Broadband..... 152
- C-3 S-17020 - Canaan Place, Phase 2 - Release Maintenance Surety..... 181

FINANCE AND ACCOUNTING

- D-1 Sales & Use Tax Collection Software Agreement Addendum..... 209

PLANNING AND ZONING

- G-1 Case Z-19008 - Kircharr Rezoning Request..... 11
- G-2 Case Z-19011 - Savannah Estates Planned Residential Development (PRD) Site Plan Approval..... 13
- G-3 Case Z-19022 - Hayes Re-Zoning Request.. 72
- G-4 Case Z-19023 - Shoenight Rezoning Request..... 106
- G-5 Case Z-19027 - Fountain 38 LLC Rezoning Request..... 119

COMMUNICATIONS/INFORMATION SYSTEMS (CIS)

- H-1 Oracle True-Up Authorization..... 210

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I N D E X (cont.)

COMMUNICATIONS/INFORMATION SYSTEMS
(CIS) (cont.)

H-2 Sands Tech Av, LLC, Request For
Termination of Contract..... 210

ARCHIVES AND HISTORY

I-1 19th Century Blacksmithing At
Bicentennial Park..... 211

BUILDING MAINTENANCE

J-1 County Fixed Asset Change - 2006
Chevrolet C1500 ½ Ton Truck and 2003
Ford F-150..... 211

ANIMAL CONTROL

O-1 Baldwin County Trap-Neuter-Return (TNR)
Program - Renewal of Robertsedale Animal
Clinic and Baldwin Animal Clinic
Agreements..... 212

ADMINISTRATION

P-1 Beach Club West National Fish and
Wildlife Foundation (NFWF) Project -
Letter of Support..... 212

P-2 Baldwin County Commission District No.
1 Planning (Zoning) District Board of
Adjustment (Greater North Baldwin
County Area) - Board Appointment..... 213

P-3 Baldwin County Commission District No.
2 Planning (Zoning) District Board of
Adjustment (Greater Eastern Shore
Baldwin County Area) - Board
Appointment..... 214

P-4 Baldwin County Commission District No.
4 Planning (Zoning) District Board of
Adjustment (Greater South Baldwin
County Area) - Board Appointments..... 215

P-5 Cindy Haber Center, Inc. - Board
Appointment..... 216

I N D E X (cont.)

ADDENDA

1

2

3

4 Q-1 Request For Executive Session..... 138

5 Q-2 Old Mobile Highway - Local Traffic
Only Detour Request..... 182

6 Q-3 Speed Limits on County Road 112..... 185

7 Q-4 Bridge Replacement on County Road 9
Over Barner Branch - Resolution
#2019-120 and Construction Funding
Agreement..... 188

8

9

10 Q-5 Little River Community Center Property
Clearing..... 189

11

12 Q-6 Resolution #2019-121 - Fy 2020 High
Risk Rural Roads (Hrrr) Traffic
Control Device Project - County Road
13 112 From Us Highway 31 to
Alabama/Florida State Line..... 191

14

15 Q-7 County Road 64 Capacity Improvements -
Design Services..... 193

16 Q-8 General Canby Drive - Block Party..... 205

17 Q-9 Four-Way Stop At County Road 71 and
County Road 36..... 207

18

19 Q-10 Morgantown Boardwalk Coastal Grant
Application..... 207

20 Morgantown Boardwalk Coastal Grant
Application (Revisited)..... 230

21

22 Q-11 Request From Cub Scout Pack 321 -
Waiving of Usage Fees At Baldwin
County Bicentennial Park..... 217

23

24 Q-12 Emergency Management Agency - Updated
Position Description For Deputy EMA
Director..... 218

25

26 Q-13 Personnel Department - Social Security
Disability Extension Premium For Cobra
Enrollees From 150% to 102%..... 218

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
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23
24
25
26
27
28

I N D E X (cont.)

ADDENDA (cont.)

Q-14 Appropriation of Funds For the Mobile Bay National Estuary Program For a Production of a Short Film Related to Coal Ash..... 220

R - Public Comment..... 231

S - Press Questions..... 231

T - Commissioner Comments..... 231

U - Adjournment..... 232

P R O C E E D I N G S**WELCOME, INVOCATION AND PLEDGE OF ALLEGIANCE**

COMMISSION CHAIRMAN CHARLES F. (SKIP)

GRUBER: Good morning, everyone. Welcome to the July the 9th, 2019, workshop for the Baldwin County Commission.

And at this time, I've asked Commissioner Davis to lead us in the invocation and Commissioner Ball to lead us in the Pledge.

COMMISSIONER JOE DAVIS, III: Bow your heads, please.

(Commissioner Joe Davis, III, led in prayer.)

(The Pledge of Allegiance was recited.)

COMMISSION CHAIRMAN CHARLES F. (SKIP)

GRUBER: We're going to be doing some skipping around this morning.

We usually start at the -- we usually start at the top of it and go down. But we've got so many people here, I know that some of y'all want to get -- get back to your jobs. So --

AN AUDIENCE MEMBER: Thank you.

COMMISSION CHAIRMAN CHARLES F. (SKIP)

GRUBER: -- we're going to go ahead and start with some of that stuff here so y'all can be on your way.

G-1 - CASE Z-19008 - KIRCHARR REZONING REQUEST

COMMISSION CHAIRMAN CHARLES F. (SKIP)

GRUBER: Okay. Wayne.

MR. WAYNE DYESS: Mr. Chairman, the first item -- We're going to skip to G-1 -- is Planning and Zoning. The first case is Z-19008. This is the Kircharr re-zoning request.

MR. VINCE JACKSON: This is for property in Planning District 15. The applicant is requesting re-zoning of one-forty-eight-point-five-five (148.55) acres from RA, Rural Agriculture, to M-1, Light Industrial, and B-4, Major Commercial to RSF-2, Single-Family, to allow the development of a subdivision, planned residential development, to be known as Savannah Estates.

It's located on the north side of County Road 64 and the east side of 54 in Planning District 15. And this is the preliminary plan for the subject property.

We have two applications on this request. This one is the re-zoning. And then the next staff report will deal with the planned residential site plan.

And this is another view of the property. Here is the -- the locator map showing the current zoning. As you can see, a good bid of property is zoned M-1, which is the Light

1 Industrial designation.

2 When the zoning for Planning District 15 was
3 originally adopted, the M-1 section was actually
4 zoned RSF-2, which is the subject request.

5 Also, if you'll notice, to the north you have
6 some existing RSF-2. That is the Reserve at
7 Daphne. And we went through the re-zoning and
8 the planned residential development site plan on
9 that last year. And that's actually a much
10 larger development than what is proposed with
11 Savannah Estates.

12 Here's the aerial. If you'll notice, to the
13 east, there is a -- a dirt pit. And the proposal
14 is to fill the dirt pit.

15 There was some concerns expressed about
16 the -- the need for a certain quality of fill for
17 the ultimate development. And there was some
18 discussion on that at the Planning Commission
19 meeting, which you'll see in the Planning
20 Commission minutes.

21 These are pictures of the subject property
22 and the surrounding properties. And this is near
23 the -- there is a new school under construction
24 close by.

25 Planning Commission recommended approval at
26 their June meeting, and the staff concurs with
27 their recommendation.

28 I'll be happy to answer any questions on the

1 re-zoning or, if you would like, we can move on
2 to the PRD site plan and take questions at that
3 time.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP)
5 GRUBER: Okay. All right. Do y'all have any
6 questions of Vince on this part? And, if not,
7 we'll move to other part of it, Vince, on the
8 part you said that they were talking about
9 filling the old pit area.

10 MR. VINCE JACKSON: Yes, sir. Yes, sir.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP)
12 GRUBER: Okay.

13 MR. VINCE JACKSON: And the -- Joe
14 Rector, who's the engineer for this project, is
15 here. So if you have specific questions about
16 that, he can -- he can provide the response.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)
18 GRUBER: Okay. All right. All right. Do y'all
19 have any questions of him?

20 (No response.)

21 COMMISSION CHAIRMAN CHARLES F. (SKIP)
22 GRUBER: Okay. Go to the next one.

23
24 **G-2 - CASE Z-19011 - SAVANNAH ESTATES PLANNED**
25 **RESIDENTIAL DEVELOPMENT (PRD) SITE PLAN APPROVAL**

26 MR. VINCE JACKSON: Okay. This is
27 the -- the next case. This is the request for
28 PRD site plan approval.

1 The proposed development would be known as
2 Savannah Estates, if it's approved. It would
3 involve three hundred and ninety-two (392) lots
4 on one-forty-eight-point-five-five
5 (148.55) acres.

6 The subject property is located on -- again,
7 on the north side of County Road 64 and the east
8 side of County Road 54 in Planning District 15.

9 And the reason for the previous re-zoning
10 request is to allow this development as -- as a
11 PRD. Again, here is the locator map showing the
12 zoning and the aerial photography. And this is
13 the proposed PRD site plan.

14 If you notice the area that's closest to
15 County Road 64, they would -- they're proposing
16 to include a commercial area. And this is
17 allowed under the PRD site plan provisions.

18 You can -- you can set aside up to
19 twenty percent (20%) as commercial, that that
20 twenty percent (20%) comes out of the area that
21 you can -- where you calculate density. So we
22 have made those calculations, and it does meet
23 that requirement.

24 Also, to the east, there -- there's an area
25 that's proposed to have sixty (60) town homes.
26 And this would be included in the overall lot
27 count.

28 With the PRD, you can have different types of

1 housing, single-family, multifamily, and
2 duplexes. And so the town homes, again, would be
3 permitted if the PRD site plan is approved. And
4 this -- this does fall within the allowable
5 density.

6 Here's another view of the site plan,
7 pictures. And these are the same pictures.

8 In the past, we would combine where we had
9 a -- a companion re-zoning and a PRD site plan
10 application. We would often combine those into
11 one staff report. But what we found is it's
12 easier to just keep them separate, because we do
13 need a vote on each one.

14 Again, Planning Commission recommended
15 approval, and the staff concurs with their
16 recommendation. And I'll be happy to answer any
17 questions.

18 COMMISSION CHAIRMAN CHARLES F. (SKIP)
19 GRUBER: Commissioners, do y'all have any
20 questions?

21 COMMISSIONER JAMES E. (JEB) BALL:
22 Vince, are they doing any improvements on 64, or
23 how's that -- how's that going to work going into
24 this thing?

25 MR. VINCE JACKSON: Once -- If this is
26 approved, it will need to go through the
27 subdivision process. And so at that time,
28 there'll be a determination as to what, if any,

1 improvements are needed on County Road 64.

2 COMMISSIONER JAMES E. (JEB) BALL: Okay.

3 COMMISSIONER JOE DAVIS, III: So that's
4 where we would address turn lanes --

5 MR. VINCE JACKSON: Yes, sir.

6 COMMISSIONER JOE DAVIS, III: --
7 acceleration lanes and the lot?

8 MR. VINCE JACKSON: Yes, sir.

9 COMMISSIONER JOE DAVIS, III: Okay.

10 MR. WAYNE DYESS: Mr. Chairman, can I
11 make a quick comment?

12 COMMISSION CHAIRMAN CHARLES F. (SKIP)
13 GRUBER: Yes.

14 MR. WAYNE DYESS: I mentioned this to
15 Vince and also Joe Rector at the meeting. And
16 it's about open space. And I -- I want to point
17 out just a couple of things.

18 If we could go back to the site plan, if you
19 don't mind. Some of my concerns with the open
20 space is when you have them back behind lots like
21 this, it's really of no value to anybody.

22 What'll -- what'll happen, they'll put up
23 property fences. The open spaces grow up. It
24 won't be usable to anybody else.

25 Rather than what -- what I would encourage is
26 open space that's more central to the lots so
27 people can actually use this them.

28 This is a -- a dense development. There's --

1 The areas that are -- that are available are just
2 small areas like this. We would -- we would -- I
3 would recommend they incorporate an open space
4 that's more central to the development.

5 I know in Fairhope we were -- this is
6 something that we did. And it's basically using
7 open space in the proper context.

8 So when you have a dense development, you
9 have maybe a large green in the middle so people
10 can get to it. You can see it.

11 Open spaces you can't see do not feel safe.
12 Once it's behind a fence, nobody is going to let
13 their kids run back there behind the fence.

14 If it's central to the development that can
15 be seen from the lots, from the front doors
16 and from -- from roads and driveways, it's much
17 more usable. And then they have a place to go
18 and congregate to go and play.

19 So that's -- I just wanted to make that
20 comment. And I told Vince at the Planning
21 Commission meeting and also Joe. I sent him a
22 text at well kind of outlining kind of my -- my
23 thoughts on that. I just want to make that
24 known.

25 So as we -- as we move forward, I know Vince
26 and I talked about maybe updating our open space
27 regulations to where we will have sort of some
28 recommendations of open space and the types that

1 you have.

2 Because open space, it depends on where
3 you're at. But it's all context. So if you're
4 in a -- an urban area like a -- like a downtown
5 area, you'll have a square. It may not be green,
6 but it may be a place people can congregate and
7 sit.

8 Places like this, you want a large open area
9 so that people can play, kids can gather together
10 and not be behind privacy fences.

11 Because, again, that's a safety issue. And
12 then also it's gonna be a maintenance issue for
13 the POA and will not be used most likely.

14 MR. VINCE JACKSON: And I did mention
15 that to Mr. Rector so he would be aware at
16 today's meeting.

17 COMMISSIONER BILLIE JO UNDERWOOD: Are
18 there any -- were there any comments back from
19 the applicant as to maybe revising the open
20 space? Because that is a concern of mine as
21 well, is to the fact that that's almost taking
22 advantage of open space when you put it behind a
23 fence.

24 As you said, we -- we are now getting
25 complaints from subdivisions throughout the
26 county that have allowed this types of open space
27 and PRD's or subdivisions. And it's not being
28 maintained. It's -- it's a source of activities

1 that are causing problems with neighboring
2 properties.

3 And, also, my other question is a major
4 concern about the potential for sinkholes and
5 things like that on the area that would have to
6 have -- And there's a -- a note in here from
7 Frank --

8 MR. VINCE JACKSON: Yes.

9 COMMISSIONER BILLIE JO UNDERWOOD: --
10 Lundy. And I think a lot of the information that
11 I have received from people, the one that -- the
12 one that hits home to me more than anything has
13 to do with the health, safety, and welfare of the
14 people who are going to be buying this property
15 and in the future.

16 As you know, there are situations that have
17 happened in Florida and places like that where a
18 whole house just sinks in. You see that on CNN
19 in the morning.

20 I would hate to know that this -- this could
21 happen here. And I don't know. What role do we
22 play in seeing that that doesn't happen.

23 MR. VINCE JACKSON: And I'll let
24 Mr. Rector --

25 MR. JOE RECTOR: Yeah. I --

26 MR. VINCE JACKSON: -- speak to that.

27 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

28 MR. JOE RECTOR: My name is Joe Rector.

1 I'm with Mullins, LLC, engineering firm. We're
2 in -- we're representing Kircharr and J & S Land
3 and TKC on this particular parcel.

4 I'm, in fact, not an engineer. I'm a
5 professional land surveyor but do the land
6 planning and vice versa in the company and -- and
7 do the -- do all these presentations for -- for
8 those type of projects. So I just want to make
9 that clarification.

10 So, first, addressing the open space, I've
11 spoken to the client. They are completely
12 willing to -- to address those issues.

13 There was a -- a concern about that between
14 the Planning and Zoning and coming to the
15 Commission, modifying this too much at this point
16 since this was what was voted on at the
17 Commission.

18 But if there is no issue with doing so or
19 making those modifications during the preliminary
20 plat process, again, they've expressed that
21 willingness to do this.

22 Mr. Kircharr's goal here is to -- to get this
23 project under development, and then the primary
24 recipient of the lots on the back end of this.

25 He's got a relationship with Breland Homes,
26 who are starting to do a lot of development.
27 It's Louis Breland out of Huntsville that is --
28 that is doing this development.

1 And -- and they are doing a few. They're
2 doing one across the street now and doing several
3 others around Baldwin County. So they are
4 familiar with the Fairhope model as well and have
5 done projects down there.

6 And -- and -- and we can incorporate that
7 open space in a central park and even a phased
8 type where this dark black line here that -- that
9 you may be able to see is representing what the
10 plan would be for phasing. And the goal would be
11 to do Phase I and then II, III, IV, V.

12 And so kind of going with what Wayne said,
13 you know, the concept we've had before is where
14 you have kind of a park-type deal here to where a
15 piece of it's done with Phase I and a piece of
16 it's done so you don't end up backloading that as
17 well.

18 COMMISSIONER JOE DAVIS, III: Yeah.

19 MR. JOE RECTOR: So those are -- That's
20 another item that we can -- we can take into
21 consideration to modify into this. And, again,
22 it's just how much we can tweak and modify
23 between the -- the various different meetings so
24 it doesn't look completely different when people
25 come to us the next time.

26 In terms of the -- the area that's the pit,
27 J & S Land and TKC have operated a -- a pit to
28 the north portion. They purchased the land, the

1 bottom forty-three (43) acres that was a previous
2 pit operated by someone else.

3 They're actually going through the process
4 with the State right now to do a cleanup and
5 reclamation process on the southern pit. They're
6 finishing out work that they're doing on the --
7 the northern pit.

8 And then they have a process that they have
9 to go through with ADEM and everybody to -- to do
10 a reclamation of that land to take it from being
11 a pit back to something that's operational for
12 use of building roads and things of that nature.
13 And so they have to --

14 COMMISSIONER BILLIE JO UNDERWOOD: I --

15 MR. JOE RECTOR: -- provide the --

16 COMMISSION CHAIRMAN CHARLES F. (SKIP)

17 GRUBER: Uh-huh. (Indicates affirmatively.)

18 COMMISSIONER BILLIE JO UNDERWOOD:

19 That's -- I mean, there's no guarantee of -- of
20 what I'm asking you. It's not that you --
21 whatever reclamation of a pit. I don't know if
22 that's what you actually do to a dirt pit or
23 whatever after it's mined out or whatever.

24 But my -- my -- my concern is the future and
25 the safety of these people. So if you're not an
26 engineer, then I don't suppose you could really
27 answer those questions.

28 MR. JOE RECTOR: Well, I actually have a

1 staff of engineers that work for me, so I can
2 answer the question.

3 Geotechnical engineering is required by your
4 staff and the Engineering Department and the Land
5 Department here in Baldwin County. And there is
6 a set of subdivision regulations that dictate
7 what those requirements for road fill, lot fill
8 and all would be.

9 And those -- If this process goes forward
10 through the engineering review, those -- that
11 criteria that is set in your land development
12 code is required to be met.

13 So there is testing that is done by a
14 geotechnical engineer that we bring out as the
15 construction and design is going forth. And then
16 your staff reviews that and then either approves
17 or disapproves based on whether or not we meet
18 your rules and criteria.

19 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

20 MR. JOEY NUNNALLY: So can I -- can I
21 speak to that? So -- so some of the concerns
22 are -- with this is there in the process right
23 now of backfilling this -- these pits. We are
24 not doing any inspection on any of that pit right
25 now.

26 When he says the State is actually inspecting
27 and -- and they're working and coordinating for
28 the State to do this, he's referring to ADEM; is

1 that correct?

2 MR. JOE RECTOR: Yes.

3 MR. JOEY NUNNALLY: So ADEM doesn't have
4 any knowledge or need or care to even be
5 concerned about a road or a building. They are
6 concerned about closing this pit out from an
7 environmental standpoint.

8 So -- so when he's talking about reclaiming
9 and closing the ADEM permit out as a pit so they
10 can actually develop it as a subdivision, that's
11 their standpoint. That's what their focus is.
12 Our concerns is, as you can well see --

13 MR. JOE RECTOR: Which is Step 1.

14 MR. JOEY NUNNALLY: It is. It is a Step
15 1. But our concerns is the -- you know, the
16 material that you're bringing in now to -- to --
17 to fill the pit is not being tested from our
18 standpoint, from the -- from the County's
19 standpoint.

20 MR. JOE RECTOR: So let me clarify.
21 There is no --

22 MR. JOEY NUNNALLY: They need to --

23 MR. JOE RECTOR: There is no dirt being
24 brought in that. That's an incorrect statement
25 to say because --

26 MR. JOEY NUNNALLY: No. There's --
27 there's -- there's -- there's dump trucks hauling
28 dirt into that site. I've seen it with my own

1 eyes.

2 MR. JOE RECTOR: No. They're --

3 COMMISSION CHAIRMAN CHARLES F. (SKIP)

4 GRUBER: I've been there.

5 MR. JOE RECTOR: They're moving it
6 around the site.

7 MR. JOEY NUNNALLY: You've seen it?
8 You've seen it, too?

9 COMMISSION CHAIRMAN CHARLES F. (SKIP)

10 GRUBER: Uh-huh. (Indicates affirmatively.)

11 MR. JOEY NUNNALLY: So -- so, anyway, so
12 you -- I mean, you're -- You can see you've got
13 numerous houses being built on top of the --
14 the -- the pits that are there now. You've
15 roadways that are gonna be built on top of the
16 pit now.

17 I have had a meeting with Mr. Kevin Kircharr
18 myself and actually voiced my concerns to him on
19 this same matter.

20 And I just -- just wanted to make sure
21 everybody is on the same page and we understand
22 that -- that when he says working with the State,
23 he's talking about from an ADEM standpoint.

24 Working from an engineering standpoint in the
25 subdivision phase, we're talking about testing,
26 you know, geo testing this, which is gonna be the
27 material they bring in for the roadbed, not the
28 material that they're bringing in to make this a

1 buildable site. So I just want to make sure
2 everybody is on the same page.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP)
4 GRUBER: You're looking at -- you're looking at
5 some of them places, that elevation is probably
6 twenty (20) feet deep. I mean --

7 MR. JOEY NUNNALLY: Uh-huh. (Indicates
8 affirmatively.)

9 COMMISSIONER JOE DAVIS, III:
10 Mr. Chairman, if I could.

11 The areas that are delineated in blue, those
12 are the common areas --

13 COMMISSION CHAIRMAN CHARLES F. (SKIP)
14 GRUBER: No.

15 COMMISSIONER JOE DAVIS, III: --
16 currently?

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)
18 GRUBER: That's stormwater runoff.

19 COMMISSIONER JOE DAVIS, III: Stormwater
20 runoff.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP)
22 GRUBER: Stormwater retention.

23 COMMISSIONER JOE DAVIS, III: Okay.

24 MR. WAYNE DYESS: The areas in green
25 are the --

26 COMMISSIONER JOE DAVIS, III: Retention
27 ponds.

28 MR. WAYNE DYESS: -- are the common

1 areas.

2 COMMISSIONER JOE DAVIS, III: Retention
3 ponds. Okay.

4 MR. WAYNE DYESS: That's probably a
5 better screen. That -- that kind of bled.
6 That's probably a better view on this TV,
7 probably. You can see it a little clearer there.

8 COMMISSIONER JOE DAVIS, III: Yeah.

9 COMMISSIONER BILLIE JO UNDERWOOD: To
10 answer the question about -- I do believe that if
11 you are going to modify that, it would have to go
12 back through.

13 MR. WAYNE DYESS: Right. And Vince
14 can -- Vince can address this. But there are --
15 there are slight modifications after it's
16 approved you can do.

17 But I think if you're -- if you're going to
18 change the site plan -- I'd defer to David as
19 well. That's been advertised. It's been over to
20 the Planning Commission.

21 I'm assuming this is akin to a re-zoning
22 where you're changing the zoning, David?

23 ATTORNEY DAVID CONNER: That's right.
24 I -- I would agree with that, with Vince.

25 MR. VINCE JACKSON: No, I --

26 ATTORNEY DAVID CONNER: I just --

27 MR. VINCE JACKSON: I agree. I think
28 there are certain things that we can approve,

1 minor modifications that are -- they're defined
2 in the zoning ordinance, what constitutes a minor
3 modification.

4 I don't believe that changing the -- the open
5 space in the manner described would qualify as a
6 minor modification. So it really -- to -- to do
7 that, it would need to go back.

8 Now, you know, if -- if that's something
9 that -- that the Commission is wanting to
10 consider, you have sixty (60) days from the date
11 of your public hearing to -- to take action. So
12 it could be sent back to the Planning Commission
13 to make those modifications.

14 The only thing is to get it back to Planning
15 Commission in August and then back to you all in
16 September, we'd have to go ahead and start
17 advertising tomorrow. So, you know, that's just
18 something to consider.

19 But it -- it could be sent back, if -- if
20 that's something that you all are interested in.

21 MR. WAYNE DYESS: Mr. Chairman, can I
22 ask one more question of Joe?

23 COMMISSION CHAIRMAN CHARLES F. (SKIP)
24 GRUBER: Go ahead.

25 MR. WAYNE DYESS: A couple more
26 actually.

27 Joe, have y'all -- has any traffic study been
28 done to model the traffic on 54 and 64?

1 MR. JOE RECTOR: Yes.

2 MR. WAYNE DYESS: Okay.

3 MR. JOE RECTOR: Yes.

4 MR. WAYNE DYESS: Would that -- Does
5 that require any kind of improvements on 54 if 54
6 is your first phase?

7 MR. JOE RECTOR: Right.

8 MR. WAYNE DYESS: 54 East or North,
9 whatever it is?

10 MR. JOE RECTOR: There has been. The
11 first phase triggered, you know, improvements on
12 54 --

13 MR. WAYNE DYESS: Uh-huh. (Indicates
14 affirmatively.)

15 MR. JOE RECTOR: -- full build-out. And
16 the traffic study that was done by Neal Shaffer
17 showed what the -- what the full build-out of the
18 area would be. And it also included
19 consideration as to the projects that the County
20 already has in motion --

21 MR. WAYNE DYESS: Right.

22 MR. JOE RECTOR: -- as well. So that --
23 I believe you guys have a copy of that.

24 MR. WAYNE DYESS: But, Joe, a full
25 build-out, how many trips will this project
26 generate both on 64 and 54? Have y'all done
27 that?

28 MR. JOE RECTOR: I don't know that right

1 off the top of my head. But it's in that --

2 MR. WAYNE DYESS: How many trips per day
3 is it typically for a single-family home? It's
4 probably --

5 MR. JOEY NUNNALLY: Ten (10).

6 MR. WAYNE DYESS: Ten (10)? And you
7 have how many -- how many units total?

8 MR. JOEY NUNNALLY: Three hundred (300).

9 MR. WAYNE DYESS: Three hundred (300)?

10 COMMISSIONER JOE DAVIS, III: Three
11 ninety-two (392) --

12 COMMISSIONER JAMES E. (JEB) BALL: Yeah.

13 COMMISSIONER JOE DAVIS, III: -- or
14 something.

15 COMMISSIONER JAMES E. (JEB) BALL: So
16 four hundred (400).

17 MR. WAYNE DYESS: And, Mr. Chairman, if
18 I may.

19 There was also an article recently in
20 Lagniappe. I just want to make something kind of
21 clear. It was about schools.

22 Vince, can you explain our process that you
23 go through when we have new developments and how
24 we notify certain people of the developments as
25 far as the --

26 COMMISSIONER JOE DAVIS, III: Yes.

27 MR. WAYNE DYESS: -- impacts of schools
28 or other utilities?

1 MR. VINCE JACKSON: We -- If -- if you
2 notice in the staff report, you'll see an -- a
3 section for agency comments. We -- we ask
4 employees, County staff in the Highway Department
5 for comments. And then we also ask for comments
6 from -- from State agencies, Federal agencies
7 and --

8 MR. WAYNE DYESS: So --

9 MR. VINCE JACKSON: -- and the
10 municipalities, if it falls in an ETJ or if it's
11 adjacent.

12 In this case we did ask for comments from the
13 School Board. We didn't get anything. So if you
14 see anything that's stated in a negative way,
15 that, you know, the County didn't let the School
16 Board know, we did. And I have copies of e-mails
17 that I can provide to y'all.

18 You know, it's something that we try to be
19 diligent about. Sometimes we get comments, and
20 sometimes we don't. Some of the State and
21 Federal agencies are really good about providing
22 with us comments. The Highway Department staff
23 is really good.

24 And some of the -- some, but not all, of the
25 municipalities are good. Fairhope is good. Gulf
26 Shores is good. But, you know, we -- we do -- we
27 do provide the information.

28 MR. WAYNE DYESS: And it's -- it's

1 embedded in the staff report; correct?

2 MR. VINCE JACKSON: Yes. But you can
3 see -- Now, I -- I -- I didn't put those
4 e-mails --

5 MR. WAYNE DYESS: Right.

6 MR. VINCE JACKSON: -- in the staff
7 report, but I can provide those e-mails, if you
8 all wanted to see them.

9 Now, if this ends up going back, we'll try
10 again. Because we want to hear from -- from
11 everybody that's potentially affected.

12 COMMISSIONER JOE DAVIS, III: Well, one
13 of the concerns -- Mr. Chairman, if I could.

14 One of the concerns expressed to us is that
15 the School Board or their leadership might not
16 know of the size or the magnitude.

17 MR. WAYNE DYESS: Uh-huh. (Indicates
18 affirmatively.)

19 COMMISSIONER JOE DAVIS, III: And I
20 think we need to make sure that the citizens
21 know --

22 MR. WAYNE DYESS: Uh-huh. (Indicates
23 affirmatively.)

24 COMMISSIONER JOE DAVIS, III: -- the
25 School Board knows, and all of us know that we
26 share that information.

27 I mean, I don't know when they knew there
28 were going to be three hundred (300), almost four

1 hundred (400) potential lots there. But there
2 needs to be a good tracking there.

3 Because the sooner they can be aware of
4 what's coming possibly down the line, the better
5 they can make preparation for students --

6 MR. WAYNE DYESS: Right.

7 COMMISSIONER JOE DAVIS, III: -- and
8 travel and -- and busing and that and the like.

9 COMMISSIONER BILLIE JO UNDERWOOD:
10 What -- Okay. We had a recent situation about
11 flooding from some older subdivisions in that
12 area. And what we were told is that we're not
13 looking at more of a regional area of this water.

14 And with this exponential growth in this
15 area, which is mind boggling to us who have been
16 born and raised here -- And we -- Sometimes I
17 forget how bad it is until I drive over there.
18 The traffic is bad.

19 But my concern, also, is we're looking at
20 water around this site. But how are we looking
21 at it from a -- more of -- a little bit more of a
22 regional area? Because I think that's been the
23 concern on that one subdivision that's --

24 AN AUDIENCE MEMBER: Uh-huh. (Indicates
25 affirmatively.)

26 COMMISSIONER BILLIE JO UNDERWOOD: --
27 there's potential -- a lot of bad problems that
28 we have. And I can't remember the name of it.

1 But --

2 MR. WAYNE DYESS: Austin Bridges.

3 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

4 COMMISSIONER JOE DAVIS, III: Uh-huh.

5 (Indicates affirmatively.)

6 COMMISSIONER BILLIE JO UNDERWOOD: So
7 where do we stand when we have a development of
8 this magnitude come in with looking outside of
9 that site? What is our obligation in that manner
10 because of the watershed that this ends up, you
11 know --

12 COMMISSIONER JAMES E. (JEB) BALL: Fish
13 River.

14 COMMISSIONER BILLIE JO UNDERWOOD: Fish
15 River.

16 MR. WAYNE DYESS: Right.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)
18 GRUBER: And that's another thing that I was
19 looking at. You've got all these detention
20 ponds. Some of this water, you're pushing it
21 into the subdivision next to it.

22 And, you know, and you're looking at -- you
23 know, you're taking a lot of area there that is
24 fairly flat and you're going to be pushing this
25 water somewhere.

26 I mean, you know, these -- I don't see any --
27 I know these are not detailed plans or anything,
28 but kind of where the water is expected to

1 eventually go.

2 I know you've got -- it looks like in the
3 corner there, some that's going to go into this
4 other -- the other subdivision, the other ones,
5 you know.

6 I know they're still -- But they're all
7 ending up into another subdivision that was not
8 planned for this is going to be connecting their
9 drainage into this drainage. And, you know, --

10 COMMISSIONER BILLIE JO UNDERWOOD:

11 That's -- Yeah. That's -- Yeah. It's not --

12 COMMISSION CHAIRMAN CHARLES F. (SKIP)

13 GRUBER: You know, it's --

14 COMMISSIONER BILLIE JO UNDERWOOD:

15 It's -- it's only looking at this particular
16 site, is the way I'm seeing this, from a -- a
17 non-layman's --

18 MR. JOEY NUNNALLY: Yeah.

19 COMMISSIONER BILLIE JO UNDERWOOD: --

20 a -- a layman's viewpoint. And -- and I'm very
21 concerned about that because of what potential --
22 And when this is built out and then we start
23 getting a roomful of people like this that are
24 telling us, oh, I -- I need you to buy my house
25 out because that whole street -- this is flooding
26 because it's all flowing off of here. So this is
27 serious.

28 I mean, I feel like it wasn't really -- that

1 these things weren't addressed and asked in
2 the -- in the in-between checkpoint. And I think
3 a lot of times these things get sent up to us.

4 And I don't know what else to say except for
5 I don't know how in the world we can really know
6 just based on that one footprint, because of the
7 magnitude. If that was the first one in the
8 whole area, yeah, it might be okay. But with all
9 the --

10 COMMISSION CHAIRMAN CHARLES F. (SKIP)

11 GRUBER: Uh-huh. (Indicates affirmatively.)

12 COMMISSIONER BILLIE JO UNDERWOOD: --
13 everything else around it, it's just a concern
14 for me.

15 MR. JOE RECTOR: So I'd like to address
16 that, if I could.

17 COMMISSIONER BILLIE JO UNDERWOOD: Sure.

18 MR. JOE RECTOR: So your process is
19 defined. And the County requires us to do a
20 re-zoning first. And then we have to do a plan
21 of what the ultimate planning would be on the
22 site, which is what you see.

23 The questions to be answered as far as
24 drainage offsite, onsite, discharge, are all
25 things that are done in the process that's
26 defined in the land development code here by
27 engineering.

28 It's not at that step yet. The engineering

1 review on the roadbed, on the outfall, the
2 discharge location for the pond, how much the
3 pond will store is in the next step.

4 And we can't -- We're really not even
5 supposed to bring that information as a part of a
6 consideration for re-zoning or -- which basically
7 a PRD is a type of zoning that is --

8 MR. WAYNE DYESS: But -- but, Joe, but
9 once they approve a -- a PRD site plan, you have
10 certain rights to develop in accordance to that
11 site plan.

12 I -- I think what the Commissioners are
13 saying is that there are some concerns with how
14 the site plan is designed and how the lots are
15 located and areas that may produce potential
16 flooding.

17 So I think that the concern is we don't -- I
18 don't think the Commission wants to move forward
19 and -- and approve something and then come back
20 and just engineer it to make it work, rather than
21 let's -- let's find something that works and then
22 design around that as far as the site plan goes.
23 Kind of do it in reverse.

24 MR. JOEY NUNNALLY: That's a very good
25 point. Because, I mean, the -- the -- the blue
26 that you see there is what he's showing as his
27 retention pond. How do you know that that's
28 going to be enough retention area based on the

1 site plan if you've not done any calculations?

2 And I think that's the --

3 MR. JOE RECTOR: Well, there is planning
4 level calculations that are exactly the same as
5 what was done on the Reserve at Daphne above it,
6 were done on the site next to it, were done on
7 the site that's across the street at Bellwood and
8 were done -- I mean, it's the exact same process
9 that's been followed on. But --

10 COMMISSIONER BILLIE JO UNDERWOOD: I
11 understand that you're following the procedure.

12 MR. JOE RECTOR: And --

13 COMMISSIONER BILLIE JO UNDERWOOD: And
14 it may be what we have in place. But maybe what
15 we have in place is not adequate any longer and
16 maybe that we need to -- We're here, though, to
17 protect the people as well. And that is where I
18 stand on this.

19 COMMISSION CHAIRMAN CHARLES F. (SKIP)
20 GRUBER: Well, and the thing --

21 MR. JOE RECTOR: The -- the reasons
22 those were picked in those two locations then is
23 that if you look at this development that was
24 designed and done here, they -- they -- in the
25 design of this development, there is a defined
26 drainage easement with box culverts that are
27 built here to handle discharge of stormwater to
28 pass through --

1 MR. WAYNE DYESS: That's a --

2 MR. JOE RECTOR: -- that site. This
3 right here, there is a -- there is a major ditch
4 and a box culvert that crosses through there.

5 So as -- At this level when you're planning,
6 all you can do is take the information that's
7 there now and see that there was -- there was a
8 passthrough designed here and a passthrough
9 designed here.

10 So whenever this thing is -- this site was
11 designed, we have to capture the water here based
12 on what all of the geotech reports show and the
13 calculations for the exact area that's going to
14 end up being defined going to that pond.

15 We have to retain that, and then we have to
16 control the discharge of that so that it doesn't
17 leave the site at a greater rate in which it does
18 now. We have to meet the pre/post-calculations
19 that are defined in your land development code.

20 So, again, that comes in -- This point in the
21 corner up here, it may end up being twice the
22 size that it's shown on the planning map here.
23 But until we get into the actual design phase of
24 the project, we won't know that.

25 I mean, the same thing with this here. It
26 may end up being that. Well, really, a high
27 point needs to be here and shifted and this pond
28 is twice the size and this one is small because

1 we determined that whenever you bring the
2 stormwater here, that this isn't adequate to do
3 it. Because we're going to have to do a study on
4 that box culvert there to determine what the
5 flows can be handled through there.

6 The same thing on this one here. This here
7 has all of this area here currently coming and
8 discharging through the pipe and going through
9 the wetlands and going this way at the moment as
10 well. So --

11 COMMISSIONER JOE DAVIS, III: The
12 pipe --

13 JOE RECTOR: Okay.

14 COMMISSIONER JOE DAVIS, III: -- that
15 you just described, was it designed in
16 anticipation of additional subdivisions, or was
17 it designed based on what was currently there or
18 might be there?

19 MR. JOE RECTOR: The pipe that is right
20 here right now is on Hall Road. And it'll go
21 away. So this Hall Road will --

22 COMMISSIONER JOE DAVIS, III: So the
23 overflow from that blue will go where?

24 MR. JOE RECTOR: The overflow will --

25 COMMISSIONER JOE DAVIS, III: Because
26 it'll overflow.

27 MR. JOE RECTOR: Right. The overflow --

28 COMMISSIONER JOE DAVIS, III -- with

1 that --

2 MR. JOE RECTOR: The discharge right
3 here --

4 COMMISSIONER JOE DAVIS, III: Uh-huh.
5 (Indicates affirmatively.)

6 MR. JOE RECTOR: -- will go this
7 direction. But that pipe that's underneath that
8 Hall Road there is not going to be adequate to
9 handle it. But whenever we design this, that
10 Hall Road goes away and a discharge pipe will be
11 installed here that meets what the engineering
12 requirements for the County are.

13 COMMISSIONER JOE DAVIS, III: And that
14 water ends up where?

15 MR. JOE RECTOR: In that wetlands that
16 continued to flow.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)
18 GRUBER: Well, I know, you know, you mentioned,
19 you know, this -- about the thing. But you are
20 asking for a site plan approval. So, I mean, so
21 we are looking at, you know -- in your -- you're
22 asking for --

23 COMMISSIONER JOE DAVIS, III: At your
24 request.

25 COMMISSION CHAIRMAN CHARLES F. (SKIP)
26 GRUBER: -- for twofold here.

27 MR. JOE RECTOR: It's a -- a PRD.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP)

1 GRUBER: A PRD site plan approval. That's what
2 it says.

3 MR. JOE RECTOR: Right. Which also
4 stipulates that it does not grant anybody the --
5 the ability to build anything unless you come
6 through your next process, which is the
7 preliminary plat and the engineering plan review.

8 COMMISSIONER JAMES E. (JEB) BALL: But
9 here's where I've got an issue, just as my
10 Highway Engineer brought up. Somebody is
11 bringing dirt in out there. You say they're not.
12 But somebody is bringing dirt in out there and
13 they're filling in this landfill or this pit
14 without that being tested.

15 So there's already some deceitfulness, in my
16 mind, going on with the process that's being
17 filled -- You're -- you're shaking your head.
18 Are you there every day?

19 MR. JOE RECTOR: I'm -- I'm -- I'm
20 saying the representation that they're filling
21 the holes out there is -- is inaccurate
22 because --

23 COMMISSIONER JAMES E. (JEB) BALL:
24 You've got two -- you've got a Commissioner
25 and --

26 COMMISSION CHAIRMAN CHARLES F. (SKIP)

27 GRUBER: I've seen them.

28 COMMISSIONER JAMES E. (JEB) BALL: --

1 and -- and -- and --

2 COMMISSION CHAIRMAN CHARLES F. (SKIP)

3 GRUBER: I've seen them.

4 COMMISSIONER JAMES E. (JEB) BALL: -- an
5 engineer that see them going in and out. What
6 are -- You're saying they're moving dirt around.
7 Where are they moving the dirt to or from?

8 MR. JOE RECTOR: There are two pits that
9 are two separate operations right here. This
10 dirt that's coming in and out of this pit every
11 day is going to construct your highway out here
12 on 181. This pit down here that is -- that is
13 going on is in the process of having the dirt
14 moved out of here, filtered out the trash that
15 has been accumulated and -- and put in here for
16 years, and is being replaced after it's been
17 filtered and --

18 COMMISSIONER JAMES E. (JEB) BALL: This
19 needs to go.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP)

21 GRUBER: Yeah.

22 COMMISSIONER JAMES E. (JEB) BALL: Let's
23 let it go to public hearing.

24 COMMISSION CHAIRMAN CHARLES F. (SKIP)

25 GRUBER: Okay.

26 MR. JOEY NUNNALLY: So --

27 COMMISSION CHAIRMAN CHARLES F. (SKIP)

28 GRUBER: All right.

1 MR. JOEY NUNNALLY: So --

2 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

3 MR. JOEY NUNNALLY: -- you just said
4 something that threw up a red flag.

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)

6 GRUBER: I want to see if anybody --

7 MR. JOEY NUNNALLY: What kind of trash
8 has been hauled into that pit?

9 MR. JOE RECTOR: This pit was in
10 operation before and closed and not run at, as
11 you -- as you well know, for a number of years
12 prior to whenever TKC and Kircharr bought this
13 property within the last year. They only owned
14 this parcel.

15 MR. JOEY NUNNALLY: I -- I'm just asking
16 what kind of trash you -- what do you call trash?

17 MR. JOE DAVIS: Limbs, debris.

18 MR. JOEY NUNNALLY: Vegetative debris?

19 MR. JOE RECTOR: Yes.

20 MR. JOEY NUNNALLY: Okay.

21 MR. JOE RECTOR: That's visible when you
22 go in there, and you can see it.

23 MR. JOEY NUNNALLY: So we've got --
24 we've got -- So you're -- It's possible then
25 you're -- you're piling fill material on the top
26 vegetative debris?

27 MR. JOE RECTOR: No.

28 MR. JOEY NUNNALLY: You're -- you're --

1 you're going to guarantee you got all of that?

2 MR. JOE RECTOR: I'm saying that what
3 they're doing right now is they're going in there
4 and moving that dirt around and digging that
5 stuff up.

6 MR. JOEY NUNNALLY: That's part of my
7 concern.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP)
9 GRUBER: Okay. All right. Was there anybody
10 here that wanted to say something about this item
11 and the -- to give y'all an opportunity? I mean,
12 we're not -- we're not voting here today. But
13 this is getting us to the Commission meeting --
14 which we will have. Go ahead. Do you want to
15 say something?

16 MR. FRANK HALE: The questions today are
17 a lot better than what we heard in Robertsdale at
18 the meeting. So thank you for that.

19 I'm with you on the future of the property
20 and the value that the homeowners who will not be
21 affected by sinkhole possibilities, what they
22 will incur, and the tax revenue law for the
23 County.

24 I think the site visit and asking the owner
25 of the pit what's coming in and out would
26 probably be worthwhile to do. And they'll tell
27 you the truth what's coming in and out of those
28 pits.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP)

2 GRUBER: Okay. All right. Well, then, it's --
3 We'll have a public hearing on both of these
4 cases.

5 MR. VINCE JACKSON: Can I --

6 COMMISSIONER JOE DAVIS, III: Yeah. Go
7 ahead.

8 MR. VINCE JACKSON: -- make a few
9 comments? I think one thing that we need to do
10 on our agency comments, I think we might need to
11 send them to Joey. Because I'm hearing stuff for
12 the first time standing here. And I can't be
13 prepared to answer those things when I'm hearing
14 them for the first time --

15 COMMISSIONER JOE DAVIS, III: Sure.

16 MR. VINCE JACKSON: -- standing in here.

17 COMMISSIONER BILLIE JO UNDERWOOD: Well,
18 in all due respect, we had a very short week last
19 week.

20 MR. VINCE JACKSON: We did.

21 COMMISSIONER BILLIE JO UNDERWOOD: And
22 this information was sent to us. Things
23 happened. I can't get, you know -- I was up
24 until one o'clock last night reading all these
25 cases.

26 And not that I didn't look at them earlier,
27 I've looked at them. That wasn't the first time
28 I had looked at them. It was my last review.

1 There's just not enough time sometimes when
2 you only have a couple of days to get -- to get
3 that, you know. I'm talking about when the staff
4 is available, you know.

5 MR. WAYNE DYESS: Mr. Chairman, can I
6 make a quick comment, too?

7 So, you know, basically, from the staff's
8 perspective, we're all in this together, the
9 County staff.

10 COMMISSIONER JOE DAVIS, III: Sure.

11 MR. WAYNE DYESS: We want to make sure
12 that every development is going to be the best
13 development it can be, that it's going to be an
14 asset to the County, it's not going to be a
15 liability for the property owner or a liability
16 to the County. Our whole goal is to make this
17 the best it can be.

18 I agree that, you know, as far as the agency
19 comments, we don't get sometimes from outside
20 like we should. But I think what Joey's goal, my
21 goal, Vince's goal is to get more coordination so
22 all these things can be discussed.

23 I know that we've talked about this before
24 with a -- kind of what's called a development
25 review committee, which is an internal meeting
26 amongst staff to really sit down and talk about
27 things. And because everybody wants to make sure
28 that this -- this is -- this is going to be a

1 good development.

2 Just because something came up at the last
3 minute doesn't mean it should be swept under the
4 rug. We should -- we should --

5 COMMISSIONER JOE DAVIS, III: Right.

6 MR. WAYNE DYESS: -- discuss that. But
7 I don't think there's anything wrong with that.
8 But our goal is, from -- from the County staff
9 perspective, is to make sure we have the best
10 development we can have and make sure the
11 problems are addressed and make sure that, as we
12 move forward, it's something we can be proud of
13 and won't be a liability to us.

14 So I will tell you our -- some of our
15 regulations have some -- leave something to be
16 desired. The -- the PRD regulations, Vince and I
17 have discussed amending those to make those
18 provide better guidance to what the County
19 desires as far as development goes, open space,
20 things like that.

21 Joey has been meeting and I have been meeting
22 with other engineers throughout the county from
23 the cities. There's a question about the
24 comprehensive nature of how we look at
25 stormwater. Right now when this comes forward,
26 you're looking at an isolated piece of
27 property --

28 COMMISSIONER BILLIE JO UNDERWOOD:

1 Right.

2 MR. WAYNE DYESS: -- most the right
3 time; right, Joey? You -- you don't -- you're
4 not -- you're not looking at these -- a
5 geographic larger area.

6 COMMISSIONER BILLIE JO UNDERWOOD: Well,
7 that's what I was trying to --

8 MR. WAYNE DYESS: Right.

9 COMMISSIONER JOE DAVIS, III: And that's
10 what need.

11 MR. WAYNE DYESS: And -- and so what
12 we've been -- we've been meeting with -- with
13 several of the city engineers from -- from
14 Fairhope, from Robertsdale, Foley, others,
15 Daphne, others.

16 We have -- The County has spent a lot of
17 money on engineering plans and studies about
18 stormwater to -- For those to be effective, we
19 need to incorporate into a regulation.

20 That's one of the things we're hoping to do,
21 so we do have that comprehensive look. We do --
22 we can anticipate. We can calculate or -- or
23 look forward to see what this may do to a
24 particular watershed based on the topography and
25 the engineering studies.

26 And -- and Joey and his staff have been very
27 good in helping us with that. And I think we all
28 share that same goal. So I just want to make

1 that clear.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP)
3 GRUBER: I'd just like to say, also, you know,
4 we -- the Commission has spent quite a bit of
5 money on doing watershed studies.

6 And, in particular, there is one for the Fish
7 River, you know. And it hasn't completely been
8 implemented, but there's some things in there
9 that are really -- should be looked at very
10 heavily.

11 And it -- it does pertain to -- to -- to the
12 watershed. And, you know, what happens to the
13 watershed if I get -- if you get a -- a -- a
14 ten-inch rain on -- on this piece of property?
15 What's -- what's the aftereffect going to be of
16 it? And we've got a -- we've got a model that
17 can show you exactly what happens, you know.

18 And -- and it's in our subdivision rules and
19 regulations, says you will refer to this
20 watershed plan, I mean. So, I mean, there's a
21 lot of tools out there, you know.

22 But, you know, we've got still some other
23 stuff to do to complete that. But, you know,
24 it's -- it's just taking time to get it all.
25 But, you know, it's -- it's a very good tool.
26 And, you know, and it --

27 COMMISSIONER JAMES E. (JEB) BALL:
28 Mr. Chairman, I've got one more question I want

1 to ask.

2 Vince, on the -- on where those two ponds are
3 on the east side of that thing, the houses that
4 are down there that are already built, that's
5 where the water is going to go. Because I'm
6 looking at the elevations on this map. And, I
7 mean -- I mean, that's half -- half the elevation
8 down that way.

9 MR. VINCE JACKSON: Uh-huh. (Indicates
10 affirmatively.)

11 COMMISSIONER JAMES E. (JEB) BALL: It's
12 not going to take much to overflow those two
13 ponds and to -- and it'll flood out that
14 subdivision over there.

15 I don't care what kind of box culverts are --
16 are through that road or whatever. I mean, it's
17 going to -- I just think some more studies need
18 to be done.

19 ATTORNEY DAVID CONNER: Mr. Chairman, if
20 I may?

21 COMMISSION CHAIRMAN CHARLES F. (SKIP)
22 GRUBER: Yes.

23 ATTORNEY DAVID CONNER: This is a little
24 bit unusual from anything that -- that we
25 normally look at. We don't normally have this
26 level of fill, of being -- constructing houses
27 over a landfill, at least I haven't.

28 I mean, it's a -- it's a different -- a

1 different type of thing. If they were able to
2 apply for a subdivision, then he's right. You
3 would go in and apply for the subdivision plat at
4 that point in time. Then the -- then the -- the
5 subdivision regulations would be applied, the
6 plan would be reviewed, and then conditions,
7 requirements that are being met or things that
8 have to be met at that time would be addressed.

9 And -- and -- But this is a little bit
10 different in -- for the condition of the property
11 we just talked about. And they can't even begin
12 to do a -- they can simply do a small portion as
13 an RA. They could asked for it to be zoned
14 RSF-1. They could do a small subdivision run on
15 that.

16 But they couldn't begin to do this extent of
17 a subdivision without a re-zoning request that
18 would allow for that type of density.

19 MR. VINCE JACKSON: That's right.

20 ATTORNEY DAVID CONNER: Furthermore,
21 there's a second step in that process that
22 requires that there be PUD approval to outline
23 that and to approve it. And then the third step
24 would be the subdivision regulations.

25 I think those steps are built in there for a
26 reason, for -- to give you all in major
27 developments, which this one is, an opportunity
28 to look at it: One, to see if it's right for

1 that location for zoning purposes; two, because
2 you are modifying and changing what the
3 underlying zoning classification is as to lots
4 sizes and things, to look at what's there and the
5 availability of that.

6 You mentioned that if -- if y'all were to
7 come back and do the stormwater calculation, that
8 it would require those ponds to be doubled. Then
9 everything would have to change.

10 On the flip side of that, I -- some people
11 would argue that I've gotten this approved, and,
12 by God, I've got the authority to build it that
13 way.

14 Now, I know the language in the statute says
15 what it says about making changes. And it's not
16 a guarantee. But if y'all have those
17 calculations to support that, it would be nice to
18 know, just as it relates to the water retention,
19 because I think that's what everybody is worried
20 about.

21 If you don't have them, how hard would it be
22 for you to get them, to give them some comfort
23 as -- This thing apparently is going to go back
24 at least for PUD approval, back to -- for review
25 as it relates to the ponds. Is that something
26 y'all could get for them to give them some
27 assurance as to what that is?

28 MR. JOE RECTOR: I mean, do we -- if

1 there's a definition of what it is that you're
2 looking for. If you're looking for what's
3 required during the engineering plan approval
4 process, then we would have to design the entire
5 development in order to be able to accurately get
6 that. I mean --

7 ATTORNEY DAVID CONNER: So you can't
8 look at the surface there --

9 MR. JOE RECTOR: Yeah. But it's going
10 to be --

11 ATTORNEY DAVID CONNER: -- and determine
12 what the calculations are?

13 MR. JOE RECTOR: It's going to be --
14 it's going to be a surface calculation. It's
15 going to show you basically areas and approximate
16 amount of the pavement to get to that point and
17 be able to do some -- the basic calculations and
18 be able to provide that information.

19 MR. JOEY NUNNALLY: What -- what -- what
20 I can do, David, is I -- we -- we've got a Fish
21 River watershed model that -- that's been
22 mentioned here a couple of different times. And
23 it is part of the sub regs.

24 What I can do is I can take this -- this
25 development and plug it into that model. And --
26 and -- and it can tell you what the impact this
27 potentially can have downstream.

28 So -- But so I can do that. I just need some

1 coordinations from -- from the engineers to get
2 that in the right format and plug it into the
3 model.

4 ATTORNEY DAVID CONNER: The point being
5 if the subdivision plat is -- is submitted and it
6 meets all the requirements of the subdivision
7 regulations, then the Planning Commission should
8 approve that plat, subject to any conditions that
9 are deemed necessary.

10 However, there is no obligation of the County
11 Commission to re-zone a piece of property. Now,
12 that's based on discretion, reviewing the
13 circumstances, and see what's going on.

14 And so I -- I think they're hearing you.
15 They want to -- they want to help you. Staff has
16 made a positive recommendation about it.

17 MR. JOE RECTOR: Uh-huh. (Indicates
18 affirmatively.)

19 ATTORNEY DAVID CONNER: But they need
20 some more comfort about what's coming. So
21 whatever you can do to give that to them, I think
22 that helps you.

23 MR. JOE RECTOR: Right.

24 ATTORNEY DAVID CONNER: And -- and --
25 and -- and I know, from an engineering standpoint
26 or from a discussion standpoint, this thing about
27 fill to you may feel like it's not a big issue.
28 But they don't know the plans.

1 MR. JOE RECTOR: Yeah. Right.

2 ATTORNEY DAVID CONNER: They don't know
3 what dirt you're bringing in there.

4 MR. JOE RECTOR: Right.

5 ATTORNEY DAVID CONNER: They don't
6 know what --

7 MR. JOE RECTOR: And I -- and I don't
8 want to make it sound like I'm not -- I don't --
9 I'm not concerned about what the fill is.

10 ATTORNEY DAVID CONNER: Right. But
11 you -- you know the solution.

12 MR. JOE RECTOR: Right.

13 ATTORNEY DAVID CONNER: They don't.

14 MR. JOE RECTOR: Right.

15 ATTORNEY DAVID CONNER: You -- you feel
16 like you can do it. They haven't seen anything
17 to let them believe that can be done, other than
18 just you telling them.

19 And the other part of this matter is that if
20 these roads, once built, don't meet the
21 compaction requirements, don't meet the standards
22 of the Highway Department, whatever those are,
23 the County will not accept them.

24 MR. JOE RECTOR: Right.

25 COMMISSIONER JOE DAVIS, III: Sure.

26 COMMISSIONER BILLIE JO UNDERWOOD: No.
27 But it doesn't keep those people from living in a
28 place where they've got -- We just got a -- an

1 e-mail this morning with a photo of a road with a
2 sinkhole in it in -- in the -- in the Fish River
3 area; okay?

4 That's -- that's -- Just because the County
5 is not responsible for it doesn't mean that
6 there's not a citizen out there that we need to
7 look out for.

8 And that's what we're here for is to look out
9 for those citizens. Because they're the one's
10 gonna be filling these rooms and telling us what
11 are you going to do about this development that
12 has roads with sinkholes and my neighbor's house
13 fell in and all this kind of stuff.

14 So even though those things haven't been real
15 common in our area, we've not even had a major
16 rain event recently, although we're expecting one
17 coming up. And to get a -- a picture of a road
18 with a sinkhole in it this morning is amazing.

19 ATTORNEY DAVID CONNER: And -- and I --
20 and I agree with you in this circumstance. And
21 I'm backing you up by saying you've got to get
22 three out of four. And some how or another
23 you've got to convince these folks that this is a
24 good road to go down.

25 MR. JOE RECTOR: So I want to followup
26 with something that -- that Wayne said here. He
27 and I have had experience working together before
28 over in Walton County.

1 And there's a process that we were used to
2 working with over there that involved a
3 development review committee that -- where we
4 could sit down and talk about these issues prior
5 to us getting to this point and have a lot of
6 these things out on the table, discussed, and --
7 and -- and resolved by now.

8 We submitted this project in March. And here
9 it is July. And now we're having some of
10 these -- at this meeting, these things that are
11 being brought and those concerns to, hey,
12 address.

13 And we were trying to be on the 16th agenda.
14 It doesn't give us much time at the back end to
15 address when we've had four months leading up to
16 now to -- to try to go through and vet these
17 things.

18 And I -- I a hundred percent support that
19 concept of being able to provide some mechanism
20 for us to be able to bring the group of engineers
21 and sit down with staff to talk about these items
22 that are concerns and let us bring models in to
23 show what the plan is to fill these lots, what's
24 the plan to be able to go through and address
25 these stormwater issues prior to now.

26 I mean, because if it is -- if -- if those
27 are going to be what the concerns are, it is late
28 in the process to be bringing them up a week

1 before the meeting.

2 COMMISSIONER BILLIE JO UNDERWOOD: Well,
3 thank you.

4 MR. JOE RECTOR: Yeah.

5 COMMISSIONER BILLIE JO UNDERWOOD: I'm
6 sorry that you're, you know, at this point. But
7 thank God it's not too late for the people who
8 might end up buying a house there. And if it
9 takes a little bit longer, no big deal.

10 I -- I wish it didn't have to get to this
11 point, because I don't feel like that we, as the
12 elected officials, should have to be asking these
13 questions. But thank goodness we are.

14 COMMISSIONER JOE DAVIS, III:
15 Mr. Chairman, if I could.

16 I want us to look, Vince, particularly get
17 your advice, when we have a three hundred (300)
18 plus, almost four hundred (400) lot subdivision,
19 I think it is -- This is just one. I think it is
20 inappropriate for the public space to all be
21 behind fences and on the peripheral. We need
22 some designs that create a community concept.

23 And if Phase I has some common space in it,
24 okay, it's a -- maybe it's a few less lots. But
25 it's a much more sellable area. Then you add a
26 second phase and a third phase.

27 This map right here is to maximize lots. And
28 I understand that. That's business. But we need

1 to look at what the down-the-road process is
2 going to be.

3 And if the Phase I doesn't have any public
4 access or -- There's going to be some places that
5 you're going to have to walk -- And people won't
6 walk that far -- a long way to have a little
7 common green space.

8 And I think it's very important that y'all do
9 it. You're doing it based on what we're telling
10 you. And I guess what I'm saying is we need to
11 tell you a little different.

12 I don't know if -- if after sixty (60) lots,
13 do you need to have X number of square feet of --
14 of common space? At two hundred (200) lots, do
15 you need to have -- And then it doesn't need, to
16 me -- to me, to be on the perimeter. It needs to
17 be continuous with the rest of the area. So --

18 MR. JOE RECTOR: I agree a hundred
19 percent (100%). I mean, the subjectivity is the
20 problem.

21 COMMISSIONER JOE DAVIS, III: That's
22 right.

23 MR. JOE RECTOR: Because that meets what
24 your requirements are.

25 COMMISSIONER JOE DAVIS, III: I
26 understand.

27 MR. WAYNE DYESS: Well -- well, let me
28 back up a little bit. Yeah. I mean, so we say

1 you've got to provide twenty percent (20%) open
2 space, Vince?

3 MR. VINCE JACKSON: Yes.

4 MR. WAYNE DYESS: I mean, we can take a
5 box and put the open space off in a corner
6 somewhere that's unusable property. There is a
7 lot of criteria out there for open space. And I
8 can provide you numerous places.

9 There's numerous planning-related documents
10 that you can go to that define, based on location
11 of a property and based on the density of a
12 property, how much and where and what kind of
13 open space you should provide.

14 There is -- there's always subjectivity to
15 any kind of site plan approval. There's always
16 subjectivity to any kind of, you know,
17 arrangement of uses. But we can provide a guide.
18 And we can -- I think that's something that's
19 easy to do.

20 COMMISSIONER JOE DAVIS, III: That's --

21 MR. WAYNE DYESS: That's been done many
22 places. And I can take it -- You mentioned
23 Walton County. I take you to a lot of places in
24 Walton County. When you go to Reserve Beach,
25 Florida, and you don't see open space tucked back
26 next to the highway. It's -- it's integrated
27 inside the development, which causes a better
28 development and a higher-quality development.

1 And the property increases in value and not
2 decreases in value.

3 MS. LYDIA FRANZ: May I add something?

4 ATTORNEY DAVID CONNER: And just to --
5 just to add to that just for a second,
6 Mr. Chairman.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP)

8 GRUBER: Yes.

9 ATTORNEY DAVID CONNER: I just want to
10 make sure everybody understand what the -- what
11 the review is here by the Commission.

12 This is not a situation where the applicant
13 can come in and say, I've got a right to build
14 this just like this. Subdivision regulations are
15 a little different. They do have the right to do
16 that. In this case --

17 (Noise interruption. Baby crying.)

18 THE COURT REPORTER: I can't -- I'm
19 sorry. I can't hear you.

20 AN AUDIENCE MEMBER: I am really trying
21 to soothe him, ma'am.

22

23 (Mother and child left the Work Session.)

24

25 THE COURT REPORTER: Okay.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP)

27 GRUBER: Okay. All right. Now go.

28 ATTORNEY DAVID CONNER: Because --

1 because this is a unique situation. And you
2 haven't reviewed very many PUD's like this in
3 this process. I haven't, either, with these kind
4 of issues. But there's a reason why you have the
5 application process, again, that you do.

6 In a subdivision, a plat, if it meets the
7 requirements, the standard should be, in most
8 conditions, that it's approved.

9 However, at it relates to the PUD process and
10 re-zoning, those are discretionary functions
11 subject to review and approval as to the
12 conditions and those things that are placed
13 before you.

14 And so I state -- I say that for the -- for
15 the purpose of saying I think everybody is
16 agreeing with the process and what would be good
17 to do. I just think we've got to finish that
18 process, is what y'all are saying.

19 COMMISSIONER JAMES E. (JEB) BALL: And
20 we have to look at the minor -- I'm just reading
21 Vince's notes. And this is where we're touching
22 on the minor changes versus the major changes.

23 COMMISSIONER JOE DAVIS, III: That's
24 right.

25 COMMISSIONER JAMES E. (JEB) BALL: And
26 it seems like, to me, we've crossed -- have we
27 crossed over the barrier of minor changes that's
28 gone into some major issues now?

1 MR. VINCE JACKSON: I think we have.

2 COMMISSIONER JAMES E. (JEB) BALL: Okay.

3 MR. VINCE JACKSON: I mean, I -- I think
4 we're talking about things that -- that are going
5 to need to go back to the Planning Commission.
6 If I could.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP)

8 GRUBER: Go ahead.

9 MR. VINCE JACKSON: Okay. My original
10 comment about hearing things for the first time,
11 I -- I had somewhere that I was going with that.
12 Wayne kind of picked it up.

13 I think with the -- you know, as you know,
14 we're working on changes in the sub regs. A
15 portion of the subdivision review is going to
16 come back under Planning and Zoning.

17 So I think we do have some opportunities to
18 do things differently. We'll need to make some
19 changes in zoning as well. But I think it's
20 going to be very beneficial if we can get all of
21 this information out to start with rather than
22 later in the process.

23 COMMISSIONER JOE DAVIS, III: I agree.

24 MR. VINCE JACKSON: So we -- we are
25 working on that. And I'm -- I'm optimistic that
26 we'll be able make those changes.

27 And the last thing I have to say -- And this
28 is unrelated to that. You all have been sent

1 some e-mails from a citizen that had a lot to
2 say. And each one of them calls our advertising
3 into question.

4 I just want to make it clear that we are
5 advertising as we are required to do. But if you
6 ever have any specific questions about how we
7 advertise, please talk with me. Because there
8 are some things being said in those e-mails that
9 simply aren't true.

10 COMMISSIONER JAMES E. (JEB) BALL: I can
11 tell you, Vince, that at not one point during
12 this meeting today have those e-mails even
13 crossed my mind.

14 MR. VINCE JACKSON: Good.

15 COMMISSIONER JAMES E. (JEB) BALL: Just
16 some new things were brought up that was raised
17 by our engineer that is -- is -- just we need to
18 take a little bit of --

19 COMMISSIONER BILLIE JO UNDERWOOD: And
20 I -- I want to remind you guys of a situation
21 that happened about ten years ago with a
22 subdivision situation where there was a
23 monumental court case that was won by the Baldwin
24 County Planning Commission.

25 Just because you meet all of the checks and
26 whatever you do going down the list does not mean
27 that you do not have discretion when it comes to
28 the health, safety, and welfare of the people.

1 And so that was the Montrose Ecor Rouge case.
2 It went all the way to Supreme Court. And the
3 Planning Commission prevailed.

4 And I just wanted to say that that is my
5 major concern at this point in time when it comes
6 to sinkholes, when it comes to watershed, when it
7 comes to traffic and everything. And that is
8 where that discretion comes in.

9 Just because you meet the technical aspects
10 of something or -- I don't know if that's the
11 right word -- doesn't mean that we are not
12 supposed to look out for that kind of stuff. We
13 do, I feel like, have a higher level of
14 discretion when it comes to those things, when it
15 comes to the people.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP)
17 GRUBER: All right. Does anybody else have
18 anything?

19 MS. LYDIA FRANZ: Wayne mentioned -- you
20 said that you did have a guide for, you know,
21 open space and all these other things that are at
22 issue.

23 MR. WAYNE DYESS: Right.

24 MS. LYDIA FRANZ: But I just want to
25 make sure I'm clear on this. That's not already
26 a part of the zoning ordinance or code; correct?

27 MR. WAYNE DYESS: The --

28 MS. LYDIA FRANZ: No.

1 MR. WAYNE DYESS: Yes. But --

2 MS. LYDIA FRANZ: The problem I'm seeing
3 is that we're trying to figure out the rules, and
4 we don't have them.

5 MR. WAYNE DYESS: There -- there --
6 there is -- I will say there is limited guidance.
7 If there's -- I won't say limited. I think there
8 needs to be additional guidance in --

9 MS. LYDIA FRANZ: Uh-huh. (Indicates
10 affirmatively.)

11 MR. WAYNE DYESS: -- the -- the zoning
12 ordinance for open space.

13 MS. LYDIA FRANZ: More specific and --
14 and -- and -- and --

15 MR. WAYNE DYESS: Well, I mean, you --
16 you've got to be careful when you start getting
17 real specific, because then you start limiting
18 the ability to -- to have a creative design.

19 MS. LYDIA FRANZ: Well, that --

20 MR. WAYNE DYESS: But there needs to be
21 general --

22 MS. LYDIA FRANZ: Well --

23 MR. WAYNE DYESS: I -- I think that
24 probably better guidance is necessary, I think,
25 with a better product. And Vince and I discussed
26 that.

27 MR. VINCE JACKSON: Right. And what --
28 what we have right now is you have to set aside

1 twenty percent (20%) of the area. And of that
2 twenty percent (20%), fifty percent (50%) has to
3 be usable.

4 The ordinance does specify certain things
5 that can't be included in usable open space. But
6 that's about as far as the guidance goes.

7 MS. LYDIA FRANZ: But -- and then --
8 but, then, again, that comes down to the site
9 plan approval. And site plan approval has to
10 come back to the Planning Commission as well as
11 the Engineering Department.

12 So, I mean, I understand what everybody is
13 saying. But I also understand that you're going
14 to spend at least fifty thousand dollars
15 (\$50,000) in -- in -- in engineering and kind of
16 putting the -- the cart ahead of the horse a
17 little bit when you're looking at a zoning change
18 versus a final site plan approval.

19 You know, I'm -- I'm just saying, like I can
20 see that, you know, the --

21 MR. WAYNE DYESS: Yeah.

22 UNKNOWN SPEAKER: -- the challenges with
23 that, because you don't want to spend all
24 hundreds of thousands --

25 MR. JOE RECTOR: Right.

26 MS. LYDIA FRANZ: -- of dollars on
27 something that you don't --

28 MR. JOE RECTOR: Right.

1 MS. LYDIA FRANZ: -- you're not going to
2 be able to do.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP)

4 GRUBER: And we don't expect --

5 MR. JOE RECTOR: The rules of
6 engineering --

7 COMMISSION CHAIRMAN CHARLES F. (SKIP)

8 GRUBER: We don't expect that to -- to happen.

9 COMMISSIONER JOE DAVIS, III: Right.

10 COMMISSION CHAIRMAN CHARLES F. (SKIP)

11 GRUBER: But, you know, that's why, you know --
12 They're -- they're asking for a zoning change,
13 first of all. So we're -- we're looking at that.
14 Then, also, they came at the same -- the same
15 meeting asking for a site approval.

16 MS. LYDIA FRANZ: Yeah. That's a
17 little --

18 COMMISSION CHAIRMAN CHARLES F. (SKIP)

19 GRUBER: I mean, that's -- that's -- that's --
20 that's -- that's putting it --

21 COMMISSIONER JAMES E. (JEB) BALL: Cart
22 before the horse.

23 MS. LYDIA FRANZ: Yeah. Yeah.

24 MR. WAYNE DYESS: Mr. Chairman, I
25 will -- I will add, you know, some places take a
26 lot longer than we take to get --

27 COMMISSION CHAIRMAN CHARLES F. (SKIP)

28 GRUBER: I know.

1 MR. WAYNE DYESS: -- development
2 approval. I mean, I mentioned some places in
3 Florida. They can go a lot -- a lot longer. Six
4 months compared to a development that's going to
5 be there for a hundred years is not a lot.

6 I think I -- I've always felt like, from the
7 planning perspective, if it takes a little
8 longer, you get a better-quality development
9 that's going to be there for a long, long time, I
10 think that's -- that's worth the investment in
11 time and money upfront. That's just kind of --

12 MS. LYDIA FRANZ: I agree.

13 MR. WAYNE DYESS: -- my -- my perception
14 there.

15 MR. JOE RECTOR: So, and, too --

16 COMMISSION CHAIRMAN CHARLES F. (SKIP)
17 GRUBER: Okay.

18 MR. JOE RECTOR: I just -- I want to go
19 back to the -- I heard the comment, somebody
20 saying like you're getting the cart before the
21 horse. The only reason -- the only reason we've
22 submitted the PRD here was in an effort to help
23 demonstrate what the goal, the build-out on this
24 is.

25 Those parcels are individual parcels that are
26 separate ownership of J & S Land. There's a
27 Triple K Mining. And there is a Kevin Kircharr
28 parcel.

1 I mean, there was nothing that prevented this
2 piece that's on 54, bringing in that parcel and
3 requesting a re-zone on that parcel and
4 submitting a subdivision on that parcel and then
5 later on coming in and doing the next parcel.

6 The goal of this was to try to get a more
7 comprehensive picture. It's wasn't trying to
8 rush anything through. It was actually trying to
9 engage staff and everybody to understand that
10 there is more than just one parcel being looked
11 at here. It's a comprehensive, how this is going
12 to fit in with everything.

13 So -- and it -- but it does feel like that
14 since we have presented that comprehensive,
15 overall story, is that we're now getting down in
16 the weeds a lot further on the engineering side
17 of it that typically would not come along until
18 two steps beyond just coming in and asking for a
19 simple re-zoning. So --

20 COMMISSION CHAIRMAN CHARLES F. (SKIP)

21 GRUBER: Okay. All right. Anyone else before we
22 move on?

23 (No response.)

24 COMMISSION CHAIRMAN CHARLES F. (SKIP)

25 GRUBER: Okay. Well, this will be on the -- our
26 next meeting.

27 MR. WAYNE DYESS: Yes, sir.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP)

1 GRUBER: This will be a public hearing for Item
2 G-1 and G-2.

3
4 **G-3 - CASE Z-19022 - HAYES RE-ZONING REQUEST**

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)

6 GRUBER: Okay. Let's go to item G --

7 MR. WAYNE DYESS: Yes, sir.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP)

9 GRUBER: -- G-3?

10 MR. WAYNE DYESS: Yes, sir. G-3,

11 Mr. Chairman, is Case Number Z-19022, Hayes
12 re-zoning request.

13 Vince.

14 MR. VINCE JACKSON: This is -- this is
15 in Planning District 12. It's on
16 twenty-six-point-nine-three (26.93) acres
17 currently zoned RA, Rural Agricultural. And the
18 request is to re-zone to RV-1, which is a
19 Recreational Vehicle Park designation, to allow
20 the development of an RV park on the subject
21 property.

22 It's located on the south side of County Road
23 68 West and County Road 91 North in Planning
24 District 12. And it is zoned RA, Rural
25 Agricultural property -- Rural Agricultural.

26 The surrounding properties are also zoned RA.
27 You have a development to the northwest that's
28 RSF-3. If you go back to the east back towards

1 the Baldwin Beach Express, you have a number of
2 B-4 parcels. And that's also the location of
3 Buc-ee's.

4 And all of these -- any of the RA properties,
5 if they have at least three (3) acres, could
6 request an RV park through the special exception
7 process, subject to the approval of the Board of
8 Adjustment. Those would not come before you all.
9 That would be strictly Board of Adjustment
10 approval.

11 This is the aerial showing the -- There are
12 actually these parcels involved in this request.
13 And this is a -- a proposed layout, a general
14 layout of the proposed RV park.

15 Now, if -- if the re-zoning is approved, then
16 before any construction can commence on the RV
17 park, the applicant will have to seek final site
18 plan approval through the subdivision process.

19 And there is a section in the subdivision
20 regulations that deals with final site plan
21 approval for an RV park.

22 These are pictures of the subject property as
23 well as some adjoining properties. And these are
24 our recommendations.

25 There were two e-mails that I sent to you all
26 late yesterday afternoon that was some
27 information that was provided at the Planning
28 Commission meeting, some pictures, some

1 petitions, and some other opposition information.

2 This -- this has generated significant
3 opposition. I did not have that information at
4 the time of the deadline for the work session,
5 but it will be attached to your agenda item for
6 the public hearing next week.

7 And those are all my comments at this time.
8 There are a number of people here who are
9 interested in this application. And I'm -- I'm
10 sure some of them would like to address the
11 Commission.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP)
13 GRUBER: Okay. All right. Commissioners, do you
14 have anything to say before we get --

15 (Commissioners indicate negatively.)

16 COMMISSION CHAIRMAN CHARLES F. (SKIP)
17 GRUBER: Okay. All right. Does anyone want to
18 speak on this?

19 MS. DONNA HINOTE: Yes. I'm Donna
20 Hinote. I live on County Road 71. I also own
21 the property adjacent on County Road 68.

22 I spoke at the board meeting, Planning and
23 Zoning board. All of that is in your minutes.
24 I've also sent all of you e-mails.

25 This is not wanted in our community. We live
26 in rural agricultural. We choose for it to be
27 that way. We welcome new development. But we do
28 not welcome this type of business.

1 Vince, the -- you said that you sent them
2 something yesterday afternoon? Was it my
3 petition and my --

4 MR. VINCE JACKSON: Yes.

5 MS. DONNA HINOTE: -- letters?

6 MR. VINCE JACKSON: Yes.

7 MS. DONNA HINOTE: And you've had that
8 since June the 6th, and it didn't get to the
9 Commissioners until yesterday afternoon?

10 MR. VINCE JACKSON: It was not actually
11 given to me as part of what I needed to send to
12 them.

13 MS. DONNA HINOTE: Oh.

14 MR. VINCE JACKSON: And so I --

15 MS. DONNA HINOTE: But I submitted it
16 May the 30th. I was told the deadline was May
17 the 30th to get it on the June 6th. I took it in
18 May 30th at noon.

19 MR. VINCE JACKSON: Yes, ma'am.

20 MS. DONNA HINOTE: And it still did not
21 make it to the board members for that meeting.

22 MR. VINCE JACKSON: Yes, ma'am. What I
23 said was when I submit to the County Commission,
24 I put together a packet of information that I
25 have.

26 The staff, we're constantly sending copies
27 back and forth. We did not get -- We had an
28 earlier deadline for submission for this meeting

1 than what we normally do.

2 I did not have that information in time to
3 put it with this agenda packet. It was not
4 specifically given to me. Yes, it was in the
5 department. I understand. I didn't have it in
6 my files. They have it now. They will have it
7 for their public hearing.

8 MS. DONNA HINOTE: So why was it not
9 Friday? Why was it not? I submitted it May
10 the -- I gave it to your secretary.

11 MR. VINCE JACKSON: I'm not -- If -- if
12 I may, with all due respect, I think we're
13 getting off track. They have the information.
14 They --

15 COMMISSIONER JAMES E. (JEB) BALL: We
16 have the information.

17 MR. VINCE JACKSON: They've got it.

18 COMMISSIONER JAMES E. (JEB) BALL: So --

19 MS. DONNA HINOTE: Okay.

20 MR. VINCE JACKSON: I've already --

21 MS. DONNA HINOTE: All right. I'm --

22 COMMISSION CHAIRMAN CHARLES F. (SKIP)
23 GRUBER: We got it.

24 MS. DONNA HINOTE: I understand.

25 COMMISSIONER JAMES E. (JEB) BALL: It's
26 in front of us.

27 COMMISSIONER JOE DAVIS, III: May the
28 30th would not have changed --

1 COMMISSIONER JAMES E. (JEB) BALL: Yeah.

2 COMMISSIONER JOE DAVIS, III: -- what we
3 have learned.

4 MR. VINCE JACKSON: Right.

5 MS. DONNA HINOTE: Okay.

6 MR. VINCE JACKSON: We're -- we're --
7 we're talking about multiple people. And I
8 don't -- I -- I -- The last thing I want to do is
9 argue.

10 MS. DONNA HINOTE: No. I don't, either.
11 But I just -- it just seems like my paperwork
12 just gets dropped. It just seems to, you know --
13 But, anyway --

14 MR. VINCE JACKSON: It -- it just --
15 it -- it didn't get to me in time. I had --

16 MS. DONNA HINOTE: Okay.

17 MR. VINCE JACKSON: I had multiple
18 agenda items. I apologize. I will take full
19 responsibility. But they have it now. And, I
20 mean, I -- I was actually -- I actually -- It was
21 a late e-mail that was an after-hours e-mail.

22 So -- And -- and I apologize that it's not on
23 there already. It will be attached for the
24 public hearing next week.

25 MS. DONNA HINOTE: Okay. And as you can
26 see in the minutes, I spoke regarding this and
27 what it's going to increase in our area.

28 By their site plan, it shows that it's going

1 to be gravel roads RV park. But they're claiming
2 that there's going to be half a million
3 (\$500,000) to million dollar (\$1,000,000) motor
4 coaches that are going to be in that.

5 Well, I'd be surprised to see a half a
6 million dollar (\$500,000) to a million dollar
7 (\$1,000,000) motor coach go into a gravel road RV
8 park and try to level up myself. But I'm not a
9 camper.

10 So, you know, it's just the community. We
11 don't want it. And the people that it's
12 surrounding, I mean, we've not been notified
13 other than by your certified letters. The
14 property owner has not contacted any of us or
15 even asked people in the community if they wanted
16 that in their area.

17 I know that there's things. The adjoining
18 property owner is a family member. I know that
19 it is being said that this is due to a family
20 dispute, but it's not.

21 If it was across the street from my house --
22 And that property is owned by someone else -- or
23 to my neighbor to the south of me, to the north
24 of me, I would be here, and so would a lot of
25 other people in this room. We just -- we just
26 don't want it.

27 Did the pictures, did those get sent?

28 MR. VINCE JACKSON: (Indicates

1 affirmatively.)

2 MS. DONNA HINOTE: Okay. Of what was
3 originally put out there? The sign went up.
4 Well, before the proposal was -- the RV proposal
5 was there, there was an RV drug in there, and I
6 say literally drug in there. It was primer gray.
7 It had a blue tarp on it.

8 There were people living in tents. If this
9 is the kind of RV park that, you know, we were
10 going to start, I don't think that's in the best
11 nature, either, for our community.

12 We want it to grow, and we want new business,
13 but not what that will bring in.

14 Okay. Anyone else?

15 COMMISSION CHAIRMAN CHARLES F. (SKIP)

16 GRUBER: Okay.

17 MR. ROBERT POLLARD: Yeah. I've got
18 something to say. That's a low section there --

19 THE COURT REPORTER: I'm sorry. Come in
20 here.

21 MR. ROBERT POLLARD: Huh?

22 THE COURT REPORTER: Come in here where
23 I can --

24 COMMISSION CHAIRMAN CHARLES F. (SKIP)

25 GRUBER: Come where we can hear you.

26 THE COURT REPORTER: And --

27 MR. ROBERT POLLARD: That is a low --

28 THE COURT REPORTER -- give me your name,

1 please.

2 MR. ROBERT POLLARD: -- section --

3 THE COURT REPORTER: Your name, please.

4 MR. ROBERT POLLARD: Do what?

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)

6 GRUBER: Your name.

7 THE COURT REPORTER: Give me your name,
8 please.

9 MR. ROBERT POLLARD: Robert Pollard.

10 THE COURT REPORTER: Thank you. Okay.
11 Go ahead.

12 MR. ROBERT POLLARD: Okay. That is a
13 stream right through there. What about the
14 septic tanks? Nobody has even mentioned about
15 septic tanks.

16 AN AUDIENCE MEMBER: No, they didn't.

17 MR. ROBERT POLLARD: And another thing,
18 why wasn't a letter sent out to people? I know
19 he got it late. You got yours late. But keep
20 the time at the 16th. Because three-fourths of
21 the people do not want this park at all.

22 We've got enough on 70 -- you know, 71, that
23 traffic. Buc-ee's, it's hard to get in and out
24 of that thing.

25 The septic tank, our lights, water, the whole
26 nine yards, like I said, it's in a low area.
27 There's a stream there. I -- I don't know
28 anything about it.

1 But there's too much traffic on that road out
2 there now. I saw a man yesterday on a tractor
3 almost got hit. Your drainage, your water
4 system, your sewer system, your lights --

5 MR. RUSTY WALTER: And the people don't
6 want it.

7 MR. ROBERT POLLARD: And the people
8 don't want it. There was a petition made up for
9 this, but nobody notified me about it. I didn't
10 know about this until three o'clock yesterday
11 afternoon. You think about it.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP)
13 GRUBER: Okay.

14 MR. DAN MIDDLETON: I'd like to speak.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP)
16 GRUBER: Okay. Go ahead.

17 MR. DAN MIDDLETON: My name is Dan
18 Middleton. I adjoin the property to the south.
19 As you can see, the community doesn't receive
20 this well.

21 The fact that two septic tanks was put in
22 before permitting, two trailers moved in before
23 permitting -- And my understanding is if this is
24 approved, it can be a live-in park, which is what
25 it is right now.

26 It's a live-in piece of property. There's no
27 backup on that. It can be approved. The school
28 is at capacity. The density it too high out

1 there for the school. Putting that many places
2 in there, if it's live-in people, we can't -- we
3 can't handle it there.

4 But it was started to be developed before it
5 was permitted. So how can we have assurance that
6 if it's approved, it's going to be developed in a
7 proper manner and managed in a proper manner?

8 Thank you.

9 COMMISSIONER JAMES E. (JEB) BALL:

10 Can -- can I ask one question? Of all the -- all
11 the people that's in opposition of this on -- I
12 mean, some of y'all found out late. Has anybody
13 talked to the proposed RV park builder and owner
14 of the land to answer those questions of
15 assurity, that he's going to do what he said he's
16 that going to do?

17 MS. SHIRLEY POLLARD: First of all, he
18 will not at all. He has dodged everyone. He
19 will not --

20 COMMISSION CHAIRMAN CHARLES F. (SKIP)
21 GRUBER: Come up, please.

22 MS. SHIRLEY POLLARD: I'm Shirley
23 Pollard. And I live on County Road 71 and 68. I
24 live at the corner. I have to look out.

25 And there's nothing against Mr. Hayes at all.
26 And I -- And we grew up together. But there is
27 one thing about it. He knows how the community
28 feels. And I'd really rather not have it out

1 there. And, yes, sir, my hair is messed up.

2 COMMISSIONER JOE DAVIS, III: Mine is,
3 too.

4 MR. DAN MIDDLETON: And I will say this.

5 COMMISSIONER JOE DAVIS, III: I have
6 that problem.

7 MR. DAN MIDDLETON: I will say this:
8 The last time that I run into Dewane Hayes was at
9 Buc-ee's. I spoke to him, and he would not
10 speak.

11 MS. SHIRLEY POLLARD: Right.

12 MR. DAN MIDDLETON: So --

13 MR. RUSTY WALTER: Right.

14 COMMISSIONER BILLIE JO UNDERWOOD: I --
15 I have a question. I had gotten -- I have done
16 my work on this. I have been to the site. I
17 have received numerous phone calls. And thank
18 you for -- for contacting me. That's -- that's
19 what I'm here for.

20 I got one phone call early on between --
21 right after the Planning Commission meeting
22 concerning the potential criminal activity that
23 goes on in RV -- certain RV parks.

24 So I actually visited two of the -- There's
25 five RV parks that are in the vicinity, which are
26 maybe within three to six miles radius of --
27 mostly out near the Wilcox area.

28 MR. DAN MIDDLETON: Right.

1 COMMISSIONER BILLIE JO UNDERWOOD: So I
2 asked Vince to get me the Sheriff's call reports.
3 I do have concern about the number of calls that
4 have been at the -- So there -- there -- there is
5 a concern about that.

6 And I haven't really heard that from a lot of
7 you guys. I've mostly heard from you guys, I
8 don't want it. I understand that; okay? All
9 right. And I've heard, you know, you want to
10 stay a certain type of community.

11 But when I got the reports back yesterday
12 morning from the Sheriff's Department, I was
13 appalled at the number of calls that have come
14 into the RV parks.

15 And so I do feel like that it could be
16 detrimental to your area from a -- from a crime
17 aspect. And I'd never known that until I got
18 those reports back. So I didn't know if the
19 other Commissioners had gotten that information
20 or not. If -- if not -- Did you forward that to
21 them?

22 MR. VINCE JACKSON: I just gave it to
23 you.

24 COMMISSIONER BILLIE JO UNDERWOOD: You
25 just gave it to me?

26 MR. VINCE JACKSON: Uh-huh. (Indicates
27 affirmatively.)

28 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

1 There was a --

2 MR. VINCE JACKSON: I can send it to
3 them.

4 COMMISSIONER BILLIE JO UNDERWOOD: It
5 was about a hundred and seventy (170) something
6 calls at one RV park about five miles away. And
7 the various types of activity are a little bit
8 alarming. So I can see where there's concern
9 about this. So I just want to let you guys know
10 that.

11 MS. DAWN HOFFER: I want to say
12 something.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP)
14 GRUBER: Okay. Go ahead.

15 MS. DAWN HOFFER: I'm Dawn Hoffer. I
16 live in Rosinton. Our property is east of the
17 Baldwin Beach Express. And we're part of a farm
18 that was split by the Baldwin Beach Express. We
19 lost about fourteen (14) acres for that.

20 At the time, Federal money paid for
21 evacuation routes. And then when it's completed,
22 it becomes an expressway.

23 And so I have a lot of concern with just
24 Baldwin County in general changing and growing
25 and so many people coming in that my eighty-seven
26 (87) year old father gets a citation for
27 impending traffic, because he's in the left lane
28 coming from his house maybe a quarter of a mile,

1 turned back to the left. And he's cited because
2 he's going too slow on a fifty-five (55) mile an
3 hour road.

4 And development like this comes in. I don't
5 ever want to halt somebody's dream of owning a
6 business and doing something that improves their
7 life.

8 But where I live, I guess my question is
9 going to be to engineers with what was said on
10 the previous property.

11 We have a dog kennel that runs off onto our
12 family land. And we go through the County to
13 talk about that runoff messing up agricultural
14 land and the flow of manure from a dog kennel
15 that's overflowing into a field. They said
16 that's between property owners.

17 And that means what? I go tell the
18 commercial business what to do? I call the EMA
19 to come in and say intervene here?

20 You talk about future. I live in a town, a
21 community where I was born and raised. And it
22 has changed so much. I love families. I love
23 relationships with people that are my neighbors.

24 But sometimes Baldwin County is a drawing
25 card, because it is beautiful. But when all
26 those people come in here, and just it completely
27 has changed.

28 The traffic to get on the roads terrifies me.

1 We can't get red lights at the intersection 64
2 and the Beach Express for our children's school
3 buses.

4 I was a school bus driver. It terrified me
5 to try to cross a bus from 68 -- Which Buc-ee's
6 has paid for their light. But the County can't
7 come up with the money to pay for another light
8 where the intersections are.

9 It's just more than just this development.
10 It's personal about our community of Rosinton
11 changing to keep people flowing to Orange Beach
12 or to keep people going to the Gulf.

13 And most of them are tourists. They don't
14 live here. They don't abide by that fifty-five
15 (55) mile an hour road.

16 AN AUDIENCE MEMBER: They sure don't.

17 MS. DAWN HOFFER: They hit it
18 lickety-split. And the next development is
19 connect them at Atmore. So the casino to the
20 Orange Beach is going to be even faster.

21 But my family farms. We're on implements.
22 We're on tractors. We can't just keep growing
23 Alabama and not thinking about Baldwin County,
24 how much money goes from our county to the State
25 and how many people's revenue helps each other
26 out just to continue development.

27 Water runoff, even farms disappearing
28 concerns me. How are we going to feed these

1 people? You know, we're going to be hungry if
2 you don't start investing in our farmers.

3 We've got to think about a balance and think
4 about ecosystem with the watershed, think about a
5 balance for humanity, taking care of each other,
6 and making sure that we all have substance to --
7 to understand who we are and what we -- Our
8 biggest drive is, is to care about people.

9 COMMISSIONER BILLIE JO UNDERWOOD:
10 Dewane, did you have anything to say? I mean,
11 you're --

12 MR. DEWANE HAYES: I --

13 COMMISSIONER BILLIE JO UNDERWOOD:
14 You're not on the Planning Commission today.
15 So --

16 MR. DEWANE HAYES: I don't. I mean, the
17 only thing I have to say -- And it sounds like
18 the septic systems are a big concern.

19 There's -- there's city sewer there. I'm
20 going to hook up to that. It's not going to be
21 septic tanks, Mr. Middleton.

22 They'll -- they'll have a grinder pump right
23 on into Baldwin County Sewer Systems. So
24 that's -- You know, that seems to be the biggest
25 concern that everybody keeps bringing up. So
26 I -- I've solved that problem.

27 So I don't -- You know, like I said, I feel
28 like it's -- would be a great development in that

1 area, you know. And that's -- that's all I have,
2 you know.

3 It's in the -- right there by Buc-ee's.
4 There would be a lot of -- It's -- it's just
5 something that I can do for some revenue.
6 Because at the current use, all I -- all I do is
7 cut grass. So --

8 COMMISSION CHAIRMAN CHARLES F. (SKIP)

9 GRUBER: Okay. Does anyone else --

10 MR. ALLEN RUSSELL: Yeah.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP)

12 GRUBER: Okay.

13 MR. ALLEN RUSSELL: I'm Allen Russell.
14 I live on 71, too. And we do not want it. Like
15 Billie Jo said, we do not want it. Y'all are our
16 only salvation.

17 AN AUDIENCE MEMBER: Uh-huh. (Indicates
18 affirmatively.)

19 MR. ALLEN RUSSELL: We, the people, want
20 y'all to help us. We don't care about the
21 county. We don't care about this or that. We
22 care about us. And we want y'all to help us, not
23 the county, but to help us. That's why we're all
24 here. We need y'all's help. We're out crying
25 for your help. Thank you.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP)

27 GRUBER: Thank you.

28 MS. CHRISTINE DARBY: I've got something

1 to say. I live on 71. And the traffic --

2 COMMISSION CHAIRMAN CHARLES F. (SKIP)

3 GRUBER: What's your name, please?

4 MS. CHRISTINE DARBY: It's Christine
5 Darby. The traffic is unreal coming off of I-10.
6 If there's a wreck on I-10, all that traffic
7 comes down 68, bumper to bumper to bumper. We
8 cannot get out of our driveways. It's unreal
9 there.

10 And as far as the -- the travel park, the
11 travel trailer park, no, I don't want it. I'm a
12 senior citizen, a widow. I live there by myself,
13 and I'm afraid.

14 My -- my biggest fear is waking up in the
15 middle of the night with somebody standing over
16 me with a gun -- a gun or a knife to my throat.

17 And I'm not the only one. Within a two-mile
18 radius out there, there's almost two dozen
19 single, widowed women that live there. We just
20 do not want this. We don't want it, plain and
21 simple.

22 COMMISSIONER CHARLES F. (SKIP) GRUBER:
23 Okay. Thank you.

24 MS. JESI WARD: I would like to say
25 something briefly. And, really, it's -- it's
26 echoing what a lot of people have said.

27 My name is Jesi Ward. I live in the Rosinton
28 community. And I am a concerned citizen. And I

1 would like to extend my appreciation to
2 Ms. Underwood. I didn't have the numbers of the
3 police reports. But I know, personally, that
4 there is an increased crime rate in that area.

5 There are people that live very close to this
6 proposed site where people are living in their
7 woods, you know.

8 A gentleman went out to go take his trash
9 out, and there's somebody living in his woods.
10 It's just too much traffic. He just happened to
11 hear some voices out there just right behind his
12 house.

13 And then there's another man who has a farm.
14 And he's -- There is someone he never knew. He
15 was just drunk out in his field.

16 This is not the kind of traffic, the kind of
17 people that we want in our community. We're not
18 perfect. But we're just trying to maintain a
19 character and integrity about our lifestyle.

20 The septic tank is not the only issue.
21 That's one of many issues. The traffic, you
22 know, I live on an area. I used to jog. I mean,
23 I grew up there. I used to jog up and down that
24 road. Now I have to load up my dogs and go
25 somewhere and park, because it's not safe. It's
26 sketchy.

27 And a lot of times, my husband is out of
28 town. I'm there by myself. I don't not feel

1 safe there. There are people coming in and out
2 of our yards with unmarked cars and vehicles.
3 It's changing a lot. And I feel like there's a
4 better way to do it. And I don't think this is
5 it.

6 If you look at these pictures with this tent
7 city with water hoses run out and electrical
8 cords and live-in vans, this thing is -- you
9 know, if this is your best foot forward, if
10 you're going to start your business, then, you
11 know, you start off with your best foot. And is
12 this it?

13 I -- I wouldn't -- I just don't think this
14 is. And I'm just reaching out to you. So I
15 would like for us not to have this allowed right
16 in our area. And I don't think any of y'all
17 would want this in your backyard, either. Thank
18 you.

19 COMMISSION CHAIRMAN CHARLES F. (SKIP)
20 GRUBER: Okay. Thank you.

21 COMMISSIONER JAMES E. (JEB) BALL:
22 Mr. Chairman, I've got a question for Vince.

23 Vince, if this is approved, do you -- is
24 there a timeframe that an RV can stay in a spot?

25 MR. VINCE JACKSON: Yes.

26 COMMISSIONER JAMES E. (JEB) BALL: I
27 mean, they can't just live there forever?

28 MR. VINCE JACKSON: No. No. And I did

1 want to clarify that. We only allow occupancy
2 for four (4) months out of a twelve (12) month
3 period.

4 COMMISSIONER JAMES E. (JEB) BALL: Okay.

5 MR. VINCE JACKSON: There -- We do not
6 allow permanent occupancy of RVs.

7 COMMISSIONER JAMES E. (JEB) BALL:
8 Because I think some of these parks that are in
9 question, as far as the crime rates are
10 concerned, is those park that have kind of gone
11 out of that. I don't know if they were under
12 that window. But some of them are like the
13 permanent --

14 COMMISSIONER BILLIE JO UNDERWOOD:
15 Four (4) -- four (4) are un-zoned.

16 COMMISSIONER JAMES E. (JEB) BALL: --
17 parks.

18 COMMISSION CHAIRMAN CHARLES F. (SKIP)
19 GRUBER: Trailer parks.

20 MR. VINCE JACKSON: Yeah. Four (4) of
21 them -- of the -- of the five (5) --

22 COMMISSIONER JAMES E. (JEB) BALL: So
23 they are what I call a -- not a squatter. But, I
24 mean, they -- they -- they park an RV there, and
25 now it's their permanent home.

26 MR. VINCE JACKSON: Right.

27 COMMISSIONER JAMES E. (JEB) BALL:
28 And -- and that's where we're having a high crime

1 rate. I haven't seen anything where there's high
2 crime rates where these RV parks are set up and
3 then they'll move them within four (4) months.

4 MR. VINCE JACKSON: Right.

5 COMMISSIONER JAMES E. (JEB) BALL: So
6 it's kind of like the setup we have at Live Oak
7 Landing.

8 MR. VINCE JACKSON: Yes.

9 COMMISSIONER JAMES E. (JEB) BALL: And I
10 haven't heard anything out there. So I -- I
11 wanted to clarify that there was going to be some
12 moving of these. The --

13 MR. VINCE JACKSON: That's right.

14 COMMISSIONER JAMES E. (JEB) BALL: If an
15 RV came in, it just can't live there.

16 MR. VINCE JACKSON: That's correct. And
17 of the five (5) that I looked at, four (4) of
18 them are not zoned or only one (1) of them --

19 COMMISSIONER BILLIE JO UNDERWOOD:
20 One (1) --

21 COMMISSIONER JAMES E. (JEB) BALL: And
22 we're talking -- we are talking wheelable RVs,
23 not --

24 COMMISSION CHAIRMAN CHARLES F. (SKIP)
25 GRUBER: Not --

26 COMMISSIONER JAMES E. (JEB) BALL: --
27 mobile homes.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP)

1 GRUBER: It's not mobile homes.

2 MR. VINCE JACKSON: Yeah.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP)

4 GRUBER: It's not mobile.

5 AN AUDIENCE MEMBER: There is a mobile
6 home on there.

7 MR. WAYNE DYESS: Mr. Chairman, can I
8 make a quick comment, Mr. Chairman?

9 COMMISSION CHAIRMAN CHARLES F. (SKIP)

10 GRUBER: Yes.

11 MR. WAYNE DYESS: This became zoned in
12 2006. As you all know, I was here. Vince was
13 here. I was the Planning Director.

14 If it becomes zoned in the county, it's --
15 it's a petition. The residents have to petition
16 the County to hold an election.

17 They hold a referendum. This district,
18 District 12, they held the referendum. It was
19 approved. And we met with the residents forming
20 this zoning map.

21 It became very evident to us at this time
22 that Rosinton was very concerned about their
23 community. They took an extraordinary step to do
24 this.

25 This -- this -- this was putting regulations
26 on yourself. And they really wanted to protect
27 their community. And I'm hearing that again
28 today. I just want to recognize that, that --

1 COMMISSIONER JOE DAVIS, III: Yes.

2 MR. WAYNE DYESS: -- that they took an
3 extraordinary step to do that to protect their
4 community and try to, I guess, provide a future
5 direction for their community. And I -- We
6 applaud that.

7 We have a lot of areas in the county were
8 people will complain, but it's un-zoned, and they
9 don't do anything about it. These folks did
10 something about it 2006. And we appreciate that.

11 COMMISSIONER JOE DAVIS, III: Right.

12 COMMISSIONER BILLIE JO UNDERWOOD: Well,
13 one more point on the -- the -- the criminal
14 activity, there is one (1) RV park that is zoned.
15 And the activity on it was fifty-five (55) or
16 fifty-six (56) calls versus over a hundred (100)
17 in the other one.

18 So it's not without calls. I can assure you
19 that it's not without -- And -- and when you look
20 at -- I was just talking about how I don't really
21 understand all the codes and stuff that come.

22 But, you know, these things say stuff like
23 civil incidents, welfare concerns, suspicious
24 person, those kind of things. So I do --
25 attempted suicides.

26 I guess all these things can actually happen
27 in a subdivision as well. So I don't know the
28 comparison between -- And, actually, I -- Maybe

1 I'll try to get that information. There's a
2 subdivision very nearby. How many calls have
3 been in a subdivision versus, you know, this kind
4 of stuff?

5 So I just wanted to bring that up, that that
6 was one of the complaints that I heard from
7 people. And, you know, other than just standing
8 up and saying I don't want it, I thought that was
9 something I needed to look into.

10 And so when I got that information back,
11 it -- it -- it was alarming. So thank goodness
12 you are zoned. Because in the areas that are
13 nearby you that are not zoned, better get you an
14 alarm system.

15 COMMISSIONER JOE DAVIS, III: Well,
16 Mr. Chairman, if I could, too, public safety is a
17 key concern of all of ours, being able to use
18 your property the way you want to use it and feel
19 safe about during it.

20 We have a wonderful Sheriff's Department and
21 deputies. And we're constantly trying to add to
22 their capabilities.

23 Recently we added, to the tune of
24 seventy-five thousand dollars (\$75,000), portable
25 defibrillators in the -- in the cars. And we've
26 already had two lives saved where officers
27 responded to someone who was having a heart
28 attack. One was in a car, and one was in his

1 yard. And our people jumped in there.

2 My point is this: When we grow, we not only
3 grow population of the good guys and gals, but we
4 attract the other guys and gals.

5 AN AUDIENCE MEMBER: Yes.

6 COMMISSIONER JOE DAVIS, III: And we're
7 looking very seriously at our capacity in our
8 jails. Because with growth becomes the need to
9 expand all kind of services. And putting people
10 behind bars helps protect you and me and -- and
11 all of us.

12 So when we pull numbers, proximity has a lot
13 to do with calls. If you live close enough that
14 you can hear the couple next door arguing and
15 almost know exactly what they're arguing about
16 and they keep arguing, then call the police.

17 I'd rather you call the police and there not
18 be any material thing to deal with than to say
19 and wait to hear a gunshot or something crazy
20 like that.

21 So taking the numbers of calls is part of the
22 story, but we need to understand proximity and
23 the fact that when you're that close together,
24 you hear.

25 But when in doubt, call. And -- and that's
26 what our Sheriff's Department -- that's what the
27 police departments do.

28 And we hear your concerns. And we -- we want

1 to make sure that things move forward. And we're
2 growing like crazy. You know that. We all know
3 that.

4 And there are many of you in this room that
5 maybe grew up in this county, but a lot us
6 didn't. And all of us have a story about why we
7 chose to come here.

8 And I refer to it as paradise. I mean, when
9 did you discover paradise? And every one of us
10 that wasn't born here has a story. And that's
11 part of why we're growing. But we don't always
12 get just the good guys and gals.

13 So we're going to do everything we can to
14 make it safe. And we're also -- I'm about
15 roundabouts, acceleration lanes, and turn lanes.
16 Because if you're moving, you feel like you're
17 getting somewhere. But when you're having to
18 stop like the lady was talking about with the
19 school buses and such, those kind of things need
20 to get addressed. And they are being addressed.

21 But sometimes you don't hear about the things
22 that we're doing that -- that make these things
23 happen in -- in places. And right now we're
24 going to be looking at -- at -- at your location.

25 It's just like striping and -- and -- and
26 repaving roads. There are plans in place.
27 Remember, this county is larger than the State of
28 Rhode Island, and so we've got a lot of

1 territory.

2 And we're a great place. And we know that.

3 And a lot of other people know that. So work

4 with us, and we're going to work with you.

5 Thank you, Mr. Chairman.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP)

7 GRUBER: Okay. All right.

8 MR. DAN MIDDLETON: Can I just ask one
9 question?

10 COMMISSION CHAIRMAN CHARLES F. (SKIP)

11 GRUBER: Yes. Go ahead.

12 MR. DAN MIDDLETON: Exactly who controls
13 and monitors people staying in these parks over
14 four (4) months? Because with the County, I
15 can't find out who that individual is.

16 MR. VINCE JACKSON: We have a Code
17 Enforcement Officer. I mean, we only have one.
18 But he -- he covers all of the zoned areas of the
19 county. And we -- we respond on a complaint
20 basis. I mean, that's -- that's -- that's the
21 honest truth.

22 MR. DAN MIDDLETON: So he's not out
23 checking?

24 MR. VINCE JACKSON: We're not able.
25 We're not -- we are not able to patrol. I don't
26 think he could. I don't think he would be
27 authorized to patrol the way it is set up now.

28 COMMISSIONER JOE DAVIS, III: It's a

1 response thing.

2 MR. VINCE JACKSON: But it -- it is a
3 response thing. We -- we get a lot of calls
4 virtually every day about RVs.

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)

6 GRUBER: And that --

7 MS. DONNA HINOTE: Can I ask Mr. Hayes a
8 question and all, if he'll answer me? And it's
9 not being critical or anything. But how would
10 you maintain that park?

11 I mean, would there be someone that would
12 lives there that would take care of each of
13 the -- you know, making sure? Do we have that
14 guarantee if it happens to go through?

15 Do we have the guarantee, Dewane, that
16 whenever you have them in there, that these
17 people are not going to come across this road
18 over here where I live? You can't guarantee us
19 that?

20 We already have people that is turning around
21 in our drive. We had one that sat there for ten
22 (10) minutes. And I -- My husband wasn't there.
23 Huey wasn't there.

24 I have my son there. I'm not in good health.
25 He's not in good health. And if you'll look at
26 Frank, he's not.

27 And you can't guarantee us that we're not
28 going to have people that comes from your RV park

1 that's going to be criminals and stuff coming
2 over there. But you can't guarantee us, either,
3 that somebody that you hire is going to stay
4 there. Am I right?

5 MR. DEWANE HAYES: There will people
6 that are permanent residents that will live
7 there.

8 MS. DONNA HINOTE: But it just said that
9 they can't stay there. It wouldn't be a
10 permanent resident area, that they would have to
11 leave in four (4) months.

12 COMMISSIONER JOE DAVIS, III: No.
13 That's --

14 MR. DEWANE HAYES: Vince --

15 MR. VINCE JACKSON: You can have a --

16 MS. DONNA HINOTE: Now -- now y'all --
17 y'all are contradicting yourself on that.

18 MR. VINCE JACKSON: You can have a -- I
19 mean, I think what he's talking about is a
20 caretaker. You can have a caretaker who lives
21 onsite.

22 COMMISSION CHAIRMAN CHARLES F. (SKIP)
23 GRUBER: Yeah. Yeah.

24 COMMISSIONER JOE DAVIS, III: That's
25 right. And the four (4) months doesn't apply.

26 MR. VINCE JACKSON: No.

27 COMMISSION CHAIRMAN CHARLES F. (SKIP)
28 GRUBER: Okay.

1 MS. DONNA HINOTE: That's what I wanted
2 to know.

3 MR. DEWANE HAYES: There will be manager
4 and a caretaker.

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)
6 GRUBER: Okay.

7 MS. DONNA HINOTE: But you were talking
8 about the sewer system, Dewane. Have you went
9 down the ditch line there right in front there on
10 our property that we have been trying to get them
11 to do? But it is leaking right there. Did you
12 know that?

13 MR. DEWANE HAYES: I -- That's not my --

14 MS. DONNA HINOTE: I understand that.
15 But, I mean, it's going to affect that -- that RV
16 park.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)
18 GRUBER: Okay. Anyone else?

19 MR. FRANK HALE: Yes, sir.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP)
21 GRUBER: Now -- now let's --

22 COMMISSIONER JOE DAVIS, III: You've got
23 somebody behind you.

24 COMMISSION CHAIRMAN CHARLES F. (SKIP)
25 GRUBER: The thing is -- Okay. Go ahead.

26 MR. FRANK HALE: Okay. My name is Frank
27 Hale. I live on 71. And while I understand this
28 is good for the owner of the property, I see no

1 value given to the community.

2 It doesn't serve the community, not like a
3 convenience store, a service station, a feed
4 store. This serves only the owner at the expense
5 of the community. Please give that
6 consideration.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP)

8 GRUBER: Okay.

9 MR. VINCE JACKSON: Just a couple of
10 very brief followup comments. The -- the gravel
11 road was mentioned. The zoning ordinance allows
12 gravel roads.

13 But something that we've heard with recent
14 applications about RV parks is concerns about
15 gravel roads. So that may be something that we
16 need to take a look at for the future.

17 If this re-zoning is approved -- not approved
18 the applicant would still have the opportunity to
19 request special exception approval from the Board
20 of Adjustment. Now, that's a different public
21 hearing.

22 COMMISSION CHAIRMAN CHARLES F. (SKIP)

23 GRUBER: Uh-huh. (Indicates affirmatively.)

24 MR. VINCE JACKSON: But it's only one
25 public hearing. But there would still be notices
26 sent out.

27 And, again, on the question of notice, we are
28 required by State law notify the adjacent

1 property owners by certified mail. And we did
2 that. Two of those notices were not picked up
3 and were returned to us.

4 We also do the signs. We do the -- the
5 notifications in the paper. I think there are
6 additional things that are done with social
7 media.

8 So I just want to make sure y'all know.
9 We're advertising these things. There is
10 sometimes a limit to what we can do. We -- we --
11 we already go a little beyond what we're required
12 to do.

13 But we hear about it a lot. So maybe at some
14 point, we need to talk about if there are some
15 additional things that we can do.

16 MR. WAYNE DYESS: Vince, is the
17 applicant the owner of this property?

18 MR. VINCE JACKSON: Yes.

19 MR. WAYNE DYESS: Is it going to be
20 held -- Is he going to develop it himself, or is
21 it going to be sold to someone else?

22 MR. DEWANE HAYES: It is not currently
23 for sale.

24 MR. VINCE JACKSON: Right.

25 COMMISSION CHAIRMAN CHARLES F. (SKIP)

26 GRUBER: Okay. All right.

27 MR. VINCE JACKSON: That's all I have.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP)

1 GRUBER: I appreciate everyone. I think now this
2 will be on the -- Well, yeah. This will be on
3 the agenda next Tuesday, and there will be a
4 public hearing at that time, you know.

5 So, you know, y'all are welcome to come back
6 and, you know -- But the meeting will be held
7 out -- out -- out -- out in the big hall.

8 And, you know -- But, you know, this is just
9 a work session, getting us to where we need to
10 be, you know, to get it on the agenda. So thank
11 y'all for --

12 MR. DAN MIDDLETON: Thank y'all.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP)

14 GRUBER: -- your participation.

15

16 **G-4 - CASE Z-19023 - SHOENIGHT REZONING REQUEST**

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)

18 GRUBER: Okay. Next.

19 MR. WAYNE DYESS: Mr. Chairman, next is
20 Item G-4. It's a re-zoning, Case Number 19023.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP)

22 GRUBER: It's -- Yeah. Okay. We have -- we have
23 people that are leaving, if they want, you know,
24 to -- Let's give them that opportunity. So --

25 MR. WAYNE DYESS: Mr. Chairman, again,
26 this is Case Number G-3 [sic]. This is a
27 re-zoning. It is Case Number -- I'm sorry. G-4,
28 Case Number 19023, the Shoenight re-zoning. And

1 I believe Ms. Lee is here from the Planning
2 Department.

3 MR. LINDA LEE: Good morning,
4 Commissioners.

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)
6 GRUBER: Good morning.

7 COMMISSIONER JOE DAVIS, III: Good
8 morning.

9 MS. LINDA LEE: The subject property,
10 which consists of twenty-five (25) acres, is
11 currently zoned RMF-6, Multifamily District, and
12 RA, Rural Agricultural District.

13 A designation of B-3, General Business
14 District, has been requested for approximately
15 four-point-five (4.5) acres of the subject
16 property for the purpose of establishing a
17 storage business for boats and recreational
18 vehicles.

19 If this re-zoning request is approved, the
20 applicant would also need conditional use
21 approval for the proposed storage business.

22 The portion of the subject property requested
23 to be re-zoned is vacant. The property adjoins
24 County Road 12 to the north. The adjoining
25 properties are vacant, residential, church, and
26 golf course.

27 This portion of County Road 12 doesn't have
28 any commercially-zoned properties. Much of this

1 area is in the City of Foley.

2 The Planning District 30 zoning map was
3 adopted in February of 1995. Staff is unaware of
4 any zoning changes in the immediate area on
5 County Road 12 South.

6 There are some commercially-zoned properties
7 on Brinks Willis Road to the south. The Baldwin
8 County Master Plan provides a future land use
9 designation of residential for the subject
10 property. Approval of the re-zoning will result
11 in an amendment to the Future Land Use Map to
12 commercial.

13 Access to the site would require approval
14 from Baldwin County Highway Department. Although
15 the County Zoning Ordinance requires a
16 twenty-five (25) foot buffer for commercial
17 properties adjacent to residential uses, it does
18 not require a buffer for property within a
19 municipality.

20 At the Planning Commission meeting, there was
21 questions concerning the zoning designation
22 within the city. Staff has included a map of the
23 City zoning designations on County Road 12 South.
24 Can you get to the map? Okay. That's it.

25 Per the City's Community Development
26 Director, the proposed use isn't allowed by right
27 in any zone and would require approval from the
28 Board of Adjustment and Appeals.

1 As you see on this map, there is property
2 zoned B-3. And B-3 in the City of Foley is
3 really a little bit more similar to our B-1. But
4 of those two properties, one has a church and the
5 other one is residential.

6 The B-1A zoning, which mostly is on face --
7 frontage on 59 or frontage on the Foley Beach
8 Express, that allows for things such as Wal-Mart.

9 COMMISSIONER BILLIE JO UNDERWOOD: It's
10 like our B-4 is?

11 MR. LINDA LEE: It's -- it's kind of a
12 little similar, but it's -- it's limited.

13 COMMISSIONER BILLIE JO UNDERWOOD: It's
14 limited.

15 MS. LINDA LEE: But it -- it will allow
16 something like that.

17 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

18 MR. LINDA LEE: However, if you look,
19 like I'm saying, most of that B-1A is either
20 frontage on the Foley Beach Express or on 59.

21 And the portion that's close to the Foley
22 Beach Express where you see that B-1A, those are
23 apartments now.

24 So even within the city, all you currently
25 have developed is the apartments and the church
26 and, you know, residential use. And then the
27 rest it is agricultural. It has not been
28 developed at this time.

1 In your staff report, there is a letter from
2 the City of Foley Community Director requesting a
3 fence buffer be provided around the proposed use.

4 There are also four (4) letters in opposition
5 to this request and seven (7) letters in favor of
6 the re-zoning request.

7 The Planning Commission considered this
8 request at its June 6th meeting and voted to
9 recommend denial to the County Commission. Staff
10 concurs with that recommendation.

11 I will state that the vote was four (4) to
12 three (3), with the Chairman breaking the tie.
13 And I'll answer any questions you may have for
14 me.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP)
16 GRUBER: Commissioners, have you got any
17 questions of Ms. Lee?

18 COMMISSIONER BILLIE JO UNDERWOOD:
19 There's a -- a spot on here. I guess that's in
20 the City of Foley. And on this one -- that --
21 that map right there where it says Anchor Point
22 Church property --

23 MS. LINDA LEE: Yes.

24 COMMISSIONER BILLIE JO UNDERWOOD: -- is
25 that where that used to be that Swatter's?

26 MR. LINDA LEE: Yes.

27 COMMISSION CHAIRMAN CHARLES F. (SKIP)
28 GRUBER: Uh-huh. (Indicates affirmatively.)

1 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

2 MS. LINDA LEE: The church has purchased
3 that property.

4 COMMISSIONER BILLIE JO UNDERWOOD: The
5 church has purchased that property now?

6 MR. LINDA LEE: Uh-huh. (Indicates
7 affirmatively.) Yes.

8 COMMISSIONER BILLIE JO UNDERWOOD: Okay.
9 Would -- would this road that connects between 59
10 and the Beach Express be considered a collector
11 road?

12 MR. LINDA LEE: I really don't remember.
13 I was --

14 COMMISSIONER BILLIE JO UNDERWOOD: I was
15 trying to ask the engineer. He walked out of
16 here. And I think that's what he thought it
17 might be considered.

18 COMMISSION CHAIRMAN CHARLES F. (SKIP)
19 GRUBER: Well, see, part of that -- part of that
20 is -- is in the City of Foley. But we've got --

21 COMMISSIONER BILLIE JO UNDERWOOD:
22 Right. Most of it is.

23 COMMISSION CHAIRMAN CHARLES F. (SKIP)
24 GRUBER: We've got a little -- That thing is
25 broke up.

26 MR. LINDA LEE: We have real small
27 sections.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP)

1 GRUBER: We've got small sections in there in the
2 county.

3 COMMISSIONER BILLIE JO UNDERWOOD: Yeah.
4 Most of it's in the --

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)

6 GRUBER: Most of it's in the city.

7 COMMISSIONER BILLIE JO UNDERWOOD: --
8 city.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP)

10 GRUBER: Yeah.

11 COMMISSIONER BILLIE JO UNDERWOOD:

12 Uh-huh. (Indicates affirmatively.)

13 COMMISSION CHAIRMAN CHARLES F. (SKIP)

14 GRUBER: There's a piece that we go from the --
15 from 59 up to the -- where the subdivision failed
16 there.

17 COMMISSIONER BILLIE JO UNDERWOOD: So

18 I --

19 COMMISSION CHAIRMAN CHARLES F. (SKIP)

20 GRUBER: And then we stop through there and then
21 we pick back up and go to the James Road. And
22 then everything else from there is in the --

23 COMMISSIONER BILLIE JO UNDERWOOD: The
24 city.

25 COMMISSION CHAIRMAN CHARLES F. (SKIP)

26 GRUBER: -- city.

27 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

28 MR. LINDA LEE: And I can answer the

1 question.

2 COMMISSIONER BILLIE JO UNDERWOOD: So
3 your primary --

4 COMMISSION CHAIRMAN CHARLES F. (SKIP)

5 GRUBER: Okay. Go ahead.

6 COMMISSIONER BILLIE JO UNDERWOOD: Okay.
7 Go ahead.

8 MS. LINDA LEE: The Federal Highway
9 Administration's classification of County Road 12
10 east of South Hickory Street is major collector.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP)

12 GRUBER: Major collector.

13 COMMISSIONER BILLIE JO UNDERWOOD: Major
14 collector.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP)

16 GRUBER: Uh-huh. (Indicates affirmatively.)

17 COMMISSIONER BILLIE JO UNDERWOOD: Okay.
18 So which means it's a high-traffic road.

19 MR. LINDA LEE: Probably.

20 COMMISSIONER BILLIE JO UNDERWOOD: I've
21 driven on it many times. It is. Okay. Your
22 primary reason for denial -- And I know you --
23 you -- you reiterated that just now when you said
24 there is no other commercially --

25 MR. LINDA LEE: No uses other than --

26 COMMISSIONER BILLIE JO UNDERWOOD: --
27 uses --

28 MS. LINDA LEE: -- that golf course.

1 COMMISSIONER BILLIE JO UNDERWOOD: -- in
2 the county.

3 MS. LINDA LEE: And in the town, there
4 are none.

5 COMMISSIONER BILLIE JO UNDERWOOD: There
6 are none. So the golf course would be the --

7 MS. LINDA LEE: That's the city.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP)
9 GRUBER: The city.

10 MR. LINDA LEE: But that is the only
11 commercial use that you see.

12 COMMISSIONER BILLIE JO UNDERWOOD: And
13 it is basically diagonally across the street
14 then.

15 MR. LINDA LEE: Well, yeah. Kind of --

16 COMMISSIONER BILLIE JO UNDERWOOD: Yeah.

17 MS. LINDA LEE: -- across the street and
18 then to the left.

19 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

20 MS. LINDA LEE: But, you know, it's on
21 the -- more on the corner of 59 and that road.

22 COMMISSIONER BILLIE JO UNDERWOOD: Okay.
23 And this -- this parcel has, between it and
24 Highway 59, undeveloped primarily right now.

25 MR. LINDA LEE: Well, there's a small
26 subdivision.

27 COMMISSIONER BILLIE JO UNDERWOOD: There
28 is that small subdivision that's --

1 MR. LINDA LEE: There's a small
2 subdivision.

3 COMMISSIONER BILLIE JO UNDERWOOD: --
4 that little --

5 MS. LINDA LEE: And then there's a
6 subdivision that was approved but hasn't been
7 developed.

8 COMMISSIONER BILLIE JO UNDERWOOD:
9 It's -- it's not developed.

10 MR. LINDA LEE: Right.

11 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

12 MS. LINDA LEE: And then you have the
13 agricultural on the corner.

14 COMMISSIONER BILLIE JO UNDERWOOD: So
15 there was some comments made that I read in the
16 Planning Commission's, some -- I -- what I would
17 say, some very valid points as to maybe there --
18 that this might be a suitable business as far as
19 a need in the area for -- for this type of -- of
20 storage.

21 But -- So I was just trying to determine, you
22 know, when -- when you guys recommend denial or
23 approval, what's your primary --

24 MS. LINDA LEE: Well, first of all, my
25 primary is the underlying uses that are allowed
26 in the B-3.

27 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

28 MS. LINDA LEE: I don't look at just

1 what the applicant wants to do.

2 COMMISSIONER BILLIE JO UNDERWOOD: Oh,
3 no, no, no, no, no. I know that.

4 MR. LINDA LEE: I look at the entire --
5 what all will be allowed --

6 COMMISSIONER BILLIE JO UNDERWOOD:
7 Right.

8 MS. LINDA LEE: -- and whether or not
9 that is appropriate in that area when all the
10 other uses are only residential and the church.
11 So, for me, that's why I thought this was not
12 appropriate to put a B-3 zoning in there.

13 COMMISSIONER BILLIE JO UNDERWOOD: Okay.
14 That's all. Thank you.

15 MR. LINDA LEE: You're welcome.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP)
17 GRUBER: Okay. Anybody else?

18 (No response.)

19 COMMISSION CHAIRMAN CHARLES F. (SKIP)
20 GRUBER: Do you have anything to say?

21 MR. PAUL SHOENIGHT: If you have any
22 questions for me, I'll be glad to answer them.

23 COMMISSION CHAIRMAN CHARLES F. (SKIP)
24 GRUBER: Do y'all have any questions?

25 MR. PAUL SHOENIGHT: Now, I understand
26 it's got to be a B-3 to -- to be zoned. And
27 that's -- I don't want it to be a B-3. But it
28 apparently has to be a B-3 for the re-zoning for

1 it to be the RV and boat storage. And that's all
2 I want it to be.

3 If you go back to the map of -- of what my
4 guy made up, I -- I can show you why we did what
5 we did. And -- and I'm open to any suggestions
6 that needs to be -- Again, this is -- this is
7 just something to get the project moving. If we
8 need to adjust anything, I'm more than happy to
9 do so.

10 This is all my property, even over to here.
11 My home is right here. So the building on --
12 closer to me versus Willow Lake, which is -- has
13 no objections to it -- I -- that I have heard.

14 I have a -- I have a new letter, by the way,
15 Ms. Linda. I should give it to you. Mr. Bill
16 lives here. And he -- he won't be able to make
17 next -- next Tuesday's meeting. But he wanted to
18 send a new letter.

19 But, anyway, so to keep them buildings over
20 here -- Because I wouldn't want to build them
21 right behind my home, either, and so that's why I
22 put these over here.

23 Which I -- I don't know if y'all got the back
24 story on this. We have the twenty-five (25)
25 acres. And we're not doing anything with it
26 other than bush hogging it and raising a few cows
27 on it. So that's all. You know, I can't keep
28 bush hogging it forever.

1 So the wife and I have been talking for
2 years. This isn't something that just did not
3 start up in the last few months. For years, we
4 have spoke about doing something. Because the
5 area is developing a lot.

6 And we finally decided to do this storage,
7 because it's -- because it's quiet and it keeps
8 to itself, that we believe. And -- and we can
9 make some income on the property versus selling
10 it.

11 My family has owned the property since the
12 '60s. And as a young man, I helped my dad farm
13 it. And I just want to keep it. I don't want to
14 sell it.

15 If I sell it, then, as you know, it's an
16 RF -- RMF-6, which they can build a subdivision
17 or an apartment complex, which these folks have
18 definitely expressed to me they do not want, a
19 subdivision behind them or an apartment complex.

20 There was concerns at the zoning meeting
21 about the footage from here to the -- to the
22 gates. And that there was mentioned
23 thirty-six (36) feet. I have it at fifty-one
24 (51). However, I can adjust that to whatever it
25 needs to be to be proper and safe.

26 Again, this is just a model to kind of get it
27 to this step and before I put out the money to --
28 to get -- fine tune it.

1 As far as the -- the frontage goes, it's
2 going to be brick pillars with metal fencing in
3 between and landscaping, you know, nice-looking
4 landscaping with some palm trees, which I haven't
5 priced that out yet. So I'm -- I'm going to
6 assume they're kind of expensive. So --

7 COMMISSION CHAIRMAN CHARLES F. (SKIP)

8 GRUBER: Okay.

9 MR. PAUL SHOENIGHT: So that's -- that's
10 why we're doing it. Right now we're bush hogging
11 it. And I -- I guess I'm going to bush hog it
12 forever unless I can do something with it. So
13 that's -- that's my feeling. If y'all have any
14 questions for me, I'll be glad to answer them.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP)

16 GRUBER: Any questions?

17 (No response.)

18 COMMISSION CHAIRMAN CHARLES F. (SKIP)

19 GRUBER: Okay. Thank you. Well, that'll be
20 another public hearing.

21

22 **G-5 - CASE Z-19027 - FOUNTAIN 38 LLC REZONING REQUEST**

23 COMMISSION CHAIRMAN CHARLES F. (SKIP)

24 GRUBER: All right. Next.

25 MR. WAYNE DYESS: Mr. Chairman, next on
26 the -- on the agenda is Item G-5, which is Case
27 Number Z-19027, Fountain 38 LLC re-zoning
28 request.

1 MR. LINDA LEE: So the applicant is
2 requesting to re-zone twenty-two-point-eight
3 (22.8) acres from RSF-1 to RSF-3 to allow the
4 development of a residential subdivision on this
5 property.

6 This is the same property that we discussed
7 at a work session last month where they were
8 asking for the RSF-4 and then they changed to the
9 RSF-3.

10 The subject property is located on the north
11 side of U.S. Highway 98, west of Breman Road in
12 Planning District 22. The adjoining properties
13 are residential, commercial, and agricultural.
14 And that's the locator map showing the zoning
15 designations in that area.

16 This is just an area locator map that shows a
17 larger area. And you can see the RSF-1, RA. The
18 City of Elberta is to the west, and then the
19 zonings for the east. That's your site map.

20 And this is the proposed subdivision that was
21 submitted with the application. This subject
22 property was originally zoned RA, Rural
23 Agricultural District. And the owner is
24 requesting the automatic re-zoning to RSF-1 to
25 allow for the single-family subdivision
26 containing the seven (7) lots that are two (2)
27 acre lots. The prospective buyers would like to
28 develop the land and with a residential

1 subdivision.

2 The applicant is proposing to access the
3 subdivision from Breman Road and possibly State
4 Highway 98. Access to this site will require
5 approval from Baldwin County Highway Department
6 for Breman Road and from -- from ALDOT for State
7 Highway 98.

8 In your staff report, there were three (3)
9 letters in opposition to this request and one (1)
10 letter basically stating the use of this property
11 to the north. I think there was a lot of dove
12 hunting on it.

13 The Planning Commission considered this
14 request at its June 6th meeting and voted to
15 recommend denial to the County Commission. And
16 staff concurs with that recommendation.

17 Basically it's staff's opinion that with all
18 of that large rural and the large RSF-1 lots in
19 that area, that the transition should be more
20 gradual.

21 You know, staff would possibly be okay with
22 RSF-2. But we don't think they should jump to an
23 RSF-3, which is ten thousand (10,000) square foot
24 lots. I'll answer any questions you have for me.

25 COMMISSION CHAIRMAN CHARLES F. (SKIP)

26 GRUBER: Okay. Anybody else? Anybody have any
27 questions?

28 MS. LYDIA FRANZ: It's not a question,

1 but I was just going to speak.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP)

3 GRUBER: Okay. Go ahead. Go ahead.

4 MS. LYDIA FRANZ: Well, I understand --
5 I understand Linda's opinion about it. However,
6 you know, all of the findings and the criteria
7 and checked boxes, like you mentioned earlier, we
8 checked all of those.

9 As far as, you know, there's -- there's been
10 a material change, because there is now public
11 water and sewer available, which is what allowed
12 for smaller lot sizes in development.

13 And you really want that, because that's an
14 improvement that's going to lend towards better
15 stormwater management and drainage anyway.

16 Taking into consideration the Town of
17 Elberta's zoning map, I think that you can easily
18 see that it's not so much of a jump or a drastic
19 change. Because Elberta's zoning map, if you
20 actually look at Elberta and not just the county,
21 you know, the county properties, then you'll see
22 that there's R-1 all over the place and
23 commercial zoning spotted all through there.

24 And the R-1 zoning in Elberta actually does
25 take into consideration whether or not water and
26 sewer -- public water and sewer are available.

27 So with the public water and sewer available
28 for the Town of Elberta, you can do a minimum lot

1 size of nine thousand (9,000) square feet and a
2 minimum lot width of seventy-five (75) feet. So
3 what we're asking for is actually a little bit
4 more restrictive than that with the RSF-3.

5 Oh, and you brought up at the last meeting
6 when we were talking about the RSF-4 site plan
7 approval, and so once -- If we get the zoning
8 change, it still has to come back.

9 The subdivision and site plan will still have
10 to come back to the County for approval. It does
11 not just go to Elberta, even though it is in
12 their ETJ.

13 And I know that because we just had to deal
14 with that on a site plan approval for an RV park
15 that we got the re-zoning on back in February
16 that's about a mile to the east on 98 right next
17 to Dean's Transmissions. So we're having to go
18 back to the Planning Commission again to get the
19 site plan approval.

20 And I've already talked to Karen Warner about
21 it. And we went to their meeting last week. And
22 all they do is just say, yeah, as long as it
23 meets all of the County standards and
24 requirements, then we're fine with it.

25 So that's -- you know, that's just the
26 process. It will go back in front of Elberta,
27 but it comes back to the County.

28 So it's not like you change the zoning and

1 it's the last shot. Because that is a
2 preliminary subdivision plat that we just threw
3 together for an example. It's not final.

4 Obviously, we will have to do stormwater
5 retention and green areas. So that's -- But we
6 don't want to spend too much money on it until we
7 know whether or not we're going to be able to
8 make it work.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP)
10 GRUBER: Okay. All right. Then this will also
11 be on -- Commissioners, do y'all have any --
12 okay. Go ahead.

13 MR. MARK STEPHENS: All right. My name
14 is Mark Stephens.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP)
16 GRUBER: Okay.

17 MR. MARK STEPHENS: I just started
18 building a home on the Breman Road where --

19 COMMISSION CHAIRMAN CHARLES F. (SKIP)
20 GRUBER: Uh-huh. (Indicates affirmatively.)

21 MR. MARK STEPHENS: -- continue north --

22 COMMISSION CHAIRMAN CHARLES F. (SKIP)
23 GRUBER: Uh-huh. (Indicates affirmatively.)

24 MR. MARK STEPHENS: -- where it
25 intersects with Frank Road. I bought that
26 property because it was a rural area. And at --
27 at this point right now, the smallest lots in
28 that area are approximately two (2) acre lots.

1 This one being currently zoned allows for
2 about three-quarter (.75) acre lots, just under
3 three quarters (.75) of an acre.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP)

5 GRUBER: Uh-huh. (Indicates affirmatively.)

6 MR. MARK STEPHENS: To re-zone it to the
7 RSF-3 is bringing it down to less than a quarter
8 (.4) acre lot.

9 The unintended consequences way beyond the
10 sewer and -- and water is the traffic. Anybody
11 that lives in that area knows that currently now
12 when the expressway was built, people no longer
13 travel 98 to get to the expressway to go north.
14 They go up to County Road 32 and across 32 to the
15 expressway.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP)

17 GRUBER: Uh-huh. (Indicates affirmatively.)

18 MR. MARK STEPHENS: With this
19 subdivision having access to Breman Road to the
20 east side, people don't want to get onto 98. 98
21 is a nightmare to try and get onto. Nobody wants
22 access onto 98.

23 So what this subdivision will do is it will
24 take fifty-eight (58) lots, two (2) cars on
25 average apiece, a hundred and twenty (120) cars,
26 and dump them onto Breman Road to go north to
27 Frank Road and avoid Highway 98. And from there
28 they'll go over to 87 and go north or go over

1 east to 95.

2 When that bridge goes in on County Road 95
3 down to Orange Beach, there will be a lot more
4 traffic going up and down 95, again, causing more
5 traffic in that area.

6 One of those problems is Breman Road isn't
7 built to handle that kind of -- that kind of
8 traffic. It's not. The road -- the road width,
9 the road structure, the road base isn't built to
10 handle that amount of traffic.

11 When we bought that land and we started
12 building, it was because it's a rural area,
13 because it's private, because it's out in the
14 country.

15 I have two boys with cerebral palsy. They
16 will never get a driver's license. But they can
17 drive a golf cart. As it is right now, they can
18 go on that road. They can go down the dirt road.
19 They can stay in the ditch. And they can safely
20 cross to that little convenience store on 98 and
21 87. We've already talked to the -- to -- to the
22 Elberta police about that. They haven't got a
23 problem with that.

24 When you start dumping the amount of traffic
25 that this subdivision would bring into it onto
26 Breman Road, it's no longer safe for my kids.
27 It's no longer safe for my boys. It's not a safe
28 road for that amount of traffic.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP)

2 GRUBER: Okay.

3 MS. LYDIA FRANZ: You do realize there's
4 a two million dollar (\$2,000,000) sports complex
5 being built like about a mile to the south on
6 Breman Road?

7 MR. MARK STEPHENS: That's south.

8 MS. LYDIA FRANZ: You're sitting -- The
9 traffic is going to come. We -- we have to have
10 a traffic study.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP)

12 GRUBER: Well, let's -- let's not argue
13 between --

14 MS. LYDIA FRANZ: That's why we need a
15 traffic study. And, you know, we're going to do
16 everything the right way.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)

18 GRUBER: All right. Next person. State your
19 name, please.

20 MR. BRUCE AUSTIN: My name is Bruce
21 Austin. I live on Breman Road. And I -- I know
22 there's a lot of emotion tied to all of these
23 requests. And I don't envy y'all's job because
24 of that.

25 But aside from the emotional part, you've got
26 the ordinance. And -- and they need to follow
27 the ordinance. And if you'll bear with me just
28 for a second, Section 19-1 states the purpose of

1 the section is to only make adjustments to the
2 official zoning map that are necessary in light
3 of any changes.

4 The applicant has not produced any
5 documentation that shows that this is a necessary
6 change, only a change that meets their budgetary
7 requirements of building a more dense
8 subdivision.

9 If you jump down to 19-6 -- And I notice some
10 of you Commissioners have had the thing that I
11 highlighted --

12 COMMISSION CHAIRMAN CHARLES F. (SKIP)
13 GRUBER: Uh-huh. (Indicates affirmatively.)

14 MR. BRUCE AUSTIN: -- that was provided
15 to you about that, so I won't take a lot of time.
16 But it's got to be consistent also with the
17 compatible development.

18 And I know you've got a map up here. And I
19 supplied one earlier, too. But I just wanted to
20 share this map with you, because it goes a little
21 bit further instead of horizontal.

22 COMMISSIONER JAMES E. (JEB) BALL: It's
23 on there.

24 MR. BRUCE AUSTIN: And I've labeled each
25 one of these subdivisions that I think is
26 pertinent to the current development. And you'll
27 notice how many of each one of these subdivisions
28 is an RSF-1 or an RSF-E, which is an estate lot,

1 which is bigger than an RSF-1.

2 This is one like about a three (3) mile
3 radius down --

4 MS. LYDIA FRANZ: It's on there.

5 MR. BRUCE AUSTIN: -- of that. Yeah.

6 So what you have is the evidence right there that
7 the -- that the current development of this
8 particular area is the majority of large-lot
9 residential subdivisions.

10 The other thing that the code speaks to is
11 what is the current trends, not a trend that
12 happened four (4) years ago, five (5) years ago,
13 but what's the current trend?

14 I've been in commercial banking for
15 thirty-eight (38) years. I have financed
16 subdivisions like this. We have never included
17 in our feasibility study any kind of median
18 income or anything like that with regard to the
19 county. We look at things like absorption.
20 What's happening in the community? What are they
21 buying? What are they buying right now?

22 This is also a list of the names, the pin
23 numbers of the property, and the acreages that
24 have sold on Breman Road, not five (5) miles
25 away, not the Town of Elberta, on Breman Road.

26 Ten (10) lots in the last thirteen (13)
27 months have sold on Breman -- on Breman Road that
28 are a minimum of two (2) acres and a maximum of

1 three (3) acres.

2 So the current trend is people are buying
3 these larger residential lots to put their houses
4 on, because they want to get away from the things
5 like this right here.

6 You all are responsible for smart growth.
7 We -- we're all going to grow. We -- we've just
8 got to get used to that. That's going to happen.
9 So we've got to grow smartly. And traffic is a
10 huge problem.

11 If you look at this other map -- You'll have
12 to see it right here. But if you go back to the
13 plat, this is the road here that accesses Breman.
14 This is my house here.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP)

16 GRUBER: Uh-huh. (Indicates affirmatively.)

17 MR. BRUCE AUSTIN: And if you don't come
18 in here with a road to access part of this
19 subdivision onto 98, which is not part of the
20 plan, you're forcing people that live right here
21 to go all the way up, over, down, out here, down
22 here to go back to 98.

23 You're forcing half of this subdivision to go
24 by my house where they could easily access 98 and
25 be gone. But you don't want to do that if you're
26 a developer, because that costs more money.

27 MS. LYDIA FRANZ: No. We do want that.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP)

1 GRUBER: Let's --

2 MR. BRUCE AUSTIN: I'm sorry. I'm
3 sorry.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP)

5 GRUBER: Let's not argue.

6 MS. LYDIA FRANZ: I'm sorry. I'm
7 just --

8 COMMISSION CHAIRMAN CHARLES F. (SKIP)

9 GRUBER: You can rebuttal -- you can -- you can
10 speak in a minute. Just let him finish.

11 MR. BRUCE AUSTIN: So that's part of the
12 problem here is not only -- it's not only about
13 the trend, the current development, but you've
14 got an adverse traffic situation.

15 We're using the staff's recommendation, two
16 (2) cars per lot, ten (10) trips. We've got
17 twelve hundred (1,200) trips on Breman Road. Can
18 you imagine what's that going to be like right
19 here at this stop sign at eight o'clock in the
20 morning when everybody is trying to take their
21 kids to school or get out of your house to go to
22 work?

23 So if you take the emotional part of it out,
24 they have not met the requirements that are
25 necessary for a change, based on the code, based
26 on the current trends, the current development,
27 and the adverse traffic. Thank you.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP)

1 GRUBER: Thank you. All right. Next.

2 MR. BRUCE AUSTIN: Thank you.

3 MR. DON FUQUA: My name is Don Fuqua.

4 And I live on Frank Road just around the corner
5 here. I -- I moved to Gulf Shores in December of
6 1950. And I used to say to the kids I went to
7 school with I am so glad I live in Gulf Shores,
8 because I can go across the street. I live on
9 the canal. I can ride my bicycle to the Hang
10 Out. And I'm glad I don't live in Elberta or
11 somewhere or Robertsdale. What do those kids
12 have to do?

13 And right now I'm -- I'm so glad I live in
14 Elberta, I can't stand it. I've been there since
15 January of '01, by the way.

16 And I'm fortunate enough, we have twelve (12)
17 acres. My neighbor has twelve (12) acres. And
18 which is more than this proposal here. And I
19 just can't imagine putting fifty (50) more houses
20 on that size property, fifty-eight (58), whatever
21 it is.

22 Anybody that has gone on Frank Road walking
23 like we do about five (5) days a week and bicycle
24 and so forth, there's already the cutoff between
25 95 and 87. And there's a lot of cars coming
26 through there.

27 When we used to have a state trooper live
28 right at the end of the road, he would come on

1 that little road. And I loved see him coming by.
2 He kept the cars a little bit slower. And we
3 appreciated that.

4 But my main concern is the size of the lots,
5 what it's going to do to the traffic. There was
6 some statistic you made about ten (10), I believe
7 it is, per household per vehicle or --

8 MR. JOEY NUNNALLY: It's ten (10) trips
9 per household --

10 MR. DON FUQUA: So that --

11 MR. JOEY NUNNALLY: -- not -- not per
12 vehicle.

13 MR. DON FUQUA: So you're still about
14 five hundred (500) and something. And a lot of
15 them -- And I've tried to get on 98 from Breman
16 Road a lot, myself, going places. And it is
17 tough. You can't even hardly go right much less
18 left. And that's a concern. And I just wanted
19 to voice that opinion. Thank you.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP)
21 GRUBER: Okay. Thank you.

22 MS. RENAE AUSTIN: Hi. My name is Renae
23 Austin. My husband hit you with a lot of facts.
24 But I'm just going to say one like quick thing.

25 When we had the meeting in Robertsdale, at
26 the beginning of the meeting, they'll say how
27 many people are for and how many people are
28 against at their -- at -- currently at that

1 meeting.

2 There were three (3) people for. And the
3 only thing I want to say about that is all three
4 (3) of those people were there because they would
5 financially gain from this subdivision. And all
6 the people that were there that were against were
7 people who were living in that area, live in the
8 community.

9 And to my knowledge, none of the three (3)
10 people who are going to gain financially are
11 people who live in the community and would have
12 to deal with any of this. So thank you.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP)
14 GRUBER: Okay. Thank you. All right. Would
15 anyone else like to say anything?

16 MS. LYDIA FRANZ: I --

17 COMMISSIONER JAMES E. (JEB) BALL: I
18 think she wanted to address the road.

19 MS. LYDIA FRANZ: Yeah. I just wanted
20 to followup. This is just not -- You know, I'm
21 not going to get into the emotional or
22 speculative aspects of any of that, just that
23 anything over fifty (50) lots will require an
24 ALDOT traffic study, you know.

25 I think that it's in the best interest of the
26 property in the areas, to have a traffic study
27 done. We do want to have two (2) access points,
28 one on Breman, which would be more of a -- kind

1 of a back in-and-out, but the main one on 98,
2 visibility.

3 Going with the smaller lot sizes can be, you
4 know, a good thing, because of the public water
5 and sewer. That -- that does help the drainage a
6 lot more than having the bigger lots with septic
7 tanks.

8 And everything is subject to -- still subject
9 to the plat approval. And we're going to do
10 everything professionally. We're not trying to
11 throw up, you know, cheap housing or anything
12 that would negatively impact the community.

13 COMMISSIONER BILLIE JO UNDERWOOD: I --
14 I want to say one more thing. I believe
15 Mr. Austin -- Is that your name?

16 MR. BRUCE AUSTIN: Yes, ma'am.

17 COMMISSIONER BILLIE JO UNDERWOOD: Make
18 sure. We mentioned this, I think, in the
19 workshop a few weeks ago about compatibility
20 studies.

21 MS. LYDIA FRANZ: Uh-huh. (Indicates
22 affirmatively.)

23 COMMISSIONER BILLIE JO UNDERWOOD: And I
24 just really feel like that if we have that
25 requirement, the compatibility study -- And
26 that's kind of what you alluded to with your
27 presentation, Mr. Austin. Well, you didn't
28 actually use that word. But --

1 MS. LYDIA FRANZ: Feasibility.

2 COMMISSIONER BILLIE JO UNDERWOOD: I --
3 I was talking more compatibility. Feasibility is
4 could it been done. Compatibility is, is it
5 compatible with the surrounding parcels?

6 MS. LYDIA FRANZ: Uh-huh. (Indicates
7 affirmatively.)

8 COMMISSIONER BILLIE JO UNDERWOOD: And
9 so that is a major concern with the development
10 of this type. And I don't see where if a
11 compatibility study was done, that it would --
12 that it would agree with -- with -- with what
13 you're requesting.

14 COMMISSION CHAIRMAN CHARLES F. (SKIP)
15 GRUBER: Okay.

16 MS. LYDIA FRANZ: Well, I think if we
17 were going to do something like that, we would
18 definitely want to look at the area as a whole
19 and not just the county property, just like you
20 were talking about earlier with the drainage
21 issues --

22 COMMISSIONER BILLIE JO UNDERWOOD: It --

23 MS. LYDIA FRANZ: -- or the potential
24 drainage issue --

25 COMMISSIONER BILLIE JO UNDERWOOD: I
26 agree. I agree.

27 MS. LYDIA FRANZ: -- on that big dirt
28 pit development. You know, everything --

1 everybody gets so -- so dug down in their
2 trenches that they forget to look up and see what
3 everybody around them is doing.

4 COMMISSIONER BILLIE JO UNDERWOOD: Oh,
5 no, everybody --

6 MS. LYDIA FRANZ: Well, it -- well,
7 it -- it happens --

8 COMMISSIONER BILLIE JO UNDERWOOD:
9 Please. Please.

10 MS. LYDIA FRANZ: It happens.

11 COMMISSIONER BILLIE JO UNDERWOOD: I am
12 not everybody.

13 MS. LYDIA FRANZ: I do feel like we need
14 to look at, you know, not just County zoned
15 property, but also --

16 COMMISSIONER BILLIE JO UNDERWOOD: Just
17 hush.

18 FRANZ FRANZ: -- City property.

19 COMMISSION CHAIRMAN CHARLES F. (SKIP)
20 GRUBER: Okay.

21 COMMISSIONER BILLIE JO UNDERWOOD: All
22 right.

23 COMMISSION CHAIRMAN CHARLES F. (SKIP)

24 GRUBER: Thank y'all very much. So this will be
25 on the -- the public hearing. Yeah. Could we
26 take a quick --

27 COMMISSIONER JOE DAVIS, III: Good idea.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP)

1 GRUBER: -- five-minute break or a ten-minute
2 break?

3
4 (A recess was taken at 10:38 a.m.)

5 (The Baldwin County Commission Work Session resumed at
6 10:50 a.m.)

7
8 COMMISSION CHAIRMAN CHARLES F. (SKIP)

9 GRUBER: Okay. Y'all ready to get started back
10 again? I understand that -- I understand that we
11 need to go into an executive session. We've got
12 several items that are going to need to be looked
13 at real quick.

14 ATTORNEY DAVID CONNER: And we'd better
15 get into it quick, because every time we stop,
16 they grow.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)

18 GRUBER: Yeah. That's what I say.

19 ATTORNEY DAVID CONNER: So let's get
20 into it.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP)

22 GRUBER: Yeah.

23
24 **Q-1 - REQUEST FOR EXECUTIVE SESSION**

25 ATTORNEY DAVID CONNER: All right. I
26 make a recommendation to go into executive
27 session in accordance with Alabama Code Section
28 36-25-A7(a)(1) to discuss the general reputation

1 and character, physical condition, professional
2 competence, or mental health of individuals, or
3 subject to the limitations set out therein, to
4 discuss the job performance of certain public
5 employees.

6 Also, in accordance with Section 3, to
7 discuss with your attorneys the legal
8 ramifications of and legal options for pending
9 litigation, controversies not yet being litigated
10 but imminently likely to be litigated, or
11 imminently likely to be litigated if the
12 governmental body pursues a proposed course of
13 action.

14 Also, in accordance with Section 6, to
15 discuss the consideration the governmental body
16 is willing offer or accept when considering the
17 purchase, sale, exchange, lease or market value
18 of real property.

19 Also, in accordance with Section 7, to
20 discuss preliminary negotiations involving
21 matters of trade or commerce in which the
22 governmental body is in competition with private
23 individuals or entities or other governmental
24 bodies in Alabama or other states or -- or -- or
25 foreign states or to discuss matters involving
26 the character defined in the Trade Secrets Act.

27 This -- this -- this section requires that
28 prior to a discussion, a person involved in the

1 recruitment or retention who has personal
2 knowledge that the discussion -- that that
3 discussion will involve matter or information of
4 the character defined in the Alabama Trade
5 Secrets Act, or by oral declaration, the
6 discussion would have a detrimental affect upon
7 the competitive position of a party to the
8 negotiations or upon the location, retention,
9 expansion or upgraded of a public employee or
10 business entity in the area served by the
11 governmental body if disclosed outside of an
12 executive session states that that -- that makes
13 an oral declaration.

14 Lee Lawson is here. Lee, do you make that
15 oral declaration --

16 MR. LEE LAWSON: Yes.

17 ATTORNEY DAVID CONNER: -- for us?

18 MR. LEE LAWSON: I can. Lee Lawson,
19 Executive Director of the Baldwin County Economic
20 Development Alliance.

21 I have been involved in the recruitment
22 effort and hereby make the oral declaration that
23 I have personal knowledge that the discussion may
24 involve matters or information of the character
25 defined or described in the Alabama Trade Secrets
26 Act and that the discussions would have a
27 detrimental affect upon the competitive decision
28 of a party to the negotiations or upon the

1 location or retention or expansion or upgrading
2 of a public business entity in the area served by
3 this, the Baldwin County Commission, if disclosed
4 outside of an executive session or disclosed
5 information protected by the Alabama Trade
6 Secrets Act.

7 ATTORNEY DAVID CONNER: Brad Hicks is
8 here as conflict counsel in the matter. And so
9 he's representing the County. I'll step outside.

10 Brad, do you make the oral declaration that
11 the discussion is appropriate for executive
12 session?

13 ATTORNEY BRAD HICKS: Yes. My name is
14 Brad Hicks, and I'm an attorney licensed to
15 practice law in the State of Alabama. And the
16 planned discussion complies with the executive
17 session requirements of the Alabama Open Meetings
18 Act.

19 ATTORNEY DAVID CONNER: For all the
20 other matters, I make the oral declaration that
21 the discussion is appropriate for executive
22 session.

23 It is anticipated the executive session will
24 last approximately an hour, at which time you'll
25 reconvene the work session to continue your
26 agenda.

27 COMMISSION CHAIRMAN CHARLES F. (SKIP)
28 GRUBER: Okay. All right.

1 COMMISSIONER JAMES E. (JEB) BALL:

2 Mr. Chairman, I make a motion that we go into
3 executive session as outlined by staff attorney.

4 COMMISSIONER JOE DAVIS, III: Second
5 that.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP)
7 GRUBER: Okay. I've got a motion made by
8 Commissioner Ball, seconded by Commissioner Davis
9 to go in executive session for approximately one
10 hour as stated by our counsel. Any questions?

11 (No response.)

12 COMMISSION CHAIRMAN CHARLES F. (SKIP)

13 GRUBER: If not, all in favor, signify by saying
14 aye.

15 (Commissioners say "aye" in unison.)

16 COMMISSION CHAIRMAN CHARLES F. (SKIP)

17 GRUBER: We are now in executive session.

18

19 (The Baldwin County Commission Work Session was recessed
20 into executive session at 10:53 a.m.)

21 (The Baldwin County Commission Work Session resumed at
22 12:05 p.m.)

23

24 COMMISSION CHAIRMAN CHARLES F. (SKIP)

25 GRUBER: All right. We're back.

26 MR. WAYNE DYESS: Mr. Chairman, are we
27 ready?

28 COMMISSION CHAIRMAN CHARLES F. (SKIP)

1 GRUBER: All right. We're back in session.

2
3 **B-1 - COMPETITIVE BID #WG19-33 - INTERIOR RENOVATIONS OF**
4 **COURTROOM NO. 7 IN THE BALDWIN COUNTY COURTHOUSE LOCATED**
5 **IN BAY MINETTE, ALABAMA FOR THE BALDWIN COUNTY**
6 **COMMISSION**

7 MR. WAYNE DYESS: Yes, sir. We'll go
8 back to B-1, the first one. Wanda.

9 MS. WANDA GAUTNEY: The first item is
10 Competitive Bid WG19-33, interior renovation for
11 Courtroom Number 7 in the Baldwin County
12 Courthouse located in Bay Minette.

13 This is to approve Change Order Number 1 in
14 the amount of one thousand, nine hundred and
15 twenty-three dollars and fifteen cents
16 (\$1,923.15) with E-J, Inc., for the interior
17 renovations of the courtroom, and also authorize
18 the Chairman to execute the change order.

19 The change order was some things that were
20 found when they did the demolition. It's just a
21 few items.

22 COMMISSION CHAIRMAN CHARLES F. (SKIP)

23 GRUBER: Okay. All right. Consent?

24 COMMISSIONER BILLIE JO UNDERWOOD:

25 Consent.

26 COMMISSIONER JOE DAVIS, III: Consent.

27 COMMISSIONER JAMES E. (JEB) BALL:

28 Consent.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP)

2 GRUBER: Okay.

3

4 **B-2 - COMPETITIVE BID #WG18-36 - PROVISION OF FIBER**

5 **OPTIC NETWORK-MAINTENANCE AND LOCATES FOR THE BALDWIN**

6 **COUNTY COMMISSION**

7 MS. WANDA GAUTNEY: The next items is
8 Competitive Bid WG18-36, provisions of fiber
9 optic network maintenance and locate.

10 This is just to approve an extension for an
11 additional twelve (12) months with Two-Way
12 Communications --

13 COMMISSIONER CHARLES "SKIP" GRUBER:
14 Consent?

15 COMMISSIONER JAMES E. (JEB) BALL:
16 Consent.

17 COMMISSIONER BILLIE JO UNDERWOOD:
18 Consent.

19 MS. WANDA GAUTNEY: -- at the same
20 prices.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP)
22 GRUBER: Okay.

23

24 **B-3 - COMPETITIVE BID #WG19-43 - PROVISION OF PEST**

25 **CONTROL FOR THE BALDWIN COUNTY COMMISSION**

26 MS. WANDA GAUTNEY: The next item is
27 Competitive Bid WG19-43, provisions of pest
28 control. This is to award the bid to the lowest

1 bidder, Bay Pest Control Company, Inc., as per
2 the attached award listing.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP)

4 GRUBER: Consent?

5 COMMISSIONER BILLIE JO UNDERWOOD:

6 Consent.

7 COMMISSIONER JAMES E. (JEB) BALL:

8 Consent.

9 COMMISSIONER JOE DAVIS, III: Consent.

10
11 **B-4 - COMPETITIVE BID #WG19-44 - PROVISION OF BOTTLED**
12 **WATER FOR THE BALDWIN COUNTY COMMISSION**

13 MS. WANDA GAUTNEY: The next item is
14 Competitive Bid WG19-44, provisions of bottled
15 water. This is to award the bid to the lowest
16 bidder, Coca-Cola Bottling Company United, for
17 the provisions of the bottled water -- water as
18 per the attached award listing.

19 COMMISSIONER BILLIE JO UNDERWOOD:

20 Consent.

21 COMMISSIONER JAMES E. (JEB) BALL:

22 Consent.

23 COMMISSION CHAIRMAN CHARLES F. (SKIP)

24 GRUBER: Consent.

25
26 **B-6 - COMPETITIVE BID #WG19-49 - PURCHASE AND**
27 **INSTALLATION OF AUDIO/VIDEO SYSTEMS FOR THE COURTROOMS**
28 **LOCATED IN THE BALDWIN COUNTY COURTHOUSE, FAIRHOPE**

SATELLITE COURTHOUSE AND FOLEY SATELLITE COURTHOUSE FOR**THE BALDWIN COUNTY COMMISSION**

MS. WANDA GAUTNEY: The next item is Competitive Bid WG19-49, purchase and installation of audio/video systems for courtrooms located in the Baldwin County Courthouse, Fairhope Satellite Courthouse, and Foley Satellite Courthouse. This is just a bid to place on the agenda --

COMMISSIONER JAMES E. (JEB) BALL: Hey, Wanda, B-5?

COMMISSIONER BILLIE JO UNDERWOOD: Yeah.

MS. WANDA GAUTNEY: Oh, did I skip one?

COMMISSIONER JOE DAVIS, III: Yeah.

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER: You skipped one. Yeah.

MS. WANDA GAUTNEY: I'm sorry.

COMMISSIONER BILLIE JO UNDERWOOD: Yeah.

COMMISSIONER JOE DAVIS, III: You skipped one.

MS. WANDA GAUTNEY: I'm stuck.

COMMISSION CHAIRMAN CHARLES F. (SKIP)

GRUBER: Do you want to do -- finish B-6?

COMMISSIONER JOE DAVIS, III: Yeah.

COMMISSIONER BILLIE JO UNDERWOOD: Finish -- finish B-6.

MS. WANDA GAUTNEY: Are you okay with Consent?

1 COMMISSIONER BILLIE JO UNDERWOOD:

2 Consent.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP)

4 GRUBER: Consent on B-6.

5 COMMISSIONER JAMES E. (JEB) BALL: Yeah.

6 Consent on B-6.

7 MS. WANDA GAUTNEY: Okay.

8

9 **B-5 - COMPETITIVE BID #WG19-48 - PURCHASE OF ONE (1) NEW**
10 **POLICE INTERCEPTOR UTILITY K8A VEHICLE FOR THE BALDWIN**
11 **COUNTY SHERIFF'S DEPARTMENT**

12 MS. WANDA GAUTNEY: The next one is
13 Competitive Bid WG19-48, purchase of one (1) new
14 police interceptor utility KA8 vehicle. This is
15 just to place on the agenda for approval. And
16 this was approved during midyear budget.

17 COMMISSIONER JOE DAVIS, III: Uh-huh.
18 (Indicates affirmatively.)

19 COMMISSIONER JAMES E. (JEB) BALL:
20 Consent.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP)

22 GRUBER: Consent. Okay.

23

24 **B-7 - COPY MACHINE RECENT FOR THE BALDWIN COUNTY JUDGE**
25 **OF PROBATE OFFICE, FAIRHOPE COMMISSION OFFICE, PLANNING**
26 **& ZONING DEPARTMENT AND THE COUNCIL ON AGING DEPARTMENT**

27 MS. WANDA GAUTNEY: Okay. Now it's
28 Number 7, copy machine rental for Baldwin County

1 Judge of Probate Office, Fairhope Commission
2 Office, Planning and Zoning Department, and
3 Council on Aging Department.

4 This is to approve the Chairman to execute
5 the rental agreement with Sharp Electronic
6 Corporation for the rental of four (4) --

7 COMMISSION CHAIRMAN CHARLES F. (SKIP)

8 GRUBER: Consent.

9 MS. WANDA GAUTNEY: -- new copy
10 machines --

11 COMMISSIONER BILLIE JO UNDERWOOD:

12 Consent.

13 COMMISSIONER JAMES E. (JEB) BALL:

14 Consent.

15 MS. WANDA GAUTNEY: -- off the State of
16 Alabama bid for thirty-six (36) months effective
17 the date of execution. And they're all listed
18 there and prices.

19 COMMISSIONER JOE DAVIS, III: Consent.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP)

21 GRUBER: Consent.

22
23 **B-8 - REQUEST FOR PROPOSALS (RFP) FOR DEVELOPING A**
24 **BALDWIN COUNTY SOLID WASTE GAS-TO-ENERGY PROJECT LOCATED**
25 **AT THE MAGNOLIA SANITARY LANDFILL**

26 COMMISSION CHAIRMAN CHARLES F. (SKIP)

27 GRUBER: All right. Next. B-8.

28 MS. WANDA GAUTNEY: The next item is a

1 request for proposal for developing a Baldwin
2 County Solid Waste gas-to-energy project located
3 at Magnolia Sanitary Landfill.

4 This is to authorize me to solicit an RFP for
5 the development of a gas-to-energy project.

6 COMMISSIONER BILLIE JO UNDERWOOD:
7 Consent.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP)
9 GRUBER: Consent.

10 COMMISSIONER JOE DAVIS, III: Consent.

11
12 **B-9 - REQUEST FOR QUALIFICATIONS FOR THE 2020 DIGITAL**
13 **ORTHOPHOTO ACQUISITION**

14 MS. WANDA GAUTNEY: The next item is
15 request for qualifications for the 2020 digital
16 orthophoto acquisition. This is just to
17 authorize me to place the RFP.

18 COMMISSIONER BILLIE JO UNDERWOOD:
19 Consent.

20 COMMISSIONER JAMES E. (JEB) BALL:
21 Consent.

22 COMMISSION CHAIRMAN CHARLES F. (SKIP)
23 GRUBER: All right. Now, this is -- what this
24 is, this is the flyover that they'll do this year
25 and upgrading our -- our maps again.

26 COMMISSIONER BILLIE JO UNDERWOOD:
27 Right.

28 COMMISSIONER JOE DAVIS, III: Good.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP)

2 GRUBER: And this is paid for by --

3 COMMISSIONER BILLIE JO UNDERWOOD:

4 It's -- it's great.

5 MR. RON CINK: Reappraisal.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP)

7 GRUBER: -- Reappraisal.

8 COMMISSIONER BILLIE JO UNDERWOOD: Yeah.

9 MR. RON CINK: There's three hundred K
10 (\$300,000) budgeted in there.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP)

12 GRUBER: Okay.

13

14 **B-10 - PRE-QUALIFICATION OF CONTRACTORS FOR THE INTERIOR**

15 **BUILD-OUT OF THE SECOND FLOOR OF THE BALDWIN COUNTY**

16 **SATELLITE COURTHOUSE LOCATED IN FAIRHOPE, ALABAMA**

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)

18 GRUBER: All right. Next.

19 MS. WANDA GAUTNEY: All right. The last
20 item I have is Number 10, prequalification of
21 contractors for the interior build-out of the
22 second floor of the Baldwin County Satellite
23 Courthouse located in Fairhope.

24 This is to reject all filed applications
25 received due to incomplete proposals and
26 authorize me to re-advertise for this.

27 COMMISSIONER BILLIE JO UNDERWOOD:

28 Consent.

1 COMMISSIONER JAMES E. (JEB) BALL:

2 Consent.

3 MS. WANDA GAUTNEY: We received five
4 (5), four (4) were wrong, one (1) was correct.
5 And we didn't feel like we would have a good
6 competitive price with just one bidder.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP)

8 GRUBER: Yeah.

9 COMMISSIONER JOE DAVIS, III: We need at
10 least two.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP)

12 GRUBER: Okay.

13 COMMISSIONER JOE DAVIS, III: Consent.

14 COMMISSION CHAIRMAN CHARLES F. (SKIP)

15 GRUBER: All right. Consent.

16 MS. WANDA GAUTNEY: And that's all I
17 have. Thank you.

18 COMMISSION CHAIRMAN CHARLES F. (SKIP)

19 GRUBER: Thank you, Wanda.

20 MR. WAYNE DYESS: Mr. Chairman, next is
21 the Highway Department. Joey.

22

23 **C-1 - ADVERTISE AMENDMENTS TO THE BALDWIN COUNTY**

24 **SUBDIVISION REGULATIONS**

25 MR. JOEY NUNNALLY: All right. Item
26 C -- Oh, first -- first I -- I do have -- I've
27 got three item on the agenda. But I've got
28 about -- I don't know -- four or five that I had

1 to bring up because of the short week, so I
2 apologize in advance. But none of them is very
3 complicated.

4 So first off, item C-1, advertise amendment
5 to the Baldwin County Subdivision Regulations.
6 This is basically just to authorize staff to
7 advertise for a picture hearing to be held on
8 August the 6th, 2019, for Baldwin County
9 Commission to consider amending the Baldwin
10 County Subdivision Regulations.

11 This is just based on the fact that these
12 now -- these sub regs are being transferred
13 under -- to Planning and Zoning. And so
14 there's -- there's some things that need to be
15 changed in here and documented. So -- so we --
16 we're -- we're just advertising that to --

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)
18 GRUBER: Okay.

19 MR. JOEY NUNNALLY: -- make it all
20 right.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP)
22 GRUBER: All right. Consent?

23 COMMISSIONER BILLIE JO UNDERWOOD:
24 Consent.

25 COMMISSIONER JOE DAVIS, III: Consent.

26
27 C-2 - DISCUSSION REGARDING FIBER INSTALLATION METHODS

28 PROVIDED BY POINT BROADBAND

1 MR. JOEY NUNNALLY: Item C-2, discussing
2 the discussion regarding the fiber installation
3 methods provided by Point Broadband. And I've
4 got --

5 MR. MARK DAVIS: Mark Davis.

6 MR. JOEY NUNNALLY: I'm sorry. What's
7 your name?

8 MR. MARK DAVIS: Mark. Mark Davis.

9 MR. JOEY NUNNALLY: -- Mark Davis here.
10 He's got a little bit of a presentation to give
11 to us. I asked him to kind of keep it a little
12 short, because I knew this was going to be a long
13 meeting.

14 But just to give you a little background,
15 Point Broadband was a company that did a couple
16 of presentations here before --

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)
18 GRUBER: Uh-huh. (Indicates affirmatively.)

19 MR. JOEY NUNNALLY: -- about some
20 wireless WiFi internet connectivity. They've
21 kind of gotten away from that a little bit and
22 now going more towards running the fibers, the
23 physical hard fibers to each individual
24 household.

25 The way that they're proposing to do it is
26 not according -- It doesn't really follow typical
27 standards by our -- our -- a policy that's been
28 approved by y'all.

1 So I've asked him to kind of come and kind of
2 explain what he's wanting to do and why he's
3 wanting to do it. So at that point, I'm going to
4 hand it off to Mark.

5 MR. MARK DAVIS: Thank you. So, as you
6 said, I'm representing Point Broadband. We're
7 based in West Point, Georgia. We did start out
8 offering wireless internet services here to the
9 underserved areas that you have. We've got about
10 three (300) to five hundred (500) customers now
11 in the area.

12 But the Navy has a conflict with the current
13 frequency that we like to use, so we've -- we've
14 kind of moved now to more fiber-based services,
15 because that gives you unlimited bandwidth.

16 And you had a lot of underserved area here --
17 areas here in the County. But at the end of the
18 day, this is all about cost per homes passed to
19 make a business out of this.

20 So if you could move on to the next slide.
21 We have gotten into a lot of fiber in the home
22 networks through acquisitions lately. We have a
23 long history of being in the telecom business
24 from ITC DeltaCom based in West Point and going
25 through a lot of different telecom startup
26 ventures over the years. But Point is our latest
27 one.

28 So we've -- we've got Opelika, Alabama fiber

1 to the home, about four thousand (4,000)
2 customers there. Our Bristol, Virginia
3 Utilities, we bought several customers, sixteen
4 thousand (16,000) customers up there. We're
5 continuing to grow. And we love what you have
6 here in Baldwin County.

7 Next slide, please. The first two
8 subdivisions that we've been asked to partner
9 with, with both D. R. Horton and DSLD, are based
10 in southern Baldwin County. One of them is
11 called Sonoma Ridge and the other one is called
12 Hidden Lakes. And we'll talk a little bit more
13 about those.

14 Next slide. The real challenge to build
15 fiber to home in any area is all about the cost
16 per homes passed. There are wild ranges in cost
17 to bury a fiber optic cable in the ground.

18 If it's provisional boring, it's twelve
19 dollars (\$1,200) a foot. If it's nano trenching
20 or micro trenching, which I want to talk about,
21 six dollars (\$6) a foot. Aerial strand, which is
22 usually our cheapest way, as long as there's not
23 a lot of pole change-outs, can be three dollars
24 (\$3) a foot. The most cost-effective thing to do
25 is to get in when you're opening a trench,
26 burying the power line. So we can do -- do that
27 at three dollars (\$3) a foot.

28 You're in such a rural area in a lot of these

1 locations, it's -- it's almost impossible to make
2 the economics work to provide a -- a high speed
3 true gigabit internet service via fiber, unless
4 we do something to keep the cost under control.
5 And we think micro trenching is a good way to do
6 that.

7 The other problem that we have in the county
8 is you've got a very aggressive commercial
9 operator called Unity. And they've done a great
10 job getting a lot of the commercial customers
11 onboard, which leaves the lower revenue
12 generating residential customers. So, again, it
13 all goes back to cost per homes passed.

14 So I'm going to talk a little bit more about
15 how we can get that under control. Next slide.
16 And I'll be brief as I can.

17 So what one the things that we can do is
18 Unity has done a good job of blanketing the
19 county. And we can -- We've got a wholesale
20 agreement with them where we can buy bulk
21 bandwidth from them and connect to their
22 backbone. That's going to allow us get to really
23 close to the customer and keep our -- again, our
24 construction costs under control.

25 Once we get close to a subdivision or an
26 area, and we can partner with that developer, we
27 can go in and then put in a pipe when they're
28 building the -- the new development out.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP)

2 GRUBER: Uh-huh. (Indicates affirmatively.)

3 MR. MARK DAVIS: However, a lot of these
4 developments have multiple phases. So this
5 particular one in Hidden Lakes started out as
6 a -- a -- a first phase with D. R. Horton. And
7 now they're -- they've added the second phase.

8 So, ideally, we will get into that trench
9 and -- and put the pipe in and then add the fiber
10 as we go. But we can't leave behind the first
11 phase of those people that needs services.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP)

13 GRUBER: Uh-huh. (Indicates affirmatively.)

14 MR. MARK DAVIS: They're not, you know,
15 being taken care of by the incumbent telecom
16 operators. So we want to go in and provide fiber
17 to the entire development. So we want to use
18 this thing called nano or micro trenching to
19 build that last mile building this subdivision.

20 And I'm going to tell you more about that
21 now. Next slide, please. Nano or micro
22 trenching has been in Europe for fifteen (15),
23 twenty (20) years now. In the last seven (7) or
24 eight (8) years, it's moved over here to the U.S.

25 And all the U.S. manufacturing companies,
26 Ditch Witch, Premiere, and others have now
27 adopted the machines here in the U.S. to be able
28 to do this.

1 What it means is we're opening up a small cut
2 in the pavement, about a half inch to
3 three-quarter inches wide normally. That's nano
4 trenching. And we'll go four (4) to six (6)
5 inches deep -- Sometimes it can be deeper -- into
6 the -- into the road base and we open up that
7 trench. And that allows us to put in a -- a
8 micro duct and then cover that back up with a
9 reinstatement material.

10 And I've got a short video I can show, if
11 you're interested, afterwards, once we get
12 through the presentation.

13 Next slide, please. This is a profile view.
14 So if you've got a subdivision with a curb, a
15 concrete curb, you know, a rollover curb or a
16 shallow curb like this, our intent is to go and
17 cut that shallow trench right next to the curb --
18 to the curb in between the pavement and the --
19 the curb itself.

20 We want to get down deep enough so that we
21 don't -- if you ever decide to mill or do
22 maintenance on the road, we're out of the way of
23 that milling.

24 And we don't want to go too deep, because we
25 get down there where the other utilities could
26 be. But by staying shallow like this, it'll
27 allow us to move very, very fast. That
28 translates into much lower cost.

1 Next slide, please. Ideally, if you're in a
2 subdivision with small lots, you want to go down
3 both sides of the roads so that you're not
4 crossing every other -- you know, every three (3)
5 to four (4) lot lines. So we'd be able to just
6 go right down that -- that small crack that you
7 have between the asphalt and the concrete.

8 Next slide. We put a small micro duct in. I
9 have some samples here I could share with you.
10 Sorry.

11 MS. DEIDRA HANAK: Sorry.

12 MR. MARK DAVIS: I have it right here.
13 These are the ducts that we actually put in the
14 ground.

15 COMMISSIONER JAMES E. (JEB) BALL: Okay.

16 MR. MARK DAVIS: It's polyethylene.
17 I'll pass that around. And then there's a
18 smaller size as well. That's why they call it
19 micro duct. It's much smaller than anything that
20 you've seen conventionally done.

21 But the -- the good news is we have those
22 fiber optic cables now that we can blow through
23 those ducts afterwards. That's the ninety-six
24 (96) fiber cable. It's a hundred and forty-four
25 fibers (144), one fiber per home passed is a
26 little bit larger than that. But we blow this
27 cable back through that duct once it's placed
28 in -- in the ground.

1 COMMISSIONER JAMES E. (JEB) BALL: Micro
2 duct.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP)
4 GRUBER: I like that one right there that's got
5 the chaser wire on it.

6 MR. MARK DAVIS: We do put a tracer wire
7 in everything. Either it has it integrated in it
8 or we add it separately into the trench.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP)
10 GRUBER: Yeah.

11 MR. MARK DAVIS: Good question. Usually
12 it's a -- that's a sixteen (16) millimeter duct
13 that you're holding in your hand, about
14 five-eighths of an inch. So we would cut a
15 three-quarter-inch wide duct.

16 Next slide, please. Normally when you go
17 down the road, you then need to make a turn. And
18 you -- you're -- you're doing micro trenching
19 today. We just don't call it that.

20 At a street light, you'll put sensor wire in
21 the ground, and they'll cut the street. And they
22 usually have to do these forty-five (45) degree
23 cuts in order to make the turns for the sensor
24 wire without breaking it.

25 We've got an additional -- an alternative
26 method of taking care of those turns so we don't
27 have to do those long bending angles like that.

28 That's one of the things about fiber. You

1 need to keep it -- the bend radius protected at
2 ten (10) times the diameter of the duct or the
3 fiber cable itself.

4 Next slide. So we do a keyhole saw. It's a
5 twelve (12) inch hole. Basically it's a -- think
6 of it as a miniature manhole at twelve (12)
7 inches in diameter. And we'll -- we -- This
8 keyholing is used today if you're doing any type
9 of back location. So that's been around for a
10 long time.

11 Usually they take the keyhole out of the
12 street, do the work they need to do, and then
13 they'll put grout back in the hole, a
14 cement-based grout, and then put the keyhole back
15 in.

16 Instead, we'll put a small, little concrete
17 that's -- device that's H20 loaded rating for
18 the -- the street load and then be able to do the
19 protection around that.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP)
21 GRUBER: Uh-huh. (Indicates affirmatively.)

22 MR. MARK DAVIS: Next slide, please.
23 The next thing we do is reinstatement. Once
24 the -- the slot is cut and we've got the duct in,
25 everything is in place, we then go back in and we
26 usually can use a slurry of cement-based
27 fiberglass-reinforced cement and pour that down
28 in that crack.

1 But we like to top it off with another
2 material that's more waterproof than cement. And
3 that's this material here.

4 It's a restatement material. I'll pass that
5 around. It -- it has a -- a base and an
6 accelerant that hardens it, but it -- yet it's
7 still flexible, so it'll bend with the heat, you
8 know, the temperature changes, heating and
9 cooling during the day.

10 That stuff runs about twenty-six dollars
11 (\$26) a gallon, or we would fill the whole trench
12 up with it. You'd be shocked at how much that
13 costs per foot at two dollars (\$2) a foot of what
14 we're talking about, just adding a couple of
15 inches.

16 So we go back in with the slurry in the
17 beginning, you know, to fill it up to within an
18 inch and a half or so from the top. And then
19 we'll fill that back in to give it a complete
20 seal.

21 Other cities use something that road repair
22 guys use all time, which is hot tar. You've seen
23 them go down the road and seal cracks with that.
24 So that's an alternative, the cheaper
25 alternative.

26 But here we want to go out with our first two
27 subdivisions and use this particular material.
28 So that's the restatement process.

1 Next slide. Now, if you just Google micro
2 trenching, and especially if you use the word
3 Google, you may pull up this -- this disaster
4 that was created in Louisville here where Google
5 Fiber went and did micro trenching all over the
6 city. But they did something they called -- They
7 were being inventive and did something called
8 shallow trenching. That is not what we're
9 talking about, I want you know.

10 They went in and did two (2) inches deep and
11 then they filled the trench back up with a foam
12 backer rod. It's what you would probably stuff
13 around your windows for insulation.

14 And they brought it up within a half inch of
15 the top of the -- the -- the road base. And then
16 they put a rubber sealant back to top. And that
17 was a disaster. It was so much of a disaster
18 that Google decided to leave the city.

19 So I want to be upfront with you and tell you
20 we know all about that. And that is not how it's
21 done properly. They've been -- I will say Google
22 has been very successful in Austin, San Antonio,
23 Atlanta, Charlotte, Raleigh, Durham. But they
24 were not successful because they tried this
25 unusual and unconventional way of doing micro
26 trenching here. So I wanted to put that out in
27 front of you.

28 Next slide, please. So the subdivisions here

1 you usually have some very large lots where
2 you've got a lot of grass, but it's nice. And
3 everybody keeps their lawns well and the
4 sprinkler systems and all.

5 We can get into that grass and do that, but
6 it's going to cost us twelve dollars (\$12) a
7 lineal foot to do that and the restoration that
8 comes with it.

9 During the summer months, you really have to
10 keep a lot of water on grass to keep it -- you
11 know, to grow it back in the disruption.

12 So we can go down this -- again, between that
13 curb and the asphalt and make that cut. And this
14 a whole lot faster, cheaper, and better, and so
15 that the customer's, you know, impact is going to
16 be minimum.

17 Next slide. When you get into a high-density
18 subdivision, like the one at Hidden Lakes -- This
19 is a picture of that -- you'll have, you know,
20 twenty (20) feet of concrete, forty (40) feet
21 of -- of grass, twenty (20) feet of concrete,
22 forty (40) feet of grass.

23 If we were to do that conventional, it would
24 be very hard to set up and directional bore that.
25 You'd have to hit two different driveways. And,
26 you know, it's just going to be very disruptive.

27 Whereas, we can get out next to that curb.
28 We can do three thousand (3,000) feet a day with

1 one crew to be in and out of that subdivision
2 within a week or two. And that's -- that's a
3 pretty big deal to --

4 COMMISSION CHAIRMAN CHARLES F. (SKIP)

5 GRUBER: Yeah.

6 MR. MARK DAVIS: -- to be able to do
7 that.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP)

9 GRUBER: Okay.

10 COMMISSIONER BILLIE JO UNDERWOOD:
11 Impressive.

12 MR. MARK DAVIS: Next slide. This is --
13 kind of shows you at -- at Hidden Lakes, how
14 close the homes are and how much, you know, room
15 we've got to work with in the existing, you know,
16 part of the subdivision. And that's where we
17 want to start first, in that part, and then move
18 to the other one.

19 Now, we missed the opportunity to do joint
20 trenching at the second phase of Hidden Lakes, so
21 we want to do that one as well. The difference
22 there is I don't have as many driveways and
23 sidewalks yet. But they are building the houses
24 so fast, we need to act quickly if we're going to
25 get in there and -- and provide the services
26 here.

27 Today the folks that -- in half of this
28 neighborhood, they have no internet service at

1 all. They're using their phone hotspots.
2 Because CenturyLink, for some reason, didn't
3 build in there. It's not convenient for
4 MediaCom.

5 So we're happy to do this by partnering with
6 Unity and partnering with the developers to do
7 this going forward.

8 Next slide, please. That's a picture of
9 Hidden Lakes. To the right side is the existing,
10 you know, phase. And to the left side is the new
11 phase, which is now -- they're starting --
12 there's about thirteen (13) or fourteen (14)
13 homes that are actually going up in the new
14 phase.

15 So we'll be able to catch those homeowners as
16 they move in. And they'll have gigabit speeds,
17 not hundred (100) meg or fifty (50) meg or
18 twenty-five (25). We're talking about, you know,
19 a gig, which is a thousand (1,000) megabytes, by
20 the way. It's a lot, you know, compared to what
21 they can get today, which is, you know, if you're
22 lucky, two or three megabytes from a DSL carrier.

23 Next slide, please. We got detailed drawings
24 we shared with Joey's department. We filed the
25 permits but, you know, as he said, this is not
26 conventional for the area.

27 I don't think you've done any micro
28 trenching, other than your signal wires at your

1 red lights here. So that's why I'm here today.
2 I wanted to put this out in front of you and then
3 answer any questions you might have.

4 Next slide, please. This is Sonoma Ridge,
5 same situation, existing development. But they
6 are now finishing up the roads for the new
7 development, the new phase.

8 But we were able to get in and do joint
9 trenches. So we won't have to do the -- the
10 micro trenching, again, because it's half the
11 cost of micro trenching. So it all adds up, you
12 know, at a cost per -- per home passed.

13 Next slide, please. We all do the best we
14 can in our business. I've been doing fiber
15 construction and engineering for thirty-five (35)
16 years.

17 No matter how hard we try, there's always
18 that we didn't locate it right. Accidents
19 happen. You know, the gofer holes that you have
20 to do with pneumatic boring, the directional
21 drilling. It's one in the middle.

22 That's a nice little Google fiber example in
23 the middle of Nashville. The one on the right is
24 downtown Omaha where they hit a gas line and
25 burned the whole building down. Fortunately, no
26 one was killed in that accident. But it happens.

27 The conventional construction can be done at
28 a much higher cost, but it comes with some risks.

1 Nano trenching, since we don't go that deep and
2 we stay right there in that little crack between
3 the concrete and the asphalt, we think is a much
4 better, safer place to be for everybody building
5 it and then maintaining it later. So we think
6 that it's a really good alternative.

7 Next slide, please. So at the end of the
8 day, you know, we're here to bring fiber, really
9 high speed fiber connections to the underserved
10 areas of Baldwin County.

11 We love rural markets. That's our heritage
12 at Point Broadband and at ITC Capital. And we're
13 looking for approval to start with our first two
14 subdivisions that we've already signed the
15 contracts with both DSLD and with D. R. Horton.

16 If there's any customers in the route as I
17 tie into the Unity fiber, there's some aerial
18 customers that we'll be able to attach those to
19 those poles. We'll be able to serve them.

20 But we think there's another twelve (12)
21 subdivisions in the pipeline that we would like
22 to be able to go offer these services to, very
23 competitive at -- at very high speed, you know,
24 data rates.

25 So that -- that's that. And I have a -- if
26 you want to see it, there's a little three-minute
27 short video that actually sees it working in a
28 subdivision in Austin. And we can play that.

1 And then I'll be glad to answer your questions,
2 if you have any.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP)

4 GRUBER: Do y'all want to see it? I mean, I --
5 I -- I understand it --

6 MR. MARK DAVIS: I --

7 COMMISSION CHAIRMAN CHARLES F. (SKIP)

8 GRUBER: -- pretty well. And I think the only
9 thing -- question is you don't have to be
10 permitted through the -- through the Highway
11 Department for this permitting.

12 And, you know, and I guess, you know, the
13 only thing I've got -- question I've got is
14 preparing it. How do you go -- You know, I know
15 it's -- You know, most fiber, you know, you've
16 got to have -- if you -- if something happens,
17 you've got to either redo it, or you've got to
18 do --

19 MR. MARK DAVIS: That's great question.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP)

21 GRUBER: I mean, you can't just go in the middle.

22 MR. MARK DAVIS: You're absolutely
23 right.

24 COMMISSION CHAIRMAN CHARLES F. (SKIP)

25 GRUBER: So --

26 MR. MARK DAVIS: So what we try to do is
27 put a pedestal out. We don't like to do it every
28 other lot line.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP)

2 GRUBER: Yeah.

3 MR. MARK DAVIS: But we'll do it every
4 fourth lot line. And so with the small
5 microfiber cable, if we get a cut, we just go
6 ahead and sever that, pull the fiber back to
7 those two end points. We -- we repair the -- the
8 hole by just sleeving out that same micro duct.
9 And then we blow a -- a short piece or even push
10 it by hand. It doesn't even have to be blown
11 back through.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP)

13 GRUBER: Right.

14 MR. MARK DAVIS: And then we'll bring
15 those pieces up and then re-splice it.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP)

17 GRUBER: Okay.

18 MR. MARK DAVIS: This is -- As you
19 probably know, some of these lines that Unity has
20 is -- is carrying very high-dollar commercial
21 traffic on it.

22 COMMISSION CHAIRMAN CHARLES F. (SKIP)

23 GRUBER: Uh-huh. (Indicates affirmatively.)

24 MR. MARK DAVIS: So one minute of outage
25 could be a major catastrophe to them. So they're
26 very, very conscious of, you know, locates and
27 what-have-you.

28 In our case, if you cut this particular

1 fiber, we're going to lose fifty (50) customers.
2 And we'll have them back up and running in -- in
3 a matter of, you know, three or four hours. It's
4 not as big a deal as if you hit one of those long
5 call fiber cables and take out, you know --

6 COMMISSION CHAIRMAN CHARLES F. (SKIP)

7 GRUBER: Yeah.

8 MR. MARK DAVIS: -- entire regions.

9 So --

10 COMMISSION CHAIRMAN CHARLES F. (SKIP)

11 GRUBER: And y'all are going to have somebody
12 based here; correct?

13 MR. MARK DAVIS: Yes. We've already
14 hired. Our first hire is a construction and
15 engineering guy here. And he actually started on
16 Monday.

17 All of our materials are sitting in the yard,
18 ready to go. And we'd like to start construction
19 right away on these first two. And if, you know,
20 we perform well, I hope we have a -- an
21 overwhelming, you know, response and be able to
22 build, you know, a hundred (100) of these.

23 MR. JOEY NUNNALLY: So one of the -- one
24 of the questions I had had, Mark came and did
25 this presentation at our office. And we've had
26 long discussions with it.

27 And -- and, you know, there's a couple of
28 things that come to my mind. One was how do you

1 repair it? And he answered your question. That
2 was a great question.

3 The other was, okay, you know, you're --
4 you're -- you're going very shallow doing
5 maintenance operations. If we hit it, who's
6 going to be responsible for that, because you're
7 so shallow.

8 And he said he would very gladly sign a
9 waiver saying that we would not be held
10 responsible from a maintenance standpoint if we
11 hit his line. So he would -- that, you know, we
12 wouldn't get charged.

13 You know, sometimes we get these bills in
14 from AT&T and CenturyLink and stuff about hitting
15 their lines, you know. And -- and so he's --
16 he's -- he would signoff on that. So that --
17 that -- that made me feel a lot better. There's
18 a lot of unserved areas out there. And -- and --

19 COMMISSION CHAIRMAN CHARLES F. (SKIP)
20 GRUBER: It's pathetic.

21 MR. JOEY NUNNALLY: And it is really
22 bad. And the more that these schools start going
23 to -- to techwise and -- I mean, these students,
24 I mean, all -- all of them bring home laptops
25 now, you know. And they've got to have WiFi.
26 And, you know, so --

27 COMMISSIONER BILLIE JO UNDERWOOD: It's
28 not just unserved, it's -- it's underserved.

1 Because --

2 MR. JOEY NUNNALLY: Yeah.

3 COMMISSIONER BILLIE JO UNDERWOOD: --

4 the coverage is not good. I mean, we're --

5 MR. JOEY NUNNALLY: It's not.

6 COMMISSIONER BILLIE JO UNDERWOOD: The
7 wheel of death of killing us.

8 MR. JOEY NUNNALLY: It is. So -- so,
9 anyway, I -- I -- I -- I thought --

10 COMMISSION CHAIRMAN CHARLES F. (SKIP)
11 GRUBER: I think it's a good thing, personally.

12 MR. JOEY NUNNALLY: -- it may be a good
13 opportunity for us to do this on a trial basis
14 and see how it works.

15 And -- and we -- we did reach out to Austin,
16 Texas and -- and where they've done it before.
17 And -- and the guy spoke highly of it. And he
18 said the dust control was very good.
19 Construction went very fast. So -- so that's why
20 I'm bringing it in front of you.

21 COMMISSIONER BILLIE JO UNDERWOOD: We're
22 good.

23 COMMISSION CHAIRMAN CHARLES F. (SKIP)

24 GRUBER: Okay. Good.

25 MR. JOEY NUNNALLY: So --

26 COMMISSION CHAIRMAN CHARLES F. (SKIP)

27 GRUBER: And we're not -- we're not dealing with
28 a trench that's going to actually -- Most

1 trenches, when you do -- do trenches, your
2 compaction comes into the scenario.

3 But this, you won't have that -- have that
4 issue, because, you know, it's -- you're only
5 shallow, and you're going to throw it in with
6 a --

7 MR. JOEY NUNNALLY: Concrete.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP)

9 GRUBER: -- a concrete base flow into it.

10 MR. JOEY NUNNALLY: That's right.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP)

12 GRUBER: And, you know, where before, the other
13 ones, you -- you know, it's not -- And then you
14 have --

15 MR. JOEY NUNNALLY: That's right.

16 That's right.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)

18 GRUBER: You know, and if you've got a trench
19 this wide, you ain't going to notice it anyway.
20 I mean --

21 MR. JOEY NUNNALLY: That's right.

22 MR. MARK DAVIS: So that's why we think
23 it's a great tool in a lot of -- especially in
24 metro areas, they're using it, because they're
25 even more congested, where it's fifty dollars
26 (\$50) a foot. Here our -- our rural density is
27 what's driving us to watch every dollar. If we
28 can make these work, then I think we can do

1 dozens of them successfully, once we get, you
2 know, the machine running down here.

3 MR. JOEY NUNNALLY: So --

4 COMMISSION CHAIRMAN CHARLES F. (SKIP)

5 GRUBER: Sounds great.

6 MR. WAYNE DYESS: Mr. Chairman --

7 MR. JOEY NUNNALLY: So with y'all's
8 permission, I will go ahead and -- and -- and --
9 and permit these two subdivisions that he's
10 gotten our paperwork done for me -- for him. And
11 we'll -- we'll -- we'll --

12 COMMISSION CHAIRMAN CHARLES F. (SKIP)

13 GRUBER: Okay.

14 MR. JOEY NUNNALLY: -- we'll see how
15 this works.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP)

17 GRUBER: All right. So, basically, this is just
18 going to be something that they're going to add
19 to your available services, basically, you know,
20 permits; right? That's all you're -- We really
21 don't have anything to put on the agenda here, do
22 we?

23 COMMISSIONER BILLIE JO UNDERWOOD:

24 Huh-uh. (Indicates negatively.)

25 COMMISSION CHAIRMAN CHARLES F. (SKIP)

26 GRUBER: Because you -- you actually issue the
27 permits and everything else.

28 MR. JOEY NUNNALLY: Yeah. It's going to

1 be a license agreement administered through my
2 office.

3 COMMISSIONER BILLIE JO UNDERWOOD:

4 Right.

5 ATTORNEY DAVID CONNER: Now --

6 COMMISSIONER BILLIE JO UNDERWOOD: It's
7 not something we vote on.

8 MR. JOEY NUNNALLY: Do y'all -- do
9 y'all --

10 ATTORNEY DAVID CONNER: Y'all have --
11 y'all have voted on license agreements in the
12 past.

13 MR. JOEY NUNNALLY: Yes. But on
14 roadways that are not under my purview for
15 maintenance.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP)
17 GRUBER: Yeah.

18 ATTORNEY DAVID CONNER: Then the only
19 other question I have, in the regular license
20 agreement, they're going to indemnify and hold us
21 harmless --

22 MR. JOEY NUNNALLY: Yes.

23 ATTORNEY DAVID CONNER: -- from
24 activities. And you said that you're okay with
25 the process. And we'll include a provision that
26 says we will not be liable to them under any
27 circumstance for their line; right?

28 MR. JOEY NUNNALLY: That's right.

1 ATTORNEY DAVID CONNER: If it's cut. So
2 the only other question I had is the maintenance
3 of what they've done. Should we require some
4 type of letter of credit or maintenance bond in
5 the event they don't respond to issues that are
6 happening?

7 MR. JOEY NUNNALLY: Yes.

8 ATTORNEY DAVID CONNER: And so do you
9 want to add --

10 MR. JOEY NUNNALLY: Good point.
11 We'll -- we'll add that in, too.

12 ATTORNEY DAVID CONNER: Because if they
13 do work, you know, we need to have some warranty
14 they're going to come back and maintain whatever
15 damage there is caused. And I think we ought to
16 ask for that.

17 MR. JOEY NUNNALLY: Now, the only thing,
18 you know, that this may open up -- and it may
19 open up a little bit of a door for the, you know,
20 AT&T's and the CenturyLink's and the world to
21 say, hey, if we micro trench, can we put it in
22 the roadbeds also, you know?

23 So we -- You know, the -- You know, I'm not
24 worried about a waterline or a gas line or a
25 sewer line, because I'm going to -- Those --
26 those guys are going to be trenching this wide,
27 and they don't do those micros.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP)

1 GRUBER: Uh-huh. (Indicates affirmatively.)

2 MR. JOEY NUNNALLY: You know what I
3 mean? So --

4 COMMISSION CHAIRMAN CHARLES F. (SKIP)

5 GRUBER: I was going to say, micros are not part
6 of that deal.

7 MR. JOEY NUNNALLY: So it's -- it's a --
8 it's a -- it's a little different area. But I
9 just wanted to make sure y'all were completely
10 aware of the door we -- that may be opened here a
11 little bit for some of the other communication
12 type folks.

13 ATTORNEY DAVID CONNER: That's another
14 good reason to get that limitation of liability
15 in the contract as well as that maintenance bond.

16 MR. JOEY NUNNALLY: And I'll -- I'll --
17 I'll run all that through you, David.

18 ATTORNEY DAVID CONNER: Okay.

19 MR. MARK DAVIS: There is a maintenance
20 bond as a part of the -- not maintenance bond,
21 but a bond as part of the contract, the permit
22 application that we sign. I think it's about
23 five thousand dollars (\$5,000) a mile for the
24 construction fees already. We're happy to do
25 that.

26 ATTORNEY DAVID CONNER: Yes. But that
27 would be -- that would be just for things that
28 happen during the construction to include --

1 MR. MARK DAVIS: For one year --

2 ATTORNEY DAVID CONNER: -- completion.

3 MR. MARK DAVIS: -- I think it was.

4 ATTORNEY DAVID CONNER: Yeah. What
5 we're talking about is something on standby, I
6 think is what we're talking about, is something
7 on standby that's going to cover this for a
8 period of time --

9 MR. MARK DAVIS: Uh-huh. (Indicates
10 affirmatively.)

11 ATTORNEY DAVID CONNER: -- maybe even
12 into the future, like we do -- I think we have --
13 require something from MediaCom, if I'm not
14 mistaken, some bonds that we require from
15 MediaCom.

16 MR. RON CINK: Uh-huh. (Indicates
17 affirmatively.)

18 ATTORNEY DAVID CONNER: Something along
19 those lines that's a standby that can be tapped.
20 You may sell it to somebody else tomorrow. I
21 don't know what kind of capital they're going to
22 have if something was to happen. So we've got to
23 have some security to cover that.

24 MR. MARK DAVIS: Uh-huh. (Indicates
25 affirmatively.)

26 COMMISSIONER JOE DAVIS, III: Okay.

27 COMMISSION CHAIRMAN CHARLES F. (SKIP)

28 GRUBER: Okay.

1 COMMISSIONER JOE DAVIS, III: The two
2 subdivisions that'll be part of the experiment,
3 do they have an alternative to get --

4 COMMISSION CHAIRMAN CHARLES F. (SKIP)
5 GRUBER: Nope.

6 COMMISSIONER JOE DAVIS, III: -- WiFi
7 coverage if we don't do this?

8 MR. MARK DAVIS: The --

9 MR. JOEY NUNNALLY: Hidden Lakes does
10 not. I don't know about Sonoma. Do you know?

11 MR. MARK DAVIS: There's two streets in
12 Hidden Lakes that do have CenturyLink in them,
13 and that's it. And Sonoma does not have
14 anything, but I think some of their streets are
15 CenturyLink only.

16 But some have nothing at all. And they're
17 using hotspots today. It's -- it's really become
18 an utility where you've got to have water, sewer,
19 and internet --

20 COMMISSIONER JOE DAVIS, III: Sure.

21 MR. MARK DAVIS: -- to -- to function.

22 COMMISSIONER JOE DAVIS, III: Okay.

23 MR. MARK DAVIS: All right.

24 MR. JOEY NUNNALLY: Okay. Thank y'all.

25 MR. MARK DAVIS: Thank you.

26 COMMISSIONER JOE DAVIS, III: Thank you,
27 sir.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP)

1 GRUBER: Thank you.

2
3 **C-3 - S-17020 - CANAAN PLACE, PHASE 2 - RELEASE**

4 **MAINTENANCE SURETY**

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)

6 GRUBER: All right. Next.

7 MR. JOEY NUNNALLY: Okay. Item C-3,
8 this is basically just the release of a
9 maintenance surety on Canaan Place, Phase II.

10 We're just authorizing staff to release the
11 surety document, a letter of credit from the
12 National Bank of Commerce on behalf of Breland
13 Homes, LLC, in the amount of eighty-one thousand,
14 seven hundred and seventeen dollars and
15 seventy-six cents (\$81,716.76) to guarantee the
16 workmanship on materials of the road and
17 bridge -- road and drainage improvements within
18 the right-of-way as shown in the approved final
19 plat as-built construction permit.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP)

21 GRUBER: Okay.

22 COMMISSIONER JAMES E. (JEB) BALL:
23 Consent.

24 COMMISSIONER BILLIE JO UNDERWOOD: While
25 I don't feel like this is a -- a conflict, I've
26 been advised by legal counsel to recuse myself
27 from this simply because my sister is the
28 vice-president at this bank.

1 MR. WAYNE DYESS: Put that on Other
2 Staff.

3 ATTORNEY DAVID CONNER: And, for the
4 record --

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)

6 GRUBER: It's --

7 ATTORNEY DAVID CONNER: For the record,
8 I -- I have a conflict with this item as well.
9 I'm not aware of any questions or issues that
10 have arisen. If they do, just call Brad on that.

11 COMMISSIONER JAMES E. (JEB) BALL: All
12 right. So this is Other Staff.

13 COMMISSIONER BILLIE JO UNDERWOOD: It's
14 Other Staff.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP)

16 GRUBER: Other Staff. All right.

17

18 **Q-2 - OLD MOBILE HIGHWAY - LOCAL TRAFFIC ONLY DETOUR**

19 **REQUEST**

20 MR. JOEY NUNNALLY: Okay. So these are
21 some of the items I had to bring up.

22 COMMISSIONER BILLIE JO UNDERWOOD:
23 Jumping.

24 MR. JOEY NUNNALLY: Ms. Lisa has got
25 y'all organized. This is the packet.

26 COMMISSIONER BILLIE JO UNDERWOOD:
27 Another book.

28 MR. JOEY NUNNALLY: That's right.

1 MS. LISA SANGSTER: There's a few.

2 COMMISSIONER JOE DAVIS, III: Hand it
3 off to me.

4 COMMISSIONER BILLIE JO UNDERWOOD:
5 That's a long reach.

6 MR. JOEY NUNNALLY: Okay. So the first
7 one in your packet you just got was a Old Mobile
8 Highway, local traffic only detour request. This
9 request came from -- comes to us from Jose --
10 Jose Weaver & Sons, which is a contractor that
11 ALDOT has hired to -- to widen 31.

12 As you can see there, 31 is the road in the
13 loop there. Old Mobile kind of comes in at two
14 really, really bad skew angles. It was the old
15 alignment of 31, is what it was.

16 And Jose Weaver has got to replace a large
17 drainage pipe in the middle right there. If
18 you'll go to the next slide.

19 So -- so you can see here, this is a plan
20 set. I know it's a little hard to read. But
21 this is the large pipe they've got to -- they've
22 got to replace.

23 So this is the Old Mobile Road that ties in
24 over here. They're talking about completely
25 taking out this section of Old Mobile Street,
26 cul-de-sacing it, making a new connection here.
27 If you'll go to the next --

28 COMMISSIONER JOE DAVIS, III: That's all

1 downhill.

2 MR. JOEY NUNNALLY: -- slide. So
3 that -- that road continues -- comes around here.
4 And they're going to take out this and make a
5 cul-de-sac on this side as well.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP)
7 GRUBER: Uh-huh. (Indicates affirmatively.)

8 MR. JOEY NUNNALLY: So during the
9 meantime, of course, the road is completely
10 there. And go back one slide.

11 So as they're replacing this pipe, they want
12 to use this as a detour road. So I -- I met with
13 them and said, look, you know, I don't mind y'all
14 using it as a detour road. I've got to run it by
15 you guys. But if you're going to impact my road,
16 the County road, with State traffic, well, then
17 what about resurfacing this road for us when
18 y'all get done with it; okay? Jose Weaver has
19 agreed to that.

20 COMMISSIONER BILLIE JO UNDERWOOD: Oh.

21 MR. JOEY NUNNALLY: So -- so --

22 COMMISSIONER BILLIE JO UNDERWOOD: Is
23 that --

24 MR. JOEY NUNNALLY: -- I'm -- I'm just
25 running this by y'all to make sure you're good
26 with the plan, know what's going to be done, make
27 sure y'all don't have any concerns. But they've
28 agreed to resurface that road for us in order for

1 us to let them use it as a detour.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP)

3 GRUBER: Consent sounds good to me.

4 COMMISSIONER BILLIE JO UNDERWOOD:

5 Consent.

6 COMMISSIONER JOE DAVIS, III: Good move
7 on your part.

8 MR. JOEY NUNNALLY: Thank you, sir.

9 COMMISSIONER JAMES E. (JEB) BALL: Free
10 asphalt.

11 COMMISSIONER BILLIE JO UNDERWOOD: Can
12 we do that again somewhere?

13

14 **Q-3 - SPEED LIMITS ON COUNTY ROAD 112**

15 MR. JOEY NUNNALLY: Okay. So the second
16 item -- I'm kind of -- I'm speeding through this.
17 I know this has been a long meeting. But this is
18 a -- a speed limit on County Road 12. We -- we
19 took some -- This is on the north end of County
20 Road 12. We took --

21 COMMISSIONER JOE DAVIS, III: 112.

22 MR. JOEY NUNNALLY: 112.

23 COMMISSIONER BILLIE JO UNDERWOOD: 112.

24 MR. JOEY NUNNALLY: I'm sorry. 112.

25 COMMISSIONER BILLIE JO UNDERWOOD:

26 You're messing me up.

27 MR. JOEY NUNNALLY: And we've gotten
28 some complaints from some of the residents out

1 there that the -- the log trucks and traffic was
2 speeding.

3 We went out there and took some speed counts
4 and volume counts. And, sure enough, they -- The
5 speed was a -- a problem. The signage was a
6 little confusing.

7 So we're going to clean all that up, slow
8 them down through that area. As you see, the
9 forty-five (45) mile an hour zone, if you're
10 heading, I guess, north or west on 112, it starts
11 around Horseneck Road. It drops down to
12 thirty-five (35) around Lac Road.

13 And it -- it'll be thirty-five (35) all the
14 way to 31. And if you're coming back the other
15 way, it's thirty-five (35) and then picks up to
16 forty-five (45) at Lac and then fifty-five (55)
17 at Horseneck.

18 So we're just -- Obviously, this does not
19 follow State statute, because we're reducing the
20 speed. So this takes Commission action.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP)
22 GRUBER: Okay. All right. Consent with that?

23 COMMISSIONER JAMES E. (JEB) BALL:
24 Consent.

25 COMMISSIONER JOE DAVIS, III: Consent.

26 MR. JOEY NUNNALLY: So the next item
27 would be the bridge replacement on County Road 9
28 at the --

1 COMMISSIONER JAMES E. (JEB) BALL: Can I
2 ask something, Joey, real quick?

3 MR. JOEY NUNNALLY: Yes, sir.

4 COMMISSIONER JAMES E. (JEB) BALL:
5 David, do I -- since that's on my road that he
6 just talked about, do I need to recuse --

7 COMMISSION CHAIRMAN CHARLES F. (SKIP)
8 GRUBER: Nope.

9 COMMISSIONER JAMES E. (JEB) BALL: --
10 myself from that?

11 COMMISSIONER CHARLES F. (SKIP) GRUBER:
12 No.

13 COMMISSIONER JAMES E. (JEB) BALL: I
14 don't?

15 COMMISSION CHAIRMAN CHARLES F. (SKIP)
16 GRUBER: No. I mean, it's not -- You -- you
17 don't have no personal gain out of it.

18 ATTORNEY DAVID CONNER: Yeah. I -- I --
19 I mean, here's what I would say. I don't think
20 there's a conflict of interest necessarily either
21 because it does go there.

22 There is a -- is a situation where when you
23 get in a small area, where it impacts only a
24 small amount of people, that it could raise a
25 conflict of interest.

26 I don't know that your vote is necessary.
27 And, if it's not in that, I would just say you
28 could recuse yourself --

1 COMMISSIONER JAMES E. (JEB) BALL:

2 Right.

3 ATTORNEY DAVID CONNER: -- to avoid any
4 appearance of that. But I don't think it's a
5 true conflict with it. Does that make sense?

6 COMMISSIONER JAMES E. (JEB) BALL: All
7 right. I -- I'm going recuse myself from that.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP)

9 GRUBER: Okay.

10 ATTORNEY DAVID CONNER: It's up to you.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP)

12 GRUBER: Okay.

13 ATTORNEY DAVID CONNER: And so --

14 COMMISSIONER JAMES E. (JEB) BALL: I

15 just --

16 ATTORNEY DAVID CONNER: But I -- I don't
17 think it's a conflict. But sometimes it avoid
18 criticism.

19 COMMISSIONER JAMES E. (JEB) BALL:

20 Right.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP)

22 GRUBER: Okay.

23 COMMISSIONER BILLIE JO UNDERWOOD: Call
24 it the Jeb Ball Highway.

25 COMMISSION CHAIRMAN CHARLES F. (SKIP)

26 GRUBER: Okay.

27

28 **Q-4 - BRIDGE REPLACEMENT ON COUNTY ROAD 9 OVER BARNER**

BRANCH - RESOLUTION #2019-120 AND CONSTRUCTION FUNDING**AGREEMENT**

MR. JOEY NUNNALLY: Okay. So the next item is going to be the bridge replacement on County Road 9 over Barner Branch, Resolution Number 2019-120, and construction funding agreement.

We got this funding -- construction funding agreement from ALDOT late last week. I think it was on Wednesday. And this is the bridge replacement that y'all authorized us do and design. And it's fixing to go to -- to -- out for bid.

This is -- so this is the construction funding agreement with ALDOT to make that happen. So --

COMMISSIONER JAMES E. (JEB) BALL:
Consent.

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER: All right. Consent?

COMMISSIONER JAMES E. (JEB) BALL:
Consent on that. Yeah.

COMMISSIONER BILLIE JO UNDERWOOD:
Consent.

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER: Another bridge.

Q-5 - LITTLE RIVER COMMUNITY CENTER PROPERTY CLEARING

1 MR. JOEY NUNNALLY: The next one is
2 going to be the Little River -- Little River
3 Community Center property clearing. This is
4 going to be the piece of property that we
5 purchased recently.

6 We met with Ms. Stockdale on the property.
7 She had asked us if we would clear the entire
8 property site.

9 I don't think there's ever been a complete
10 official Commission action to authorize the
11 Baldwin County Highway Department to actually
12 help this and do this work.

13 MR. RON CINK: This is -- this is a
14 project you can bill to.

15 MR. JOEY NUNNALLY: But -- but they
16 haven't authorized the Baldwin County Highway
17 Department to do the work. We do have a fund;
18 okay?

19 MR. RON CINK: Okay.

20 MR. JOEY NUNNALLY: So -- so we -- we
21 went up there, met with her, and found out the
22 work that she wanted, done a price, a little cost
23 estimate.

24 It's going to be around fifteen grand
25 (\$15,000) to do this little work. So this is
26 just basically just getting y'all's permission to
27 authorized the Highway -- the Highway Department
28 to go do the work.

1 COMMISSIONER JAMES E. (JEB) BALL:

2 Consent.

3 COMMISSIONER BILLIE JO UNDERWOOD:

4 Consent.

5 MR. JOEY NUNNALLY: And, Ron, I -- I
6 appreciate you bringing up the fund, because --

7 MR. RON CINK: Uh-huh. (Indicates
8 affirmatively.)

9 MR. JOEY NUNNALLY: -- I did not know
10 that. That was going to be one of my questions.

11 MR. RON CINK: Correct. There's a
12 funding source --

13 MR. JOEY NUNNALLY: All right.

14 MR. RON CINK: -- for that -- that
15 project in its entirety.

16 MR. JOEY NUNNALLY: Okay. Good deal.

17 MR. RON CINK: Okay.

18 MR. JOEY NUNNALLY: Good deal. Because
19 we are wondering.

20

21 **Q-6 - RESOLUTION #2019-121 - FY 2020 HIGH RISK RURAL**
22 **ROADS (HRRR) TRAFFIC CONTROL DEVICE PROJECT - COUNTY**
23 **ROAD 112 FROM US HIGHWAY 31 TO ALABAMA/FLORIDA STATE**
24 **LINE**

25 MR. JOEY NUNNALLY: All right. So the
26 next one is going to be Resolution 2019-121,
27 which is going to be the Fiscal Year 2020 High
28 Risk Rural Road Traffic Control Device Project.

1 This is a grant that we've submitted for in
2 the last two or three years. We've got awarded
3 it every single year we have asked for it.

4 We have always done bridge end anchors. And
5 the Highway Department loves that, this grant
6 lending itself more towards that work. So we've
7 knocked out all of them.

8 And this -- the -- the most recent one, I
9 think, is doing three bridge. And that -- that
10 completes those bridge end anchors.

11 So we've kind of changed gears now and we
12 want to do a striping project. So what we want
13 to ask, you know, we -- we've been spending a lot
14 of money on 112 over the last three years,
15 resurfacing it.

16 So this -- it's -- it's in the process now
17 of -- We did the -- we did the -- the north end.
18 We did the south end. Now we're doing that
19 middle section, the -- All twenty-five (25) miles
20 of that road now is resurfaced recently.

21 So what I would love to do is to submit to
22 have that -- all twenty-five (25) miles of that
23 road thermoed.

24 And what that means is we -- what we do now
25 is we spray paint for the striping.
26 Thermoplastic is a lot higher quality paint that
27 lasts a long time that reflects a lot better.

28 And with that road being very rural in nature

1 and not a lot of lights, it's going to -- it's
2 going to safe the road up and make it a lot more
3 reflective, especially during rainy nights.

4 So it just -- We don't do that typically,
5 because it's a lot. It's -- it's -- it's very
6 expensive. So thermoplastic is -- If we get can
7 the State to help fund it, then I think it's a
8 project -- a good project to do that -- that road
9 since it's brand-spanking-new asphalt. But --

10 COMMISSIONER JAMES E. (JEB) BALL:

11 Consent on that.

12 COMMISSIONER BILLIE JO UNDERWOOD:

13 Consent.

14 MR. JOEY NUNNALLY: So we're just asking
15 permission to submit for that grant.

16 COMMISSIONER JOE DAVIS, III: Consent.

17 COMMISSIONER BILLIE JO UNDERWOOD:

18 Consent.

19
20 **Q-7 - COUNTY ROAD 64 CAPACITY IMPROVEMENTS - DESIGN**

21 **SERVICES**

22 MR. JOEY NUNNALLY: So the next one is
23 going to be County Road 64 capacity improvement
24 design services.

25 Currently, Baldwin County Commission has a
26 policy in place that's 9.10 that -- it's --
27 it's -- it's labeled the engineering and
28 surveying services.

1 And it basically approves -- it -- it gives
2 the County Engineer authority to approve up to a
3 hundred thousand dollar (\$100,000) notice to
4 proceed with any engineering firm -- firm.

5 Well, this one came in at about a hundred and
6 seven (\$107,000). So once -- You know, if
7 this -- this -- Well, let me back up. So the
8 design money is going to be five hundred and
9 twenty-six thousand, one hundred and forty-two
10 dollars (\$526,142), but eighty percent (80%) of
11 that is going to be reimbursed through ALDOT.

12 So that twenty percent (20%) number comes
13 back about being somewhere around a hundred and
14 seven (\$107,000) -- a hundred and seven thousand
15 dollars (\$107,000).

16 So I broke -- I -- I -- By policy, I can't
17 approve it inhouse. I've got to have y'all's
18 permission to award that to Volkert. So I'm just
19 asking your permission to do so.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP)

21 GRUBER: And, now, this -- Okay.

22 MR. JOEY NUNNALLY: That is that section
23 of --

24 COMMISSION CHAIRMAN CHARLES F. (SKIP)

25 GRUBER: The MPO is paying four hundred and
26 twenty-eight thousand (\$428,000).

27 COMMISSIONER BILLIE JO UNDERWOOD:

28 Eighty percent (80%)..

1 COMMISSION CHAIRMAN CHARLES F. (SKIP)

2 GRUBER: And the County paying a hundred and
3 seven thousand (\$107,000)?

4 MR. JOEY NUNNALLY: That's correct.

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)

6 GRUBER: Okay. We're getting hit -- we're
7 getting hit a lot by -- the County is, and the
8 Cities are not getting hit.

9 I'm sorry. You know, we keep -- we keep
10 spending a lot, a lot of money with the MPO. And
11 I know it's part of our thing, but we're --
12 we're -- we're -- we're taking the lion's share
13 of it.

14 MR. JOEY NUNNALLY: We are on this one.
15 And a lot of these subdivisions that's being
16 developed off of 64 right now --

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)

18 GRUBER: Uh-huh. (Indicates affirmatively.)

19 MR. JOEY NUNNALLY: -- are in the City
20 of Daphne.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP)

22 GRUBER: Yeah.

23 MR. JOEY NUNNALLY: Now, at the next MPO
24 meeting, which we have two members that sit on,
25 I'm going to be asking for the MPO to fund the
26 utility relocation and the right-of-way
27 acquisition on this same project.

28 They don't have enough money. The MPO

1 doesn't have enough money in its bucket to fund
2 the whole, you know, six million dollar
3 (\$6,000,000) project. And I'm throwing that
4 number out there very loosely, because I,
5 obviously, don't even have it designed yet. But
6 it going to be somewhere around there; okay?

7 So -- so as that money comes into the MPO, I
8 want to kind of -- I want to get my hands on it,
9 commandeer it, and use it towards relocating
10 utilities, relocating -- and buying -- and
11 right-of-way in order to get ready for the
12 construction. So --

13 COMMISSIONER BILLIE JO UNDERWOOD: Are
14 you going to be at the work session tomorrow?

15 MR. JOEY NUNNALLY: Yes.

16 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

17 COMMISSIONER JAMES E. (JEB) BALL: So --
18 so, Joey, the -- the MPO couldn't come up with
19 another seven grand (\$7,000) to make this not
20 exceed the policy? You see where it says here
21 the local match of a hundred and seven thousand
22 (\$107,000) exceeds our Commission policy, which
23 has a limit of a hundred thousand (\$100,000)?

24 MR. JOEY NUNNALLY: Correct.

25 COMMISSIONER JAMES E. (JEB) BALL: And
26 they couldn't come up -- They can't -- They're --
27 they're limited to their four twenty-eight
28 (\$428,000)?

1 COMMISSIONER BILLIE JO UNDERWOOD: We
2 could ask Daphne to give us --

3 COMMISSIONER JOE DAVIS, III: Were they
4 aware --

5 MR. JOEY NUNNALLY: So.

6 COMMISSIONER JOE DAVIS, III: -- of the
7 hundred thousand (\$100,000) being our limit at
8 the time? That sounds like --

9 MR. JOEY NUNNALLY: So I -- I guess
10 what -- what -- what makes it be a hundred and
11 seven (\$107,000) is the State funding us at an
12 eighty/twenty (80%/20%) rate.

13 COMMISSIONER JAMES E. (JEB) BALL:
14 Right.

15 MR. JOEY NUNNALLY: So what -- what
16 kicked us over was the engineer's estimate that
17 came back --

18 COMMISSIONER BILLIE JO UNDERWOOD: Over.

19 MR. JOEY NUNNALLY: -- at -- at -- at
20 five hundred and -- five hundred and twenty-six
21 thousand, one hundred and forty-two dollars
22 (\$526,142). And then when ALDOT adds their
23 little tax onto it, it -- Okay. And I call it
24 the ALDOT tax. It's basically their fees, their
25 admin fees -- we're looking at five hundred and
26 thirty-five thousand (\$535,000).

27 So eighty percent (80%) of that is going to
28 be the four twenty-eight (\$428,000), making the

1 twenty percent (20%) the one hundred seven
2 (\$107,000).

3 Now, could we ask the MPO to help do that so
4 y'all wouldn't have to waive that policy? Yes.
5 But you're -- well, you're not really waiving a
6 policy. You're just approving it. We could do
7 that, but it's going to take a long time. And
8 I'm --

9 COMMISSION CHAIRMAN CHARLES F. (SKIP)

10 GRUBER: Well --

11 MR. JOEY NUNNALLY: I've got -- I've
12 got --

13 COMMISSION CHAIRMAN CHARLES F. (SKIP)

14 GRUBER: You know, I just -- I -- I think, you
15 know, I think maybe, you know --

16 COMMISSIONER BILLIE JO UNDERWOOD: We
17 need to be aware of this.

18 COMMISSION CHAIRMAN CHARLES F. (SKIP)

19 GRUBER: -- the other partners of the MPO should
20 be helping a little bit more than what they are.
21 I mean, they're not putting up a whole lot of
22 money. We are. We're putting up the lion's
23 share of -- of the -- of the cost.

24 MR. JOEY NUNNALLY: We -- we are. We
25 are.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP)

27 GRUBER: And I just -- I think, you know, that --
28 you know, and I think they need to just -- they

1 need to chip in.

2 MR. JOEY NUNNALLY: The Municipalities
3 or the MPO?

4 COMMISSION CHAIRMAN CHARLES F. (SKIP)
5 GRUBER: The -- the -- the Municipalities ought
6 to be chipping in on some of this, because
7 it's -- it's -- it's -- it's helping them.

8 COMMISSIONER JOE DAVIS, III: Uh-huh.
9 (Indicates affirmatively.)

10 COMMISSION CHAIRMAN CHARLES F. (SKIP)
11 GRUBER: I mean, it's helping them more than it
12 is the County. I mean, it --

13 COMMISSIONER JAMES E. (JEB) BALL: Yeah.
14 That's helping Daphne out tremendously.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP)
16 GRUBER: And then it's -- it's in their -- it's
17 in their metropolitan area, you know. I mean,
18 they should be helping with some of the cost
19 sharing, I mean, not just the County always, you
20 know.

21 I -- I'm fine with doing this. But I think
22 it's something we need to really look at --

23 MR. JOEY NUNNALLY: Yeah.

24 COMMISSION CHAIRMAN CHARLES F. (SKIP)
25 GRUBER: -- in the future, that they need to
26 be --

27 COMMISSIONER BILLIE JO UNDERWOOD: We
28 need to really start looking at these projects on

1 the MPO.

2 MR. JOEY NUNNALLY: Yeah. Sure.

3 COMMISSIONER BILLIE JO UNDERWOOD: And
4 make sure that we're not held taking all the
5 brunt of the -- the match share.

6 COMMISSIONER JOE DAVIS, III: Well, when
7 64 from 181 going east was not the City of
8 Daphne, that's one thing. But then when they
9 start annexing in property on either side, it
10 then that becomes part of the --

11 MR. JOEY NUNNALLY: So --

12 COMMISSIONER JOE DAVIS, III: -- county
13 road through a city rather than a county road to
14 a city.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP)
16 GRUBER: Well, yeah.

17 MR. JOEY NUNNALLY: So this is a really
18 good discussion to have at the next MPO meeting.
19 When we ask for those -- that -- that money to be
20 set aside for utilities and right-of-way, there's
21 going to be a match with that. And since we
22 threw the match in for the design, they can help
23 with the match on --

24 COMMISSIONER JOE DAVIS, III: There you
25 go.

26 MR. JOEY NUNNALLY: -- the utility and
27 the right-of-way.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP)

1 GRUBER: Oh, yeah. We -- we -- we're paying for
2 the -- the -- the design. Why can't they pay
3 for, you know -- I mean --

4 COMMISSIONER JOE DAVIS, III: I agree.

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)

6 GRUBER: Instead of us paying for all of it. I
7 mean, that's -- that's where I'm getting. We're
8 getting hit every time there's something. We're
9 getting hit for that extra money.

10 COMMISSIONER JOE DAVIS, III: Yeah.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP)

12 GRUBER: I mean, and it's, you know -- and I know
13 it's good for, you know, transportation and
14 stuff. And, you know, and that's -- it's good.
15 But I'm saying, you know, it's still should be
16 a --

17 COMMISSIONER JOE DAVIS, III: I agree.

18 COMMISSION CHAIRMAN CHARLES F. (SKIP)

19 GRUBER: -- sharing partner, because we're all
20 partners in it. That's what the whole thing is.
21 We're all supposed to be partners.

22 COMMISSIONER JOE DAVIS, III: Yeah.

23 COMMISSIONER BILLIE JO UNDERWOOD: I
24 think now that we've had this discussion, that
25 moving forward, we can have more of a discussion
26 ahead of time when these projects come about.

27 COMMISSIONER JOE DAVIS, III: I think
28 there's an MPO meeting Wednesday.

1 COMMISSIONER BILLIE JO UNDERWOOD: If we
2 look at the dates on this and everything, it goes
3 back --

4 COMMISSIONER JOE DAVIS, III: Sure.

5 COMMISSIONER BILLIE JO UNDERWOOD: -- a
6 couple of years ago. So --

7 COMMISSIONER JOE DAVIS, III: I'm going
8 to be out of town. But, Billie Jo, I think
9 there's an MPO meeting Wednesday.

10 COMMISSIONER BILLIE JO UNDERWOOD:
11 There -- tomorrow.

12 MR. JOEY NUNNALLY: A work -- a work --
13 a work session.

14 COMMISSIONER BILLIE JO UNDERWOOD:
15 There's a work session tomorrow.

16 COMMISSIONER JOE DAVIS, III: A work
17 session.

18 COMMISSIONER BILLIE JO UNDERWOOD: And
19 that's what I just asked Joey, if he was going to
20 actually be there.

21 I'll be at the work session. But you're
22 going to be my proxy at the actual meeting in two
23 weeks.

24 MR. JOEY NUNNALLY: And I -- and I can
25 be, you know, a proxy for him tomorrow, or Frank
26 can. We --

27 COMMISSIONER JOE DAVIS, III: Okay.

28 MR. JOEY NUNNALLY: There -- there's

1 been some e-mails that's going around --

2 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

3 MR. JOEY NUNNALLY: -- about that.

4 COMMISSIONER JOE DAVIS, III: Right.

5 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

6 He can be your --

7 COMMISSIONER JOE DAVIS, III: I tried to
8 make people aware that I was --

9 COMMISSIONER BILLIE JO UNDERWOOD:
10 You'll be at --

11 COMMISSIONER JOE DAVIS, III: -- going
12 to be out of pocket.

13 COMMISSIONER BILLIE JO UNDERWOOD: --
14 the actual meeting in two weeks, though; right?

15 COMMISSIONER JOE DAVIS, III: Yes. I
16 will be at that meeting.

17 COMMISSIONER BILLIE JO UNDERWOOD: Okay.
18 But because there will be a vote in two weeks --

19 COMMISSIONER JOE DAVIS, III: Right.

20 COMMISSIONER BILLIE JO UNDERWOOD: -- on
21 potentially things -- And, you know, Joey is
22 going to be my proxy in two weeks.

23 COMMISSIONER JOE DAVIS, III: There you
24 go. Well, go ahead and throw this out at the
25 work session so they can be chewing on it early.

26 COMMISSIONER BILLIE JO UNDERWOOD:
27 Everything is happening.

28 COMMISSIONER JOE DAVIS, III: They can

1 either like the taste or not. But they need
2 to --

3 COMMISSION CHAIRMAN CHARLES F. (SKIP)

4 GRUBER: Uh-huh. (Indicates affirmatively.)

5 COMMISSIONER JOE DAVIS, III: You know,
6 these are the sort of things that we need to be
7 moving forward.

8 COMMISSIONER BILLIE JO UNDERWOOD:

9 Uh-huh. (Indicates affirmatively.)

10 COMMISSIONER JOE DAVIS, III: And if
11 we've got a policy that says we --

12 COMMISSIONER BILLIE JO UNDERWOOD: We'll
13 bring it up tomorrow. Don't worry.

14 COMMISSIONER JOE DAVIS, III: -- a
15 hundred thousand dollars (\$100,000), then we
16 shouldn't be asked to pay a hundred and seven
17 (\$107,000) if our limit is a hundred (\$100,000).
18 I don't think we'll get it.

19 COMMISSIONER BILLIE JO UNDERWOOD: We
20 need to all work together.

21 MR. WAYNE DYESS: This is Consent?

22 COMMISSIONER BILLIE JO UNDERWOOD: And
23 I've been talking to the Mayor of Daphne about
24 this already, about working together. So --
25 okay.

26 MR. WAYNE DYESS: Mr. Chairman, this is
27 a Consent item?

28 COMMISSIONER JAMES E. (JEB) BALL: Yes.

1 COMMISSIONER JOE DAVIS, III: Yes.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP)

3 GRUBER: Yes. Yes.

4 COMMISSIONER BILLIE JO UNDERWOOD: All
5 right.

6

7 **Q-8 - GENERAL CANBY DRIVE - BLOCK PARTY**

8 MR. JOEY NUNNALLY: Okay. So the
9 only -- the -- the only other two items, just
10 for -- I've got one item for discussion.

11 COMMISSIONER BILLIE JO UNDERWOOD: That
12 was the end of your packet now.

13 MR. JOEY NUNNALLY: I know. I know.

14 COMMISSIONER JAMES E. (JEB) BALL: The
15 only other two.

16 MR. JOEY NUNNALLY: So the lady that had
17 the -- the -- the kids that had to leave --

18 COMMISSION CHAIRMAN CHARLES F. (SKIP)
19 GRUBER: Yes. Yeah.

20 COMMISSIONER JOE DAVIS, III: Uh-huh.
21 (Indicates affirmatively.)

22 MR. JOEY NUNNALLY: -- she was here and
23 she got a little upset, because her kids
24 were upset. And she -- she was -- she was upset.
25 Anyway, she sends her apologies.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP)

27 GRUBER: Uh-huh. (Indicates affirmatively.)

28 MR. JOEY NUNNALLY: But she was here to

1 talk about a -- a block party. And Lisa is able
2 to pull it up here.

3 So this is in Spanish Fort Estates. She's
4 been speaking with her -- her local people about
5 shutting down this little section of road here in
6 red to do a block party. And she just wanted to
7 make -- This is a county road. This is the City
8 of Spanish Fort. This is going to be County.
9 This is a County-maintained road.

10 So she spoke with the City and the City
11 doesn't have a problem with it. She wants to
12 just shut down the road from there to there and
13 have a little block party.

14 All the residents are onboard. It's a circle
15 thing, so she's not blocking anybody off from --
16 from her -- from their houses.

17 So she's been working with Frank, I think.
18 She's spoken with Frank two or three times about
19 this in -- over the last couple days. So --

20 COMMISSIONER JAMES E. (JEB) BALL: I'll
21 give consent on that. I think -- I think I'll
22 give her A for effort for showing up this
23 morning.

24 COMMISSIONER JOE DAVIS, III: Yeah, with
25 two little ones.

26 COMMISSIONER JAMES E. (JEB) BALL: Yeah.
27 And that's the least we can do for her.

28 COMMISSIONER BILLIE JO UNDERWOOD:

1 Absolutely.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP)

3 GRUBER: Yeah.

4 MR. JOEY NUNNALLY: All right. So we --
5 we will get a little agenda drafted up to that,
6 and it won't take but just a second.

7

8 **Q-9 - FOUR-WAY STOP AT COUNTY ROAD 71 AND COUNTY ROAD 36**

9 COMMISSIONER BILLIE JO UNDERWOOD: What
10 else, Joey.

11 MR. JOEY NUNNALLY: And 71 and 36,
12 there's no action.

13 MR. WAYNE DYESS: Morgantown?

14 MR. JOEY NUNNALLY: Yes. But 71 and 36
15 intersection, there's no action needed, I just
16 want to let y'all know there's been -- there's
17 been a lot of accidents there.

18 And Commissioner Underwood brought it to my
19 attention a little while back. And actually
20 Sheriff Hoss Mack and I have had conversations
21 with it as well. We're going to make that a
22 four-way stop. So, again, it's no action needed.
23 It's just FYI.

24 COMMISSIONER JAMES E. (JEB) BALL: Okay.

25

26 **Q-10 - MORGANTOWN BOARDWALK COASTAL GRANT APPLICATION**

27 MR. JOEY NUNNALLY: The other thing that
28 was an FYI is Commissioner Gruber had signed a

1 grant submittal late last week to meet a really
2 strict deadline, a little timeframe, for a --
3 a -- a grant from the U.S. Fish and Wildlife. So
4 we -- we just wanted to make sure everybody knew
5 about that.

6 There's no official Commission action needed.
7 It was just no money tied to it. It's just if
8 they -- if they -- if they say yes, you're good,
9 well, then we'll bring back the official grant to
10 y'all in order for y'all to take official action
11 on it. I just wanted to make sure everybody was
12 on the same page.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP)

14 GRUBER: And that's for the -- that's for the --

15 MR. JOEY NUNNALLY: Extension
16 boardwalk --

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)

18 GRUBER: -- dune walkover at Morgantown.

19 MR. WAYNE DYESS: Morgantown. Yeah.

20 MR. JOEY NUNNALLY: Yeah.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP)

22 GRUBER: And they're going to give us -- they're
23 going to give us so much money, and -- and we're
24 going to have to put some up here.

25 MR. JOEY NUNNALLY: Yes.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP)

27 GRUBER: But that's -- that's if we get all of
28 the stuff.

1 MR. JOEY NUNNALLY: Yeah. So I just
2 wanted to make sure.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP)

4 GRUBER: But they had a deadline. Yeah.

5 MR. JOEY NUNNALLY: A really tight
6 deadline.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP)

8 GRUBER: Yeah.

9 MR. JOEY NUNNALLY: Yeah.

10 COMMISSION CHAIRMAN CHARLES F. (SKIP)

11 GRUBER: Yeah. It was like last Friday.

12 MR. JOEY NUNNALLY: So we got her done,
13 though. Thanks to Claire Dorough's help. She --
14 she was wonderful.

15 MR. WAYNE DYESS: That's right. That's
16 it?

17 MR. JOEY NUNNALLY: That's it.

18 MR. WAYNE DYESS: Okay. All right.

19

20 **D-1 - SALES & USE TAX COLLECTION SOFTWARE AGREEMENT**

21 **ADDENDUM**

22 MR. WAYNE DYESS: Mr. Chairman, moving
23 on to Communications. They have two items, H-1
24 and H-2.

25 COMMISSIONER BILLIE JO UNDERWOOD: What
26 about D-1?

27 MR. WAYNE DYESS: D-1. Okay.

28 MR. RON CINK: It's a -- it's -- it's a

1 change in rate. And it has to have the
2 Chairman's signature. So you have to bless it.

3 COMMISSIONER BILLIE JO UNDERWOOD:
4 Blessing.

5 COMMISSIONER JOE DAVIS, III: Consent.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP)

7 GRUBER: Consent?

8 COMMISSIONER JAMES E. (JEB) BALL:
9 Consent.

10

11 **H-1 - ORACLE TRUE-UP AUTHORIZATION**

12 MR. WAYNE DYESS: All right. Now is --

13 MR. BRIAN PEACOCK: H-1 is very similar
14 to the same. It is a true-up authorization form
15 for Oracle, which is our E-1 license provider.
16 We went over the cap of our original license
17 amount, and this the amount to true them up for
18 the year.

19 COMMISSION CHAIRMAN CHARLES F. (SKIP)

20 GRUBER: Okay. Consent?

21 COMMISSIONER JOE DAVIS, III: Consent.

22 COMMISSIONER BILLIE JO UNDERWOOD:
23 Consent.

24 COMMISSION CHAIRMAN CHARLES F. (SKIP)

25 GRUBER: Okay.

26

27 **H-2 - SANDS TECH AV, LLC, REQUEST FOR TERMINATION OF**
28 **CONTRACT**

1 MR. BRIAN PEACOCK: The next item I have
2 is Sands Tech, which has been our contract
3 service for the production of the Commission
4 meetings, has requested to terminate his
5 contract. CIS is now ready to take that over on
6 hundred percent (100%). And this is to approve
7 the request and authorize the Chairman to
8 notify --

9 COMMISSION CHAIRMAN CHARLES F. (SKIP)

10 GRUBER: Consent.

11 COMMISSIONER JAMES E. (JEB) BALL:

12 Consent.

13 COMMISSIONER BILLIE JO UNDERWOOD:

14 Consent.

15 COMMISSIONER JOE DAVIS, III: Consent.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP)

17 GRUBER: Consent.

18
19 **I-1 - 19TH CENTURY BLACKSMITHING AT BICENTENNIAL PARK**

20 MR. WAYNE DYESS: Mr. Chairman, Archives
21 and History has pulled their item, so it's not --
22 will not be on the agenda.

23
24 **J-1 - COUNTY FIXED ASSET CHANGE - 2006 CHEVROLET C1500 ½**
25 **TON TRUCK AND 2003 FORD F-150**

26 MR. WAYNE DYESS: The next item is
27 Building Maintenance, J-1, County fixed asset
28 change. They are wishing to transfer two (2)

1 vehicles to Administration for the custodians to
2 use.

3 COMMISSIONER BILLIE JO UNDERWOOD:

4 Consent.

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)

6 GRUBER: Consent.

7 COMMISSIONER JOE DAVIS, III: Consent.

8
9 **O-1 - BALDWIN COUNTY TRAP-NEUTER-RETURN (TNR) PROGRAM -**
10 **RENEWAL OF ROBERTSDALE ANIMAL CLINIC AND BALDWIN ANIMAL**
11 **CLINIC AGREEMENTS**

12 MR. WAYNE DYESS: And then the next item
13 is going to be Animal Control. This is to sign
14 the agreement with the veterinarians for the
15 Baldwin County trap and neuter program for the
16 cats.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)

18 GRUBER: Consent.

19 COMMISSIONER BILLIE JO UNDERWOOD:

20 Consent.

21
22 **P-1 - BEACH CLUB WEST NATIONAL FISH AND WILDLIFE**
23 **FOUNDATION (NFWF) PROJECT - LETTER OF SUPPORT**

24 MR. WAYNE DYESS: The next item is Beach
25 Club West National Fish and Wildlife Foundation.
26 As you may recall, they came before you asking
27 for a letter of support.

28 They've also gotten a letter of support from

1 the Fort Morgan Civic Association. This is in
2 regards to the Beach Club West property. I think
3 it's permitted for four hundred (400) plus units.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP)

5 GRUBER: Uh-huh. (Indicates affirmatively.)

6 MR. WAYNE DYESS: And NFWF funds are
7 looking to purchase it and put it in
8 conservation. If the Commission desires, we can
9 have a letter on the agenda to approve offering
10 our support.

11 We also have to have a support letter from
12 the Delegation that they've -- they've submitted
13 as well. And so we can -- we can do that and
14 have it on the agenda for your approval.

15 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

16 COMMISSIONER JAMES E. (JEB) BALL:
17 Consent.

18 COMMISSION CHAIRMAN CHARLES F. (SKIP)

19 GRUBER: Consent. Yeah. Let's do that. Yeah.

20
21 **P-2 - BALDWIN COUNTY COMMISSION DISTRICT NO. 1 PLANNING**
22 **(ZONING) DISTRICT BOARD OF ADJUSTMENT (GREATER NORTH**
23 **BALDWIN COUNTY AREA) - BOARD APPOINTMENT**

24 MR. WAYNE DYESS: Mr. Chairman, the next
25 one is an appointment to the District -- District
26 1 Planning and Zoning Board of Adjustment. Get
27 that one real quick.

28 As you recommendation says, accept the

1 resignation of Mr. Thomas Broughton and appoint
2 Ms. Christine Sullivan to fill that position in
3 District 4.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP)

5 GRUBER: Consent?

6 COMMISSIONER JAMES E. (JEB) BALL:

7 Consent.

8
9 **P-3 - BALDWIN COUNTY COMMISSION DISTRICT NO. 2 PLANNING**
10 **(ZONING) DISTRICT BOARD OF ADJUSTMENT (GREATER EASTERN**
11 **SHORE BALDWIN COUNTY AREA) - BOARD APPOINTMENT**

12 MR. WAYNE DYESS: Similar to that one,
13 we have another appointment to the Board of
14 Adjustments. And that is -- Let me see. Do I
15 got that one -- got that one right?

16 COMMISSIONER BILLIE JO UNDERWOOD: That
17 district -- the next one, District 2, and then
18 District 2.

19 MR. WAYNE DYESS: Yeah. I'm sorry. Let
20 me go back. Let me go back.

21 COMMISSIONER BILLIE JO UNDERWOOD: P-3.

22 MR. WAYNE DYESS: P-3 --

23 COMMISSION CHAIRMAN CHARLES F. (SKIP)

24 GRUBER: P-3.

25 MR. WAYNE DYESS: -- is the
26 appointment -- the appointments of Shannon Hope
27 as a regular member of the Board of Adjustments
28 to fill a vacant seat by Mr. Carl Torbert.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP)

2 GRUBER: Consent.

3 COMMISSIONER JAMES E. (JEB) BALL:

4 Consent.

5 COMMISSIONER BILLIE JO UNDERWOOD:

6 Consent.

7 COMMISSIONER JOE DAVIS, III: Consent.

8

9 **P-4 - BALDWIN COUNTY COMMISSION DISTRICT NO. 4 PLANNING**

10 **(ZONING) DISTRICT BOARD OF ADJUSTMENT (GREATER SOUTH**

11 **BALDWIN COUNTY AREA) - BOARD APPOINTMENTS**

12 MR. WAYNE DYESS: Okay. And then the
13 next one is for District 4, reappointments for
14 Robert Broseus to a three (3) year term starting
15 June 20th, 2019; reappoint Ms. Johanna Moloney as
16 a member; reappoint Mr. John Hilderbrandt as a
17 regular member; and remove the name of Mr. Hugh
18 William Helms as an alternate board member in
19 Planning District 29.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP)

21 GRUBER: Consent.

22 COMMISSIONER BILLIE JO UNDERWOOD:

23 Consent.

24 COMMISSION CHAIRMAN CHARLES F. (SKIP)

25 GRUBER: Consent.

26 COMMISSIONER BILLIE JO UNDERWOOD:

27 But -- Okay. So that's to do with those three.

28 But I have submitted names for District 3. I've

1 not heard anything. It's not been put on there.
2 And I keep forgetting. So while we're -- Can you
3 check on that for me?

4 MR. WAYNE DYESS: I will.

5 COMMISSIONER BILLIE JO UNDERWOOD:
6 Because there's a lot of vacancies on District 3.

7 MR. WAYNE DYESS: Uh-huh. (Indicates
8 affirmatively.)

9 COMMISSIONER BILLIE JO UNDERWOOD: And
10 until we get that changed where we only have two,
11 if -- if we have to happen to have a case, I
12 think we -- we -- we might not have but one
13 member available.

14 COMMISSIONER JAMES E. (JEB) BALL: Well,
15 are they alive?

16 COMMISSIONER BILLIE JO UNDERWOOD: Some
17 of them aren't. I think we fixed that, though.
18 I think we took the ones that are deceased off of
19 there. But I have submitted names. I've not
20 heard anything back. If there's some kind of a
21 communication gap, I need to know that. I can
22 resubmit those names.

23 MR. WAYNE DYESS: I -- I will followup
24 on that.

25 COMMISSIONER BILLIE JO UNDERWOOD: Thank
26 you.

27

28 **P-5 - CINDY HABER CENTER, INC. - BOARD APPOINTMENT**

1 MR. WAYNE DYESS: Mr. Chairman, P-5 is
2 a -- regarding the Cindy Haber Center board
3 appointment --

4 COMMISSIONER BILLIE JO UNDERWOOD:
5 Haber.

6 MR. WAYNE DYESS: -- to adopt Resolution
7 2019-119 to appoint Ms. Gillian Hartman as a
8 member of the Board of Directors to a vacant
9 place seat formerly held by Ms. Peggy Vanover
10 Barnes.

11 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP)
13 GRUBER: Consent.

14

15 **Q-11 - REQUEST FROM CUB SCOUT PACK 321 - WAIVING OF**
16 **USAGE FEES AT BALDWIN COUNTY BICENTENNIAL PARK**

17 MR. WAYNE DYESS: Okay. Mr. Chairman, I
18 have two other real quick items. One is
19 regarding the Cub Scouts of America. They
20 were -- the Cub Scouts are wanting to use Live
21 Oak Landing. There is a fee. They're asking for
22 a fee waiver. If the -- the Commission desires,
23 we will have it on the agenda for a fee waiver
24 for Live Oak Landing.

25 COMMISSION CHAIRMAN CHARLES F. (SKIP)

26 GRUBER: Okay.

27 COMMISSIONER BILLIE JO UNDERWOOD:
28 Consent.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP)

2 GRUBER: Consent.

3 COMMISSIONER JAMES E. (JEB) BALL:

4 Consent.

5 COMMISSIONER JOE DAVIS, III: Consent.

6 Yeah.

7

8 **Q-12 - EMERGENCY MANAGEMENT AGENCY - UPDATED POSITION**

9 **DESCRIPTION FOR DEPUTY EMA DIRECTOR**

10 MR. WAYNE DYESS: And then also Deidra
11 is here. At the last meeting, you approved a
12 Deputy Director position for EMA. There was a
13 glitch in the item, I suppose. And, Deidra, can
14 you explain that.

15 MS. DEIDRA HANAK: Yes. Zach put in an
16 attachment replacement, and I wasn't aware. And
17 he had changed it. He -- It was an old one that
18 we were discussing back and forth. It had the
19 wrong salary rate on it.

20 And so he was here to defend my honor
21 earlier, but he had to leave. And so this is
22 just to fix the one that was -- that was approved
23 last week.

24

25 **Q-13 - PERSONNEL DEPARTMENT - SOCIAL SECURITY DISABILITY**

26 **EXTENSION PREMIUM FOR COBRA ENROLLEES FROM 150% TO 102%**

27 MS. DEIDRA HANAK: And I do have one
28 very quick item, I promise, because I'm starving,

1 too. I have a copy for everyone.

2 We have recently found out that when an
3 employee goes on our COBRA insurance, if they
4 file an extension for disability to -- to remain
5 on our COBRA insurance another eleven (11)
6 months, it increases their rate from a hundred
7 and two percent (102%) to a hundred and fifty
8 percent (150%).

9 And so BlueCross said that we could send them
10 a letter requesting -- requesting just a change
11 in policy for that. We have one person who got
12 the bill from five hundred (\$500) to eight
13 hundred dollars (\$800).

14 And he -- he had had a stroke about a year
15 and a half ago and is getting on disability. And
16 so this is just to help him meet that threshold.
17 And this is the first time we've even encountered
18 this.

19 COMMISSION CHAIRMAN CHARLES F. (SKIP)

20 GRUBER: This is --

21 COMMISSIONER JOE DAVIS, III: Sure.

22 Yep. It's the right thing to do.

23 COMMISSION CHAIRMAN CHARLES F. (SKIP)

24 GRUBER: Consent.

25 COMMISSIONER JAMES E. (JEB) BALL:

26 Consent.

27 MS. DEIDRA HANAK: Thank you.

28 COMMISSIONER BILLIE JO UNDERWOOD:

1 Consent.

2 MR. WAYNE DYESS: Okay. That's all we
3 have.

4
5 **Q-14 - APPROPRIATION OF FUNDS FOR THE MOBILE BAY**
6 **NATIONAL ESTUARY PROGRAM FOR A PRODUCTION OF A SHORT**
7 **FILM RELATED TO COAL ASH**

8 COMMISSION CHAIRMAN CHARLES F. (SKIP)

9 GRUBER: Well --

10 COMMISSIONER BILLIE JO UNDERWOOD: Nope,
11 nope, nope.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP)

13 GRUBER: Well, there was -- brought up --

14 COMMISSIONER BILLIE JO UNDERWOOD:
15 The --

16 COMMISSION CHAIRMAN CHARLES F. (SKIP)

17 GRUBER: Mention to y'all this --

18 COMMISSIONER BILLIE JO UNDERWOOD: The
19 Estuary.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP)

21 GRUBER: -- NEP -- the Mobile NEP has made a
22 request for fifteen thousand dollars (\$15,000)
23 from us.

24 COMMISSIONER BILLIE JO UNDERWOOD: Can
25 I --

26 COMMISSION CHAIRMAN CHARLES F. (SKIP)

27 GRUBER: Go ahead. Yeah.

28 COMMISSIONER BILLIE JO UNDERWOOD: Can I

1 talk about this a little bit? I met with Roberta
2 and Christian last Wednesday. And this is the
3 effort to address from a scientific non-biased
4 response to the coal ash situation. And from
5 that conversation, one of the narrators of the
6 film will be Jimbo Meador --

7 COMMISSION CHAIRMAN CHARLES F. (SKIP)

8 GRUBER: Uh-huh. (Indicates affirmatively.)

9 COMMISSIONER BILLIE JO UNDERWOOD: --

10 who is -- I took a Delta trip with him last year,
11 very -- I mean, he loves that estuary.

12 And I think that Mobile Commission, Marceria
13 Ludgood, has given them a verbal -- I don't know
14 if they've met on it yet -- that they're going to
15 chip in fifteen thousand (\$15,000).

16 They're asking us to chip in fifteen thousand
17 (\$15,000). And they were going to ask the
18 Legislative Delegation to give the other ten
19 (\$10,000), if they could get them to agree on it.

20 They weren't going to involve anybody
21 concerning with Alabama Power or the
22 municipalities or anyone. They want it to be
23 a -- a -- a collaborative effort.

24 And there's going to be ten (10) to
25 fifteen (15) -- there's going to be breakout
26 periods that will be available.

27 I don't know about you guys. I'm sure you're
28 still getting them, but I've had eight e-mail --

1 petition e-mails in the last twelve hours. Okay.
2 My phone lights up two o'clock in the morning --
3 I have to turn it off -- with petition e-mails
4 about this.

5 And I think that it's a worthwhile situation.
6 And the NEP, the way they explained the NEP to me
7 is they are like, as oppose to the EPA, they're
8 the -- they're the good cop and the EPA is the
9 bad cop.

10 This was what they said to me, that we like
11 to -- Let me get what I wrote down now in my
12 notes. They want to promote and encourage,
13 through education and demonstrating, better
14 practices rather than from a regulatory
15 authoritative approach.

16 That's all I've got to say about that. I
17 think it's very worthwhile that we address this.

18 COMMISSIONER JOE DAVIS, III: Does this
19 mean we're taking a position on the coal ash
20 disposition by Alabama Power?

21 COMMISSIONER BILLIE JO UNDERWOOD: No.

22 COMMISSION CHAIRMAN CHARLES F. (SKIP)
23 GRUBER: No.

24 COMMISSIONER BILLIE JO UNDERWOOD: This
25 just means we are --

26 COMMISSIONER JOE DAVIS, III: That's
27 important. Okay.

28 COMMISSIONER JAMES E. (JEB) BALL:

1 This -- this means we're not disturbing the
2 giant, the sleeping giant of whatever --

3 COMMISSIONER BILLIE JO UNDERWOOD: Well,
4 I --

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)
6 GRUBER: Well, you know, and the only thing I
7 got, you know, was -- was -- they're spending
8 forty thousand dollars (\$40,000) for a fifteen
9 (15) or twenty (20) minute tape. That's mighty
10 high.

11 COMMISSIONER BILLIE JO UNDERWOOD: Well,
12 she said that they're going to be bringing in
13 people from all over. And it's going to be a
14 professional production.

15 I remember last year I paid like fifteen
16 hundred dollars (\$1,500) for a thirty (30) second
17 professional thing. And so I -- I don't know
18 about the pricing on this exactly. I can't
19 attest to that.

20 I just know that we were -- they were wanting
21 to get something in place. And that was why
22 there was this urgency that basically I think
23 that no one could say that there's a safe way to
24 deal with this particularly.

25 But this would be from a scientific approach,
26 trying to look for some kind of common ground, I
27 guess you would say, and -- and getting the facts
28 out to the people rather than disseminating

1 pieces of information, I guess you would say.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP)

3 GRUBER: The only thing, have we got -- Where --
4 where would this come from? It'd have to come
5 from some --

6 COMMISSIONER BILLIE JO UNDERWOOD: We --

7 COMMISSION CHAIRMAN CHARLES F. (SKIP)

8 GRUBER: -- somebody's budget.

9 COMMISSIONER BILLIE JO UNDERWOOD: I
10 asked Ron about it, and he said that we have it
11 in the general.

12 MR. RON CINK: You still have
13 contingency money.

14 COMMISSIONER BILLIE JO UNDERWOOD:
15 Contingency money.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP)

17 GRUBER: We still got some left? I thought that
18 thing was getting pretty dry.

19 MR. RON CINK: Not the -- not the
20 statutory.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP)

22 GRUBER: Okay. Not the -- not the --

23 MR. RON CINK: The other reserve.

24 COMMISSIONER BILLIE JO UNDERWOOD: No.
25 It's --

26 COMMISSION CHAIRMAN CHARLES F. (SKIP)

27 GRUBER: Okay.

28 COMMISSIONER BILLIE JO UNDERWOOD:

1 We're -- we're -- we're fine on that.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP)

3 GRUBER: Okay. All right. Well, whatever y'all
4 want to do, you know, that's --

5 COMMISSIONER JOE DAVIS, III: My concern
6 is this: We're going to fund something that we
7 have no control over what it's going to say.

8 Then we will be labeled with whatever it says --

9 COMMISSIONER JAMES E. (JEB) BALL:
10 That's right.

11 COMMISSIONER JOE DAVIS, III: -- whether
12 we like it or don't like it.

13 COMMISSIONER BILLIE JO UNDERWOOD:
14 Well --

15 COMMISSIONER JOE DAVIS, III: And that
16 bothers me a little bit.

17 COMMISSIONER BILLIE JO UNDERWOOD: Well,
18 if you would like to have them come and talk to
19 us exactly about what, you know, is -- is --

20 COMMISSIONER JOE DAVIS, III: Well, my
21 conversation -- I've been approached, as we all
22 have, on this topic, is that the EPA says there's
23 two methods to dispose of coal ash.

24 COMMISSIONER BILLIE JO UNDERWOOD:
25 Uh-huh. (Indicates affirmatively.)

26 COMMISSIONER JOE DAVIS, III: And my
27 position is if both of those methods are approved
28 by the EPA, then I have no problem with the power

1 company choosing. Because if you take three (3)
2 minute truck loads, and it takes twenty-seven
3 (27) years doing ten (10) hours a day, how many
4 wrecks might happen with coal ash on the truck?

5 COMMISSIONER BILLIE JO UNDERWOOD: I
6 agree.

7 COMMISSIONER JOE DAVIS, III: And so my
8 point is if the EPA says there's two ways of
9 doing it that meets their approval, I'm okay with
10 that. But it's just -- I'm just one of four.

11 COMMISSIONER BILLIE JO UNDERWOOD: I --
12 I -- This was something that the NEP being a --
13 they're basically -- Let me get my notes. They
14 are --

15 COMMISSIONER JOE DAVIS, III: Is there
16 going to be a recommendation at the end of this
17 tape as to which method --

18 COMMISSIONER BILLIE JO UNDERWOOD: No.

19 COMMISSIONER JOE DAVIS, III: -- the
20 power company should use?

21 COMMISSIONER BILLIE JO UNDERWOOD: I
22 don't believe so.

23 COMMISSIONER JOE DAVIS, III: Then I
24 feel better if that's the case.

25 COMMISSIONER BILLIE JO UNDERWOOD: I
26 don't believe that is the case. But if you would
27 like them to actually --

28 COMMISSIONER JAMES E. (JEB) BALL: I

1 think they could come --

2 COMMISSIONER BILLIE JO UNDERWOOD: --
3 come and present at our meeting on next Tuesday,
4 I -- I would highly encourage that just so that
5 you could -- so that I'm not misrepresenting what
6 they said to me and I didn't --

7 COMMISSIONER JAMES E. (JEB) BALL:
8 Right.

9 COMMISSIONER BILLIE JO UNDERWOOD: --
10 misinterpret what they said to me. Okay.

11 COMMISSIONER JOE DAVIS, III: Yeah.
12 Because this -- this topic has gotten really
13 passionate by a lot of folks who have gone past
14 facts into other things.

15 COMMISSIONER BILLIE JO UNDERWOOD:
16 Exactly. And -- and -- and what I will say about
17 this group is this group is not anywhere --
18 they're created as a -- there's a difference
19 between other groups. There's different
20 interests.

21 This group is not in that type of an -- of a
22 realm, I guess you would say. This is more of a
23 neutral ground where it's -- they're bipartisan;
24 okay?

25 And I think it would be good if -- if they
26 are able to come to our meeting. Because I'm
27 learning a lot about them. I took lots of notes
28 at my meeting.

1 COMMISSIONER JOE DAVIS, III: Yes.

2 COMMISSIONER BILLIE JO UNDERWOOD: But I
3 think it would be good if you guys could hear it
4 as well; okay?

5 COMMISSIONER JOE DAVIS, III: Well, on
6 the City Council at Daphne, I've worked very
7 closely with Roberta, and the City did, and
8 Ashley Campbell --

9 COMMISSIONER BILLIE JO UNDERWOOD:
10 Uh-huh. (Indicates affirmatively.)

11 COMMISSIONER JOE DAVIS, III: -- the
12 City's -- I mean, I -- I know their purposes and
13 goals.

14 It concerns me, though, that they may be --
15 if they're being pulled into this, I guess I'll
16 take a bet on what the final suggestion is going
17 to be. And I don't think that's my purview to
18 say that. If the EPA says there's two ways to do
19 it, I'm okay with that.

20 COMMISSIONER JAMES E. (JEB) BALL: I
21 would like to see before we -- I -- I mean,
22 before we gave -- gave them any money for any
23 type of film, I would like to see what the film
24 is going -- I would want to see what the whole
25 entire thing was going to be about --

26 COMMISSIONER JOE DAVIS, III: Sure. The
27 bottom line.

28 COMMISSIONER JAMES E. (JEB) BALL: --

1 from the beginning to the end.

2 COMMISSIONER JOE DAVIS, III: Yeah.

3 COMMISSIONER BILLIE JO UNDERWOOD: Not a
4 problem.

5 COMMISSIONER JAMES E. (JEB) BALL:
6 What's the story going to be?

7 COMMISSIONER JOE DAVIS, III: Sure.

8 COMMISSIONER BILLIE JO UNDERWOOD: It
9 was just that because of our open meeting
10 constraints and things like that, it was just a
11 way --

12 COMMISSIONER JOE DAVIS, III: I
13 understand.

14 COMMISSIONER BILLIE JO UNDERWOOD: -- to
15 get this before you quickly. And then we can
16 proceed.

17 COMMISSIONER JOE DAVIS, III: Sure.

18 COMMISSIONER BILLIE JO UNDERWOOD: But
19 if we could put this as Other Staff and bring
20 them in -- And if they're not able to come, then
21 we'll table it.

22 COMMISSIONER JOE DAVIS, III: Okay.

23 COMMISSIONER BILLIE JO UNDERWOOD: How
24 does that sound?

25 COMMISSION CHAIRMAN CHARLES F. (SKIP)
26 GRUBER: Okay.

27 COMMISSIONER BILLIE JO UNDERWOOD: Is
28 that okay with you, Mr. Chairman?

1 COMMISSION CHAIRMAN CHARLES F. (SKIP)

2 GRUBER: Yep.

3 COMMISSIONER JAMES E. (JEB) BALL: Yeah.

4

5 **Q-10 - MORGANTOWN BOARDWALK COASTAL GRANT APPLICATION**

6 **(REVISITED)**

7 ATTORNEY DAVID CONNER: Going back to
8 Joey's item, if y'all are done with that one, the
9 grant application. In times past, we've had
10 deadlines that were short. We signed. And I
11 think we've also come back and had the Commission
12 as a whole --

13 COMMISSION CHAIRMAN CHARLES F. (SKIP)

14 GRUBER: Ratify it.

15 ATTORNEY DAVID CONNER: -- ratify it.

16 MR. RON CINK: Uh-huh. (Indicates
17 affirmatively.)

18 ATTORNEY DAVID CONER: I would suggest
19 that we put that on the agenda for this Tuesday
20 to have y'all ratify that as well --

21 COMMISSION CHAIRMAN CHARLES F. (SKIP)

22 GRUBER: We can do that.

23 ATTORNEY DAVID CONNER: -- just for
24 record purposes.

25 COMMISSION CHAIRMAN CHARLES F. (SKIP)

26 GRUBER: All right. Okay. That way there's
27 no -- no way there's no --

28 COMMISSIONER JOE DAVIS, III: That's

1 right. Yeah.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP)

3 GRUBER: -- second thought.

4 MR. JOEY NUNNALLY: Yeah. So I'll have
5 that. I'll have that one and the block party
6 one.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP)

8 GRUBER: Okay. All right. Okay. That's all the
9 addenda.

10

11

R - PUBLIC COMMENT

12

COMMISSION CHAIRMAN CHARLES F. (SKIP)

13

GRUBER: Public comments?

14

(No response.)

15

16

S - PRESS QUESTIONS

17

COMMISSION CHAIRMAN CHARLES F. (SKIP)

18

GRUBER: Press questions?

19

MR. GUY BUSBY: No, sir. Thank you.

20

COMMISSION CHAIRMAN CHARLES F. (SKIP)

21

GRUBER: Okay.

22

23

T - COMMISSIONER COMMENTS

24

COMMISSION CHAIRMAN CHARLES F. (SKIP)

25

GRUBER: Commission comments?

26

COMMISSIONER JOE DAVIS, III: No, sir.

27

I mean, excuse me.

28

COMMISSION CHAIRMAN CHARLES F. (SKIP)

1 GRUBER: All right. No more comments? Again,
2 thank y'all. I know it was -- it was a little
3 tough today. And usually in a work session, we
4 don't allow that many people to speak. But I
5 think these issues are really --

6 COMMISSIONER JOE DAVIS, III: Oh, yeah.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP)

8 GRUBER: -- out there.

9 COMMISSIONER JOE DAVIS, III: That was
10 the thing to do.

11 COMMISSIONER BILLIE JO UNDERWOOD: It's
12 just -- it is what it is.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP)

14 GRUBER: So I welcome -- you know, we welcome
15 that.

16

17 **U - ADJOURNMENT**

18 COMMISSION CHAIRMAN CHARLES F. (SKIP)

19 GRUBER: So with that being said, do I hear a
20 motion that we adjourn?

21 COMMISSIONER JAMES E. (JEB) BALL: So
22 move.

23 COMMISSION CHAIRMAN CHARLES F. (SKIP)

24 GRUBER: I've got a motion --

25 COMMISSIONER JOE DAVIS, III: Second.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP)

27 GRUBER: -- made by Commission Ball and seconded
28 by Commissioner --

1 COMMISSIONER JOE DAVIS, III: Davis.

2 Yeah.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP)

4 GRUBER: -- Davis.

5 COMMISSIONER JOE DAVIS, III: There you
6 go.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP)

8 GRUBER: Any further discussion?

9 (No response.)

10 COMMISSION CHAIRMAN CHARLES F. (SKIP)

11 GRUBER: If not, all in favor, signify by saying
12 aye.

13 (Commissioners say "aye" in unison.)

14 COMMISSION CHAIRMAN CHARLES F. (SKIP)

15 GRUBER: We are adjourned at 1:11.

16

17 (The Baldwin County Commission Work Session was
18 adjourned at 1:11 p.m.)

19

20

Billie J. Underwood

21

22

23

24

25

26

27

28

C E R T I F I C A T E

STATE OF ALABAMA)

BALDWIN COUNTY)

I hereby certify that the above and foregoing transcript was taken down by me in stenotype and the proceedings were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the meeting given by said parties upon said meeting.

I further certify that I am neither of counsel nor of kin to the parties, nor am I in anywise interested in the result of said proceedings.



SUSAN C. ANDREWS,
Certified Court Reporter,
Certification No. 287

<p>#</p> <p>#2019-120 [2] - 8:8, 189:1 #2019-121 [2] - 8:11, 191:21 #WG18-36 [2] - 5:9, 144:4 #WG19-33 [2] - 5:6, 143:3 #WG19-43 [2] - 5:12, 144:24 #WG19-44 [2] - 5:14, 145:11 #WG19-48 [2] - 5:16, 147:9 #WG19-49 [2] - 5:18, 145:26</p>	<p>\$535,000 [1] - 197:26 \$6 [1] - 155:21 \$6,000,000 [1] - 196:3 \$7,000 [1] - 196:19 \$75,000 [1] - 97:24 \$800 [1] - 219:13 \$81,716.76 [1] - 181:15</p>	<p>120 [1] - 125:25 12:05 [1] - 142:22 13 [3] - 6:19, 129:26, 166:12 138 [1] - 8:4 14 [2] - 85:19, 166:12 143 [1] - 5:8 144 [3] - 5:11, 5:13, 159:25 145 [2] - 5:15, 5:21 147 [2] - 5:17, 5:24 148 [1] - 5:27 148.55 [2] - 11:11, 14:5 149 [1] - 6:4 15 [7] - 11:9, 11:19, 12:2, 14:8, 157:22, 221:25, 223:9 150 [1] - 6:7 150% [2] - 8:26, 218:26 150% [1] - 219:8 151 [1] - 6:9 152 [1] - 6:11 16 [1] - 160:12 16,000 [1] - 155:4 16th [2] - 58:13, 80:20 170 [1] - 85:5 181 [3] - 6:12, 43:12, 200:7 182 [1] - 8:5 185 [1] - 8:6 188 [1] - 8:9 189 [1] - 8:10 19-1 [1] - 127:28 19-6 [1] - 128:9 19023 [2] - 106:20, 106:28 191 [1] - 8:13 193 [1] - 8:15 1950 [1] - 132:6 1995 [1] - 108:3 19TH [1] - 211:19</p>	<p>20% [7] - 14:19, 14:20, 61:1, 68:1, 68:2, 194:12, 198:1 200 [1] - 60:14 2003 [2] - 7:10, 211:25 2006 [4] - 7:9, 95:12, 96:10, 211:24 2019 [5] - 1:5, 1:13, 10:6, 152:8, 215:15 2019-119 [1] - 217:7 2019-120 [1] - 189:6 2019-121 [1] - 191:26 2020 [6] - 6:4, 8:11, 149:12, 149:15, 191:21, 191:27 205 [1] - 8:16 207 [2] - 8:17, 8:19 209 [1] - 6:15 20th [1] - 215:15 210 [2] - 6:26, 7:5 211 [2] - 7:7, 7:10 212 [2] - 7:14, 7:17 213 [1] - 7:19 214 [1] - 7:22 215 [1] - 7:25 216 [1] - 7:26 217 [1] - 8:22 218 [2] - 8:24, 8:26 22 [1] - 120:12 22.8 [1] - 120:3 220 [1] - 9:5 230 [1] - 8:20 231 [3] - 9:6, 9:7, 9:8 232 [1] - 9:9 25 [5] - 107:10, 108:16, 117:24, 192:19, 192:22 25 [1] - 166:18 26.93 [1] - 72:16 27 [1] - 226:3 287 [2] - 1:17, 234:24 29 [1] - 215:19</p>	<p>183:12, 183:15, 186:14, 191:23 32 [2] - 125:14 321 [2] - 8:21, 217:15 322 [1] - 1:14 35 [4] - 167:15, 186:12, 186:13, 186:15 36 [5] - 118:23, 148:16, 207:8, 207:11, 207:14 36-25-A7(a)(1) [1] - 138:28 36..... [1] - 8:17 38 [4] - 6:23, 119:22, 119:27, 129:15 392 [2] - 14:3, 30:11</p>
<p>\$</p> <p>\$1,000,000 [2] - 78:3, 78:7 \$1,200 [1] - 155:19 \$1,500 [1] - 223:16 \$1,923.15 [1] - 143:16 \$10,000 [1] - 221:19 \$100,000 [4] - 194:3, 196:23, 197:7, 204:15 \$100,000 [1] - 204:17 \$107,000 [5] - 194:14, 195:3, 196:22, 197:11, 204:17 \$107,000 [3] - 194:6, 194:15, 198:2 \$12 [1] - 164:6 \$15,000 [2] - 190:25, 220:22 \$15,000 [2] - 221:15, 221:17 \$2 [1] - 162:13 \$2,000,000 [1] - 127:4 \$26 [1] - 162:11 \$3 [2] - 155:24, 155:27 \$300,000 [1] - 150:10 \$40,000 [1] - 223:8 \$428,000 [2] - 196:28, 197:28 \$428,000 [1] - 194:26 \$5,000 [1] - 178:23 \$50 [1] - 174:26 \$50,000 [1] - 68:15 \$500 [1] - 219:12 \$500,000 [2] - 78:3, 78:6 \$526,142 [1] - 194:10 \$526,142 [1] - 197:22</p>	<p>'01 [1] - 132:15 '60s [1] - 118:12</p> <p>1</p> <p>1 [14] - 5:16, 7:18, 24:13, 24:15, 94:18, 94:20, 96:14, 121:9, 143:13, 147:9, 147:13, 151:4, 213:21, 213:26 1,000 [1] - 166:19 1,200 [1] - 131:17 10 [11] - 5:4, 30:6, 101:22, 129:26, 131:16, 133:6, 133:8, 150:20, 161:2, 221:24, 226:3 10 [1] - 30:5 10,000 [1] - 121:23 100 [3] - 96:16, 166:17, 171:22 100% [2] - 60:19, 211:6 102% [2] - 218:26, 219:7 102%..... [1] - 8:26 106 [1] - 6:22 10:38 [1] - 138:4 10:50 [1] - 138:6 10:53 [1] - 142:20 11 [2] - 6:17, 219:5 112 [9] - 8:13, 185:14, 185:21, 185:22, 185:23, 185:24, 186:10, 191:23, 192:14 112..... [1] - 8:6 119 [1] - 6:23 12 [17] - 72:15, 72:24, 93:2, 95:18, 107:24, 107:27, 108:5, 108:23, 113:9, 132:16, 132:17, 144:11, 161:5, 161:6, 168:20, 185:18, 185:20</p>	<p>120 [1] - 125:25 12:05 [1] - 142:22 13 [3] - 6:19, 129:26, 166:12 138 [1] - 8:4 14 [2] - 85:19, 166:12 143 [1] - 5:8 144 [3] - 5:11, 5:13, 159:25 145 [2] - 5:15, 5:21 147 [2] - 5:17, 5:24 148 [1] - 5:27 148.55 [2] - 11:11, 14:5 149 [1] - 6:4 15 [7] - 11:9, 11:19, 12:2, 14:8, 157:22, 221:25, 223:9 150 [1] - 6:7 150% [2] - 8:26, 218:26 150% [1] - 219:8 151 [1] - 6:9 152 [1] - 6:11 16 [1] - 160:12 16,000 [1] - 155:4 16th [2] - 58:13, 80:20 170 [1] - 85:5 181 [3] - 6:12, 43:12, 200:7 182 [1] - 8:5 185 [1] - 8:6 188 [1] - 8:9 189 [1] - 8:10 19-1 [1] - 127:28 19-6 [1] - 128:9 19023 [2] - 106:20, 106:28 191 [1] - 8:13 193 [1] - 8:15 1950 [1] - 132:6 1995 [1] - 108:3 19TH [1] - 211:19</p>	<p>20% [7] - 14:19, 14:20, 61:1, 68:1, 68:2, 194:12, 198:1 200 [1] - 60:14 2003 [2] - 7:10, 211:25 2006 [4] - 7:9, 95:12, 96:10, 211:24 2019 [5] - 1:5, 1:13, 10:6, 152:8, 215:15 2019-119 [1] - 217:7 2019-120 [1] - 189:6 2019-121 [1] - 191:26 2020 [6] - 6:4, 8:11, 149:12, 149:15, 191:21, 191:27 205 [1] - 8:16 207 [2] - 8:17, 8:19 209 [1] - 6:15 20th [1] - 215:15 210 [2] - 6:26, 7:5 211 [2] - 7:7, 7:10 212 [2] - 7:14, 7:17 213 [1] - 7:19 214 [1] - 7:22 215 [1] - 7:25 216 [1] - 7:26 217 [1] - 8:22 218 [2] - 8:24, 8:26 22 [1] - 120:12 22.8 [1] - 120:3 220 [1] - 9:5 230 [1] - 8:20 231 [3] - 9:6, 9:7, 9:8 232 [1] - 9:9 25 [5] - 107:10, 108:16, 117:24, 192:19, 192:22 25 [1] - 166:18 26.93 [1] - 72:16 27 [1] - 226:3 287 [2] - 1:17, 234:24 29 [1] - 215:19</p>	<p>4</p> <p>4 [21] - 7:24, 93:2, 93:15, 93:20, 94:3, 94:17, 100:14, 102:11, 102:25, 110:4, 110:11, 125:8, 129:12, 148:6, 151:4, 158:4, 159:5, 214:3, 215:9, 215:13 4,000 [1] - 155:1 4.5 [1] - 107:15 40 [2] - 164:20, 164:22 400 [3] - 33:1, 59:18, 213:3 400 [1] - 30:16 43 [1] - 22:1 45 [3] - 160:22, 186:9, 186:16</p>
<p>\$</p> <p>\$1,000,000 [2] - 78:3, 78:7 \$1,200 [1] - 155:19 \$1,500 [1] - 223:16 \$1,923.15 [1] - 143:16 \$10,000 [1] - 221:19 \$100,000 [4] - 194:3, 196:23, 197:7, 204:15 \$100,000 [1] - 204:17 \$107,000 [5] - 194:14, 195:3, 196:22, 197:11, 204:17 \$107,000 [3] - 194:6, 194:15, 198:2 \$12 [1] - 164:6 \$15,000 [2] - 190:25, 220:22 \$15,000 [2] - 221:15, 221:17 \$2 [1] - 162:13 \$2,000,000 [1] - 127:4 \$26 [1] - 162:11 \$3 [2] - 155:24, 155:27 \$300,000 [1] - 150:10 \$40,000 [1] - 223:8 \$428,000 [2] - 196:28, 197:28 \$428,000 [1] - 194:26 \$5,000 [1] - 178:23 \$50 [1] - 174:26 \$50,000 [1] - 68:15 \$500 [1] - 219:12 \$500,000 [2] - 78:3, 78:6 \$526,142 [1] - 194:10 \$526,142 [1] - 197:22</p>	<p>'01 [1] - 132:15 '60s [1] - 118:12</p> <p>1</p> <p>1 [14] - 5:16, 7:18, 24:13, 24:15, 94:18, 94:20, 96:14, 121:9, 143:13, 147:9, 147:13, 151:4, 213:21, 213:26 1,000 [1] - 166:19 1,200 [1] - 131:17 10 [11] - 5:4, 30:6, 101:22, 129:26, 131:16, 133:6, 133:8, 150:20, 161:2, 221:24, 226:3 10 [1] - 30:5 10,000 [1] - 121:23 100 [3] - 96:16, 166:17, 171:22 100% [2] - 60:19, 211:6 102% [2] - 218:26, 219:7 102%..... [1] - 8:26 106 [1] - 6:22 10:38 [1] - 138:4 10:50 [1] - 138:6 10:53 [1] - 142:20 11 [2] - 6:17, 219:5 112 [9] - 8:13, 185:14, 185:21, 185:22, 185:23, 185:24, 186:10, 191:23, 192:14 112..... [1] - 8:6 119 [1] - 6:23 12 [17] - 72:15, 72:24, 93:2, 95:18, 107:24, 107:27, 108:5, 108:23, 113:9, 132:16, 132:17, 144:11, 161:5, 161:6, 168:20, 185:18, 185:20</p>	<p>120 [1] - 125:25 12:05 [1] - 142:22 13 [3] - 6:19, 129:26, 166:12 138 [1] - 8:4 14 [2] - 85:19, 166:12 143 [1] - 5:8 144 [3] - 5:11, 5:13, 159:25 145 [2] - 5:15, 5:21 147 [2] - 5:17, 5:24 148 [1] - 5:27 148.55 [2] - 11:11, 14:5 149 [1] - 6:4 15 [7] - 11:9, 11:19, 12:2, 14:8, 157:22, 221:25, 223:9 150 [1] - 6:7 150% [2] - 8:26, 218:26 150% [1] - 219:8 151 [1] - 6:9 152 [1] - 6:11 16 [1] - 160:12 16,000 [1] - 155:4 16th [2] - 58:13, 80:20 170 [1] - 85:5 181 [3] - 6:12, 43:12, 200:7 182 [1] - 8:5 185 [1] - 8:6 188 [1] - 8:9 189 [1] - 8:10 19-1 [1] - 127:28 19-6 [1] - 128:9 19023 [2] - 106:20, 106:28 191 [1] - 8:13 193 [1] - 8:15 1950 [1] - 132:6 1995 [1] - 108:3 19TH [1] - 211:19</p>	<p>20% [7] - 14:19, 14:20, 61:1, 68:1, 68:2, 194:12, 198:1 200 [1] - 60:14 2003 [2] - 7:10, 211:25 2006 [4] - 7:9, 95:12, 96:10, 211:24 2019 [5] - 1:5, 1:13, 10:6, 152:8, 215:15 2019-119 [1] - 217:7 2019-120 [1] - 189:6 2019-121 [1] - 191:26 2020 [6] - 6:4, 8:11, 149:12, 149:15, 191:21, 191:27 205 [1] - 8:16 207 [2] - 8:17, 8:19 209 [1] - 6:15 20th [1] - 215:15 210 [2] - 6:26, 7:5 211 [2] - 7:7, 7:10 212 [2] - 7:14, 7:17 213 [1] - 7:19 214 [1] - 7:22 215 [1] - 7:25 216 [1] - 7:26 217 [1] - 8:22 218 [2] - 8:24, 8:26 22 [1] - 120:12 22.8 [1] - 120:3 220 [1] - 9:5 230 [1] - 8:20 231 [3] - 9:6, 9:7, 9:8 232 [1] - 9:9 25 [5] - 107:10, 108:16, 117:24, 192:19, 192:22 25 [1] - 166:18 26.93 [1] - 72:16 27 [1] - 226:3 287 [2] - 1:17, 234:24 29 [1] - 215:19</p>	<p>5</p> <p>5 [6] - 93:21, 94:17, 129:12, 129:24, 132:23, 151:4 50 [4] - 132:19, 134:23, 166:17, 171:1 50% [1] - 68:2 500 [2] - 133:14, 154:10 51 [1] - 118:24 54 [9] - 11:18, 14:8, 28:28, 29:5, 29:8, 29:12, 29:26, 71:2 55 [4] - 86:2, 87:15, 96:15, 186:16 56 [1] - 96:16 58 [2] - 125:24, 132:20</p>

<p>59 [6] - 109:7, 109:20, 111:9, 112:15, 114:21, 114:24</p>	<p>125:13, 125:20, 125:22, 125:27, 126:20, 130:19, 130:22, 130:24, 133:15, 135:1</p>	<p>6:4 acquisitions [1] - 154:22 acre [5] - 120:27, 124:28, 125:2, 125:3, 125:8 acreages [1] - 129:23 acres [14] - 11:11, 14:5, 22:1, 72:16, 73:5, 85:19, 107:10, 107:15, 117:25, 120:3, 129:28, 130:1, 132:17 act [1] - 165:24 Act [5] - 139:26, 140:5, 140:26, 141:6, 141:18 Acting [1] - 2:13 action [9] - 28:11, 139:13, 186:20, 190:10, 207:12, 207:15, 207:22, 208:6, 208:10 activities [2] - 18:28, 176:24 activity [4] - 83:22, 85:7, 96:14, 96:15 actual [3] - 39:23, 202:22, 203:14 add [10] - 59:25, 62:3, 62:5, 69:25, 97:21, 157:9, 160:8, 175:18, 177:9, 177:11 added [2] - 97:23, 157:7 ADDENDA [2] - 8:3, 9:3 addenda [1] - 231:9 ADDENDUM [1] - 209:21 Addendum..... [1] - 6:15 adding [1] - 162:14 additional [6] - 40:16, 67:8, 105:6, 105:15, 144:11, 160:25 address [11] - 16:4, 20:12, 27:14, 36:15, 58:12, 58:15, 58:24, 74:10, 134:18, 221:3, 222:17 addressed [5] - 36:1, 48:11, 52:8, 99:20 addressing [1] - 20:10 adds [2] - 167:11, 197:22 ADEM [5] - 22:9, 23:28, 24:3, 24:9, 25:23</p>	<p>adequate [3] - 38:15, 40:2, 41:8 adjacent [4] - 31:11, 74:21, 104:28, 108:17 adjoin [1] - 81:18 adjoining [4] - 73:23, 78:17, 107:24, 120:12 adjoins [1] - 107:23 adjourn [1] - 232:20 adjourned [2] - 233:15, 233:18 ADJOURNMENT [1] - 232:17 Adjournment..... [1] - 9:9 adjust [2] - 117:8, 118:24 ADJUSTMENT [3] - 213:22, 214:10, 215:10 Adjustment [8] - 7:19, 7:21, 7:24, 73:8, 73:9, 104:20, 108:28, 213:26 adjustments [1] - 128:1 Adjustments [2] - 214:14, 214:27 admin [1] - 197:25 administered [1] - 176:1 Administration [4] - 1:14, 2:10, 2:18, 212:1 ADMINISTRATION [1] - 7:15 Administration's [1] - 113:9 Administration/ Records [1] - 2:17 Administrative [1] - 2:19 Administrator [1] - 2:9 adopt [1] - 217:6 adopted [3] - 12:3, 108:3, 157:27 advance [1] - 152:2 advantage [1] - 18:22 adverse [2] - 131:14, 131:27 ADVERTISE [1] - 151:23 Advertise [1] - 6:9 advertise [4] - 65:7, 150:26, 152:4, 152:7 advertised [1] - 27:19 advertising [5] - 28:17, 65:2, 65:5,</p>	<p>105:9, 152:16 advice [1] - 59:17 advised [1] - 181:26 Aerial [1] - 155:21 aerial [4] - 12:12, 14:12, 73:11, 168:17 affect [3] - 103:15, 140:6, 140:27 affected [2] - 32:11, 45:21 affirmatively [53] - 22:17, 25:10, 26:8, 29:14, 32:18, 32:23, 33:25, 34:5, 36:11, 41:5, 51:10, 55:18, 67:10, 79:1, 84:27, 89:18, 104:23, 110:28, 111:7, 112:12, 113:16, 124:20, 124:23, 125:5, 125:17, 128:13, 130:16, 135:22, 136:7, 147:18, 153:18, 157:2, 157:13, 161:21, 170:23, 178:1, 179:10, 179:17, 179:25, 184:7, 191:8, 195:18, 199:9, 204:4, 204:9, 205:21, 205:27, 213:5, 216:8, 221:8, 225:25, 228:10, 230:17 afraid [1] - 90:13 after-hours [1] - 77:21 aftereffect [1] - 50:15 afternoon [4] - 73:26, 75:2, 75:9, 81:11 afterwards [2] - 158:11, 159:23 agencies [3] - 31:6, 31:21 AGENCY [1] - 218:8 Agency [2] - 2:26, 8:23 agency [3] - 31:3, 46:10, 47:18 agenda [18] - 58:13, 74:5, 76:3, 77:18, 106:3, 106:10, 119:26, 141:26, 146:9, 147:15, 151:27, 175:21, 207:5, 211:22, 213:9, 213:14, 217:23, 230:19 aggressive [1] - 156:8 Aging [2] - 5:24, 148:3</p>
<p>6</p>	<p>9th [2] - 1:13, 10:6</p>			
<p>6 [2] - 139:14, 158:4 60 [3] - 14:25, 28:10, 60:12 64 [13] - 8:14, 11:18, 14:7, 14:15, 15:22, 16:1, 28:28, 29:26, 87:1, 193:20, 193:23, 195:16, 200:7 68 [5] - 72:23, 74:21, 82:23, 87:5, 90:7 6th [5] - 75:8, 75:17, 110:8, 121:14, 152:8</p>	<p>A a.m [3] - 138:4, 138:6, 142:20 abide [1] - 87:14 ability [2] - 42:5, 67:18 able [28] - 21:9, 52:1, 54:5, 54:17, 54:18, 58:19, 58:20, 58:24, 64:26, 69:2, 97:17, 100:24, 100:25, 117:16, 124:7, 157:27, 159:5, 161:18, 165:6, 166:15, 167:8, 168:18, 168:19, 168:22, 171:21, 206:1, 227:26, 229:20 absolutely [2] - 169:22, 207:1 absorption [1] - 129:19 accelerant [1] - 162:6 acceleration [2] - 16:7, 99:15 accept [3] - 56:23, 139:16, 213:28 access [9] - 60:4, 108:13, 121:2, 121:4, 125:19, 125:22, 130:18, 130:24, 134:27 accesses [1] - 130:13 accident [1] - 167:26 accidents [2] - 167:18, 207:17 accordance [5] - 37:10, 138:27, 139:6, 139:14, 139:19 according [1] - 153:26 ACCOUNTING [1] - 6:13 accumulated [1] - 43:15 accurately [1] - 54:5 ACQUISITION [1] - 149:13 acquisition [2] - 149:16, 195:27 Acquisition..... [1] -</p>			
<p>7</p>				
<p>7 [8] - 5:7, 110:5, 120:26, 139:19, 143:4, 143:11, 147:28, 157:23 70 [1] - 80:22 71 [10] - 8:17, 74:20, 80:22, 82:23, 89:14, 90:1, 103:27, 207:8, 207:11, 207:14 72 [1] - 6:20 75 [3] - 123:2, 125:2, 125:3</p>				
<p>8</p>				
<p>8 [1] - 157:24 80% [2] - 194:10, 197:27 80%. [1] - 194:28 80%/20% [1] - 197:12 87 [4] - 85:26, 125:28, 126:21, 132:25</p>				
<p>9</p>				
<p>9 [5] - 1:5, 8:7, 186:27, 188:28, 189:5 9,000 [1] - 123:1 9.10 [1] - 193:26 91 [1] - 72:23 95 [4] - 126:1, 126:2, 126:4, 132:25 96 [1] - 159:24 98 [15] - 120:11, 121:4, 121:7, 123:16,</p>				

<p>AGING [1] - 147:26 ago [6] - 65:21, 129:12, 135:19, 202:6, 219:15 agree [14] - 27:24, 27:27, 47:18, 57:20, 60:18, 64:23, 70:12, 136:12, 136:26, 201:4, 201:17, 221:19, 226:6 agreed [2] - 184:19, 184:28 agreeing [1] - 63:16 AGREEMENT [2] - 189:2, 209:20 Agreement [1] - 6:15 agreement [8] - 148:5, 156:20, 176:1, 176:20, 189:7, 189:9, 189:15, 212:14 Agreement..... [1] - 8:9 agreements [1] - 176:11 AGREEMENTS [1] - 212:11 Agreements..... [1] - 7:14 agricultural [5] - 74:26, 86:13, 109:27, 115:13, 120:13 Agricultural [5] - 72:17, 72:25, 107:12, 120:23 Agriculture [1] - 11:12 ahead [22] - 10:26, 28:16, 28:24, 45:14, 46:7, 64:8, 68:16, 80:11, 81:16, 85:14, 100:11, 103:25, 113:5, 113:7, 122:3, 124:12, 170:6, 175:8, 201:26, 203:24, 220:27 aided [1] - 234:9 ain't [1] - 174:19 akin [1] - 27:21 Alabama [15] - 1:15, 5:8, 6:7, 87:23, 138:27, 139:24, 140:4, 140:25, 141:5, 141:15, 141:17, 148:16, 154:28, 221:21, 222:20 ALABAMA [3] - 143:5, 150:16, 234:3 ALABAMA/FLORIDA</p>	<p>[1] - 191:23 Alabama/Florida [1] - 8:13 alarm [1] - 97:14 alarming [2] - 85:8, 97:11 ALDOT [8] - 121:6, 134:24, 183:11, 189:9, 189:15, 194:11, 197:22, 197:24 alignment [1] - 183:15 alive [1] - 216:15 ALLEGIANCE [1] - 10:3 Allegiance [1] - 10:15 ALLEGIANCE..... [1] - 5:4 ALLEN [3] - 89:10, 89:13, 89:19 Allen [2] - 4:7, 89:13 Alliance [2] - 3:5, 140:20 allow [12] - 11:14, 14:10, 52:18, 72:19, 93:1, 93:6, 109:15, 120:3, 120:25, 156:22, 158:27, 232:4 allowable [1] - 15:4 allowed [7] - 14:17, 18:26, 92:15, 108:26, 115:25, 116:5, 122:11 allows [4] - 104:11, 109:8, 125:1, 158:7 alluded [1] - 135:26 almost [7] - 18:21, 32:28, 59:18, 81:3, 90:18, 98:15, 156:1 ALSO [3] - 2:8, 3:3, 4:3 alternate [1] - 215:18 alternative [5] - 160:25, 162:24, 162:25, 168:6, 180:3 amazing [1] - 57:18 amending [2] - 48:17, 152:9 amendment [2] - 108:11, 152:4 AMENDMENTS [1] - 151:23 Amendments [1] - 6:9 America [1] - 217:19 amount [9] - 54:16, 126:10, 126:24, 126:28, 143:14, 181:13, 187:24, 210:17</p>	<p>AN [8] - 10:24, 33:24, 62:20, 80:16, 87:16, 89:17, 95:5, 98:5 Anchor [1] - 110:21 anchors [2] - 192:4, 192:10 AND [14] - 5:4, 6:13, 6:16, 7:6, 10:3, 144:5, 145:26, 146:1, 147:26, 189:1, 207:8, 211:25, 212:10, 212:22 ANDREWS [1] - 234:22 Andrews [1] - 1:16 angles [2] - 160:27, 183:14 ANIMAL [3] - 7:11, 212:10 Animal [3] - 7:13, 7:13, 212:13 annexing [1] - 200:9 answer [15] - 12:28, 15:16, 22:27, 23:2, 27:10, 46:13, 82:14, 101:8, 110:13, 112:28, 116:22, 119:14, 121:24, 167:3, 169:1 answered [2] - 36:23, 172:1 anticipate [1] - 49:22 anticipated [1] - 141:23 anticipation [1] - 40:16 Antonio [1] - 163:22 Anu [1] - 2:17 anyway [7] - 25:11, 77:13, 117:19, 122:15, 173:9, 174:19, 205:25 anywise [1] - 234:15 apartment [2] - 118:17, 118:19 apartments [2] - 109:23, 109:25 apiece [1] - 125:25 apologies [1] - 205:25 apologize [3] - 77:18, 77:22, 152:2 appalled [1] - 84:13 Appeals [1] - 108:28 appearance [1] - 188:4 APPEARANCES [2] - 3:1, 4:1 applaud [1] - 96:6 applicant [1] - 11:9,</p>	<p>18:19, 62:12, 73:17, 104:18, 105:17, 107:20, 116:1, 120:1, 121:2, 128:4 Application [1] - 8:20 application [6] - 15:10, 63:5, 74:9, 120:21, 178:22, 230:9 APPLICATION [2] - 207:26, 230:5 Application..... [1] - 8:19 applications [3] - 11:21, 104:14, 150:24 applied [1] - 52:5 apply [3] - 52:2, 52:3, 102:25 appoint [2] - 214:1, 217:7 APPOINTMENT [3] - 213:23, 214:11, 216:28 appointment [4] - 213:25, 214:13, 214:26, 217:3 Appointment..... [1] - 7:19 Appointment..... [2] - 7:22, 7:26 appointments [1] - 214:26 APPOINTMENTS [1] - 215:11 Appointments..... [1] - - 7:25 appreciate [3] - 96:10, 106:1, 191:6 appreciated [1] - 133:3 appreciation [1] - 91:1 approach [2] - 222:15, 223:25 approached [1] - 225:21 appropriate [4] - 116:9, 116:12, 141:11, 141:21 Appropriation [1] - 9:4 APPROPRIATION [1] - - 220:5 APPROVAL [1] - 13:25 approval [35] - 12:25, 13:28, 15:15, 41:20, 42:1, 52:22, 53:24, 54:3, 61:15, 63:11,</p>	<p>68:9, 68:18, 69:15, 70:2, 73:7, 73:10, 73:18, 73:21, 104:19, 107:21, 108:10, 108:13, 108:27, 115:23, 121:5, 123:7, 123:10, 123:14, 123:19, 135:9, 147:15, 168:13, 213:14, 226:9 Approval..... [1] - 6:19 approve [12] - 27:28, 37:9, 37:19, 52:23, 55:8, 143:13, 144:10, 148:4, 194:2, 194:17, 211:6, 213:9 approved [22] - 14:2, 15:3, 15:26, 27:16, 53:11, 63:8, 73:15, 81:24, 81:27, 82:6, 92:23, 95:19, 104:17, 107:19, 115:6, 147:16, 153:28, 181:18, 218:11, 218:22, 225:27 approves [2] - 23:16, 194:1 approving [1] - 198:6 approximate [1] - 54:15 ARCHIVES [1] - 7:6 Archives [1] - 211:20 Area [3] - 7:19, 7:22, 7:25 AREA [3] - 213:23, 214:11, 215:11 area [65] - 13:9, 14:14, 14:16, 14:20, 14:24, 18:4, 18:5, 18:8, 19:5, 21:26, 29:18, 33:12, 33:13, 33:15, 33:22, 34:23, 36:8, 37:28, 39:13, 40:7, 49:5, 57:3, 57:15, 59:25, 60:17, 68:1, 77:27, 78:16, 80:26, 83:27, 84:16, 89:1, 91:4, 91:22, 92:16, 102:10, 108:1, 108:4, 115:19, 116:9, 118:5, 120:15, 120:16, 120:17, 121:19, 124:26, 124:28, 125:11, 126:5, 126:12, 129:8,</p>
--	--	--	--	--

<p>134:7, 136:18, 140:10, 141:2, 154:11, 154:16, 155:15, 155:28, 156:26, 166:26, 178:8, 186:8, 187:23, 199:17 areas [18] - 17:1, 17:2, 26:11, 26:12, 26:24, 27:1, 37:15, 54:15, 96:7, 97:12, 100:18, 124:5, 134:26, 154:9, 154:17, 168:10, 172:18, 174:24 argue [4] - 53:11, 77:9, 127:12, 131:5 arguing [3] - 98:14, 98:15, 98:16 arisen [1] - 182:10 arrangement [1] - 61:17 article [1] - 30:19 as-built [1] - 181:19 ASH [1] - 220:7 ash [4] - 221:4, 222:19, 225:23, 226:4 Ash..... .. [1] - 9:5 Ashley [1] - 228:8 aside [4] - 14:18, 67:28, 127:25, 200:20 aspect [1] - 84:17 aspects [2] - 66:9, 134:22 asphalt [5] - 159:7, 164:13, 168:3, 185:10, 193:9 ASSET [1] - 211:24 asset [2] - 47:14, 211:27 Asset [1] - 7:9 Association [1] - 213:1 assume [1] - 119:6 assuming [1] - 27:21 assurance [2] - 53:27, 82:5 assure [1] - 96:18 assurity [1] - 82:15 AT [4] - 148:25, 207:8, 211:19, 217:16 AT&T [1] - 172:14 AT&T's [1] - 177:20 Atlanta [1] - 163:23 Atmore [1] - 87:19 attach [1] - 168:18 attached [4] - 74:5,</p>	<p>77:23, 145:2, 145:18 attachment [1] - 218:16 attack [1] - 97:28 attempted [1] - 96:25 attention [1] - 207:19 attest [1] - 223:19 ATTORNEY [51] - 27:23, 27:26, 51:19, 51:23, 52:20, 54:7, 54:11, 55:4, 55:19, 55:24, 56:2, 56:5, 56:10, 56:13, 56:15, 57:19, 62:4, 62:9, 62:28, 138:14, 138:19, 138:25, 140:17, 141:7, 141:13, 141:19, 176:5, 176:10, 176:18, 176:23, 177:1, 177:8, 177:12, 178:13, 178:18, 178:26, 179:2, 179:4, 179:11, 179:18, 182:3, 182:7, 187:18, 188:3, 188:10, 188:13, 188:16, 230:7, 230:15, 230:18, 230:23 Attorney [1] - 2:27 attorney [2] - 141:14, 142:3 attorneys [1] - 139:7 attract [1] - 98:4 AUDIENCE [8] - 10:24, 33:24, 62:20, 80:16, 87:16, 89:17, 95:5, 98:5 Audio/Video [1] - 5:19 AUDIO/VIDEO [1] - 145:27 audio/video [1] - 146:5 August [2] - 28:15, 152:8 AUSTIN [10] - 127:20, 128:14, 128:24, 129:5, 130:17, 131:2, 131:11, 132:2, 133:22, 135:16 Austin [10] - 3:16, 3:17, 34:2, 127:21, 133:23, 135:15, 135:27, 163:22, 168:28, 173:15 authoritative [1] - 222:15</p>	<p>authority [2] - 53:12, 194:2 AUTHORIZATION [1] - 210:11 authorization [1] - 210:14 Authorization..... [1] - 6:26 authorize [7] - 143:17, 149:4, 149:17, 150:26, 152:6, 190:10, 211:7 authorized [4] - 100:27, 189:11, 190:16, 190:27 authorizing [1] - 181:10 automatic [1] - 120:24 Av [1] - 7:4 AV [1] - 210:27 availability [1] - 53:5 available [8] - 17:1, 47:4, 122:11, 122:26, 122:27, 175:19, 216:13, 221:26 average [1] - 125:25 avoid [3] - 125:27, 188:3, 188:17 award [5] - 144:28, 145:2, 145:15, 145:18, 194:18 awarded [1] - 192:2 aware [8] - 18:15, 33:3, 178:10, 182:9, 197:4, 198:17, 203:8, 218:16 aye [4] - 142:14, 142:15, 233:12, 233:13</p>	<p>b-6 [2] - 5:18, 145:26 B-6 [4] - 146:23, 146:26, 147:4, 147:6 b-7 [2] - 5:22, 147:24 B-8 [1] - 148:27 b-8 [2] - 5:25, 148:23 b-9 [2] - 6:4, 149:12 Baby [1] - 62:17 backbone [1] - 156:22 backer [1] - 163:12 backfilling [1] - 23:23 background [1] - 153:14 backing [1] - 57:21 backloading [1] - 21:16 backup [1] - 81:27 backyard [1] - 92:17 bad [6] - 33:17, 33:18, 33:27, 172:22, 183:14, 222:9 balance [2] - 88:3, 88:5 BALDWIN [23] - 1:3, 143:4, 143:5, 144:5, 144:25, 145:12, 145:28, 146:2, 147:10, 147:24, 148:24, 150:15, 151:23, 212:9, 212:10, 213:21, 213:23, 214:9, 214:11, 215:9, 215:11, 217:16, 234:4 Baldwin [58] - 1:13, 3:4, 5:7, 5:8, 5:10, 5:12, 5:14, 5:17, 5:19, 5:21, 5:22, 5:26, 6:6, 6:9, 7:12, 7:13, 7:18, 7:19, 7:20, 7:22, 7:23, 7:24, 8:22, 10:6, 21:3, 23:5, 65:23, 73:1, 85:17, 85:18, 85:24, 86:24, 87:23, 88:23, 108:7, 108:14, 121:5, 138:5, 140:19, 141:3, 142:19, 142:21, 143:11, 146:6, 147:28, 149:1, 150:22, 152:5, 152:8, 152:9, 155:6, 155:10, 168:10, 190:11, 190:16, 193:25, 212:15, 233:17 BALL [93] - 15:21, 16:2, 30:12, 30:15,</p>	<p>34:12, 42:8, 42:23, 42:28, 43:4, 43:18, 43:22, 50:27, 51:11, 63:19, 63:25, 64:2, 65:10, 65:15, 69:21, 76:15, 76:18, 76:25, 77:1, 82:9, 92:21, 92:26, 93:4, 93:7, 93:16, 93:22, 93:27, 94:5, 94:9, 94:14, 94:21, 94:26, 128:22, 134:17, 142:1, 143:27, 144:15, 145:7, 145:21, 146:10, 147:5, 147:19, 148:13, 149:20, 151:1, 159:15, 160:1, 181:22, 182:11, 185:9, 186:23, 187:1, 187:4, 187:9, 187:13, 188:1, 188:6, 188:14, 188:19, 189:17, 189:21, 191:1, 193:10, 196:17, 196:25, 197:13, 199:13, 204:28, 205:14, 206:20, 206:26, 207:24, 210:8, 211:11, 213:16, 214:6, 215:3, 216:14, 218:3, 219:25, 222:28, 225:9, 226:28, 227:7, 228:20, 228:28, 229:5, 230:3, 232:21 Ball [5] - 2:7, 10:10, 142:8, 188:24, 232:27 bandwidth [2] - 154:15, 156:21 Bank [1] - 181:12 bank [1] - 181:28 banking [1] - 129:14 Barner [2] - 8:8, 189:5 BARNER [1] - 188:28 Barnes [1] - 217:10 barrier [1] - 63:27 bars [1] - 98:10 base [5] - 126:9, 158:6, 162:5, 163:15, 174:9 based [20] - 23:17, 36:6, 37:28, 39:11, 40:17, 49:24, 55:12, 60:9, 61:10, 61:11, 131:25, 152:11,</p>
		<p>B</p>		
		<p>b-1 [2] - 5:6, 143:3 B-1 [2] - 109:3, 143:8 b-10 [2] - 6:5, 150:14 B-1A [3] - 109:6, 109:19, 109:22 b-2 [2] - 5:9, 144:4 B-3 [8] - 107:13, 109:2, 115:26, 116:12, 116:26, 116:27, 116:28 b-3 [2] - 5:12, 144:24 B-4 [3] - 11:13, 73:2, 109:10 b-4 [2] - 5:14, 145:11 b-5 [2] - 5:16, 147:9 B-5 [1] - 146:11</p>		

<p>154:7, 154:14, 154:24, 155:9, 161:14, 161:26, 171:12 basic [1] - 54:17 basis [2] - 100:20, 173:13 Bay [5] - 1:15, 5:8, 9:4, 143:12, 145:1 BAY [2] - 143:5, 220:5 BEACH [1] - 212:22 Beach [15] - 7:16, 61:24, 73:1, 85:17, 85:18, 87:2, 87:11, 87:20, 109:7, 109:20, 109:22, 111:10, 126:3, 212:24, 213:2 bear [1] - 127:27 beautiful [1] - 86:25 became [2] - 95:11, 95:21 become [1] - 180:17 becomes [4] - 85:22, 95:14, 98:8, 200:10 BEFORE [1] - 1:2 begin [2] - 52:11, 52:16 beginning [3] - 133:26, 162:17, 229:1 behalf [1] - 181:12 behind [12] - 16:20, 17:12, 17:13, 18:10, 18:22, 59:21, 91:11, 98:10, 103:23, 117:21, 118:19, 157:10 Bellwood [1] - 38:7 bend [2] - 161:1, 162:7 bending [1] - 160:27 beneficial [1] - 64:20 best [8] - 47:12, 47:17, 48:9, 79:10, 92:9, 92:11, 134:25, 167:13 bet [1] - 228:16 better [19] - 27:5, 27:6, 33:4, 45:17, 48:18, 61:27, 67:24, 67:25, 70:8, 92:4, 97:13, 122:14, 138:14, 164:14, 168:4, 172:17, 192:27, 222:13, 226:24 better-quality [1] - 70:8 between [16] - 20:13, 21:23, 36:2, 83:20,</p>	<p>86:16, 96:28, 111:9, 114:23, 119:3, 127:13, 132:24, 158:18, 159:7, 164:12, 168:2, 227:19 beyond [3] - 71:18, 105:11, 125:9 biased [1] - 221:3 Bicentennial [2] - 7:7, 8:22 BICENTENNIAL [2] - 211:19, 217:16 bicycle [2] - 132:9, 132:23 bid [6] - 11:27, 144:28, 145:15, 146:8, 148:16, 189:13 Bid [12] - 5:6, 5:9, 5:12, 5:14, 5:16, 5:18, 143:10, 144:8, 144:27, 145:14, 146:4, 147:13 BID [6] - 143:3, 144:4, 144:24, 145:11, 145:26, 147:9 bidder [3] - 145:1, 145:16, 151:6 big [7] - 55:27, 59:9, 88:18, 106:7, 136:27, 165:3, 171:4 bigger [2] - 129:1, 135:6 biggest [3] - 88:8, 88:24, 90:14 bill [3] - 117:15, 190:14, 219:12 Billie [3] - 2:5, 89:15, 202:8 BILLIE [21] - 18:17, 19:9, 19:27, 22:14, 22:18, 23:19, 27:9, 33:9, 33:26, 34:3, 34:6, 34:14, 35:10, 35:14, 35:19, 36:12, 36:17, 38:10, 38:13, 44:2, 46:17, 46:21, 48:28, 49:6, 56:26, 59:2, 59:5, 65:19, 83:14, 84:1, 84:24, 84:28, 85:4, 88:9, 88:13, 93:14, 94:19, 96:12, 109:9, 109:13, 109:17, 110:18, 110:24, 111:1, 111:4, 111:8, 111:14, 111:21, 112:3, 112:7, 112:11, 112:17, 112:23, 112:27,</p>	<p>113:2, 113:6, 113:13, 113:17, 113:20, 113:26, 114:1, 114:5, 114:12, 114:16, 114:19, 114:22, 114:27, 115:3, 115:8, 115:11, 115:14, 115:27, 116:2, 116:6, 116:13, 135:13, 135:17, 135:23, 136:2, 136:8, 136:22, 136:25, 137:4, 137:8, 137:11, 137:16, 137:21, 143:24, 144:17, 145:5, 145:19, 146:12, 146:18, 146:25, 147:1, 148:11, 149:6, 149:18, 149:26, 150:3, 150:8, 150:27, 152:23, 165:10, 172:27, 173:3, 173:6, 173:21, 175:23, 176:3, 176:6, 181:24, 182:13, 182:22, 182:26, 183:4, 184:20, 184:22, 185:4, 185:11, 185:23, 185:25, 188:23, 189:23, 191:3, 193:12, 193:17, 194:27, 196:13, 196:16, 197:1, 197:18, 198:16, 199:27, 200:3, 201:23, 202:1, 202:5, 202:10, 202:14, 202:18, 203:2, 203:5, 203:9, 203:13, 203:17, 203:20, 203:26, 204:8, 204:12, 204:19, 204:22, 205:4, 205:11, 206:28, 207:9, 209:25, 210:3, 210:22, 211:13, 212:3, 212:19, 213:15, 214:16, 214:21, 215:5, 215:22, 215:26, 216:5, 216:9, 216:16, 216:25, 217:4, 217:11, 217:27, 219:28,</p>	<p>220:10, 220:14, 220:18, 220:24, 220:28, 221:9, 222:21, 222:24, 223:3, 223:11, 224:6, 224:9, 224:14, 224:24, 224:28, 225:13, 225:17, 225:24, 226:5, 226:11, 226:18, 226:21, 226:25, 227:2, 227:9, 227:15, 228:2, 228:9, 229:3, 229:8, 229:14, 229:18, 229:23, 229:27, 232:11 bills [1] - 172:13 bipartisan [1] - 227:23 bit [23] - 33:21, 50:4, 51:24, 52:9, 59:9, 60:28, 65:18, 68:17, 85:7, 109:3, 123:3, 128:21, 133:2, 153:10, 153:21, 155:12, 156:14, 159:26, 177:19, 178:11, 198:20, 221:1, 225:16 black [1] - 21:8 BLACKSMITHING [1] - 211:19 Blacksmithing [1] - 7:7 blanketing [1] - 156:18 bleeded [1] - 27:5 bless [1] - 210:2 blessing [1] - 210:4 Block [1] - 8:16 BLOCK [1] - 205:7 block [4] - 206:1, 206:6, 206:13, 231:5 blocking [1] - 206:15 blow [3] - 159:22, 159:26, 170:9 blown [1] - 170:10 blue [4] - 26:11, 37:25, 40:23, 79:7 BlueCross [1] - 219:9 board [5] - 74:22, 74:23, 75:21, 215:18, 217:2 Board [19] - 7:18, 7:19, 7:21, 7:22, 7:24, 7:25, 7:26, 31:13, 31:16, 32:15, 32:25, 73:7, 73:9, 104:19, 108:28, 213:26, 214:13,</p>	<p>214:27, 217:8 BOARD [7] - 213:22, 213:23, 214:10, 214:11, 215:10, 215:11, 216:28 Boardwalk [2] - 8:18, 8:20 BOARDWALK [2] - 207:26, 230:5 boardwalk [1] - 208:16 boat [1] - 117:1 boats [1] - 107:17 bodies [1] - 139:24 body [4] - 139:12, 139:15, 139:22, 140:11 boggling [1] - 33:15 bond [5] - 177:4, 178:15, 178:20, 178:21 bonds [1] - 179:14 book [1] - 182:27 bore [1] - 164:24 boring [2] - 155:18, 167:20 born [3] - 33:16, 86:21, 99:10 bothers [1] - 225:16 Bottled [1] - 5:14 BOTTLED [1] - 145:11 bottled [2] - 145:14, 145:17 Bottling [1] - 145:16 bottom [2] - 22:1, 228:27 bought [5] - 44:12, 124:25, 126:11, 155:3, 207:18 bow [1] - 10:11 box [5] - 38:26, 39:4, 40:4, 51:15, 61:5 boxes [1] - 122:7 boys [2] - 126:15, 126:27 Brad [5] - 2:28, 141:7, 141:10, 141:14, 182:10 BRAD [1] - 141:13 BRANCH [1] - 189:1 Branch [2] - 8:8, 189:5 brand [1] - 193:9 brand-spanking-new [1] - 193:9 break [2] - 138:1, 138:2 breaking [2] - 110:12, 160:24 breakout [1] - 221:25 Breland [3] - 20:25,</p>
--	---	--	--	---

<p>20:27, 181:12 Breman [18] - 120:11, 121:3, 121:6, 124:18, 125:19, 125:26, 126:6, 126:26, 127:6, 127:21, 129:24, 129:25, 129:27, 130:13, 131:17, 133:15, 134:28 BRIAN [2] - 210:13, 211:1 Brian [1] - 2:16 brick [1] - 119:2 bridge [9] - 126:2, 181:17, 186:27, 189:4, 189:10, 189:26, 192:4, 192:9, 192:10 Bridge [1] - 8:7 BRIDGE [1] - 188:28 Bridges [1] - 34:2 brief [2] - 104:10, 156:16 briefly [1] - 90:25 bring [17] - 23:14, 25:27, 37:5, 40:1, 58:20, 58:22, 79:13, 97:5, 126:25, 152:1, 168:8, 170:14, 172:24, 182:21, 204:13, 208:9, 229:19 bringing [12] - 24:16, 25:28, 42:11, 42:12, 56:3, 58:28, 71:2, 88:25, 125:7, 173:20, 191:6, 223:12 Brinks [1] - 108:7 Bristol [1] - 155:2 BROADBAND [1] - 152:28 Broadband [4] - 153:3, 153:15, 154:6, 168:12 Broadband.... [1] - 6:11 broke [2] - 111:25, 194:16 Broseus [1] - 215:14 brought [7] - 24:24, 42:10, 58:11, 65:16, 123:5, 163:14, 220:13 Broughton [1] - 214:1 Bruce [2] - 3:16, 127:20 BRUCE [9] - 127:20, 128:14, 128:24,</p>	<p>129:5, 130:17, 131:2, 131:11, 132:2, 135:16 brunt [1] - 200:5 Bryars [1] - 2:13 Buc [5] - 73:3, 80:23, 83:9, 87:5, 89:3 Buc-ee's [5] - 73:3, 80:23, 83:9, 87:5, 89:3 bucket [1] - 196:1 budget [2] - 147:16, 224:8 BUDGET/ PURCHASING [2] - 5:5, 6:3 Budget/Purchasing [2] - 2:11, 3:7 budgetary [1] - 128:6 budgeted [1] - 150:10 buffer [3] - 108:16, 108:18, 110:3 build [14] - 29:15, 29:17, 29:25, 42:5, 53:12, 62:13, 70:23, 117:20, 118:16, 150:21, 155:14, 157:19, 166:3, 171:22 BUILD [1] - 150:15 Build [1] - 6:6 build-out [5] - 29:15, 29:17, 29:25, 70:23, 150:21 BUILD-OUT [1] - 150:15 Build-Out [1] - 6:6 buildable [1] - 26:1 builder [1] - 82:13 Building [2] - 1:14, 211:27 BUILDING [1] - 7:8 building [11] - 22:12, 24:5, 117:11, 124:18, 126:12, 128:7, 156:28, 157:19, 165:23, 167:25, 168:4 buildings [1] - 117:19 built [12] - 25:13, 25:15, 35:22, 38:27, 51:4, 52:25, 56:20, 125:12, 126:7, 126:9, 127:5, 181:19 bulk [1] - 156:20 bumper [3] - 90:7 burned [1] - 167:25 bury [1] - 155:17 burying [1] - 155:26 bus [2] - 87:4, 87:5</p>	<p>Busby [1] - 4:4 BUSBY [1] - 231:19 buses [2] - 87:3, 99:19 bush [4] - 117:26, 117:28, 119:10, 119:11 business [14] - 59:28, 74:28, 79:12, 86:6, 86:18, 92:10, 107:17, 107:21, 115:18, 140:10, 141:2, 154:19, 154:23, 167:14 Business [1] - 107:13 busing [1] - 33:8 buy [2] - 35:24, 156:20 buyers [1] - 120:27 buying [6] - 19:14, 59:8, 129:21, 130:2, 196:10 BY [1] - 152:28</p>	<p>CAPACITY [1] - 193:20 Capacity [1] - 8:14 capital [1] - 179:21 Capital [1] - 168:12 capture [1] - 39:11 car [1] - 97:28 card [1] - 86:25 care [10] - 24:4, 51:15, 88:5, 88:8, 89:20, 89:21, 89:22, 101:12, 157:15, 160:26 careful [1] - 67:16 caretaker [3] - 102:20, 103:4 Carl [1] - 214:28 Carolyn [1] - 3:19 carrier [1] - 166:22 carrying [1] - 170:20 cars [7] - 92:2, 97:25, 125:24, 125:25, 131:16, 132:25, 133:2 cart [4] - 68:16, 69:21, 70:20, 126:17 CASE [5] - 11:1, 13:24, 72:4, 106:16, 119:22 Case [11] - 6:17, 6:18, 6:20, 6:21, 6:23, 72:11, 106:20, 106:26, 106:27, 106:28, 119:26 case [10] - 11:6, 13:27, 31:12, 62:16, 65:23, 66:1, 170:28, 216:11, 226:24, 226:26 cases [2] - 46:4, 46:25 casino [1] - 87:19 catastrophe [1] - 170:25 catch [1] - 166:15 cats [1] - 212:16 caused [1] - 177:15 causes [1] - 61:27 causing [2] - 19:1, 126:4 cement [4] - 161:14, 161:26, 161:27, 162:2 cement-based [2] - 161:14, 161:26 CENTER [2] - 189:28, 216:28 Center [4] - 7:26, 8:10, 190:3, 217:2 central [4] - 16:26, 17:4, 17:14, 21:7</p>	<p>cents [2] - 143:15, 181:15 Century [1] - 7:7 CENTURY [1] - 211:19 CenturyLink [4] - 166:2, 172:14, 180:12, 180:15 CenturyLink's [1] - 177:20 cerebral [1] - 126:15 certain [8] - 12:16, 27:28, 30:24, 37:10, 68:4, 83:23, 84:10, 139:4 Certification [1] - 234:24 certified [2] - 78:13, 105:1 Certified [2] - 1:16, 234:23 certify [2] - 234:6, 234:13 CHAIRMAN [299] - 10:4, 10:17, 10:25, 11:2, 13:4, 13:11, 13:17, 13:21, 15:18, 16:12, 22:16, 25:3, 25:9, 26:3, 26:13, 26:17, 26:21, 28:23, 34:17, 35:12, 36:10, 38:19, 41:17, 41:25, 41:28, 42:26, 43:2, 43:20, 43:24, 43:27, 44:5, 45:8, 46:1, 50:2, 51:21, 62:7, 62:26, 64:7, 66:16, 69:3, 69:7, 69:10, 69:18, 69:27, 70:16, 71:20, 71:24, 71:28, 72:5, 72:8, 74:12, 74:16, 76:22, 79:15, 79:24, 80:5, 81:12, 81:15, 82:20, 85:13, 89:8, 89:11, 89:26, 90:2, 92:19, 93:18, 94:24, 94:28, 95:3, 95:9, 100:6, 100:10, 101:5, 102:22, 102:27, 103:5, 103:17, 103:20, 103:24, 104:7, 104:22, 105:25, 105:28, 106:13, 106:17, 106:21, 107:5, 110:15, 110:27, 111:18, 111:23, 111:28, 112:5, 112:9, 112:13, 112:19, 112:25, 113:4,</p>
C				
<p>c-1 [2] - 6:9, 151:23 C-1 [1] - 152:4 c-2 [2] - 6:10, 152:27 C-2 [1] - 153:1 C-3 [1] - 181:7 c-3 [2] - 6:12, 181:3 C1500 [2] - 7:10, 211:24 cable [5] - 155:17, 159:24, 159:27, 161:3, 170:5 cables [2] - 159:22, 171:5 calculate [2] - 14:21, 49:22 calculation [2] - 53:7, 54:14 calculations [8] - 14:22, 38:1, 38:4, 39:13, 39:18, 53:17, 54:12, 54:17 Campbell [1] - 228:8 camper [1] - 78:9 CANAAN [1] - 181:3 Canaan [2] - 6:12, 181:9 canal [1] - 132:9 Canby [1] - 8:16 CANBY [1] - 205:7 cannot [1] - 90:8 cap [1] - 210:16 capabilities [1] - 97:22 capacity [3] - 81:28, 98:7, 193:23</p>				

<p>113:11, 113:15, 114:8, 116:16, 116:19, 116:23, 119:7, 119:15, 119:18, 119:23, 121:25, 122:2, 124:9, 124:15, 124:19, 124:22, 125:4, 125:16, 127:1, 127:11, 127:17, 128:12, 130:15, 130:28, 131:4, 131:8, 131:28, 133:20, 134:13, 136:14, 137:19, 137:23, 137:28, 138:8, 138:17, 138:21, 141:27, 142:6, 142:12, 142:16, 142:24, 142:28, 143:22, 144:1, 144:21, 145:3, 145:23, 146:15, 146:22, 147:3, 147:21, 148:7, 148:20, 148:26, 149:8, 149:22, 150:1, 150:6, 150:11, 150:17, 151:7, 151:11, 151:14, 151:18, 152:17, 152:21, 153:17, 157:1, 157:12, 160:3, 160:9, 161:20, 165:4, 165:8, 169:3, 169:7, 169:20, 169:24, 170:1, 170:12, 170:16, 170:22, 171:6, 171:10, 172:19, 173:10, 173:23, 173:26, 174:8, 174:11, 174:17, 175:4, 175:12, 175:16, 175:25, 176:16, 177:28, 178:4, 179:27, 180:4, 180:28, 181:5, 181:20, 182:5, 182:15, 184:6, 185:2, 186:21, 187:7, 187:15, 188:8, 188:11, 188:21, 188:25, 189:19, 189:25, 194:20, 194:24, 195:1, 195:5, 195:17, 195:21, 198:9,</p>	<p>198:13, 198:18, 198:26, 199:4, 199:10, 199:15, 199:24, 200:15, 200:28, 201:5, 201:11, 201:18, 204:3, 205:2, 205:18, 205:26, 207:2, 208:13, 208:17, 208:21, 208:26, 209:3, 209:7, 209:10, 210:6, 210:19, 211:24, 211:9, 211:16, 212:5, 212:17, 213:4, 213:18, 214:4, 214:23, 215:1, 215:20, 215:24, 217:12, 217:25, 218:1, 219:19, 219:23, 220:8, 220:12, 220:16, 220:20, 220:26, 221:7, 222:22, 223:5, 224:2, 224:7, 224:16, 224:21, 224:26, 225:2, 229:25, 230:1, 230:13, 230:21, 230:25, 231:2, 231:7, 231:12, 231:17, 231:20, 231:24, 231:28, 232:7, 232:13, 232:18, 232:23, 232:26, 233:3, 233:7, 233:10, 233:14</p> <p>Chairman [37] - 2:4, 11:4, 16:10, 26:10, 28:21, 30:17, 32:13, 47:5, 50:28, 51:19, 59:15, 62:6, 69:24, 72:11, 92:22, 95:7, 95:8, 97:16, 100:5, 106:19, 106:25, 110:12, 119:25, 142:2, 142:26, 143:18, 148:4, 151:20, 175:6, 204:26, 209:22, 211:7, 211:20, 213:24, 217:1, 217:17, 229:28</p> <p>Chairman's [1] - 210:2 challenge [1] - 155:14 challenges [1] - 68:22 CHANGE [1] - 211:24 Change [2] - 7:9,</p>	<p>143:13 change [17] - 27:18, 53:9, 68:17, 69:12, 122:10, 122:19, 123:8, 123:28, 128:6, 131:25, 143:18, 143:19, 155:23, 210:1, 211:28, 219:10</p> <p>change-outs [1] - 155:23</p> <p>changed [8] - 76:28, 86:22, 86:27, 120:8, 152:5, 192:11, 216:10, 218:17</p> <p>changes [10] - 53:15, 63:22, 63:27, 64:14, 64:19, 64:26, 108:4, 128:3, 162:8</p> <p>changing [6] - 27:22, 28:4, 53:2, 85:24, 87:11, 92:3</p> <p>character [5] - 91:19, 139:1, 139:26, 140:4, 140:24</p> <p>charged [1] - 172:12</p> <p>CHARLES [302] - 10:4, 10:17, 10:25, 11:2, 13:4, 13:11, 13:17, 13:21, 15:18, 16:12, 22:16, 25:3, 25:9, 26:3, 26:13, 26:17, 26:21, 28:23, 34:17, 35:12, 36:10, 38:19, 41:17, 41:25, 41:28, 42:26, 43:2, 43:20, 43:24, 43:27, 44:5, 45:8, 46:1, 50:2, 51:21, 62:7, 62:26, 64:7, 66:16, 69:3, 69:7, 69:10, 69:18, 69:27, 70:16, 71:20, 71:24, 71:28, 72:5, 72:8, 74:12, 74:16, 76:22, 79:15, 79:24, 80:5, 81:12, 81:15, 82:20, 85:13, 89:8, 89:11, 89:26, 90:2, 90:22, 92:19, 93:18, 94:24, 94:28, 95:3, 95:9, 100:6, 100:10, 101:5, 102:22, 102:27, 103:5, 103:17, 103:20, 103:24, 104:7, 104:22, 105:25, 105:28, 106:13, 106:17, 106:21, 107:5, 110:15, 110:27, 111:18,</p>	<p>111:23, 111:28, 112:5, 112:9, 112:13, 112:19, 112:25, 113:4, 113:11, 113:15, 114:8, 116:16, 116:19, 116:23, 119:7, 119:15, 119:18, 119:23, 121:25, 122:2, 124:9, 124:15, 124:19, 124:22, 125:4, 125:16, 127:1, 127:11, 127:17, 128:12, 130:15, 130:28, 131:4, 131:8, 131:28, 133:20, 134:13, 136:14, 137:19, 137:23, 137:28, 138:8, 138:17, 138:21, 141:27, 142:6, 142:12, 142:16, 142:24, 142:28, 143:22, 144:1, 144:13, 144:21, 145:3, 145:23, 146:15, 146:22, 147:3, 147:21, 148:7, 148:20, 148:26, 149:8, 149:22, 150:1, 150:6, 150:11, 150:17, 151:7, 151:11, 151:14, 151:18, 152:17, 152:21, 153:17, 157:1, 157:12, 160:3, 160:9, 161:20, 165:4, 165:8, 169:3, 169:7, 169:20, 169:24, 170:1, 170:12, 170:16, 170:22, 171:6, 171:10, 172:19, 173:10, 173:23, 173:26, 174:8, 174:11, 174:17, 175:4, 175:12, 175:16, 175:25, 176:16, 177:28, 178:4, 179:27, 180:4, 180:28, 181:5, 181:20, 182:5, 182:15, 184:6, 185:2, 186:21, 187:7, 187:11, 187:15, 188:8, 188:11, 188:21,</p>	<p>188:25, 189:19, 189:25, 194:20, 194:24, 195:1, 195:5, 195:17, 195:21, 198:9, 198:13, 198:18, 198:26, 199:4, 199:10, 199:15, 199:24, 200:15, 200:28, 201:5, 201:11, 201:18, 204:3, 205:2, 205:18, 205:26, 207:2, 208:13, 208:17, 208:21, 208:26, 209:3, 209:7, 209:10, 210:6, 210:19, 210:24, 211:9, 211:16, 212:5, 212:17, 213:4, 213:18, 214:4, 214:23, 215:1, 215:20, 215:24, 217:12, 217:25, 218:1, 219:19, 219:23, 220:8, 220:12, 220:16, 220:20, 220:26, 221:7, 222:22, 223:5, 224:2, 224:7, 224:16, 224:21, 224:26, 225:2, 229:25, 230:1, 230:13, 230:21, 230:25, 231:2, 231:7, 231:12, 231:17, 231:20, 231:24, 231:28, 232:7, 232:13, 232:18, 232:23, 232:26, 233:3, 233:7, 233:10, 233:14</p> <p>Charles [1] - 2:4 Charlotte [1] - 163:23 chaser [1] - 160:5 cheap [1] - 135:11 cheaper [2] - 162:24, 164:14 cheapest [1] - 155:22 check [1] - 216:3 checked [2] - 122:7, 122:8 checking [1] - 100:23 checkpoint [1] - 36:2 checks [1] - 65:25 CHEVROLET [1] - 211:24 Chevrolet [1] - 7:10</p>
--	--	---	--	--

<p>chewing [1] - 203:25 child [1] - 62:23 children's [1] - 87:2 chip [3] - 199:1, 221:15, 221:16 chipping [1] - 199:6 choose [1] - 74:26 choosing [1] - 226:1 chose [1] - 99:7 Christian [1] - 221:2 Christine [3] - 3:23, 90:4, 214:2 CHRISTINE [2] - 89:28, 90:4 church [6] - 107:25, 109:4, 109:25, 111:2, 111:5, 116:10 Church [1] - 110:22 Cindy [2] - 7:26, 217:2 CINDY [1] - 216:28 Cink [1] - 2:11 CINK [14] - 150:5, 150:9, 179:16, 190:13, 190:19, 191:7, 191:11, 191:14, 191:17, 209:28, 224:12, 224:19, 224:23, 230:16 circle [1] - 206:14 circumstance [2] - 57:20, 176:27 circumstances [1] - 55:13 CIS [4] - 2:16, 6:25, 7:3, 211:5 citation [1] - 85:26 cited [1] - 86:1 cities [2] - 48:23, 162:21 Cities [1] - 195:8 citizen [4] - 57:6, 65:1, 90:12, 90:28 citizens [2] - 32:20, 57:9 City [15] - 108:1, 108:23, 109:2, 110:2, 110:20, 111:20, 120:18, 137:18, 195:19, 200:7, 206:7, 206:10, 228:6, 228:7 city [15] - 49:13, 88:19, 92:7, 108:22, 109:24, 112:6, 112:8, 112:24, 112:26, 114:7, 114:9, 163:6, 163:18, 200:13, 200:14</p>	<p>City's [2] - 108:25, 228:12 Civic [1] - 213:1 civil [1] - 96:23 claiming [1] - 78:1 Claire [1] - 209:13 clarification [1] - 20:9 clarify [3] - 24:20, 93:1, 94:11 classification [2] - 53:3, 113:9 clean [1] - 186:7 cleanup [1] - 22:4 clear [5] - 30:21, 50:1, 65:4, 66:25, 190:7 clearer [1] - 27:7 CLEARING [1] - 189:28 clearing [1] - 190:3 Clearing..... [1] - 8:10 Clerk/Treasurer [1] - 2:14 client [1] - 20:11 CLINIC [2] - 212:10, 212:11 Clinic [2] - 7:13 close [8] - 12:24, 91:5, 98:13, 98:23, 109:21, 156:23, 156:25, 165:14 closed [1] - 44:10 closely [1] - 228:7 closer [1] - 117:12 closest [1] - 14:14 closing [2] - 24:6, 24:9 Club [3] - 7:16, 212:25, 213:2 CLUB [1] - 212:22 CNN [1] - 19:18 coach [1] - 78:7 coaches [1] - 78:4 COAL [1] - 220:7 Coal [1] - 9:5 coal [4] - 221:4, 222:19, 225:23, 226:4 Coastal [2] - 8:18, 8:20 COASTAL [2] - 207:26, 230:5 Cobra [1] - 8:26 COBRA [3] - 218:26, 219:3, 219:5 Coca [1] - 145:16 Coca-Cola [1] - 145:16 Code [2] - 100:16,</p>	<p>138:27 code [6] - 23:12, 36:26, 39:19, 66:26, 129:10, 131:25 codes [1] - 96:21 Cola [1] - 145:16 collaborative [1] - 221:23 Collection [1] - 6:14 COLLECTION [1] - 209:20 collector [4] - 111:10, 113:10, 113:12, 113:14 combine [2] - 15:8, 15:10 comfort [2] - 53:22, 55:20 coming [18] - 20:14, 33:4, 40:7, 43:10, 45:25, 45:27, 55:20, 57:17, 71:5, 71:18, 85:25, 85:28, 90:5, 92:1, 102:1, 132:25, 133:1, 186:14 commandeer [1] - 196:9 commence [1] - 73:16 COMMENT [1] - 231:11 comment [6] - 16:11, 17:20, 47:6, 64:10, 70:19, 95:8 Comment..... [1] - 9:6 comments [16] - 18:18, 31:3, 31:5, 31:12, 31:19, 31:22, 46:9, 46:10, 47:19, 74:7, 104:10, 115:15, 231:13, 231:25, 232:1 COMMENTS [1] - 231:23 Comments..... - [1] - 9:8 Commerce [1] - 181:12 commerce [1] - 139:21 commercial [12] - 14:16, 14:19, 86:18, 108:12, 108:16, 114:11, 120:13, 122:23, 129:14, 156:8, 156:10, 170:20 Commercial [1] - 11:13 commercially [3] -</p>	<p>107:28, 108:6, 113:24 commercially-zoned [2] - 107:28, 108:6 COMMISSION [309] - 1:3, 10:4, 10:17, 10:25, 11:2, 13:4, 13:11, 13:17, 13:21, 15:18, 16:12, 22:16, 25:3, 25:9, 26:3, 26:13, 26:17, 26:21, 28:23, 34:17, 35:12, 36:10, 38:19, 41:17, 41:25, 41:28, 42:26, 43:2, 43:20, 43:24, 43:27, 44:5, 45:8, 46:1, 50:2, 51:21, 62:7, 62:26, 64:7, 66:16, 69:3, 69:7, 69:10, 69:18, 69:27, 70:16, 71:20, 71:24, 71:28, 72:5, 72:8, 74:12, 74:16, 76:22, 79:15, 79:24, 80:5, 81:12, 81:15, 82:20, 85:13, 89:8, 89:11, 89:26, 90:2, 92:19, 93:18, 94:24, 94:28, 95:3, 95:9, 100:6, 100:10, 101:5, 102:22, 102:27, 103:5, 103:17, 103:20, 103:24, 104:7, 104:22, 105:25, 105:28, 106:13, 106:17, 106:21, 107:5, 110:15, 110:27, 111:18, 111:23, 111:28, 112:5, 112:9, 112:13, 112:19, 112:25, 113:4, 113:11, 113:15, 114:8, 116:16, 116:19, 116:23, 119:7, 119:15, 119:18, 119:23, 121:25, 122:2, 124:9, 124:15, 124:19, 124:22, 125:4, 125:16, 127:1, 127:11, 127:17, 128:12, 130:15, 130:28, 131:4, 131:8, 131:28, 133:20, 134:13, 136:14, 137:19, 137:23, 137:28, 138:8, 138:17, 138:21, 141:27,</p>	<p>142:6, 142:12, 142:16, 142:24, 142:28, 143:6, 143:22, 144:1, 144:6, 144:21, 144:25, 145:3, 145:12, 145:23, 146:2, 146:15, 146:22, 147:3, 147:21, 147:25, 148:7, 148:20, 148:26, 149:8, 149:22, 150:1, 150:6, 150:11, 150:17, 151:7, 151:11, 151:14, 151:18, 152:17, 152:21, 153:17, 157:1, 157:12, 160:3, 160:9, 161:20, 165:4, 165:8, 169:3, 169:7, 169:20, 169:24, 170:1, 170:12, 170:16, 170:22, 171:6, 171:10, 172:19, 173:10, 173:23, 173:26, 174:8, 174:11, 174:17, 175:4, 175:12, 175:16, 175:25, 176:16, 177:28, 178:4, 179:27, 180:4, 180:28, 181:5, 181:20, 182:5, 182:15, 184:6, 185:2, 186:21, 187:7, 187:15, 188:8, 188:11, 188:21, 188:25, 189:19, 189:25, 194:20, 194:24, 195:1, 195:5, 195:17, 195:21, 198:9, 198:13, 198:18, 198:26, 199:4, 199:10, 199:15, 199:24, 200:15, 200:28, 201:5, 201:11, 201:18, 204:3, 205:2, 205:18, 205:26, 207:2, 208:13, 208:17, 208:21, 208:26, 209:3, 209:7, 209:10, 210:6, 210:19, 210:24, 211:9, 211:16, 212:5, 212:17,</p>
--	---	--	--	--

<p>213:4, 213:18, 213:21, 214:4, 214:9, 214:23, 215:1, 215:9, 215:20, 215:24, 217:12, 217:25, 218:1, 219:19, 219:23, 220:8, 220:12, 220:16, 220:20, 220:26, 221:7, 222:22, 223:5, 224:2, 224:7, 224:16, 224:21, 224:26, 225:2, 229:25, 230:1, 230:13, 230:21, 230:25, 231:2, 231:7, 231:12, 231:17, 231:20, 231:24, 231:28, 232:7, 232:13, 232:18, 232:23, 232:26, 233:3, 233:7, 233:10, 233:14</p> <p>Commission [56] - 5:23, 7:18, 7:20, 7:23, 10:7, 12:18, 12:20, 12:25, 15:14, 17:21, 20:15, 20:17, 27:20, 28:9, 28:12, 28:15, 37:18, 45:13, 50:4, 55:7, 55:11, 62:11, 64:5, 65:24, 66:3, 68:10, 73:28, 74:11, 75:23, 83:21, 88:14, 108:20, 110:7, 110:9, 121:13, 121:15, 123:18, 138:5, 141:3, 142:19, 142:21, 148:1, 152:9, 186:20, 190:10, 193:25, 196:22, 208:6, 211:3, 213:8, 217:22, 221:12, 230:11, 231:25, 232:27, 233:17</p> <p>Commission's [1] - 115:16</p> <p>Commission..... [1] - 5:8</p> <p>Commission..... [4] - 5:11, 5:13, 5:15, 5:21</p> <p>Commissioner [10] - 9:8, 10:8, 10:10, 10:14, 42:24, 142:8, 207:18, 207:28,</p>	<p>232:28</p> <p>COMMISSIONER [451] - 10:11, 15:21, 16:2, 16:3, 16:6, 16:9, 18:17, 19:9, 19:27, 21:18, 22:14, 22:18, 23:19, 26:9, 26:15, 26:19, 26:23, 26:26, 27:2, 27:8, 27:9, 30:10, 30:12, 30:13, 30:15, 30:26, 32:12, 32:19, 32:24, 33:7, 33:9, 33:26, 34:3, 34:4, 34:6, 34:12, 34:14, 35:10, 35:14, 35:19, 36:12, 36:17, 38:10, 38:13, 40:11, 40:14, 40:22, 40:25, 40:28, 41:4, 41:13, 41:23, 42:8, 42:23, 42:28, 43:4, 43:18, 43:22, 44:2, 46:6, 46:15, 46:17, 46:21, 47:10, 48:5, 48:28, 49:6, 49:9, 50:27, 51:11, 56:25, 56:26, 59:2, 59:5, 59:14, 60:21, 60:25, 61:20, 63:19, 63:23, 63:25, 64:2, 64:23, 65:10, 65:15, 65:19, 69:9, 69:21, 76:15, 76:18, 76:25, 76:27, 77:1, 77:2, 82:9, 83:2, 83:5, 83:14, 84:1, 84:24, 84:28, 85:4, 88:9, 88:13, 90:22, 92:21, 92:26, 93:4, 93:7, 93:14, 93:16, 93:22, 93:27, 94:5, 94:9, 94:14, 94:19, 94:21, 94:26, 96:1, 96:11, 96:12, 97:15, 98:6, 100:28, 102:12, 102:24, 103:22, 107:7, 109:9, 109:13, 109:17, 110:18, 110:24, 111:1, 111:4, 111:8, 111:14, 111:21, 112:3, 112:7, 112:11, 112:17, 112:23, 112:27, 113:2, 113:6, 113:13, 113:17, 113:20, 113:26, 114:1, 114:5, 114:12, 114:16, 114:19, 114:22, 114:27, 115:3,</p>	<p>115:8, 115:11, 115:14, 115:27, 116:2, 116:6, 116:13, 128:22, 134:17, 135:13, 135:17, 135:23, 136:2, 136:8, 136:22, 136:25, 137:4, 137:8, 137:11, 137:16, 137:21, 137:27, 142:1, 142:4, 143:24, 143:26, 143:27, 144:13, 144:15, 144:17, 145:5, 145:7, 145:9, 145:19, 145:21, 146:10, 146:12, 146:14, 146:18, 146:19, 146:24, 146:25, 147:1, 147:5, 147:17, 147:19, 148:11, 148:13, 148:19, 149:6, 149:10, 149:18, 149:20, 149:26, 149:28, 150:3, 150:8, 150:27, 151:1, 151:9, 151:13, 152:23, 152:25, 159:15, 160:1, 165:10, 172:27, 173:3, 173:6, 173:21, 175:23, 176:3, 176:6, 179:26, 180:1, 180:6, 180:20, 180:22, 180:26, 181:22, 181:24, 182:11, 182:13, 182:22, 182:26, 183:2, 183:4, 183:28, 184:20, 184:22, 185:4, 185:6, 185:9, 185:11, 185:21, 185:23, 185:25, 186:23, 186:25, 187:1, 187:4, 187:9, 187:11, 187:13, 188:1, 188:6, 188:14, 188:19, 188:23, 189:17, 189:21, 189:23, 191:1, 191:3, 193:10, 193:12, 193:16, 193:17, 194:27, 196:13, 196:16, 196:17, 196:25, 197:1,</p>	<p>197:3, 197:6, 197:13, 197:18, 198:16, 199:8, 199:13, 199:27, 200:3, 200:6, 200:12, 200:24, 201:4, 201:10, 201:17, 201:22, 201:23, 201:27, 202:1, 202:4, 202:5, 202:7, 202:10, 202:14, 202:16, 202:18, 202:27, 203:2, 203:4, 203:5, 203:7, 203:9, 203:11, 203:13, 203:15, 203:17, 203:19, 203:20, 203:23, 203:26, 203:28, 204:5, 204:8, 204:10, 204:12, 204:14, 204:19, 204:22, 204:28, 205:1, 205:4, 205:11, 205:14, 205:20, 206:20, 206:24, 206:26, 206:28, 207:9, 207:24, 209:25, 210:3, 210:5, 210:8, 210:21, 210:22, 211:11, 211:13, 211:15, 212:3, 212:7, 212:19, 213:15, 213:16, 214:6, 214:16, 214:21, 215:3, 215:5, 215:7, 215:22, 215:26, 216:5, 216:9, 216:14, 216:16, 216:25, 217:4, 217:11, 217:27, 218:3, 218:5, 219:21, 219:25, 219:28, 220:10, 220:14, 220:18, 220:24, 220:28, 221:9, 222:18, 222:21, 222:24, 222:26, 222:28, 223:3, 223:11, 224:6, 224:9, 224:14, 224:24, 224:28, 225:5, 225:9, 225:11, 225:13, 225:15, 225:17, 225:20, 225:24, 225:26, 226:5, 226:7,</p>	<p>226:11, 226:15, 226:18, 226:19, 226:21, 226:23, 226:25, 226:28, 227:2, 227:7, 227:9, 227:11, 227:15, 228:1, 228:2, 228:5, 228:9, 228:11, 228:20, 228:26, 228:28, 229:2, 229:3, 229:5, 229:7, 229:8, 229:12, 229:14, 229:17, 229:18, 229:22, 229:23, 229:27, 230:3, 230:28, 231:23, 231:26, 232:6, 232:9, 232:11, 232:21, 232:25, 233:1, 233:5</p> <p>Commissioners [8] - 37:12, 74:13, 74:15, 75:9, 84:19, 107:4, 124:11, 128:10</p> <p>commissioners [4] - 15:19, 110:16, 142:15, 233:13</p> <p>COMMISSIONERS [1] - 2:3</p> <p>committee [2] - 47:25, 58:3</p> <p>common [7] - 26:12, 26:28, 57:15, 59:23, 60:7, 60:14, 223:26</p> <p>communication [2] - 178:11, 216:21</p> <p>Communications [2] - 144:12, 209:23</p> <p>COMMUNICATIONS/ INFORMATION [2] - 6:24, 7:3</p> <p>community [23] - 59:22, 74:25, 78:10, 78:15, 79:11, 81:19, 82:27, 84:10, 86:21, 87:10, 90:28, 91:17, 95:23, 95:27, 96:4, 96:5, 104:1, 104:2, 104:5, 129:20, 134:8, 134:11, 135:12</p> <p>COMMUNITY [1] - 189:28</p> <p>Community [4] - 8:10, 108:25, 110:2, 190:3</p> <p>compaction [2] - 56:21, 174:2</p> <p>companies [1] - 157:25</p> <p>companion [1] - 15:9</p>
--	--	---	--	--

<p>Company [2] - 145:1, 145:16</p> <p>company [4] - 20:6, 153:15, 226:1, 226:20</p> <p>compared [2] - 70:4, 166:20</p> <p>comparison [1] - 96:28</p> <p>compatibility [5] - 135:19, 135:25, 136:3, 136:4, 136:11</p> <p>compatible [2] - 128:17, 136:5</p> <p>competence [1] - 139:2</p> <p>competition [1] - 139:22</p> <p>COMPETITIVE [6] - 143:3, 144:4, 144:24, 145:11, 145:26, 147:9</p> <p>competitive [4] - 140:7, 140:27, 151:6, 168:23</p> <p>Competitive [12] - 5:6, 5:9, 5:12, 5:14, 5:16, 5:18, 143:10, 144:8, 144:27, 145:14, 146:4, 147:13</p> <p>complain [1] - 96:8</p> <p>complaint [1] - 100:19</p> <p>complaints [3] - 18:25, 97:6, 185:28</p> <p>complete [3] - 50:23, 162:19, 190:9</p> <p>completed [1] - 85:21</p> <p>completely [7] - 20:11, 21:24, 50:7, 86:26, 178:9, 183:24, 184:9</p> <p>completes [1] - 192:10</p> <p>completion [1] - 179:2</p> <p>complex [3] - 118:17, 118:19, 127:4</p> <p>complicated [1] - 152:3</p> <p>complies [1] - 141:16</p> <p>comprehensive [5] - 48:24, 49:21, 71:7, 71:11, 71:14</p> <p>computer [1] - 234:9</p> <p>computer-aided [1] - 234:9</p> <p>concept [3] - 21:13, 58:19, 59:22</p> <p>concern [21] - 18:20, 19:4, 20:13, 22:24, 33:19, 33:23, 36:13,</p>	<p>37:17, 45:7, 66:5, 84:3, 84:5, 85:8, 85:23, 88:18, 88:25, 97:17, 133:4, 133:18, 136:9, 225:5</p> <p>concerned [7] - 24:5, 24:6, 35:21, 56:9, 90:28, 93:10, 95:22</p> <p>concerning [3] - 83:22, 108:21, 221:21</p> <p>concerns [19] - 12:15, 16:19, 23:21, 24:12, 24:15, 25:18, 32:13, 32:14, 37:13, 58:11, 58:22, 58:27, 87:28, 96:23, 98:28, 104:14, 118:20, 184:27, 228:14</p> <p>concrete [8] - 158:15, 159:7, 161:16, 164:20, 164:21, 168:3, 174:7, 174:9</p> <p>concur [4] - 12:26, 15:15, 110:10, 121:16</p> <p>condition [2] - 52:10, 139:1</p> <p>conditional [1] - 107:20</p> <p>conditions [4] - 52:6, 55:8, 63:8, 63:12</p> <p>CONER [1] - 230:18</p> <p>Conference [1] - 1:14</p> <p>Conflict [1] - 2:28</p> <p>conflict [8] - 141:8, 154:12, 181:25, 182:8, 187:20, 187:25, 188:5, 188:17</p> <p>confusing [1] - 186:6</p> <p>congested [1] - 174:25</p> <p>congregate [2] - 17:18, 18:6</p> <p>connect [2] - 87:19, 156:21</p> <p>connecting [1] - 35:8</p> <p>connection [1] - 183:26</p> <p>connections [1] - 168:9</p> <p>connectivity [1] - 153:20</p> <p>connects [1] - 111:9</p> <p>CONNER [49] - 27:23, 27:26, 51:19, 51:23, 52:20, 54:7, 54:11, 55:4, 55:19, 55:24, 56:2, 56:5, 56:10,</p>	<p>56:13, 56:15, 57:19, 62:4, 62:9, 62:28, 138:14, 138:19, 138:25, 140:17, 141:7, 141:19, 176:5, 176:10, 176:18, 176:23, 177:1, 177:8, 177:12, 178:13, 178:18, 178:26, 179:2, 179:4, 179:11, 179:18, 182:3, 182:7, 187:18, 188:3, 188:10, 188:13, 188:16, 230:7, 230:15, 230:23</p> <p>Conner [1] - 2:27</p> <p>conscious [1] - 170:26</p> <p>consent [55] - 143:23, 143:25, 143:26, 145:4, 145:6, 145:8, 145:9, 145:20, 145:22, 145:24, 147:6, 147:20, 147:22, 148:8, 148:12, 148:14, 148:19, 148:21, 149:7, 149:9, 149:10, 149:19, 149:21, 150:28, 151:2, 151:13, 151:15, 152:22, 152:24, 152:25, 181:23, 185:5, 186:22, 189:22, 206:21, 210:5, 210:20, 210:21, 210:23, 211:17, 212:4, 212:18, 212:20, 213:17, 213:19, 215:21, 215:25, 217:13, 217:28, 218:2, 218:4, 218:5, 219:24, 219:26, 220:1</p> <p>Consent [36] - 143:28, 144:14, 144:16, 144:18, 146:28, 147:2, 147:4, 185:3, 186:24, 186:25, 189:18, 189:20, 189:24, 191:2, 191:4, 193:11, 193:13, 193:16, 193:18, 204:21, 204:27, 210:7, 210:9, 211:10, 211:12, 211:14,</p>	<p>211:15, 212:6, 212:7, 214:5, 214:7, 215:2, 215:4, 215:6, 215:7, 215:23</p> <p>consequences [1] - 125:9</p> <p>conservation [1] - 213:8</p> <p>consider [3] - 28:10, 28:18, 152:9</p> <p>consideration [7] - 21:21, 29:19, 37:6, 104:6, 122:16, 122:25, 139:15</p> <p>considered [4] - 110:7, 111:10, 111:17, 121:13</p> <p>considering [1] - 139:16</p> <p>consistent [1] - 128:16</p> <p>consists [1] - 107:10</p> <p>constantly [2] - 75:26, 97:21</p> <p>constitutes [1] - 28:2</p> <p>constraints [1] - 229:10</p> <p>construct [1] - 43:11</p> <p>constructing [1] - 51:26</p> <p>CONSTRUCTION [1] - 189:1</p> <p>construction [16] - 12:23, 23:15, 73:16, 156:24, 167:15, 167:27, 171:14, 171:18, 173:19, 178:24, 178:28, 181:19, 189:6, 189:8, 189:14, 196:12</p> <p>Construction [1] - 8:8</p> <p>cont [11] - 3:1, 3:3, 4:1, 4:3, 6:1, 6:3, 7:1, 7:3, 8:1, 9:1, 9:3</p> <p>contacted [1] - 78:14</p> <p>contacting [1] - 83:18</p> <p>containing [1] - 120:26</p> <p>context [2] - 17:7, 18:3</p> <p>contingency [2] - 224:13, 224:15</p> <p>continue [3] - 87:26, 124:21, 141:25</p> <p>continued [1] - 41:16</p> <p>continues [1] - 184:3</p> <p>continuing [1] - 155:5</p> <p>continuous [1] - 60:17</p> <p>CONTRACT [1] -</p>	<p>210:28</p> <p>contract [4] - 178:15, 178:21, 211:2, 211:5</p> <p>Contract..... [1] - 7:5</p> <p>contractor [1] - 183:10</p> <p>Contractors [1] - 6:5</p> <p>CONTRACTORS [1] - 150:14</p> <p>contractors [1] - 150:21</p> <p>contracts [1] - 168:15</p> <p>contradicting [1] - 102:17</p> <p>CONTROL [3] - 7:11, 144:25, 191:22</p> <p>control [7] - 39:16, 144:28, 156:4, 156:15, 156:24, 173:18, 225:7</p> <p>Control [5] - 5:12, 8:12, 145:1, 191:28, 212:13</p> <p>controls [1] - 100:12</p> <p>controvarsies [1] - 139:9</p> <p>convenience [2] - 104:3, 126:20</p> <p>convenient [1] - 166:3</p> <p>conventional [3] - 164:23, 166:26, 167:27</p> <p>conventionally [1] - 159:20</p> <p>conversation [2] - 221:5, 225:21</p> <p>conversations [1] - 207:20</p> <p>convince [1] - 57:23</p> <p>cooling [1] - 162:9</p> <p>coordinating [1] - 23:27</p> <p>coordination [1] - 47:21</p> <p>coordinations [1] - 55:1</p> <p>cop [2] - 222:8, 222:9</p> <p>copies [2] - 31:16, 75:26</p> <p>copy [4] - 29:23, 147:28, 148:9, 219:1</p> <p>Copy [1] - 5:22</p> <p>COPY [1] - 147:24</p> <p>cords [1] - 92:8</p> <p>corner [7] - 35:3, 39:21, 61:5, 82:24, 114:21, 115:13, 132:4</p> <p>Corporation [1] -</p>
--	--	--	--	---

<p>148:6 correct [10] - 24:1, 32:1, 66:26, 94:16, 151:4, 171:12, 191:11, 195:4, 196:24, 234:10 cost [14] - 154:18, 155:15, 155:16, 155:24, 156:4, 156:13, 158:28, 164:6, 167:11, 167:12, 167:28, 190:22, 198:23, 199:18 cost-effective [1] - 155:24 costs [3] - 130:26, 156:24, 162:13 Council [3] - 5:24, 148:3, 228:6 COUNCIL [1] - 147:26 Counsel [1] - 2:28 counsel [4] - 141:8, 142:10, 181:26, 234:14 count [1] - 14:27 country [1] - 126:14 counts [2] - 186:3, 186:4 COUNTY [30] - 1:3, 2:3, 143:4, 143:5, 144:6, 144:25, 145:12, 145:28, 146:2, 147:11, 147:24, 148:24, 150:15, 151:23, 185:14, 188:28, 191:22, 193:20, 207:8, 211:24, 212:9, 213:21, 213:23, 214:9, 214:11, 215:9, 215:11, 217:16, 234:4 county [21] - 18:26, 48:22, 87:24, 89:21, 89:23, 95:14, 96:7, 99:5, 99:27, 100:19, 112:2, 114:2, 122:20, 122:21, 129:19, 136:19, 156:7, 156:19, 200:12, 200:13, 206:7 County [127] - 1:13, 2:9, 2:23, 2:27, 3:4, 5:7, 5:8, 5:10, 5:12, 5:14, 5:17, 5:20, 5:21, 5:23, 5:26, 6:6, 6:9, 7:9, 7:12, 7:18,</p>	<p>7:19, 7:20, 7:22, 7:23, 7:25, 8:6, 8:7, 8:12, 8:14, 8:17, 8:17, 8:22, 10:7, 11:17, 14:7, 14:8, 14:15, 16:1, 21:3, 23:5, 29:19, 31:4, 31:15, 36:19, 41:12, 45:23, 47:9, 47:14, 47:16, 48:8, 48:18, 49:16, 55:10, 56:23, 57:4, 57:28, 61:23, 61:24, 65:24, 72:22, 72:23, 74:20, 74:21, 75:23, 82:23, 85:24, 86:12, 86:24, 87:6, 87:23, 88:23, 95:16, 100:14, 107:24, 107:27, 108:5, 108:8, 108:14, 108:15, 108:23, 110:9, 113:9, 121:5, 121:15, 123:10, 123:23, 123:27, 125:14, 126:2, 137:14, 138:5, 140:19, 141:3, 141:9, 142:19, 142:21, 143:11, 146:6, 147:28, 149:2, 150:22, 152:5, 152:8, 152:10, 154:17, 155:6, 155:10, 168:10, 184:16, 185:18, 185:19, 186:27, 189:5, 190:11, 190:16, 193:23, 193:25, 194:2, 195:2, 195:7, 199:12, 199:19, 206:8, 206:9, 211:27, 212:15, 233:17 County's [1] - 24:18 County-maintained [1] - 206:9 couple [11] - 16:17, 28:25, 47:2, 54:22, 98:14, 104:9, 153:15, 162:14, 171:27, 202:6, 206:19 course [5] - 107:26, 113:28, 114:6, 139:12, 184:9 COURT [9] - 62:18, 62:25, 79:19, 79:22, 79:26, 79:28, 80:3, 80:7, 80:10</p>	<p>court [1] - 65:23 Court [3] - 1:16, 66:2, 234:23 COURTHOUSE [5] - 143:4, 145:28, 146:1, 150:16 Courthouse [11] - 1:15, 5:7, 5:20, 5:20, 5:21, 6:7, 143:12, 146:7, 146:8, 150:23 Courtroom [2] - 5:7, 143:11 COURTROOM [1] - 143:4 courtroom [1] - 143:17 Courtrooms [1] - 5:19 COURTROOMS [1] - 145:27 courtrooms [1] - 146:6 cover [3] - 158:8, 179:7, 179:23 coverage [2] - 173:4, 180:7 covers [1] - 100:18 cows [1] - 117:26 crack [3] - 159:6, 161:28, 168:2 cracks [1] - 162:23 crazy [2] - 98:19, 99:2 create [1] - 59:22 created [2] - 163:4, 227:18 creative [1] - 67:18 credit [2] - 177:4, 181:11 crew [1] - 165:1 crime [5] - 84:16, 91:4, 93:9, 93:28, 94:2 criminal [2] - 83:22, 96:13 criminals [1] - 102:1 criteria [4] - 23:11, 23:18, 61:7, 122:6 critical [1] - 101:9 criticism [1] - 188:18 cross [2] - 87:5, 126:20 crossed [3] - 63:26, 63:27, 65:13 crosses [1] - 39:4 crossing [1] - 159:4 crying [2] - 62:17, 89:24 Cub [3] - 8:21, 217:19, 217:20 CUB [1] - 217:15 cul [2] - 183:26, 184:5</p>	<p>cul-de-sac [1] - 184:5 cul-de-sacing [1] - 183:26 culvert [2] - 39:4, 40:4 culverts [2] - 38:26, 51:15 curb [9] - 158:14, 158:15, 158:16, 158:17, 158:18, 158:19, 164:13, 164:27 current [11] - 11:27, 89:6, 128:26, 129:7, 129:11, 129:13, 130:2, 131:13, 131:26, 154:12 custodians [1] - 212:1 customer [1] - 156:23 customer's [1] - 164:15 customers [9] - 154:10, 155:2, 155:3, 155:4, 156:10, 156:12, 168:16, 168:18, 171:1 cut [10] - 89:7, 158:1, 158:17, 160:14, 160:21, 161:24, 164:13, 170:5, 170:28, 177:1 cutoff [1] - 132:24 cuts [1] - 160:23</p>	<p>dates [1] - 202:2 David [6] - 2:27, 27:18, 27:22, 54:20, 178:17, 187:5 DAVID [50] - 27:23, 52:20, 54:7, 54:11, 55:4, 55:19, 55:24, 56:2, 56:5, 56:10, 56:13, 56:15, 57:19, 62:4, 62:9, 62:28, 138:14, 138:19, 138:25, 140:17, 141:7, 141:19, 176:5, 176:10, 176:18, 176:23, 177:1, 177:8, 177:12, 178:13, 178:18, 178:26, 179:2, 179:4, 179:11, 179:18, 182:3, 182:7, 187:18, 188:3, 188:10, 188:13, 188:16, 230:7, 230:15, 230:18, 230:23 DAVIS [177] - 10:11, 16:3, 16:6, 16:9, 21:18, 26:9, 26:15, 26:19, 26:23, 26:26, 27:2, 27:8, 30:10, 30:13, 30:26, 32:12, 32:19, 32:24, 33:7, 34:4, 40:11, 40:14, 40:22, 40:25, 40:28, 41:4, 41:13, 41:23, 44:17, 46:6, 46:15, 47:10, 48:5, 49:9, 56:25, 59:14, 60:21, 60:25, 61:20, 63:23, 64:23, 69:9, 76:27, 77:2, 83:2, 83:5, 96:1, 96:11, 97:15, 98:6, 100:28, 102:12, 102:24, 103:22, 107:7, 137:27, 142:4, 143:26, 145:9, 146:14, 146:19, 146:24, 147:17, 148:19, 149:10, 149:28, 151:9, 151:13, 152:25, 153:5, 153:8, 154:5, 157:3, 157:14, 159:12, 159:16, 160:6, 160:11, 161:22, 165:6, 165:12, 169:6, 169:19, 169:22,</p>
D				
		<p>D-1 [2] - 209:26, 209:27 d-1 [2] - 6:14, 209:20 dad [1] - 118:12 damage [1] - 177:15 DAN [10] - 81:14, 81:17, 83:4, 83:7, 83:12, 83:28, 100:8, 100:12, 100:22, 106:12 Dan [3] - 3:24, 4:5, 81:17 Daphne [9] - 12:7, 38:5, 49:15, 195:20, 197:2, 199:14, 200:8, 204:23, 228:6 DARBY [2] - 89:28, 90:4 Darby [2] - 3:23, 90:5 dark [1] - 21:8 data [1] - 168:24 date [2] - 28:10, 148:17</p>		

169:26, 170:3, 170:14, 170:18, 170:24, 171:8, 171:13, 174:22, 178:19, 179:1, 179:3, 179:9, 179:24, 179:26, 180:1, 180:6, 180:8, 180:11, 180:20, 180:21, 180:22, 180:23, 180:25, 180:26, 183:2, 183:28, 185:6, 185:21, 186:25, 193:16, 197:3, 197:6, 199:8, 200:6, 200:12, 200:24, 201:4, 201:10, 201:17, 201:22, 201:27, 202:4, 202:7, 202:16, 202:27, 203:4, 203:7, 203:11, 203:15, 203:19, 203:23, 203:28, 204:5, 204:10, 204:14, 205:1, 205:20, 206:24, 210:5, 210:21, 211:15, 212:7, 215:7, 218:5, 219:21, 222:18, 222:26, 225:5, 225:11, 225:15, 225:20, 225:26, 226:7, 226:15, 226:19, 226:23, 227:11, 228:1, 228:5, 228:11, 228:26, 229:2, 229:7, 229:12, 229:17, 229:22, 230:28, 231:26, 232:6, 232:9, 232:25, 233:1, 233:5	21:14, 59:9, 98:18, 123:13, 134:12, 165:3, 171:4, 178:6, 191:16, 191:18, 223:24 dealing [1] - 173:27 deals [1] - 73:20 Dean's [1] - 123:17 Deana [1] - 3:20 death [1] - 173:7 debris [3] - 44:17, 44:18, 44:26 deceased [1] - 216:18 deceitfulness [1] - 42:15 December [1] - 132:5 decide [1] - 158:21 decided [2] - 118:6, 163:18 decision [1] - 140:27 declaration [6] - 140:5, 140:13, 140:15, 140:22, 141:10, 141:20 decreases [1] - 62:2 deemed [1] - 55:9 deep [6] - 26:6, 158:5, 158:20, 158:24, 163:10, 168:1 deeper [1] - 158:5 defend [1] - 218:20 defer [1] - 27:18 defibrillators [1] - 97:25 define [1] - 61:10 defined [9] - 28:1, 36:19, 36:26, 38:25, 39:14, 39:19, 139:26, 140:4, 140:25 definitely [2] - 118:18, 136:18 definition [1] - 54:1 degree [1] - 160:22 Deidra [2] - 218:10, 218:13 DEIDRA [4] - 159:11, 218:15, 218:27, 219:27 Delegation [2] - 213:12, 221:18 delineated [1] - 26:11 Delta [1] - 221:10 DeltaCom [1] - 154:24 demolition [1] - 143:20 demonstrate [1] - 70:23 demonstrating [1] - 222:13	denial [4] - 110:9, 113:22, 115:22, 121:15 dense [3] - 16:28, 17:8, 128:7 density [7] - 14:21, 15:5, 52:18, 61:11, 81:28, 164:17, 174:26 DEPARTMENT [4] - 147:11, 147:26, 218:25 department [2] - 76:5, 166:24 Department [33] - 2:10, 2:12, 2:15, 2:16, 2:18, 2:20, 2:22, 2:24, 3:7, 3:9, 3:10, 5:24, 8:25, 23:4, 23:5, 31:4, 31:22, 56:22, 68:11, 84:12, 97:20, 98:26, 107:2, 108:14, 121:5, 148:2, 148:3, 151:21, 169:11, 190:11, 190:17, 190:27, 192:5 Department..... [1] - 5:17 Department..... [1] - 5:24 departments [1] - 98:27 deputies [1] - 97:21 Deputy [2] - 8:24, 218:12 DEPUTY [1] - 218:9 described [3] - 28:5, 40:15, 140:25 Description [1] - 8:24 DESCRIPTION [1] - 218:9 DESIGN [1] - 193:20 design [12] - 23:15, 37:22, 38:25, 39:23, 41:9, 54:4, 67:18, 189:12, 193:24, 194:8, 200:22, 201:2 Design [1] - 8:15 designation [5] - 12:1, 72:19, 107:13, 108:9, 108:21 designations [2] - 108:23, 120:15 designed [8] - 37:14, 38:24, 39:8, 39:9, 39:11, 40:15, 40:17, 196:5 designs [1] - 59:22 desired [1] - 48:16	desires [3] - 48:19, 213:8, 217:22 detailed [2] - 34:27, 166:23 detention [1] - 34:19 determination [1] - 15:28 determine [3] - 40:4, 54:11, 115:21 determined [1] - 40:1 DETOUR [1] - 182:18 Detour [1] - 8:5 detour [4] - 183:8, 184:12, 184:14, 185:1 detrimental [3] - 84:16, 140:6, 140:27 develop [4] - 24:10, 37:10, 105:20, 120:28 developed [7] - 82:4, 82:6, 109:25, 109:28, 115:7, 115:9, 195:16 developer [2] - 130:26, 156:26 developers [1] - 166:6 developing [2] - 118:5, 149:1 Developing [1] - 5:26 DEVELOPING [1] - 148:23 DEVELOPMENT [1] - 13:25 development [58] - 11:14, 11:15, 12:8, 12:10, 12:17, 14:1, 14:10, 16:28, 17:4, 17:8, 17:14, 20:23, 20:26, 20:28, 23:11, 34:7, 36:26, 38:23, 38:25, 39:19, 47:12, 47:13, 47:24, 48:1, 48:10, 48:19, 54:5, 54:25, 57:11, 58:3, 61:27, 61:28, 70:1, 70:4, 70:8, 72:20, 72:27, 74:27, 86:4, 87:9, 87:18, 87:26, 88:28, 120:4, 122:12, 128:17, 128:26, 129:7, 131:13, 131:26, 136:9, 136:28, 149:5, 156:28, 157:17, 167:5, 167:7 Development [4] - 3:5, 6:19, 108:25, 140:20 developments [4] -	30:23, 30:24, 52:27, 157:4 Device [2] - 8:12, 191:28 DEVICE [1] - 161:17 DEWANE [4] - 83:8, 88:10, 101:15, 103:8 DEWANE [7] - 88:12, 88:16, 102:5, 102:14, 103:3, 103:13, 105:22 diagonally [1] - 114:13 diameter [2] - 161:2, 161:7 dictate [1] - 23:6 difference [2] - 165:21, 227:18 different [14] - 14:28, 21:23, 21:24, 51:28, 52:1, 52:10, 54:22, 60:11, 62:15, 104:20, 154:25, 164:25, 178:8, 227:19 differently [1] - 64:18 digging [1] - 45:4 DIGITAL [1] - 149:12 Digital [1] - 6:4 digital [1] - 149:15 diligent [1] - 31:19 direction [2] - 41:7, 96:5 directional [2] - 164:24, 167:20 DIRECTOR [1] - 218:9 Director [11] - 2:11, 2:16, 2:21, 2:25, 3:6, 3:8, 95:13, 108:26, 110:2, 140:19, 218:12 Director..... [1] - 8:24 Directors [1] - 217:8 dirt [15] - 12:13, 12:14, 22:22, 24:23, 24:28, 42:11, 42:12, 43:6, 43:7, 43:10, 43:13, 45:4, 56:3, 126:18, 136:27 Disability [1] - 8:26 DISABILITY [1] - 218:25 disability [2] - 219:4, 219:15 disappearing [1] - 87:27 disapproves [1] - 23:17
---	--	--	--	--

<p>disaster [3] - 163:3, 163:17</p> <p>discharge [6] - 36:24, 37:2, 38:27, 39:16, 41:2, 41:10</p> <p>discharging [1] - 40:8</p> <p>disclosed [3] - 140:11, 141:3, 141:4</p> <p>discover [1] - 99:9</p> <p>discretion [4] - 55:12, 65:27, 66:8, 66:14</p> <p>discretionary [1] - 63:10</p> <p>discuss [7] - 48:6, 138:28, 139:4, 139:7, 139:15, 139:20, 139:25</p> <p>discussed [5] - 47:22, 48:17, 58:6, 67:25, 120:6</p> <p>discussing [2] - 153:1, 218:18</p> <p>Discussion [1] - 6:10</p> <p>discussion [16] - 12:18, 55:26, 139:28, 140:2, 140:3, 140:6, 140:23, 141:11, 141:16, 141:21, 153:2, 200:18, 201:24, 201:25, 205:10, 233:8</p> <p>DISCUSSION [1] - 152:27</p> <p>discussions [2] - 140:26, 171:26</p> <p>dispose [1] - 225:23</p> <p>disposition [1] - 222:20</p> <p>dispute [1] - 78:20</p> <p>disruption [1] - 164:11</p> <p>disruptive [1] - 164:26</p> <p>disseminating [1] - 223:28</p> <p>district [2] - 95:17, 214:17</p> <p>DISTRICT [6] - 213:21, 213:22, 214:9, 214:10, 215:9, 215:10</p> <p>District [28] - 7:18, 7:18, 7:20, 7:21, 7:23, 7:24, 11:9, 11:18, 12:2, 14:8, 72:15, 72:24, 95:18, 107:11, 107:12, 107:14, 108:2, 120:12, 120:23, 213:25, 214:3,</p>	<p>214:17, 214:18, 215:13, 215:19, 215:28, 216:6</p> <p>disturbing [1] - 223:1</p> <p>Ditch [1] - 157:26</p> <p>ditch [3] - 39:3, 103:9, 126:19</p> <p>document [1] - 181:11</p> <p>documentation [1] - 128:5</p> <p>documented [1] - 152:15</p> <p>documents [1] - 61:9</p> <p>dodged [1] - 82:18</p> <p>dog [2] - 86:11, 86:14</p> <p>dogs [1] - 91:24</p> <p>dollar [8] - 78:3, 78:6, 127:4, 170:20, 174:27, 194:3, 196:2</p> <p>dollars [22] - 68:14, 68:26, 97:24, 143:15, 155:19, 155:21, 155:23, 155:27, 162:10, 162:13, 164:6, 174:25, 178:23, 181:14, 194:10, 194:15, 197:21, 204:15, 219:13, 220:22, 223:8, 223:16</p> <p>DON [3] - 132:3, 133:10, 133:13</p> <p>Don [2] - 3:15, 132:3</p> <p>done [38] - 21:5, 21:15, 21:16, 23:13, 28:28, 29:16, 29:26, 36:25, 38:1, 38:5, 38:6, 38:8, 38:24, 51:18, 56:17, 61:21, 83:15, 105:6, 134:27, 136:4, 136:11, 156:9, 156:18, 159:20, 163:21, 166:27, 167:25, 167:27, 173:16, 175:10, 177:3, 184:18, 184:26, 190:22, 192:4, 209:12, 230:8</p> <p>DONNA [21] - 74:19, 75:5, 75:7, 75:13, 75:15, 75:20, 76:8, 76:19, 76:21, 76:24, 77:5, 77:10, 77:16, 77:25, 79:2, 101:7, 102:8, 102:16, 103:1, 103:7, 103:14</p> <p>Donna [3] - 2:13, 3:28, 74:19</p>	<p>door [3] - 98:14, 177:19, 178:10</p> <p>doors [1] - 17:15</p> <p>Dorn [1] - 3:26</p> <p>Dorough's [1] - 209:13</p> <p>doubled [1] - 53:8</p> <p>doubt [1] - 98:25</p> <p>dove [1] - 121:11</p> <p>down [41] - 10:21, 21:5, 33:4, 43:12, 47:26, 51:4, 51:8, 57:24, 58:4, 58:21, 60:1, 65:26, 68:8, 71:15, 90:7, 91:23, 103:9, 125:7, 126:3, 126:4, 126:18, 128:9, 129:3, 130:21, 137:1, 158:20, 158:25, 159:2, 159:6, 160:17, 161:27, 162:23, 164:12, 175:2, 186:8, 186:11, 206:5, 206:12, 222:11, 234:7</p> <p>down-the-road [1] - 60:1</p> <p>downhill [1] - 184:1</p> <p>downstream [1] - 54:27</p> <p>downtown [2] - 18:4, 167:24</p> <p>dozen [1] - 90:18</p> <p>dozens [1] - 175:1</p> <p>drafted [1] - 207:5</p> <p>drainage [11] - 35:9, 36:24, 38:26, 81:3, 122:15, 135:5, 136:20, 136:24, 181:17, 183:17</p> <p>drastic [1] - 122:18</p> <p>drawing [1] - 86:24</p> <p>drawings [1] - 166:23</p> <p>dream [1] - 86:5</p> <p>Drew [1] - 3:27</p> <p>drilling [1] - 167:21</p> <p>drive [4] - 33:17, 88:8, 101:21, 126:17</p> <p>DRIVE [1] - 205:7</p> <p>Drive [1] - 8:16</p> <p>driven [1] - 113:21</p> <p>driver [1] - 87:4</p> <p>driver's [1] - 126:16</p> <p>driveways [4] - 17:16, 90:8, 164:25, 165:22</p> <p>driving [1] - 174:27</p> <p>dropped [1] - 77:12</p> <p>drops [1] - 186:11</p>	<p>drug [2] - 79:5, 79:6</p> <p>drunk [1] - 91:15</p> <p>dry [1] - 224:18</p> <p>DSL [1] - 166:22</p> <p>DSL D [2] - 155:9, 168:15</p> <p>duct [10] - 158:8, 159:8, 159:19, 159:27, 160:2, 160:12, 160:15, 161:2, 161:24, 170:8</p> <p>ducts [2] - 159:13, 159:23</p> <p>due [4] - 46:18, 76:12, 78:19, 150:25</p> <p>dug [1] - 137:1</p> <p>dump [2] - 24:27, 125:26</p> <p>dumping [1] - 126:24</p> <p>dune [1] - 208:18</p> <p>duplexes [1] - 15:2</p> <p>Durham [1] - 163:23</p> <p>during [10] - 20:19, 54:3, 65:11, 97:19, 147:16, 162:9, 164:9, 178:28, 184:8, 193:3</p> <p>dust [1] - 173:18</p> <p>Dyess [1] - 2:9</p> <p>DYESS [95] - 11:4, 16:10, 16:14, 26:24, 26:28, 27:4, 27:13, 28:21, 28:25, 29:2, 29:4, 29:8, 29:13, 29:21, 29:24, 30:2, 30:6, 30:9, 30:17, 30:27, 31:8, 31:28, 32:5, 32:17, 32:22, 33:6, 34:2, 34:16, 37:8, 39:1, 47:5, 47:11, 48:6, 49:2, 49:8, 49:11, 60:27, 61:4, 61:21, 66:23, 66:27, 67:1, 67:5, 67:11, 67:15, 67:20, 67:23, 68:21, 69:24, 70:1, 70:13, 71:27, 72:7, 72:10, 95:7, 95:11, 96:2, 105:16, 105:19, 106:19, 106:25, 119:25, 142:26, 143:7, 151:20, 175:6, 182:1, 204:21, 204:26, 207:13, 208:19, 209:15, 209:18, 209:22, 209:27, 210:12, 211:20, 211:26, 212:12, 212:24,</p>	<p>213:6, 213:24, 214:12, 214:19, 214:22, 214:25, 215:12, 216:4, 216:7, 216:23, 217:1, 217:6, 217:17, 218:10, 220:2</p>
E				
<p>E-1 [1] - 210:15</p> <p>e-mail [4] - 57:1, 77:21, 221:28</p> <p>e-mails [11] - 31:16, 32:4, 32:7, 65:1, 65:8, 65:12, 73:25, 74:24, 203:1, 222:1, 222:3</p> <p>early [2] - 83:20, 203:25</p> <p>easement [1] - 38:26</p> <p>easier [1] - 15:12</p> <p>easily [2] - 122:17, 130:24</p> <p>East [1] - 29:8</p> <p>east [13] - 11:18, 12:13, 14:7, 14:24, 51:3, 72:28, 85:16, 113:10, 120:19, 123:16, 125:20, 126:1, 200:7</p> <p>Eastern [1] - 7:21</p> <p>EASTERN [1] - 214:10</p> <p>easy [1] - 61:19</p> <p>echoing [1] - 90:26</p> <p>Economic [2] - 3:5, 140:19</p> <p>economics [1] - 156:2</p> <p>Ecor [1] - 66:1</p> <p>ecosystem [1] - 88:4</p> <p>education [1] - 222:13</p> <p>ee's [5] - 73:3, 80:23, 83:9, 87:5, 89:3</p> <p>effective [3] - 49:18, 148:16, 155:24</p> <p>effort [5] - 70:22, 140:22, 206:22, 221:3, 221:23</p> <p>eight [13] - 11:11, 14:4, 120:2, 125:24, 129:15, 131:19, 132:20, 157:24, 194:26, 196:27, 197:28, 219:12, 221:28</p> <p>eighths [1] - 160:14</p> <p>eighty [5] - 85:25, 181:13, 194:10,</p>				

<p>194:28, 197:27 eighty-one [1] - 181:13 eighty-seven [1] - 85:25 eighty/twenty [1] - 197:12 either [13] - 23:16, 63:3, 77:10, 79:11, 92:17, 102:2, 109:19, 117:21, 160:7, 169:17, 187:20, 200:9, 204:1 EJ [1] - 143:16 Elberta [10] - 120:18, 122:20, 122:24, 122:28, 123:11, 123:26, 126:22, 129:25, 132:10, 132:14 Elberta's [2] - 122:17, 122:19 elected [1] - 59:12 election [1] - 95:16 electrical [1] - 92:7 Electronic [1] - 148:5 elevation [2] - 26:5, 51:7 elevations [1] - 51:6 eleven [1] - 219:5 EMA [4] - 8:24, 86:18, 218:9, 218:12 embedded [1] - 32:1 Emergency [2] - 2:25, 8:23 EMERGENCY [1] - 218:8 emotion [1] - 127:22 emotional [3] - 127:25, 131:23, 134:21 employee [2] - 140:9, 219:3 employees [2] - 31:4, 139:5 encountered [1] - 219:17 encourage [3] - 16:25, 222:12, 227:4 end [19] - 20:24, 21:16, 39:14, 39:21, 39:26, 58:14, 59:8, 132:28, 154:17, 168:7, 170:7, 185:19, 192:4, 192:10, 192:17, 192:18, 205:12, 226:16, 229:1 ending [1] - 35:7 ends [3] - 32:9, 34:10,</p>	<p>41:14 Energy [1] - 5:26 ENERGY [1] - 148:24 energy [2] - 149:2, 149:5 Enforcement [1] - 100:17 engage [1] - 71:9 engineer [8] - 13:14, 20:4, 22:26, 23:14, 37:20, 43:5, 65:17, 111:15 Engineer [3] - 2:23, 42:10, 194:2 engineer's [1] - 197:16 Engineering [2] - 23:4, 68:11 engineering [19] - 20:1, 23:3, 23:10, 25:24, 36:27, 36:28, 41:11, 42:7, 49:17, 49:25, 54:3, 55:25, 68:15, 69:6, 71:16, 167:15, 171:15, 193:27, 194:4 engineers [6] - 23:1, 48:22, 49:13, 55:1, 58:20, 86:9 Enrollees [1] - 8:26 ENROLLEES [1] - 218:26 entire [6] - 54:4, 116:4, 157:17, 171:8, 190:7, 228:25 entirety [1] - 191:15 entities [1] - 139:23 entity [2] - 140:10, 141:2 environmental [1] - 24:7 Environmental [1] - 3:8 envy [1] - 127:23 EPA [6] - 222:7, 222:8, 225:22, 225:28, 226:8, 228:18 especially [3] - 163:2, 174:23, 193:3 establishing [1] - 107:16 estate [1] - 128:28 Estates [5] - 6:18, 11:16, 12:11, 14:2, 206:3 ESTATES [1] - 13:24 estimate [2] - 190:23, 197:16 estuary [1] - 221:11 ESTUARY [1] - 220:6</p>	<p>Estuary [2] - 9:4, 220:19 ETJ [2] - 31:10, 123:12 Europe [1] - 157:22 evacuation [1] - 85:21 event [2] - 57:16, 177:5 eventually [1] - 35:1 evidence [1] - 129:6 evident [1] - 95:21 exact [2] - 38:8, 39:13 exactly [7] - 38:4, 50:17, 98:15, 100:12, 223:18, 225:19, 227:16 example [2] - 124:3, 167:22 exceed [1] - 196:20 exceeds [1] - 196:22 except [1] - 36:4 exception [2] - 73:6, 104:19 exchange [1] - 139:17 excuse [1] - 231:27 execute [2] - 143:18, 148:4 execution [1] - 148:17 Executive [2] - 8:4, 140:19 executive [12] - 138:11, 138:26, 140:12, 141:4, 141:11, 141:16, 141:21, 141:23, 142:3, 142:9, 142:17, 142:20 EXECUTIVE [1] - 138:24 existing [4] - 12:6, 165:15, 166:9, 167:5 expand [1] - 98:9 expansion [2] - 140:9, 141:1 expect [2] - 69:4, 69:8 expected [1] - 34:28 expecting [1] - 57:16 expense [1] - 104:4 expensive [2] - 119:6, 193:6 experience [1] - 57:27 experiment [1] - 180:2 explain [3] - 30:22, 154:2, 218:14 explained [1] - 222:6 exponential [1] - 33:14 Express [8] - 73:1, 85:17, 85:18, 87:2, 109:8, 109:20, 109:22, 111:10</p>	<p>expressed [4] - 12:15, 20:20, 32:14, 118:18 expressway [4] - 85:22, 125:12, 125:13, 125:15 extend [1] - 91:1 Extension [1] - 8:26 EXTENSION [1] - 218:26 extension [3] - 144:10, 208:15, 219:4 extnt [1] - 52:16 extra [1] - 201:9 extraordinary [2] - 95:23, 96:3 eyes [1] - 25:1</p>	<p>164:14 father [1] - 85:26 favor [3] - 110:5, 142:13, 233:11 fear [1] - 90:14 feasibility [3] - 129:17, 136:1, 136:3 February [2] - 108:3, 123:15 Federal [4] - 31:6, 31:21, 85:20, 113:8 fee [3] - 217:21, 217:22, 217:23 feed [2] - 87:28, 104:3 Fees [1] - 8:22 FEES [1] - 217:16 fees [3] - 178:24, 197:24, 197:25 feet [10] - 26:6, 60:13, 118:23, 123:1, 123:2, 164:20, 164:21, 164:22, 164:28 fell [1] - 57:13 felt [1] - 70:6 fence [4] - 17:12, 17:13, 18:23, 110:3 fences [3] - 16:23, 18:10, 59:21 fencing [1] - 119:2 few [8] - 21:1, 46:8, 59:24, 117:26, 118:3, 135:19, 143:21, 183:1 FIBER [2] - 144:4, 152:27 Fiber [3] - 5:10, 6:10, 163:5 fiber [24] - 144:8, 153:2, 154:14, 154:21, 154:28, 155:15, 155:17, 156:3, 157:9, 157:16, 159:22, 159:24, 159:25, 160:28, 161:3, 167:14, 167:22, 168:8, 168:9, 168:17, 169:15, 170:6, 171:1, 171:5 fiber-based [1] - 154:14 fiberglass [1] - 161:27 fiberglass-reinforced [1] - 161:27 fibers [3] - 153:22, 153:23, 159:25 field [2] - 86:15, 91:15 fifteen [9] - 143:15,</p>
---	---	--	--	--

F

F-150 [1] - 211:25
F-150.....
 [1] - 7:10
face [1] - 109:6
fact [5] - 18:21, 20:4, 81:21, 98:23, 152:11
facts [3] - 133:23, 223:27, 227:14
failed [1] - 112:15
FAIRHOPE [3] - 145:28, 147:25, 150:16
Fairhope [10] - 5:20, 5:23, 6:7, 17:5, 21:4, 31:25, 49:14, 146:7, 148:1, 150:23
fairly [1] - 34:24
fall [1] - 15:4
falls [1] - 31:10
familiar [1] - 21:4
families [1] - 86:22
Family [1] - 11:14
family [8] - 15:1, 30:3, 78:18, 78:19, 86:12, 87:21, 118:11, 120:25
far [12] - 30:25, 36:23, 37:22, 47:18, 48:19, 60:6, 68:6, 90:10, 93:9, 115:18, 119:1, 122:9
farm [3] - 85:17, 91:13, 118:12
farmers [1] - 88:2
farms [2] - 87:21, 87:27
fast [3] - 158:27, 165:24, 173:19
faster [2] - 87:20,

<p>157:22, 190:24, 220:22, 221:15, 221:16, 221:25, 223:8, 223:15 fifty [16] - 68:2, 68:14, 86:2, 87:14, 96:15, 96:16, 118:23, 125:24, 132:19, 132:20, 134:23, 166:17, 171:1, 174:25, 186:16, 219:7 fifty-eight [2] - 125:24, 132:20 fifty-five [4] - 86:2, 87:14, 96:15, 186:16 fifty-one [1] - 118:23 fifty-six [1] - 96:16 figure [1] - 67:3 file [1] - 219:4 filed [2] - 150:24, 166:24 files [1] - 76:6 fill [15] - 12:14, 12:16, 23:7, 24:17, 44:25, 51:26, 55:27, 56:9, 58:23, 162:11, 162:17, 162:19, 214:2, 214:28 filled [2] - 42:17, 163:11 filling [4] - 13:9, 42:13, 42:20, 57:10 FILM [1] - 220:7 Film [1] - 9:5 film [3] - 221:6, 228:23 filtered [2] - 43:14, 43:17 final [6] - 68:18, 73:17, 73:20, 124:3, 181:18, 228:16 finally [1] - 118:6 FINANCE [1] - 6:13 Finance/Accounting [1] - 2:14 financed [1] - 129:15 financially [2] - 134:5, 134:10 findings [1] - 122:6 fine [4] - 118:28, 123:24, 199:21, 225:1 finish [5] - 63:17, 131:10, 146:23, 146:26 finishing [2] - 22:6, 167:6 firm [3] - 20:1, 194:4 first [29] - 11:5, 11:6, 20:10, 29:6, 29:11,</p>	<p>36:7, 36:20, 46:12, 46:14, 46:27, 64:10, 69:13, 82:17, 115:24, 143:8, 143:9, 151:26, 152:4, 155:7, 157:6, 157:10, 162:26, 165:17, 168:13, 171:14, 171:19, 183:6, 219:17 Fiscal [1] - 191:27 FISH [1] - 212:22 Fish [8] - 7:16, 34:12, 34:14, 50:6, 54:20, 57:2, 208:3, 212:25 fit [1] - 71:12 five [44] - 11:11, 14:4, 83:25, 85:6, 86:2, 87:14, 93:21, 94:17, 96:15, 97:24, 107:10, 107:15, 108:16, 117:24, 123:2, 129:12, 129:24, 132:23, 133:14, 138:1, 151:3, 151:28, 154:10, 160:14, 160:22, 166:18, 167:15, 178:23, 186:9, 186:12, 186:13, 186:15, 186:16, 192:19, 192:22, 194:8, 197:20, 197:25, 197:26, 219:12 five-eighths [1] - 160:14 five-minute [1] - 138:1 fix [1] - 218:22 Fixed [1] - 7:9 FIXED [1] - 211:24 fixed [2] - 211:27, 216:17 fixing [1] - 189:12 flag [1] - 44:4 flat [1] - 34:24 flexible [1] - 162:7 flip [1] - 53:10 flood [1] - 51:13 flooding [3] - 33:11, 35:25, 37:16 FLOOR [1] - 150:15 Floor [1] - 6:6 floor [1] - 150:22 Florida [3] - 19:17, 61:25, 70:3 flow [3] - 41:16, 86:14, 174:9 flowing [2] - 35:26, 87:11</p>	<p>flows [1] - 40:5 flyover [1] - 149:24 foam [1] - 163:11 focus [1] - 24:11 FOLEY [1] - 146:1 Foley [11] - 5:20, 49:14, 108:1, 109:2, 109:7, 109:20, 109:21, 110:2, 110:20, 111:20, 146:8 folks [6] - 57:23, 96:9, 118:17, 165:27, 178:12, 227:13 follow [3] - 127:26, 153:26, 186:19 followed [1] - 38:9 following [2] - 1:12, 38:11 followup [4] - 57:25, 104:10, 134:20, 216:23 foot [12] - 92:9, 92:11, 108:16, 121:23, 155:19, 155:21, 155:24, 155:27, 162:13, 164:7, 174:26 footage [1] - 118:21 footprint [1] - 36:6 FOR [19] - 138:24, 143:5, 144:5, 144:25, 145:12, 145:27, 146:1, 147:10, 147:24, 148:23, 149:12, 150:14, 210:27, 218:9, 218:26, 220:5, 220:6 forcing [2] - 130:20, 130:23 FORD [1] - 211:25 Ford [1] - 7:10 foregoing [2] - 234:7, 234:10 foreign [1] - 139:25 forever [3] - 92:27, 117:28, 119:12 forget [2] - 33:17, 137:2 forgetting [1] - 216:2 form [1] - 210:14 format [1] - 55:2 formerly [1] - 217:9 forming [1] - 95:19 Fort [3] - 206:3, 206:8, 213:1 forth [4] - 23:15, 75:27, 132:24, 218:18</p>	<p>fortunate [1] - 132:16 fortunately [1] - 167:25 forty [12] - 11:11, 14:4, 22:1, 159:24, 160:22, 164:20, 164:22, 186:9, 186:16, 194:9, 197:21, 223:8 forty-five [3] - 160:22, 186:9, 186:16 forty-four [1] - 159:24 forty-three [1] - 22:1 forty-two [2] - 194:9, 197:21 forward [12] - 17:25, 23:9, 37:18, 48:12, 48:25, 49:23, 84:20, 92:9, 99:1, 166:7, 201:25, 204:7 Foundation [2] - 7:16, 212:25 FOUNDATION [1] - 212:23 Fountain [2] - 6:23, 119:27 FOUNTAIN [1] - 119:22 four [32] - 30:16, 32:28, 57:22, 58:15, 59:18, 93:2, 93:15, 93:20, 94:3, 94:17, 100:14, 102:11, 102:25, 107:15, 110:4, 110:11, 129:12, 148:6, 151:4, 151:28, 155:1, 158:4, 159:5, 159:24, 171:3, 194:25, 196:27, 197:28, 207:22, 213:3, 226:10 FOUR [1] - 207:8 Four [1] - 8:17 four-point-five [1] - 107:15 Four-Way [1] - 8:17 FOUR-WAY [1] - 207:8 four-way [1] - 207:22 fourteen [2] - 85:19, 166:12 fourth [1] - 170:4 fourths [1] - 80:20 FRANK [3] - 45:16, 103:19, 103:26 Frank [11] - 3:14, 19:7, 101:26, 103:26, 124:25, 125:27, 132:4, 132:22,</p>	<p>202:25, 206:17, 206:18 FRANZ [36] - 62:3, 66:19, 66:24, 66:28, 67:2, 67:9, 67:13, 67:19, 67:22, 68:7, 68:26, 69:1, 69:16, 69:23, 70:12, 121:28, 122:4, 127:3, 127:8, 127:14, 129:4, 130:27, 131:6, 134:16, 134:19, 135:21, 136:1, 136:6, 136:16, 136:23, 136:27, 137:6, 137:10, 137:13, 137:18 Franz [1] - 4:9 free [1] - 185:9 frequency [1] - 154:13 Friday [2] - 76:9, 209:11 FROM [3] - 191:23, 217:15, 218:26 front [7] - 17:15, 76:26, 103:9, 123:26, 163:27, 167:2, 173:20 frontage [4] - 109:7, 109:20, 119:1 full [4] - 29:15, 29:17, 29:24, 77:18 function [1] - 180:21 functions [1] - 63:10 fund [6] - 190:17, 191:6, 193:7, 195:25, 196:1, 225:6 Funding [1] - 8:8 FUNDING [1] - 189:1 funding [6] - 189:6, 189:8, 189:15, 191:12, 197:11 funds [1] - 213:6 FUNDS [1] - 220:5 Funds [1] - 9:4 Fuqua [2] - 3:15, 132:3 FUQUA [3] - 132:3, 133:10, 133:13 furthermore [1] - 52:20 future [9] - 19:15, 22:24, 45:19, 86:20, 96:4, 104:16, 108:8, 179:12, 199:25 Future [1] - 108:11 FY [1] - 191:21 Fy [1] - 8:11 FYI [2] - 207:23,</p>
---	---	---	--	--

207:28	geo [1] - 25:26	gray [1] - 79:6	95:10, 100:7, 100:11, 101:6, 102:23, 102:28, 103:6, 103:18, 103:21, 103:25, 104:8, 104:23, 105:26, 106:1, 106:14, 106:18, 106:22, 107:6, 110:16, 110:28, 111:19, 111:24, 112:1, 112:6, 112:10, 112:14, 112:20, 112:26, 113:5, 113:12, 113:16, 114:9, 116:17, 116:20, 116:24, 119:8, 119:16, 119:19, 119:24, 121:26, 122:3, 124:10, 124:16, 124:20, 124:23, 125:5, 125:17, 127:2, 127:12, 127:18, 128:13, 130:16, 131:1, 131:5, 131:9, 132:1, 133:21, 134:14, 136:15, 137:20, 137:24, 138:1, 138:9, 138:18, 138:22, 141:28, 142:7, 142:13, 142:17, 142:25, 143:1, 143:23, 144:2, 144:13, 144:22, 145:4, 145:24, 146:16, 146:23, 147:4, 147:22, 148:8, 148:21, 148:27, 149:9, 149:23, 150:2, 150:7, 150:12, 150:18, 151:8, 151:12, 151:15, 151:19, 152:18, 152:22, 153:18, 157:2, 157:13, 160:4, 160:10, 161:21, 165:5, 165:9, 169:4, 169:8, 169:21, 169:25, 170:2, 170:13, 170:17, 170:23, 171:7, 171:11, 172:20, 173:11, 173:24, 173:27, 174:9, 174:12, 174:18, 175:5, 175:13, 175:17,	geographic [1] - 49:5 Georgia [1] - 154:7 geotech [1] - 39:12 geotechnical [2] - 23:3, 23:14 giant [2] - 223:2 gig [1] - 166:19 gigabit [2] - 156:3, 166:16 Gillian [1] - 217:7 given [5] - 75:11, 76:4, 104:1, 221:13, 234:11 glad [6] - 116:22, 119:14, 132:7, 132:10, 132:13, 169:1 gladly [1] - 172:8 glitch [1] - 218:13 goal [10] - 20:22, 21:10, 47:16, 47:20, 47:21, 48:8, 49:28, 70:23, 71:6 goals [1] - 228:13 God [2] - 53:12, 59:7 gofer [1] - 167:19 golf [4] - 107:26, 113:28, 114:6, 126:17 gonna [4] - 18:12, 25:15, 25:26, 57:10 goodness [2] - 59:13, 97:11 Google [6] - 163:1, 163:3, 163:4, 163:18, 163:21, 167:22 governmental [5] - 139:12, 139:15, 139:22, 139:23, 140:11 gradual [1] - 121:20 Graham [1] - 3:8 grand [2] - 190:24, 196:19 Grant [2] - 8:18, 8:20 grant [8] - 42:4, 192:1, 192:5, 193:15, 208:1, 208:3, 208:9, 230:9 GRANT [2] - 207:26, 230:5 grass [6] - 89:7, 164:2, 164:5, 164:10, 164:21, 164:22 gravel [5] - 78:1, 78:7, 104:10, 104:12, 104:15	great [8] - 88:28, 100:2, 150:4, 156:9, 169:19, 172:2, 174:23, 175:5 GREATER [3] - 213:22, 214:10, 215:10 greater [1] - 39:17 Greater [3] - 7:19, 7:21, 7:24 green [5] - 17:9, 18:5, 26:24, 60:7, 124:5 grew [3] - 82:26, 91:23, 99:5 grinder [1] - 88:22 ground [6] - 155:17, 159:14, 159:28, 160:21, 223:26, 227:23 group [4] - 58:20, 227:17, 227:21 groups [1] - 227:19 grout [2] - 161:13, 161:14 grow [9] - 16:23, 79:12, 98:2, 98:3, 130:7, 130:9, 138:16, 155:5, 164:11 growing [4] - 85:24, 87:22, 99:2, 99:11 growth [3] - 33:14, 98:8, 130:6 Gruber [2] - 2:4, 207:28 GRUBER [302] - 10:5, 10:18, 10:26, 11:3, 13:5, 13:12, 13:18, 13:22, 15:19, 16:13, 22:17, 25:4, 25:10, 26:4, 26:14, 26:18, 26:22, 28:24, 34:18, 35:13, 36:11, 38:20, 41:18, 41:26, 42:1, 42:27, 43:3, 43:21, 43:25, 43:28, 44:6, 45:9, 46:2, 50:3, 51:22, 62:8, 62:27, 64:8, 66:17, 69:4, 69:8, 69:11, 69:19, 69:28, 70:17, 71:21, 71:25, 72:1, 72:6, 72:9, 74:13, 74:17, 76:23, 79:16, 79:25, 80:6, 81:13, 81:16, 82:21, 85:14, 89:9, 89:12, 89:27, 90:3, 90:22, 92:20, 93:19, 94:25, 95:1, 95:4,	175:26, 176:17, 178:1, 178:5, 179:28, 180:5, 181:1, 181:6, 181:21, 182:6, 182:16, 184:7, 185:3, 186:22, 187:8, 187:11, 187:16, 188:9, 188:12, 188:22, 188:26, 189:20, 189:26, 194:21, 194:25, 195:2, 195:6, 195:18, 195:22, 198:10, 198:14, 198:19, 198:27, 199:5, 199:11, 199:16, 199:25, 200:16, 201:1, 201:6, 201:12, 201:19, 204:4, 205:3, 205:19, 205:27, 207:3, 208:14, 208:18, 208:22, 208:27, 209:4, 209:8, 209:11, 210:7, 210:20, 210:25, 211:10, 211:17, 212:6, 212:18, 213:5, 213:19, 214:5, 214:24, 215:2, 215:21, 215:25, 217:13, 217:26, 218:2, 219:20, 219:24, 220:9, 220:13, 220:17, 220:21, 220:27, 221:8, 222:23, 223:6, 224:3, 224:8, 224:17, 224:22, 224:27, 225:3, 229:26, 230:2, 230:14, 230:22, 230:26, 231:3, 231:8, 231:13, 231:18, 231:21, 231:25, 232:1, 232:8, 232:14, 232:19, 232:24, 232:27, 233:4, 233:8, 233:11, 233:15 guarantee [9] - 22:19, 45:1, 53:16, 101:14, 101:15, 101:18, 101:27, 102:2, 181:15 guess [13] - 60:10, 86:8, 96:4, 96:26,
G						
g-1 [2] - 6:17, 11:1 G-1 [2] - 11:5, 72:2 G-2 [3] - 6:18, 13:24, 72:2 G-3 [3] - 72:9, 72:10, 106:26 g-3 [2] - 6:20, 72:4 G-4 [2] - 106:20, 106:27 g-4 [2] - 6:21, 106:16 g-5 [2] - 6:23, 119:22 G-5 [1] - 119:26 gain [3] - 134:5, 134:10, 187:17 gallon [1] - 162:11 gals [3] - 98:3, 98:4, 99:12 gap [1] - 216:21 Gary [1] - 2:17 Gas [1] - 5:26 GAS [1] - 148:24 gas [4] - 149:2, 149:5, 167:24, 177:24 Gas-to-Energy [1] - 5:26 GAS-TO-ENERGY [1] - 148:24 gas-to-energy [2] - 149:2, 149:5 gates [1] - 118:22 gather [1] - 18:9 Gautney [1] - 3:6 GAUTNEY [20] - 143:9, 144:7, 144:19, 144:26, 145:13, 146:3, 146:13, 146:17, 146:21, 146:27, 147:7, 147:12, 147:27, 148:9, 148:15, 148:28, 149:14, 150:19, 151:3, 151:16 gears [1] - 192:11 General [2] - 8:16, 107:13 GENERAL [1] - 205:7 general [5] - 67:21, 73:13, 85:24, 138:28, 224:11 generate [1] - 29:26 generated [1] - 74:2 generating [1] - 156:12 gentleman [1] - 91:8						

<p>110:19, 119:11, 169:12, 186:10, 197:9, 223:27, 224:1, 227:22, 228:15 guidance [5] - 48:18, 67:6, 67:8, 67:24, 68:6 guide [2] - 61:17, 66:20 Gulf [4] - 31:25, 87:12, 132:5, 132:7 gun [2] - 90:16 gunshot [1] - 98:19 GUY [1] - 231:19 guy [3] - 117:4, 171:15, 173:17 Guy [1] - 4:4 guys [14] - 29:23, 65:20, 84:7, 85:9, 98:3, 98:4, 99:12, 115:22, 162:22, 177:26, 184:15, 221:27, 228:3</p>	<p>Hang [1] - 132:9 happy [5] - 12:28, 15:16, 117:8, 166:5, 178:24 hard [6] - 53:21, 80:23, 153:23, 164:24, 167:17, 183:20 hardens [1] - 162:6 hardly [1] - 133:17 harmless [1] - 176:21 Hartman [1] - 217:7 hate [1] - 19:20 hailed [1] - 44:8 hauling [1] - 24:27 HAYES [8] - 72:4, 88:12, 88:16, 102:5, 102:14, 103:3, 103:13, 105:22 Hayes [5] - 6:20, 72:11, 82:25, 83:8, 101:7 head [2] - 30:1, 42:17 heading [1] - 186:10 heads [1] - 10:12 health [5] - 19:13, 65:28, 101:24, 101:25, 139:2 hear [12] - 32:10, 62:19, 79:25, 91:11, 98:14, 98:19, 98:24, 98:28, 99:21, 105:13, 228:3, 232:19 heard [11] - 45:17, 70:19, 84:6, 84:7, 84:9, 94:10, 97:6, 104:13, 117:13, 216:1, 216:20 hearing [18] - 28:11, 43:23, 46:3, 46:11, 46:13, 55:14, 64:10, 72:1, 74:6, 76:7, 77:24, 95:27, 104:21, 104:25, 106:4, 119:20, 137:25, 152:7 heart [1] - 97:27 heat [1] - 162:7 heating [1] - 162:8 heavily [1] - 50:10 HELD [1] - 1:2 held [8] - 1:12, 95:18, 105:20, 106:6, 152:7, 172:9, 200:4, 217:9 Helms [1] - 215:18 help [14] - 55:15, 70:22, 89:20, 89:22, 89:23, 89:24, 89:25,</p>	<p>135:5, 190:12, 193:7, 198:3, 200:22, 209:13, 219:16 helped [1] - 118:12 helping [6] - 49:27, 198:20, 199:7, 199:11, 199:14, 199:18 helps [3] - 55:22, 87:25, 98:10 hereby [2] - 140:22, 234:6 heritage [1] - 168:11 hi [1] - 133:22 Hickory [1] - 113:10 HICKS [1] - 141:13 Hicks [3] - 2:28, 141:7, 141:14 Hidden [8] - 155:12, 157:5, 164:18, 165:13, 165:20, 166:9, 180:9, 180:12 HIGH [1] - 191:21 High [2] - 8:11, 191:27 high [11] - 39:26, 81:28, 93:28, 94:1, 113:18, 156:2, 164:17, 168:9, 168:23, 170:20, 223:10 high-density [1] - 164:17 high-dollar [1] - 170:20 high-traffic [1] - 113:18 higher [4] - 61:28, 66:13, 167:28, 192:26 higher-quality [1] - 61:28 highlighted [1] - 128:11 highly [2] - 173:17, 227:4 HIGHWAY [3] - 6:8, 182:18, 191:23 highway [2] - 43:11, 61:26 Highway [25] - 2:20, 2:23, 8:5, 8:13, 31:4, 31:22, 42:10, 56:22, 108:14, 113:8, 114:24, 120:11, 121:4, 121:5, 121:7, 125:27, 151:21, 169:10, 183:8, 188:24, 190:11, 190:16, 190:27,</p>	<p>192:5 Hilderbrandt [1] - 215:16 himself [1] - 105:20 Hinote [2] - 3:28, 74:20 HINOTE [21] - 74:19, 75:5, 75:7, 75:13, 75:15, 75:20, 76:8, 76:19, 76:21, 76:24, 77:5, 77:10, 77:16, 77:25, 79:2, 101:7, 102:8, 102:16, 103:1, 103:7, 103:14 hire [2] - 102:3, 171:14 hired [2] - 171:14, 183:11 History [1] - 211:21 HISTORY [1] - 7:6 history [1] - 154:23 hit [13] - 81:3, 87:17, 133:23, 164:25, 167:24, 171:4, 172:5, 172:11, 195:6, 195:7, 195:8, 201:8, 201:9 hits [1] - 19:12 hitting [1] - 172:14 HOFFER [3] - 85:11, 85:15, 87:17 Hoffer [2] - 4:6, 85:15 hog [1] - 119:11 hogging [3] - 117:26, 117:28, 119:10 hold [3] - 95:16, 95:17, 176:20 holding [1] - 160:13 hole [3] - 161:5, 161:13, 170:8 holes [2] - 42:21, 167:19 home [13] - 19:12, 30:3, 93:25, 95:6, 117:11, 117:21, 124:18, 154:21, 155:1, 155:15, 159:25, 167:12, 172:24 homeowners [2] - 45:20, 166:15 Homes [2] - 20:25, 181:13 homes [9] - 14:25, 15:2, 94:27, 95:1, 154:18, 155:16, 156:13, 165:14, 166:13 honest [1] - 100:21 honor [1] - 218:20</p>	<p>Hood [1] - 2:25 hook [1] - 88:20 hope [1] - 171:20 Hope [1] - 214:26 hoping [1] - 49:20 horizontal [1] - 128:21 horse [3] - 68:16, 69:22, 70:21 Horseneck [2] - 186:11, 186:17 Horton [3] - 155:9, 157:6, 168:15 hoses [1] - 92:7 Hoss [1] - 207:20 hot [1] - 162:22 hotspots [2] - 166:1, 180:17 hour [5] - 86:3, 87:15, 141:24, 142:10, 186:9 hours [4] - 77:21, 171:3, 222:1, 226:3 house [10] - 19:18, 35:24, 57:12, 59:8, 78:21, 85:28, 91:12, 130:14, 130:24, 131:21 household [3] - 133:7, 133:9, 153:24 houses [7] - 25:13, 51:3, 51:26, 130:3, 132:19, 165:23, 206:16 housing [2] - 15:1, 135:11 Hrrr [1] - 8:12 HRRR [1] - 191:22 Huey [1] - 101:23 huge [1] - 130:10 Hugh [1] - 215:17 humanity [1] - 88:5 hundred [51] - 14:3, 30:8, 30:9, 30:16, 32:28, 33:1, 58:18, 59:17, 59:18, 60:14, 60:18, 70:5, 85:5, 96:16, 125:25, 131:17, 133:14, 143:14, 150:9, 154:10, 159:24, 166:17, 171:22, 181:14, 194:3, 194:5, 194:8, 194:9, 194:13, 194:14, 194:25, 195:2, 196:21, 196:23, 197:7, 197:10, 197:20, 197:21, 197:25, 198:1, 204:15, 204:16,</p>
H				
<p>H-1 [4] - 6:26, 209:23, 210:11, 210:13 H-2 [1] - 209:24 h-2 [2] - 7:4, 210:27 H20 [1] - 161:17 Haber [3] - 7:26, 217:2, 217:5 HABER [1] - 216:28 hair [1] - 83:1 HALE [3] - 45:16, 103:19, 103:26 Hale [2] - 3:14, 103:27 half [11] - 51:7, 78:2, 78:5, 130:23, 158:2, 162:18, 163:14, 165:27, 167:10, 219:15 hall [1] - 106:7 Hall [4] - 40:20, 40:21, 41:8, 41:10 halt [1] - 86:5 HANAK [4] - 159:11, 218:15, 218:27, 219:27 hand [4] - 154:4, 160:13, 170:10, 183:2 handle [5] - 38:27, 41:9, 82:3, 126:7, 126:10 handled [1] - 40:5 hands [1] - 196:8</p>				

<p>204:17, 211:6, 213:3, 219:6, 219:7, 219:12, 219:13, 223:16 hundreds [1] - 68:24 hungry [1] - 88:1 hunting [1] - 121:12 Huntsville [1] - 20:27 husband [3] - 91:27, 101:22, 133:23 hush [1] - 137:17</p>	<p>203:4, 203:7, 203:11, 203:15, 203:19, 203:23, 203:28, 204:5, 204:10, 204:14, 205:1, 205:20, 206:24, 210:5, 210:21, 211:15, 212:7, 215:7, 218:5, 219:21, 222:18, 222:26, 225:5, 225:11, 225:15, 225:20, 225:26, 226:7, 226:15, 226:19, 226:23, 227:11, 228:1, 228:5, 228:11, 228:26, 229:2, 229:7, 229:12, 229:17, 229:22, 230:28, 231:26, 232:6, 232:9, 232:25, 233:1, 233:5 imagine [2] - 131:18, 132:19 immediate [1] - 108:4 imminently [2] - 139:10, 139:11 impact [4] - 54:26, 135:12, 164:15, 184:15 impacts [2] - 30:27, 187:23 impending [1] - 85:27 implemented [1] - 50:8 implements [1] - 87:21 important [2] - 60:8, 222:27 impossible [1] - 156:1 impressive [1] - 165:11 improvement [2] - 122:14, 193:23 improvements [5] - 15:22, 16:1, 29:5, 29:11, 181:17 IMPROVEMENTS [1] - 193:20 Improvements [1] - 8:14 improves [1] - 86:6 IN [4] - 143:4, 143:5, 145:28, 150:16 in-and-out [1] - 135:1 in-between [1] - 36:2 inaccurate [1] - 42:21 inappropriate [1] - 59:20</p>	<p>INC [1] - 216:28 Inc [3] - 7:26, 143:16, 145:1 inch [7] - 50:14, 158:2, 160:14, 160:15, 161:5, 162:18, 163:14 inches [5] - 158:3, 158:5, 161:7, 162:15, 163:10 incidents [1] - 96:23 include [3] - 14:16, 176:25, 178:28 included [5] - 14:26, 29:18, 68:5, 108:22, 129:16 income [2] - 118:9, 129:18 incomplete [1] - 150:25 incorporate [3] - 17:3, 21:6, 49:19 incorrect [1] - 24:24 increase [1] - 77:27 increased [1] - 91:4 increases [2] - 62:1, 219:6 incumbent [1] - 157:15 incur [1] - 45:22 indemnify [1] - 176:20 indicate [1] - 74:15 Indicates [9] - 25:10, 51:9, 67:9, 111:6, 136:6, 153:18, 179:16, 179:24, 204:4 indicates [45] - 22:17, 26:7, 29:13, 32:17, 32:22, 33:24, 34:5, 36:11, 41:5, 55:17, 78:28, 84:26, 89:17, 104:23, 110:28, 112:12, 113:16, 124:20, 124:23, 125:5, 125:17, 128:13, 130:16, 135:21, 147:18, 157:2, 157:13, 161:21, 170:23, 175:24, 178:1, 179:9, 184:7, 191:7, 204:9, 205:21, 205:27, 213:5, 216:7, 221:8, 225:25, 228:10, 230:16 individual [3] - 70:25, 100:15, 153:23</p>	<p>individuals [2] - 139:2, 139:23 Industrial [2] - 11:13, 12:1 information [22] - 19:10, 31:27, 32:26, 37:5, 39:6, 46:22, 54:18, 64:21, 73:27, 74:1, 74:3, 75:24, 76:2, 76:13, 76:16, 84:19, 97:1, 97:10, 140:3, 140:24, 141:5, 224:1 inhouse [1] - 194:17 inside [1] - 61:27 inspecting [1] - 23:26 inspection [1] - 23:24 Installation [2] - 5:19, 6:10 INSTALLATION [2] - 145:27, 152:27 installation [2] - 146:5, 153:2 installed [1] - 41:11 instead [3] - 128:21, 161:16, 201:6 insulation [1] - 163:13 insurance [2] - 219:3, 219:5 integrated [2] - 61:26, 160:7 integrity [1] - 91:19 intent [1] - 158:16 INTERCEPTOR [1] - 147:10 Interceptor [1] - 5:16 interceptor [1] - 147:14 interest [3] - 134:25, 187:20, 187:25 interested [4] - 28:20, 74:9, 158:11, 234:15 interests [1] - 227:20 Interim [1] - 2:13 INTERIOR [2] - 143:3, 150:14 Interior [2] - 5:6, 6:6 interior [3] - 143:10, 143:16, 150:21 internal [1] - 47:25 internet [5] - 153:20, 154:8, 156:3, 165:28, 180:19 interruption [1] - 62:17 intersection [2] - 87:1, 207:15 intersections [1] - 87:8 intersects [1] - 124:25</p>	<p>intervene [1] - 86:19 inventive [1] - 163:7 investing [1] - 88:2 investment [1] - 70:10 INVOCATION [2] - 5:4, 10:3 invocation [1] - 10:9 involve [4] - 14:3, 140:3, 140:24, 221:20 involved [4] - 58:2, 73:12, 139:28, 140:21 involving [2] - 139:20, 139:25 Island [1] - 99:28 isolated [1] - 48:26 issue [10] - 18:11, 18:12, 20:18, 42:9, 55:27, 66:22, 91:20, 136:24, 174:4, 175:26 issues [10] - 20:12, 58:4, 58:25, 63:4, 63:28, 91:21, 136:21, 177:5, 182:9, 232:5 it'd [1] - 224:4 it'll [6] - 40:20, 40:26, 51:13, 158:26, 162:7, 186:13 ITC [2] - 154:24, 168:12 item [29] - 11:5, 21:20, 45:10, 72:6, 74:5, 143:9, 144:26, 145:13, 146:3, 148:28, 149:14, 150:20, 151:25, 151:27, 152:4, 182:8, 185:16, 186:26, 189:4, 204:27, 205:10, 211:1, 211:21, 211:26, 212:12, 212:24, 218:13, 218:28, 230:8 Item [5] - 72:1, 106:20, 119:26, 153:1, 181:7 items [9] - 58:21, 77:18, 138:12, 143:21, 144:7, 182:21, 205:9, 209:23, 217:18 itself [4] - 118:8, 158:19, 161:3, 192:6 IV [2] - 2:20, 21:11</p>
I				
<p>I-1 [2] - 7:7, 211:19 I-10 [2] - 90:5, 90:6 idea [1] - 137:27 ideally [2] - 157:8, 159:1 II [2] - 21:11, 181:9 III [146] - 2:6, 10:11, 10:14, 16:3, 16:6, 16:9, 21:11, 21:18, 26:9, 26:15, 26:19, 26:23, 26:26, 27:2, 27:8, 30:10, 30:13, 30:26, 32:12, 32:19, 32:24, 33:7, 34:4, 40:11, 40:14, 40:22, 40:25, 40:28, 41:4, 41:13, 41:23, 46:6, 46:15, 47:10, 48:5, 49:9, 56:25, 59:14, 60:21, 60:25, 61:20, 63:23, 64:23, 69:9, 76:27, 77:2, 83:2, 83:5, 96:1, 96:11, 97:15, 98:6, 100:28, 102:12, 102:24, 103:22, 107:7, 137:27, 142:4, 143:26, 145:9, 146:14, 146:19, 146:24, 147:17, 148:19, 149:10, 149:28, 151:9, 151:13, 152:25, 179:26, 180:1, 180:6, 180:20, 180:22, 180:26, 183:2, 183:28, 185:6, 185:21, 186:25, 193:16, 197:3, 197:6, 199:8, 200:6, 200:12, 200:24, 201:4, 201:10, 201:17, 201:22, 201:27, 202:4, 202:7, 202:16, 202:27,</p>				

<p style="text-align: center;">J</p> <p>j-1 [2] - 7:9, 211:24 J-1 [1] - 211:27 Jackson [1] - 2:21 JACKSON [69] - 11:8, 13:10, 13:13, 13:26, 15:25, 16:5, 16:8, 18:14, 19:8, 19:23, 19:26, 27:25, 27:27, 31:1, 31:9, 32:2, 32:6, 46:5, 46:8, 46:16, 46:20, 51:9, 52:19, 61:3, 64:1, 64:3, 64:9, 64:24, 65:14, 67:27, 72:14, 75:4, 75:6, 75:10, 75:14, 75:19, 75:22, 76:11, 76:17, 76:20, 77:4, 77:6, 77:14, 77:17, 78:28, 84:22, 84:26, 85:2, 92:25, 92:28, 93:5, 93:20, 93:26, 94:4, 94:8, 94:13, 94:16, 95:2, 100:16, 100:24, 101:2, 102:15, 102:18, 102:26, 104:9, 104:24, 105:18, 105:24, 105:27 jails [1] - 98:8 James [2] - 2:7, 112:21 JAMES [93] - 15:21, 16:2, 30:12, 30:15, 34:12, 42:8, 42:23, 42:28, 43:4, 43:18, 43:22, 50:27, 51:11, 63:19, 63:25, 64:2, 65:10, 65:15, 69:21, 76:15, 76:18, 76:25, 77:1, 82:9, 92:21, 92:26, 93:4, 93:7, 93:16, 93:16, 93:22, 93:27, 94:5, 94:9, 94:14, 94:21, 94:26, 128:22, 134:17, 142:1, 143:27, 144:15, 145:7, 145:21, 146:10, 147:19, 148:13, 149:20, 151:1, 159:15, 160:1, 181:22, 182:11, 185:9, 186:23, 187:1, 187:4, 187:9, 187:13, 188:1, 188:6, 188:14, 188:19, 189:17, 189:21, 191:1, 193:10, 196:17, 196:25, 197:13, 199:13, 204:28, 205:14, 206:20, 206:26, 207:24, 210:8, 211:11, 213:16, 214:6, 215:3, 216:14, 218:3, 219:25, 222:28, 225:9, 226:28, 227:7, 228:20, 228:28, 229:5, 230:3, 232:21 JESI [1] - 90:24 Jesi [2] - 3:18, 90:27 Jimbo [1] - 221:6</p>	<p>188:19, 189:17, 189:21, 191:1, 193:10, 196:17, 196:25, 197:13, 199:13, 204:28, 205:14, 206:20, 206:26, 207:24, 210:8, 211:11, 213:16, 214:6, 215:3, 216:14, 218:3, 219:25, 222:28, 225:9, 226:28, 227:7, 228:20, 228:28, 229:5, 230:3, 232:21 January [1] - 132:15 Jeb [2] - 2:7, 188:24 JEB [93] - 15:21, 16:2, 30:12, 30:15, 34:12, 42:8, 42:23, 42:28, 43:4, 43:18, 43:22, 50:27, 51:11, 63:19, 63:25, 64:2, 65:10, 65:15, 69:21, 76:15, 76:18, 76:25, 77:1, 82:9, 92:21, 92:26, 93:4, 93:7, 93:16, 93:22, 93:27, 94:5, 94:9, 94:14, 94:21, 94:26, 128:22, 134:17, 142:1, 143:27, 144:15, 145:7, 145:21, 146:10, 147:5, 147:19, 148:13, 149:20, 151:1, 159:15, 160:1, 181:22, 182:11, 185:9, 186:23, 187:1, 187:4, 187:9, 187:13, 188:1, 188:6, 188:14, 188:19, 189:17, 189:21, 191:1, 193:10, 196:17, 196:25, 197:13, 199:13, 204:28, 205:14, 206:20, 206:26, 207:24, 210:8, 211:11, 213:16, 214:6, 215:3, 216:14, 218:3, 219:25, 222:28, 225:9, 226:28, 227:7, 228:20, 228:28, 229:5, 230:3, 232:21 JESI [1] - 90:24 Jesi [2] - 3:18, 90:27 Jimbo [1] - 221:6</p>	<p>JO [211] - 18:17, 19:9, 19:27, 22:14, 22:18, 23:19, 27:9, 33:9, 33:26, 34:3, 34:6, 34:14, 35:10, 35:14, 35:19, 36:12, 36:17, 38:10, 38:13, 44:2, 46:17, 46:21, 48:28, 49:6, 56:26, 59:2, 59:5, 65:19, 83:14, 84:1, 84:24, 84:28, 85:4, 88:9, 88:13, 93:14, 94:19, 96:12, 109:9, 109:13, 109:17, 110:18, 110:24, 111:1, 111:4, 111:8, 111:14, 111:21, 112:3, 112:7, 112:11, 112:17, 112:23, 112:27, 113:2, 113:6, 113:13, 113:17, 113:20, 113:26, 114:1, 114:5, 114:12, 114:16, 114:19, 114:22, 114:27, 115:3, 115:8, 115:11, 115:14, 115:27, 116:2, 116:6, 116:13, 135:13, 135:17, 135:23, 136:2, 136:8, 136:22, 136:25, 137:4, 137:8, 137:11, 137:16, 137:21, 143:24, 144:17, 145:5, 145:19, 146:12, 146:18, 146:25, 147:1, 148:11, 149:6, 149:18, 149:26, 150:3, 150:8, 150:27, 152:23, 165:10, 172:27, 173:3, 173:6, 173:21, 175:23, 176:3, 176:6, 181:24, 182:13, 182:22, 182:26, 183:4, 184:20, 184:22, 185:4, 185:11, 185:23, 185:25, 188:23, 189:23, 191:3, 193:12, 193:17, 194:27, 196:13, 196:16, 197:1, 197:18, 198:16, 199:27,</p>	<p>200:3, 201:23, 202:1, 202:5, 202:10, 202:14, 202:18, 203:2, 203:5, 203:9, 203:13, 203:17, 203:20, 203:26, 204:8, 204:12, 204:19, 204:22, 205:4, 205:11, 206:28, 207:9, 209:25, 210:3, 210:22, 211:13, 212:3, 212:19, 213:15, 214:16, 214:21, 215:5, 215:22, 215:26, 216:5, 216:9, 216:16, 216:25, 217:4, 217:11, 217:27, 219:28, 220:10, 220:14, 220:18, 220:24, 220:28, 221:9, 222:21, 222:24, 223:3, 223:11, 224:6, 224:9, 224:14, 224:24, 224:28, 225:13, 225:17, 225:24, 226:5, 226:11, 226:18, 226:21, 226:25, 227:2, 227:9, 227:15, 228:2, 228:9, 229:3, 229:8, 229:14, 229:18, 229:23, 229:27, 232:11 Jo [3] - 2:5, 89:15, 202:8 job [4] - 127:23, 139:4, 156:10, 156:18 jobs [1] - 10:23 Joe [11] - 2:6, 3:11, 10:14, 13:13, 16:15, 17:21, 19:28, 28:22, 28:27, 29:24, 37:8 JOE [204] - 10:11, 16:3, 16:6, 16:9, 19:25, 19:28, 21:18, 21:19, 22:15, 22:28, 24:2, 24:13, 24:20, 24:23, 25:2, 25:5, 26:9, 26:15, 26:19, 26:23, 26:26, 27:2, 27:8, 29:1, 29:3, 29:7, 29:10, 29:15, 29:22, 29:28, 30:10, 30:13, 30:26, 32:12, 32:19, 32:24, 33:7,</p>	<p>34:4, 36:15, 36:18, 38:3, 38:12, 38:21, 39:2, 40:11, 40:13, 40:14, 40:19, 40:22, 40:24, 40:25, 40:27, 40:28, 41:2, 41:4, 41:6, 41:13, 41:15, 41:23, 41:27, 42:3, 42:19, 43:8, 44:9, 44:17, 44:19, 44:21, 44:27, 45:2, 46:6, 46:15, 47:10, 48:5, 49:9, 53:28, 54:9, 54:13, 55:17, 55:23, 56:1, 56:4, 56:7, 56:12, 56:14, 56:24, 56:25, 57:25, 59:4, 59:14, 60:18, 60:21, 60:23, 60:25, 61:20, 63:23, 64:23, 68:25, 68:28, 69:5, 69:9, 70:15, 70:18, 76:27, 77:2, 83:2, 83:5, 96:1, 96:11, 97:15, 98:6, 100:28, 102:12, 102:24, 103:22, 107:7, 137:27, 142:4, 143:26, 145:9, 146:14, 146:19, 146:24, 147:17, 148:19, 149:10, 149:28, 151:9, 151:13, 152:25, 179:26, 180:1, 180:6, 180:20, 180:22, 180:26, 183:2, 183:28, 185:6, 185:21, 186:25, 193:16, 197:3, 197:6, 199:8, 200:6, 200:12, 200:24, 201:4, 201:10, 201:17, 201:22, 201:27, 202:4, 202:7, 202:16, 202:27, 203:4, 203:7, 203:11, 203:15, 203:19, 203:23, 203:28, 204:5, 204:10, 204:14, 205:1, 205:20, 206:24, 210:5, 210:21, 211:15, 212:7, 215:7, 218:5, 219:21, 222:18, 222:26, 225:5, 225:11, 225:15, 225:20, 225:26, 226:7, 226:15,</p>
--	---	---	--	---

<p>226:19, 226:23, 227:11, 228:1, 228:5, 228:11, 228:26, 229:2, 229:7, 229:12, 229:17, 229:22, 230:28, 231:26, 232:6, 232:9, 232:25, 233:1, 233:5 JOEY [127] - 23:20, 24:3, 24:14, 24:22, 24:26, 25:7, 25:11, 26:7, 30:5, 30:8, 35:18, 37:24, 43:26, 44:1, 44:3, 44:7, 44:15, 44:18, 44:20, 44:23, 44:28, 45:6, 54:19, 133:8, 133:11, 151:25, 152:19, 153:1, 153:6, 153:9, 153:19, 171:23, 172:21, 173:2, 173:5, 173:8, 173:12, 173:25, 174:7, 174:10, 174:15, 174:21, 175:3, 175:7, 175:14, 175:28, 176:8, 176:13, 176:22, 176:28, 177:7, 177:10, 177:17, 178:2, 178:7, 178:16, 180:9, 180:24, 181:7, 182:20, 182:24, 182:28, 183:6, 184:2, 184:8, 184:21, 184:24, 185:8, 185:15, 185:22, 185:24, 185:27, 186:26, 187:3, 189:3, 190:1, 190:15, 190:20, 191:5, 191:9, 191:13, 191:16, 191:18, 191:25, 193:14, 193:22, 194:22, 195:4, 195:14, 195:19, 195:23, 196:15, 196:24, 197:5, 197:9, 197:15, 197:19, 198:11, 198:24, 199:2, 199:23, 200:2, 200:11, 200:17, 200:26, 202:12, 202:24, 202:28, 203:3, 205:8, 205:13, 205:16,</p>	<p>205:22, 205:28, 207:4, 207:11, 207:14, 207:27, 208:15, 208:20, 208:25, 209:1, 209:5, 209:9, 209:12, 209:17, 231:4 Joey [11] - 2:23, 46:11, 48:21, 49:3, 49:26, 151:21, 187:2, 196:18, 202:19, 203:21, 207:10 Joey's [3] - 47:20, 166:24, 230:8 jog [2] - 91:22, 91:23 Johanna [1] - 215:15 John [2] - 3:26, 215:16 joint [2] - 165:19, 167:8 Jones [1] - 3:20 Jose [4] - 183:9, 183:10, 183:16, 184:18 Judge [2] - 5:23, 148:1 JUDGE [1] - 147:24 July [4] - 1:5, 1:13, 10:6, 58:9 jump [3] - 121:22, 122:18, 128:9 jumped [1] - 98:1 jumping [1] - 182:23 June [6] - 12:26, 75:8, 75:17, 110:8, 121:14, 215:15</p>	<p>70:27 key [1] - 97:17 keyhole [3] - 161:4, 161:11, 161:14 keyholing [1] - 161:8 kicked [1] - 197:16 kids [8] - 17:13, 18:9, 126:26, 131:21, 132:6, 132:11, 205:17, 205:23 killed [1] - 167:26 killing [1] - 173:7 kin [1] - 234:14 kind [53] - 17:22, 21:12, 21:14, 27:5, 29:5, 30:20, 34:28, 37:23, 44:7, 44:16, 47:24, 51:15, 57:13, 61:12, 61:15, 61:16, 63:3, 64:12, 66:12, 68:15, 70:11, 79:9, 91:16, 93:10, 94:6, 96:24, 97:3, 98:9, 99:19, 109:11, 114:15, 118:26, 119:6, 126:7, 129:17, 134:28, 135:26, 153:11, 153:21, 154:1, 154:14, 165:13, 179:21, 183:13, 185:16, 192:11, 196:8, 216:20, 223:26 King [1] - 3:19 KIRCHARR [1] - 11:1 Kircharr [6] - 6:17, 11:7, 20:2, 25:17, 44:12, 70:27 Kircharr's [1] - 20:22 knife [1] - 90:16 knocked [1] - 192:7 knowledge [4] - 24:4, 134:9, 140:2, 140:23 known [4] - 11:16, 14:1, 17:24, 84:17 knows [3] - 32:25, 82:27, 125:11</p>	<p>Lakes [8] - 155:12, 157:5, 164:18, 165:13, 165:20, 166:9, 180:9, 180:12 Land [5] - 20:2, 21:27, 23:4, 70:26, 108:11 land [13] - 20:5, 21:28, 22:10, 23:11, 36:26, 39:19, 82:14, 86:12, 86:14, 108:8, 120:28, 126:11 landfill [2] - 42:13, 51:27 LANDFILL [1] - 148:25 Landfill [1] - 149:3 Landfill..... [1] - 5:27 Landing [3] - 94:7, 217:21, 217:24 landscaping [2] - 119:3, 119:4 lane [1] - 85:27 lanes [4] - 16:4, 16:7, 99:15 language [1] - 53:14 laptops [1] - 172:24 large [8] - 17:9, 18:8, 121:18, 129:8, 164:1, 183:16, 183:21 large-lot [1] - 129:8 larger [6] - 12:10, 49:5, 99:27, 120:17, 130:3, 159:26 last [31] - 12:9, 44:13, 46:18, 46:24, 46:28, 48:2, 64:27, 77:8, 83:8, 118:3, 120:7, 123:5, 123:21, 124:1, 129:26, 141:24, 150:19, 157:19, 157:23, 189:9, 192:2, 192:14, 206:19, 208:1, 209:11, 218:11, 218:23, 221:2, 221:10, 222:1, 223:15 lasts [1] - 192:27 late [9] - 58:27, 59:7, 73:26, 77:21, 80:19, 82:12, 189:9, 208:1 lately [1] - 154:22 latest [1] - 154:26 law [3] - 45:22, 104:28, 141:15 lawns [1] - 164:3 LAWSON [2] - 140:16, 140:18 Lawson [3] - 3:4,</p>	<p>140:14, 140:18 layman's [2] - 35:17, 35:20 layout [2] - 73:13, 73:14 lead [2] - 10:9, 10:10 leadership [1] - 32:15 leading [1] - 58:15 leaking [1] - 103:11 learned [1] - 77:3 learning [1] - 227:27 lease [1] - 139:17 least [6] - 51:27, 53:24, 68:14, 73:5, 151:10, 206:27 leave [7] - 39:17, 48:15, 102:11, 157:10, 163:18, 205:17, 218:21 leaves [1] - 156:11 leaving [1] - 106:23 led [1] - 10:14 Lee [5] - 3:4, 3:10, 107:1, 110:17, 140:14 LEE [35] - 107:3, 107:9, 109:11, 109:15, 109:18, 110:23, 110:26, 111:2, 111:6, 111:12, 111:26, 112:28, 113:8, 113:19, 113:25, 113:28, 114:3, 114:7, 114:10, 114:15, 114:17, 114:20, 114:25, 115:1, 115:5, 115:10, 115:12, 115:24, 115:28, 116:4, 116:8, 116:15, 120:1, 140:16, 140:18 lee [2] - 140:14, 140:18 left [7] - 62:23, 85:27, 86:1, 114:18, 133:18, 166:10, 224:17 legal [3] - 139:7, 139:8, 181:26 Legislative [1] - 221:18 lend [1] - 122:14 lending [1] - 192:6 less [3] - 59:24, 125:7, 133:17 LETTER [1] - 212:23 letter [12] - 80:18, 110:1, 117:14,</p>
	K			
<p>K8a [1] - 5:17 K8A [1] - 147:10 KA8 [1] - 147:14 Karen [1] - 123:20 keep [19] - 15:12, 56:27, 80:19, 87:11, 87:12, 87:22, 98:16, 117:19, 117:27, 118:13, 153:11, 156:4, 156:23, 161:1, 164:10, 195:9, 216:2 keeps [3] - 88:25, 118:7, 164:3 kennel [2] - 86:11, 86:14 kept [1] - 133:2 Kevin [2] - 25:17,</p>		<p>labeled [3] - 128:24, 193:27, 225:8 Lac [2] - 186:12, 186:16 lady [2] - 99:18, 205:16 Lagniappe [1] - 30:20 Lake [1] - 117:12</p>		
		L		

117:18, 121:10, 177:4, 181:11, 212:27, 212:28, 213:9, 213:11, 219:10 Letter [1] - 7:17 letters [5] - 75:5, 78:13, 110:4, 110:5, 121:9 level [5] - 38:4, 39:5, 51:26, 66:13, 78:8 liability [4] - 47:15, 48:13, 178:14 liable [1] - 176:26 license [6] - 126:16, 176:1, 176:11, 176:19, 210:15, 210:16 licensed [1] - 141:14 lickety [1] - 87:18 lickety-split [1] - 87:18 life [1] - 86:7 lifestyle [1] - 91:19 Light [2] - 11:12, 11:28 light [4] - 87:6, 87:7, 128:2, 160:20 lights [6] - 80:25, 81:4, 87:1, 167:1, 193:1, 222:2 likely [3] - 18:13, 139:10, 139:11 limbs [1] - 44:17 limit [5] - 105:10, 185:18, 196:23, 197:7, 204:17 limitation [1] - 178:14 limitations [1] - 139:3 limited [5] - 67:6, 67:7, 109:12, 109:14, 196:27 limiting [1] - 67:17 LIMITS [1] - 185:14 Limits [1] - 8:6 Linda [2] - 3:10, 117:15 LINDA [33] - 107:3, 107:9, 109:11, 109:15, 109:18, 110:23, 110:26, 111:2, 111:6, 111:12, 111:26, 112:28, 113:8, 113:19, 113:25, 113:28, 114:3, 114:7, 114:10, 114:15, 114:17, 114:20, 114:25, 115:1, 115:5,	115:10, 115:12, 115:24, 115:28, 116:4, 116:8, 116:15, 120:1 Linda's [1] - 122:5 line [12] - 21:8, 33:4, 103:9, 155:26, 167:24, 169:28, 170:4, 172:11, 176:27, 177:24, 177:25, 228:27 LINE [1] - 191:24 Line..... [1] - 8:13 lineal [1] - 164:7 lines [4] - 159:5, 170:19, 172:15, 179:19 lion's [2] - 195:12, 198:22 Lisa [3] - 2:19, 182:24, 206:1 LISA [1] - 183:1 list [2] - 65:26, 129:22 listed [1] - 148:17 listing [2] - 145:2, 145:18 literally [1] - 79:6 litigated [3] - 139:9, 139:10, 139:11 litigation [1] - 139:9 LITTLE [1] - 189:28 Live [3] - 94:6, 217:20, 217:24 live [35] - 74:20, 74:25, 81:24, 81:26, 82:2, 82:23, 82:24, 85:16, 86:8, 86:20, 87:14, 89:14, 90:1, 90:12, 90:19, 90:27, 91:5, 91:22, 92:8, 92:27, 94:15, 98:13, 101:18, 102:6, 103:27, 127:21, 130:20, 132:4, 132:7, 132:8, 132:10, 132:13, 132:27, 134:7, 134:11 live-in [4] - 81:24, 81:26, 82:2, 92:8 lives [5] - 97:26, 101:12, 102:20, 117:16, 125:11 living [5] - 56:27, 79:8, 91:6, 91:9, 134:7 LLC [7] - 6:23, 7:4, 20:1, 119:22, 119:27, 181:13, 210:27 load [2] - 91:24,	161:18 loaded [1] - 161:17 loads [1] - 226:2 LOCAL [1] - 182:18 Local [1] - 8:5 local [3] - 183:8, 196:21, 206:4 locate [2] - 144:9, 167:18 LOCATED [4] - 143:4, 145:28, 148:24, 150:16 located [9] - 11:17, 14:6, 37:15, 72:22, 120:10, 143:12, 146:6, 149:2, 150:23 Located [4] - 5:7, 5:19, 5:26, 6:7 LOCATES [1] - 144:5 Locates [1] - 5:10 locates [1] - 170:26 location [8] - 37:2, 53:1, 61:10, 73:2, 99:24, 140:8, 141:1, 161:9 locations [2] - 38:22, 156:1 locator [4] - 11:26, 14:11, 120:14, 120:16 log [1] - 186:1 look [35] - 21:24, 38:23, 46:26, 48:24, 49:21, 49:23, 51:25, 52:28, 53:4, 54:8, 57:7, 57:8, 59:16, 60:1, 63:20, 66:12, 82:24, 92:6, 96:19, 97:9, 101:25, 104:16, 109:18, 115:28, 116:4, 122:20, 129:19, 130:11, 136:18, 137:2, 137:14, 184:13, 199:22, 202:2, 223:26 looked [6] - 46:27, 46:28, 50:9, 71:10, 94:17, 138:12 looking [24] - 26:4, 33:13, 33:19, 33:20, 34:8, 34:19, 34:22, 35:15, 41:21, 48:26, 49:4, 51:6, 54:2, 68:17, 69:13, 98:7, 99:24, 119:3, 168:13, 197:25, 199:28, 213:7 looks [1] - 35:2 loop [1] - 183:13	loosely [1] - 196:4 lose [1] - 171:1 lost [1] - 85:19 Louis [1] - 20:27 Louisville [1] - 163:4 love [5] - 86:22, 155:5, 168:11, 192:21 loved [1] - 133:1 loves [2] - 192:5, 221:11 low [3] - 79:18, 79:27, 80:26 lower [2] - 156:11, 158:28 lowest [2] - 144:28, 145:15 lucky [1] - 166:22 Ludgood [1] - 221:13 Lundy [1] - 19:10 LYDIA [34] - 62:3, 66:19, 66:24, 66:28, 67:2, 67:9, 67:13, 67:19, 67:22, 68:7, 68:26, 69:1, 69:16, 69:23, 70:12, 121:28, 122:4, 127:3, 127:8, 127:14, 129:4, 130:27, 131:6, 134:16, 134:19, 135:21, 136:1, 136:6, 136:16, 136:23, 136:27, 137:6, 137:10, 137:13 Lydia [1] - 4:9	32:4, 32:7, 65:1, 65:8, 65:12, 73:25, 74:24, 203:1, 222:1, 222:3 main [2] - 133:4, 135:1 maintain [3] - 91:18, 101:10, 177:14 maintained [2] - 18:28, 206:9 maintaining [1] - 168:5 Maintenance [3] - 5:10, 6:12, 211:27 maintenance [12] - 18:12, 144:9, 158:22, 172:5, 172:10, 176:15, 177:2, 177:4, 178:15, 178:19, 178:20, 181:9 MAINTENANCE [3] - 7:8, 144:5, 181:4 Major [1] - 11:13 major [12] - 19:3, 39:3, 52:26, 57:15, 63:22, 63:28, 66:5, 113:10, 113:12, 113:13, 136:9, 170:25 majority [1] - 129:8 man [3] - 81:2, 91:13, 118:12 managed [1] - 82:7 MANAGEMENT [1] - 218:8 management [1] - 122:15 Management [3] - 2:25, 3:9, 8:23 manager [1] - 103:3 Manager [1] - 2:17 manhole [1] - 161:6 manner [4] - 28:5, 34:9, 82:7 manufacturing [1] - 157:25 manure [1] - 86:14 map [21] - 11:26, 14:11, 39:22, 51:6, 59:27, 95:20, 108:2, 108:22, 108:24, 109:1, 110:21, 117:3, 120:14, 120:16, 120:19, 122:17, 122:19, 128:2, 128:18, 128:20, 130:11 Map [1] - 108:11 maps [1] - 149:25 Marceria [1] - 221:12 March [1] - 58:8
M				
M-1 [3] - 11:12, 11:28, 12:3 ma'am [4] - 62:21, 75:19, 75:22, 135:16 MACHINE [1] - 147:24 Machine [1] - 5:22 machine [2] - 147:28, 175:2 machines [2] - 148:10, 157:27 Mack [1] - 207:20 magnitude [3] - 32:16, 34:8, 36:7 MAGNOLIA [1] - 148:25 Magnolia [2] - 5:27, 149:3 mail [5] - 57:1, 77:21, 105:1, 221:28 mails [11] - 31:16,				

<p>mark [3] - 153:5, 153:8 Mark [6] - 3:13, 4:8, 124:14, 153:9, 154:4, 171:24 MARK [40] - 124:13, 124:17, 124:21, 124:24, 125:6, 125:18, 127:7, 153:5, 153:8, 154:5, 157:3, 157:14, 159:12, 159:16, 160:6, 160:11, 161:22, 165:6, 165:12, 169:6, 169:19, 169:22, 169:26, 170:3, 170:14, 170:18, 170:24, 171:8, 171:13, 174:22, 178:19, 179:1, 179:3, 179:9, 179:24, 180:8, 180:11, 180:21, 180:23, 180:25 market [1] - 139:17 markets [1] - 168:11 Mart [1] - 109:8 Master [1] - 108:8 match [5] - 196:21, 200:5, 200:21, 200:22, 200:23 material [11] - 24:16, 25:27, 25:28, 44:25, 98:18, 122:10, 158:9, 162:2, 162:3, 162:4, 162:27 materials [2] - 171:17, 181:16 matter [6] - 25:19, 56:19, 140:3, 141:8, 167:17, 171:3 matters [4] - 139:21, 139:25, 140:24, 141:20 maximize [1] - 59:27 maximum [1] - 129:28 Mayor [1] - 204:23 Meador [1] - 221:6 mean [69] - 22:19, 25:12, 26:6, 32:27, 34:26, 35:28, 37:25, 38:8, 39:25, 41:20, 45:11, 48:3, 50:20, 51:7, 51:16, 51:28, 53:28, 54:6, 57:5, 58:26, 60:19, 60:28, 61:4, 64:3, 65:26, 66:11, 67:15, 68:12, 69:19, 70:2, 71:1, 77:20, 78:12, 82:12,</p>	<p>88:10, 88:16, 91:22, 92:27, 93:24, 99:8, 100:17, 100:20, 101:11, 102:19, 103:15, 169:4, 169:21, 172:23, 172:24, 173:4, 174:20, 178:3, 187:16, 187:19, 198:21, 199:11, 199:12, 199:17, 199:19, 201:3, 201:7, 201:12, 221:11, 222:19, 228:12, 228:21, 231:27 means [7] - 86:17, 113:18, 158:1, 192:24, 222:25, 223:1, 234:9 meantime [1] - 184:9 mechanism [1] - 58:19 media [1] - 105:7 MediaCom [3] - 166:4, 179:13, 179:15 median [1] - 129:17 meet [9] - 14:22, 23:17, 39:18, 56:20, 56:21, 65:25, 66:9, 208:1, 219:16 meeting [49] - 12:19, 12:26, 16:15, 17:21, 18:16, 25:17, 45:13, 45:18, 47:25, 48:21, 49:12, 58:10, 59:1, 65:12, 69:15, 71:26, 73:28, 74:22, 75:21, 75:28, 83:21, 106:6, 108:20, 110:8, 117:17, 118:20, 121:14, 123:5, 123:21, 133:25, 133:26, 134:1, 153:13, 185:17, 195:24, 200:18, 201:28, 202:9, 202:22, 203:14, 203:16, 218:11, 227:3, 227:26, 227:28, 229:9, 234:11, 234:12 meetings [2] - 21:23, 211:4 Meetings [1] - 141:17 meets [7] - 41:11, 55:6, 60:23, 63:6, 123:23, 128:6, 226:9 meg [2] - 166:17 megabytes [2] -</p>	<p>166:19, 166:22 member [7] - 78:18, 214:27, 215:16, 215:17, 215:18, 216:13, 217:8 MEMBER [8] - 10:24, 33:24, 62:20, 80:16, 87:16, 89:17, 95:5, 98:5 members [2] - 75:21, 195:24 mental [1] - 139:2 mention [2] - 18:14, 220:17 mentioned [12] - 16:14, 41:18, 53:6, 54:22, 61:22, 66:19, 70:2, 80:14, 104:11, 118:22, 122:7, 135:18 messed [1] - 83:1 messaging [2] - 86:13, 185:26 met [10] - 23:12, 52:7, 52:8, 95:19, 131:24, 184:12, 190:6, 190:21, 221:1, 221:14 metal [1] - 119:2 method [2] - 160:26, 226:17 Methods [1] - 6:11 METHODS [1] - 152:27 methods [3] - 153:3, 225:23, 225:27 metro [1] - 174:24 metropolitan [1] - 199:17 micro [17] - 155:20, 156:5, 157:18, 157:21, 158:8, 159:8, 159:19, 160:1, 160:18, 163:1, 163:5, 163:25, 166:27, 167:10, 167:11, 170:8, 177:21 microfiber [1] - 170:5 micros [2] - 177:27, 178:5 middle [7] - 17:9, 90:15, 167:21, 167:23, 169:21, 183:17, 192:19 Middleton [4] - 3:24, 4:5, 81:18, 88:21 MIDDLETON [10] - 81:14, 81:17, 83:4, 83:7, 83:12, 83:28,</p>	<p>100:8, 100:12, 100:22, 106:12 midyear [1] - 147:16 might [10] - 32:15, 36:8, 40:18, 46:10, 59:8, 111:17, 115:18, 167:3, 216:12, 226:4 mighty [1] - 223:9 mile [10] - 85:28, 86:2, 87:15, 90:17, 123:16, 127:5, 129:2, 157:19, 178:23, 186:9 miles [5] - 83:26, 85:6, 129:24, 192:19, 192:22 mill [1] - 158:21 millimeter [1] - 160:12 milling [1] - 158:23 million [6] - 78:2, 78:3, 78:6, 127:4, 196:2 mind [6] - 16:19, 33:15, 42:16, 65:13, 171:28, 184:13 mine [2] - 18:20, 83:2 mined [1] - 22:23 Minette [3] - 1:15, 5:8, 143:12 MINETTE [1] - 143:5 miniature [1] - 161:6 minimum [4] - 122:28, 123:2, 129:28, 164:16 Mining [1] - 70:27 minor [6] - 28:1, 28:2, 28:6, 63:20, 63:22, 63:27 minute [8] - 48:3, 131:10, 138:1, 168:26, 170:24, 223:9, 226:2 minutes [4] - 12:20, 74:23, 77:26, 101:22 misinterpret [1] - 227:10 misrepresenting [1] - 227:5 missed [1] - 165:19 mistaken [1] - 179:14 mobile [4] - 94:27, 95:1, 95:4, 95:5 Mobile [8] - 8:5, 9:4, 183:7, 183:13, 183:23, 183:25, 220:21, 221:12 MOBILE [2] - 182:18, 220:5 model [7] - 21:4,</p>	<p>28:28, 50:16, 54:21, 54:25, 55:3, 118:26 models [1] - 58:22 modification [2] - 28:3, 28:6 modifications [4] - 20:19, 27:15, 28:1, 28:13 modify [3] - 21:21, 21:22, 27:11 modifying [2] - 20:15, 53:2 Moloney [1] - 215:15 moment [1] - 40:9 Monday [1] - 171:16 money [23] - 49:17, 50:5, 70:11, 85:20, 87:7, 87:24, 118:27, 124:6, 130:26, 192:14, 194:8, 195:10, 195:28, 196:1, 196:7, 198:22, 200:19, 201:9, 208:7, 208:23, 224:13, 224:15, 228:22 monitors [1] - 100:13 month [2] - 93:2, 120:7 months [13] - 58:15, 70:4, 93:2, 94:3, 100:14, 102:11, 102:25, 118:3, 129:27, 144:11, 148:16, 164:9, 219:6 Montrose [1] - 66:1 monumental [1] - 65:23 Morgan [1] - 213:1 Morgantown [5] - 8:18, 8:20, 207:13, 208:18, 208:19 MORGANTOWN [2] - 207:26, 230:5 morning [12] - 10:5, 10:19, 19:19, 57:1, 57:18, 84:12, 107:3, 107:6, 107:8, 131:20, 206:23, 222:2 Most [1] - 173:28 most [11] - 18:13, 49:2, 63:7, 87:13, 109:19, 111:22, 112:4, 112:6, 155:24, 169:15, 192:8 mostly [3] - 83:27, 84:7, 109:6 Mother [1] - 62:23</p>
--	--	---	--	---

<p>motion [5] - 29:20, 142:2, 142:7, 232:20, 232:24</p> <p>motor [2] - 78:3, 78:7</p> <p>move [14] - 13:1, 13:7, 17:25, 37:18, 48:12, 71:22, 94:3, 99:1, 154:20, 158:27, 165:17, 166:16, 185:6, 232:22</p> <p>moved [5] - 43:14, 81:22, 132:5, 154:14, 157:24</p> <p>moving [10] - 25:5, 43:6, 43:7, 45:4, 94:12, 99:16, 117:7, 201:25, 204:7, 209:22</p> <p>MPO [14] - 194:25, 195:10, 195:23, 195:25, 195:28, 196:7, 196:18, 198:3, 198:19, 199:3, 200:1, 200:18, 201:28, 202:9</p> <p>MR [477] - 11:4, 11:8, 13:10, 13:13, 13:26, 15:25, 16:5, 16:8, 16:10, 16:14, 18:14, 19:8, 19:23, 19:25, 19:26, 19:28, 21:19, 22:15, 22:28, 23:20, 24:2, 24:3, 24:13, 24:14, 24:20, 24:22, 24:23, 24:26, 25:2, 25:5, 25:7, 25:11, 26:7, 26:24, 26:28, 27:4, 27:13, 27:25, 27:27, 28:21, 28:25, 29:1, 29:2, 29:3, 29:4, 29:7, 29:8, 29:10, 29:13, 29:15, 29:21, 29:22, 29:24, 29:28, 30:2, 30:5, 30:6, 30:8, 30:9, 30:17, 30:27, 31:1, 31:8, 31:9, 31:28, 32:2, 32:5, 32:6, 32:17, 32:22, 33:6, 34:2, 34:16, 35:18, 36:15, 36:18, 37:8, 37:24, 38:3, 38:12, 38:21, 39:1, 39:2, 40:19, 40:24, 40:27, 41:2, 41:6, 41:15, 41:27, 42:3, 42:19, 43:8, 43:26, 44:1, 44:3, 44:7, 44:9, 44:15, 44:17, 44:18,</p>	<p>44:19, 44:20, 44:21, 44:23, 44:27, 44:28, 45:2, 45:6, 45:16, 46:5, 46:8, 46:16, 46:20, 47:5, 47:11, 48:6, 49:2, 49:8, 49:11, 51:9, 52:19, 53:28, 54:9, 54:13, 54:19, 55:17, 55:23, 56:1, 56:4, 56:7, 56:12, 56:14, 56:24, 57:25, 59:4, 60:18, 60:23, 60:27, 61:3, 61:4, 61:21, 64:1, 64:3, 64:9, 64:24, 65:14, 66:23, 66:27, 67:1, 67:5, 67:11, 67:15, 67:20, 67:23, 67:27, 68:21, 68:25, 68:28, 69:5, 69:24, 70:1, 70:13, 70:15, 70:18, 71:27, 72:7, 72:10, 72:14, 75:4, 75:6, 75:10, 75:14, 75:19, 75:22, 76:11, 76:17, 76:20, 77:4, 77:6, 77:14, 77:17, 78:28, 79:17, 79:21, 79:27, 80:2, 80:4, 80:9, 80:12, 80:17, 81:5, 81:7, 81:14, 81:17, 83:4, 83:7, 83:12, 83:13, 83:28, 84:22, 84:26, 85:2, 88:12, 88:16, 89:10, 89:13, 89:19, 92:25, 92:28, 93:5, 93:20, 93:26, 94:4, 94:8, 94:13, 94:16, 95:2, 95:7, 95:11, 96:2, 100:8, 100:12, 100:16, 100:22, 100:24, 101:2, 102:5, 102:14, 102:15, 102:18, 102:26, 103:3, 103:13, 103:19, 103:26, 104:9, 104:24, 105:16, 105:18, 105:19, 105:22, 105:24, 105:27, 106:12, 106:19, 106:25, 107:3, 109:11, 109:18, 110:26, 111:6, 111:12, 111:26, 112:28, 113:19, 113:25, 114:10, 114:15, 114:25, 115:1, 115:10, 116:4,</p>	<p>116:15, 116:21, 116:25, 119:9, 119:25, 120:1, 124:13, 124:17, 124:21, 124:24, 125:6, 125:18, 127:7, 127:20, 128:14, 128:24, 129:5, 130:17, 131:2, 131:11, 132:2, 132:3, 133:8, 133:10, 133:11, 133:13, 135:16, 140:16, 140:18, 142:26, 143:7, 150:5, 150:9, 151:20, 151:25, 152:19, 153:1, 153:5, 153:6, 153:8, 153:9, 153:19, 154:5, 157:3, 157:14, 159:12, 159:16, 160:6, 160:11, 161:22, 165:6, 165:12, 169:6, 169:19, 169:22, 169:26, 170:3, 170:14, 170:18, 170:24, 171:8, 171:13, 171:23, 172:21, 173:2, 173:5, 173:8, 173:12, 173:25, 174:7, 174:10, 174:15, 174:21, 174:22, 175:3, 175:6, 175:7, 175:14, 175:28, 176:8, 176:13, 176:22, 176:28, 177:7, 177:10, 177:17, 178:2, 178:7, 178:16, 178:19, 179:1, 179:3, 179:9, 179:16, 179:24, 180:8, 180:9, 180:11, 180:21, 180:23, 180:24, 180:25, 181:7, 182:1, 182:20, 182:24, 182:28, 183:6, 184:2, 184:8, 184:21, 184:24, 185:8, 185:15, 185:22, 185:24, 185:27, 186:26, 187:3, 189:3, 190:1, 190:13, 190:15, 190:19, 190:20, 191:5, 191:7, 191:9,</p>	<p>191:11, 191:13, 191:14, 191:16, 191:17, 191:18, 191:25, 193:14, 193:22, 194:22, 195:4, 195:14, 195:19, 195:23, 196:15, 196:24, 197:5, 197:9, 197:15, 197:19, 198:11, 198:24, 199:2, 199:23, 200:2, 200:11, 200:17, 200:26, 202:12, 202:24, 202:28, 203:3, 204:21, 204:26, 205:8, 205:13, 205:16, 205:22, 205:28, 207:4, 207:11, 207:13, 207:14, 207:27, 208:15, 208:19, 208:20, 208:25, 209:1, 209:5, 209:9, 209:12, 209:15, 209:17, 209:18, 209:22, 209:27, 209:28, 210:12, 210:13, 211:1, 211:20, 211:26, 212:12, 212:24, 213:6, 213:24, 214:12, 214:19, 214:22, 214:25, 215:12, 216:4, 216:7, 216:23, 217:1, 217:6, 217:17, 218:10, 220:2, 224:12, 224:19, 224:23, 230:16, 231:4, 231:19</p> <p>MS [105] - 62:3, 66:19, 66:24, 66:28, 67:2, 67:9, 67:13, 67:19, 67:22, 68:7, 68:26, 69:1, 69:16, 69:23, 70:12, 74:19, 75:5, 75:7, 75:13, 75:15, 75:20, 76:8, 76:19, 76:21, 76:24, 77:5, 77:10, 77:16, 77:25, 79:2, 82:17, 82:22, 83:11, 85:11, 85:15, 87:17, 89:28, 90:4, 90:24, 101:7, 102:8, 102:16, 103:1, 103:7, 103:14, 107:9, 109:15, 110:23, 111:2,</p>	<p>113:8, 113:28, 114:3, 114:7, 114:17, 114:20, 115:5, 115:12, 115:24, 115:28, 116:8, 121:28, 122:4, 127:3, 127:8, 127:14, 129:4, 130:27, 131:6, 133:22, 134:16, 134:19, 135:21, 136:1, 136:6, 136:16, 136:23, 136:27, 137:6, 137:10, 137:13, 143:9, 144:7, 144:19, 144:26, 145:13, 146:3, 146:13, 146:17, 146:21, 146:27, 147:7, 147:12, 147:27, 148:9, 148:15, 148:28, 149:14, 150:19, 151:3, 151:16, 159:11, 183:1, 218:15, 218:27, 219:27</p> <p>Mullins [1] - 20:1</p> <p>Multifamily [1] - 107:11</p> <p>multifamily [1] - 15:1</p> <p>multiple [3] - 77:7, 77:17, 157:4</p> <p>municipalities [3] - 31:10, 31:25, 221:22</p> <p>Municipalities [2] - 199:2, 199:5</p> <p>municipality [1] - 108:19</p>
N				
<p>name [19] - 19:28, 33:28, 79:28, 80:3, 80:6, 80:7, 81:17, 90:3, 90:27, 103:26, 124:13, 127:19, 127:20, 132:3, 133:22, 135:15, 141:13, 153:7, 215:17</p> <p>names [4] - 129:22, 215:28, 216:19, 216:22</p> <p>nano [5] - 155:19, 157:18, 157:21, 158:3, 168:1</p> <p>narrators [1] - 221:5</p> <p>Nashville [1] - 167:23</p>				

<p>NATIONAL [2] - 212:22, 220:6</p> <p>National [4] - 7:16, 9:4, 181:12, 212:25</p> <p>nature [4] - 22:12, 48:24, 79:11, 192:28</p> <p>Navy [1] - 154:12</p> <p>Neal [1] - 29:16</p> <p>near [2] - 12:22, 83:27</p> <p>nearby [2] - 97:2, 97:13</p> <p>necessarily [1] - 187:20</p> <p>necessary [6] - 55:9, 67:24, 128:2, 128:5, 131:25, 187:26</p> <p>need [59] - 12:16, 15:13, 15:26, 24:4, 24:22, 28:7, 32:20, 35:24, 38:16, 46:9, 46:10, 49:10, 49:19, 51:17, 54:28, 55:19, 57:6, 59:21, 59:28, 60:10, 60:13, 60:15, 64:5, 64:18, 65:17, 89:24, 98:8, 98:22, 99:19, 104:16, 105:14, 106:9, 107:20, 115:19, 117:8, 127:14, 127:26, 137:13, 138:11, 138:12, 151:9, 152:14, 160:17, 161:1, 161:12, 165:24, 177:13, 187:6, 198:17, 198:28, 199:1, 199:22, 199:25, 199:28, 204:1, 204:6, 204:20, 216:21</p> <p>needed [6] - 16:1, 75:11, 97:9, 207:15, 207:22, 208:6</p> <p>needs [9] - 33:2, 39:27, 43:19, 60:16, 67:8, 67:20, 117:6, 118:25, 157:11</p> <p>negative [1] - 31:14</p> <p>negatively [3] - 74:15, 135:12, 175:24</p> <p>negotiations [3] - 139:20, 140:8, 140:28</p> <p>Neiderriter [1] - 3:27</p> <p>neighbor [2] - 78:23, 132:17</p> <p>neighbor's [1] - 57:12</p> <p>neighborhood [1] - 165:28</p>	<p>neighboring [1] - 19:1</p> <p>neighbors [1] - 86:23</p> <p>NEP [5] - 220:21, 222:6, 226:12</p> <p>Network [1] - 5:10</p> <p>NETWORK [1] - 144:5</p> <p>network [1] - 144:9</p> <p>Network-</p> <p>Maintenance [1] - 5:10</p> <p>NETWORK-</p> <p>MAINTENANCE [1] - 144:5</p> <p>networks [1] - 154:22</p> <p>NEUTER [1] - 212:9</p> <p>Neuter [1] - 7:12</p> <p>neuter [1] - 212:15</p> <p>neutral [1] - 227:23</p> <p>never [4] - 84:17, 91:14, 126:16, 129:16</p> <p>new [16] - 12:23, 30:23, 65:16, 74:27, 79:12, 117:14, 117:18, 147:13, 148:9, 156:28, 166:10, 166:13, 167:6, 167:7, 183:26, 193:9</p> <p>New [1] - 5:16</p> <p>NEW [1] - 147:9</p> <p>news [1] - 159:21</p> <p>next [76] - 11:22, 13:22, 13:27, 21:25, 34:21, 37:3, 38:6, 42:6, 61:26, 71:5, 71:26, 74:6, 77:24, 87:18, 98:14, 106:3, 106:18, 106:19, 117:17, 119:24, 119:25, 123:16, 127:18, 132:1, 144:7, 144:26, 145:13, 146:3, 147:12, 148:27, 148:28, 149:14, 150:18, 151:20, 154:20, 155:7, 155:14, 156:15, 157:21, 158:13, 158:17, 159:1, 159:8, 160:16, 161:4, 161:22, 161:23, 163:1, 163:28, 164:17, 164:27, 165:12, 166:8, 166:23, 167:4, 167:13, 168:7, 181:6, 183:18, 183:27,</p>	<p>186:26, 189:3, 190:1, 191:26, 193:22, 195:23, 200:18, 211:1, 211:26, 212:12, 212:24, 213:24, 214:17, 215:13, 227:3</p> <p>NFWF [3] - 7:16, 212:23, 213:6</p> <p>nice [4] - 53:17, 119:3, 164:2, 167:22</p> <p>nice-looking [1] - 119:3</p> <p>night [2] - 46:24, 90:15</p> <p>nightmare [1] - 125:21</p> <p>nights [1] - 193:3</p> <p>nine [4] - 72:16, 80:26, 123:1, 143:14</p> <p>ninety [3] - 14:3, 30:11, 159:23</p> <p>ninety-six [1] - 159:23</p> <p>ninety-two [2] - 14:3, 30:11</p> <p>NO [4] - 143:4, 213:21, 214:9, 215:9</p> <p>nobody [4] - 17:12, 80:14, 81:9, 125:21</p> <p>noise [1] - 62:17</p> <p>non [2] - 35:17, 221:3</p> <p>non-biased [1] - 221:3</p> <p>non-layman's [1] - 35:17</p> <p>none [4] - 114:4, 114:6, 134:9, 152:2</p> <p>noon [1] - 75:18</p> <p>normally [5] - 51:25, 76:1, 158:3, 160:16</p> <p>north [15] - 11:17, 12:5, 14:7, 21:28, 78:23, 107:24, 120:10, 121:11, 124:21, 125:13, 125:26, 125:28, 185:19, 186:10, 192:17</p> <p>NORTH [1] - 213:22</p> <p>North [3] - 7:19, 29:8, 72:23</p> <p>northern [1] - 22:7</p> <p>northwest [1] - 72:27</p> <p>note [1] - 19:6</p> <p>notes [4] - 63:21, 222:12, 226:13, 227:27</p> <p>nothing [3] - 71:1, 82:25, 180:16</p> <p>notice [9] - 12:5, 12:12, 14:14, 31:2,</p>	<p>104:27, 128:9, 128:27, 174:19, 194:3</p> <p>notices [2] - 104:25, 105:2</p> <p>notifications [1] - 105:5</p> <p>notified [2] - 78:12, 81:9</p> <p>notify [3] - 30:24, 104:28, 211:8</p> <p>number [8] - 44:11, 60:13, 73:1, 74:8, 84:3, 84:13, 194:12, 196:4</p> <p>Number [12] - 1:16, 72:11, 106:20, 106:26, 106:27, 106:28, 119:27, 143:11, 143:13, 147:28, 150:20, 189:6</p> <p>numbers [4] - 91:2, 98:12, 98:21, 129:23</p> <p>numerous [4] - 25:13, 61:8, 61:9, 83:17</p> <p>NUNNALLY [127] - 23:20, 24:3, 24:14, 24:22, 24:26, 25:7, 25:11, 26:7, 30:5, 30:8, 35:18, 37:24, 43:26, 44:1, 44:3, 44:7, 44:15, 44:18, 44:20, 44:23, 44:28, 45:6, 54:19, 133:8, 133:11, 151:25, 152:19, 153:1, 153:6, 153:9, 153:19, 171:23, 172:21, 173:2, 173:5, 173:8, 173:12, 173:25, 174:7, 174:10, 174:15, 174:21, 175:3, 175:7, 175:14, 175:28, 176:8, 176:13, 176:22, 176:28, 177:7, 177:10, 177:17, 178:2, 178:7, 178:16, 180:9, 180:24, 181:7, 182:20, 182:24, 182:28, 183:6, 184:2, 184:8, 184:21, 184:24, 185:8, 185:15, 185:22, 185:24, 185:27, 186:26, 187:3, 189:3, 190:1,</p>	<p>190:15, 190:20, 191:5, 191:9, 191:13, 191:16, 191:18, 191:25, 193:14, 193:22, 194:22, 195:4, 195:14, 195:19, 195:23, 196:15, 196:24, 197:5, 197:9, 197:15, 197:19, 198:11, 198:24, 199:2, 199:23, 200:2, 200:11, 200:17, 200:26, 202:12, 202:24, 202:28, 203:3, 205:8, 205:13, 205:16, 205:22, 205:28, 207:4, 207:11, 207:14, 207:27, 208:15, 208:20, 208:25, 209:1, 209:5, 209:9, 209:12, 209:17, 231:4</p> <p>Nunnally [1] - 2:23</p>
O				
<p>o'clock [4] - 46:24, 81:10, 131:19, 222:2</p> <p>o-1 [2] - 7:12, 212:9</p> <p>Oak [3] - 94:6, 217:21, 217:24</p> <p>objections [1] - 117:13</p> <p>obligation [2] - 34:9, 55:10</p> <p>obviously [2] - 124:4, 196:5</p> <p>Obviously [1] - 186:18</p> <p>occupancy [2] - 93:1, 93:6</p> <p>OF [22] - 5:4, 10:3, 143:3, 144:4, 144:24, 145:11, 145:27, 147:9, 147:25, 150:14, 150:15, 210:27, 212:10, 212:23, 213:22, 214:10, 215:10, 217:15, 220:5, 220:6, 234:3</p> <p>offer [2] - 139:16, 168:22</p> <p>offering [2] - 154:8, 213:9</p> <p>office [2] - 171:25, 176:2</p>				

<p>Office [4] - 5:23, 5:23, 148:1, 148:2 OFFICE [2] - 147:25 Officer [1] - 100:17 officers [1] - 97:26 official [5] - 128:2, 190:10, 208:6, 208:9, 208:10 officials [1] - 59:12 offsite [1] - 36:24 often [1] - 15:10 OLD [1] - 182:18 old [4] - 13:9, 85:26, 183:14, 218:17 Old [5] - 8:5, 183:7, 183:13, 183:23, 183:25 older [1] - 33:11 Omaha [1] - 167:24 ON [3] - 147:26, 185:14, 188:28 onboard [2] - 156:11, 206:14 once [11] - 15:25, 17:12, 37:9, 56:20, 123:7, 156:25, 158:11, 159:27, 161:23, 175:1, 194:6 ONE [1] - 147:9 One [1] - 5:16 one [128] - 11:11, 11:22, 13:22, 14:4, 15:11, 15:13, 19:11, 19:12, 21:2, 28:22, 32:12, 32:14, 33:23, 36:6, 36:7, 39:28, 40:6, 46:9, 46:24, 49:20, 50:6, 50:28, 52:27, 52:28, 57:16, 59:19, 65:2, 65:11, 71:10, 82:10, 82:27, 83:20, 85:6, 90:17, 91:21, 94:18, 94:20, 96:13, 96:14, 96:17, 97:6, 97:28, 99:9, 100:8, 100:17, 101:21, 104:24, 109:4, 109:5, 110:20, 118:23, 121:9, 125:1, 126:6, 128:19, 128:25, 128:27, 129:2, 133:24, 134:28, 135:1, 135:14, 142:9, 143:8, 143:14, 146:13, 146:16, 146:20, 147:12, 147:13, 151:4, 151:6, 154:27, 155:10,</p>	<p>155:11, 156:17, 157:5, 159:25, 160:4, 160:28, 164:18, 165:1, 165:18, 165:21, 167:21, 167:23, 167:26, 170:24, 171:4, 171:23, 171:28, 179:1, 181:13, 183:7, 184:10, 190:1, 191:10, 191:26, 192:8, 193:22, 194:5, 194:9, 195:14, 197:21, 198:1, 200:8, 205:10, 213:25, 213:27, 214:12, 214:15, 214:17, 215:13, 216:12, 217:18, 218:17, 218:22, 218:27, 219:11, 221:5, 223:23, 226:10, 230:8, 231:5, 231:6 one's [1] - 57:9 one-forty-eight-point-five-five [2] - 11:11, 14:4 ones [4] - 35:4, 174:13, 206:25, 216:18 ONLY [1] - 182:18 onsite [2] - 36:24, 102:21 Opelika [1] - 154:28 Open [1] - 141:17 open [31] - 16:16, 16:19, 16:23, 16:26, 17:3, 17:7, 17:11, 17:26, 17:28, 18:2, 18:8, 18:19, 18:22, 18:26, 20:10, 21:7, 28:4, 48:19, 61:1, 61:5, 61:7, 61:13, 61:25, 66:21, 67:12, 68:5, 117:5, 158:6, 177:18, 177:19, 229:9 opened [1] - 178:10 opening [2] - 155:25, 158:1 operated [2] - 21:27, 22:2 operation [1] - 44:10 operational [1] - 22:11 operations [2] - 43:9, 172:5 operator [1] - 156:9 operators [1] - 157:16</p>	<p>opinion [3] - 121:17, 122:5, 133:19 opportunities [1] - 64:17 opportunity [6] - 45:11, 52:27, 104:18, 106:24, 165:19, 173:13 oppose [1] - 222:7 opposition [5] - 74:1, 74:3, 82:11, 110:4, 121:9 Optic [1] - 5:10 OPTIC [1] - 144:5 optic [3] - 144:9, 155:17, 159:22 optimistic [1] - 64:25 options [1] - 139:8 ORACLE [1] - 210:11 Oracle [2] - 6:26, 210:15 oral [6] - 140:5, 140:13, 140:15, 140:22, 141:10, 141:20 Orange [3] - 87:11, 87:20, 126:3 order [7] - 54:5, 143:18, 143:19, 160:23, 184:28, 196:11, 208:10 Order [1] - 143:13 Ordinance [1] - 108:15 ordinance [7] - 28:2, 66:26, 67:12, 68:4, 104:11, 127:26, 127:27 organized [1] - 182:25 original [2] - 64:9, 210:16 originally [3] - 12:3, 79:3, 120:22 ORTHOPHOTO [1] - 149:13 Orthophoto [1] - 6:4 orthophoto [1] - 149:16 ought [2] - 177:15, 199:5 OUT [1] - 150:15 outage [1] - 170:24 outfall [1] - 37:1 outline [1] - 52:22 outlined [1] - 142:3 outlining [1] - 17:22 outs [1] - 155:23 outside [5] - 34:8, 47:19, 140:11, 141:4, 141:9</p>	<p>OVER [1] - 188:28 overall [2] - 14:26, 71:15 overfill [1] - 51:12 overflow [4] - 40:23, 40:24, 40:26, 40:27 overflowing [1] - 86:15 overwhelming [1] - 171:21 own [2] - 24:28, 74:20 owned [3] - 44:13, 78:22, 118:11 owner [9] - 45:24, 47:15, 78:14, 78:18, 82:13, 103:28, 104:4, 105:17, 120:23 owners [2] - 86:16, 105:1 ownership [1] - 70:26 owning [1] - 86:5</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p-1 [2] - 7:16, 212:22 p-2 [2] - 7:18, 213:21 P-3 [2] - 214:21, 214:22 p-3 [3] - 7:20, 214:9, 214:24 p-4 [2] - 7:23, 215:9 P-5 [1] - 217:1 p-5 [2] - 7:26, 216:28 p.m [2] - 142:22, 233:18 Pack [1] - 8:21 PACK [1] - 217:15 packet [5] - 75:24, 76:3, 182:25, 183:7, 205:12 page [3] - 25:21, 26:2, 208:12 paid [4] - 85:20, 87:6, 150:2, 223:15 paint [2] - 192:25, 192:26 palm [1] - 119:4 palsy [1] - 126:15 paper [1] - 105:5 paperwork [2] - 77:11, 175:10 paradise [2] - 99:8, 99:9 parcel [9] - 20:3, 44:14, 70:28, 71:2, 71:3, 71:4, 71:5, 71:10, 114:23 parcels [5] - 70:25,</p>	<p>73:2, 73:12, 136:5 PARK [2] - 211:19, 217:16 park [24] - 21:7, 21:14, 72:20, 73:6, 73:14, 73:17, 73:21, 78:1, 78:8, 79:9, 80:21, 81:24, 82:13, 85:6, 90:10, 90:11, 91:25, 93:10, 93:24, 96:14, 101:10, 101:28, 103:16, 123:14 Park [1] - 72:19 park-type [1] - 21:14 Park..... [1] - 8:22 Park..... [1] - 7:7 parks [9] - 83:23, 83:25, 84:14, 93:8, 93:17, 93:19, 94:2, 100:13, 104:14 part [28] - 13:6, 13:7, 13:8, 37:5, 45:6, 54:23, 56:19, 66:26, 75:11, 85:17, 98:21, 99:11, 111:19, 127:25, 130:18, 130:19, 131:11, 131:23, 165:16, 165:17, 178:5, 178:20, 178:21, 180:2, 185:7, 195:11, 200:10 participation [1] - 106:14 particular [8] - 20:3, 35:15, 49:24, 50:6, 129:8, 157:5, 162:27, 170:28 particularly [2] - 59:16, 223:24 parties [2] - 234:11, 234:14 partner [3] - 155:8, 156:26, 201:19 partnering [2] - 166:5, 166:6 partners [3] - 198:19, 201:20, 201:21 party [6] - 140:7, 140:28, 206:1, 206:6, 206:13, 231:5 PARTY [1] - 205:7 Party..... [1] - 8:16 pass [3] - 38:28, 159:17, 162:4 passed [5] - 154:18, 155:16, 156:13, 159:25, 167:12</p>
--	--	---	---	---

<p>passionate [1] - 227:13</p> <p>passthrough [2] - 39:8</p> <p>past [4] - 15:8, 176:12, 227:13, 230:9</p> <p>pathetic [1] - 172:20</p> <p>patrol [2] - 100:25, 100:27</p> <p>PAUL [3] - 116:21, 116:25, 119:9</p> <p>Paul [1] - 3:12</p> <p>pavement [3] - 54:16, 158:2, 158:18</p> <p>pay [3] - 87:7, 201:2, 204:16</p> <p>paying [4] - 194:25, 195:2, 201:1, 201:6</p> <p>PEACOCK [2] - 210:13, 211:1</p> <p>Peacock [1] - 2:16</p> <p>pedestal [1] - 169:27</p> <p>Peggy [1] - 217:9</p> <p>pending [1] - 139:8</p> <p>people [73] - 10:22, 16:27, 17:9, 18:6, 18:9, 19:11, 19:14, 21:24, 22:25, 30:24, 35:23, 38:17, 53:10, 56:27, 59:7, 60:5, 65:28, 66:15, 74:8, 77:7, 78:11, 78:15, 78:25, 79:8, 80:18, 80:21, 81:5, 81:7, 82:2, 82:11, 85:25, 86:23, 86:26, 87:11, 87:12, 88:1, 88:8, 89:19, 90:26, 91:5, 91:6, 91:17, 92:1, 96:8, 97:7, 98:1, 98:9, 100:3, 100:13, 101:17, 101:20, 101:28, 102:5, 106:23, 125:12, 125:20, 130:2, 130:20, 133:27, 134:2, 134:4, 134:6, 134:7, 134:10, 134:11, 157:11, 187:24, 203:8, 206:4, 223:13, 223:28, 232:4</p> <p>people's [1] - 87:25</p> <p>per [16] - 30:2, 108:25, 131:16, 133:7, 133:9, 133:11, 145:1, 145:18, 154:18, 155:16, 156:13, 159:25, 162:13, 167:12</p>	<p>percent [16] - 14:19, 14:20, 58:18, 60:19, 61:1, 68:1, 68:2, 194:10, 194:12, 194:28, 197:27, 198:1, 211:6, 219:7, 219:8</p> <p>perception [1] - 70:13</p> <p>perfect [1] - 91:18</p> <p>perform [1] - 171:20</p> <p>performance [1] - 139:4</p> <p>perimeter [1] - 60:16</p> <p>period [2] - 93:3, 179:8</p> <p>periods [1] - 221:26</p> <p>peripheral [1] - 59:21</p> <p>permanent [5] - 93:6, 93:13, 93:25, 102:6, 102:10</p> <p>permission [5] - 175:8, 190:26, 193:15, 194:18, 194:19</p> <p>permit [4] - 24:9, 175:9, 178:21, 181:19</p> <p>permits [3] - 166:25, 175:20, 175:27</p> <p>permitted [4] - 15:3, 82:5, 169:10, 213:3</p> <p>permitting [3] - 81:22, 81:23, 169:11</p> <p>person [4] - 96:24, 127:18, 139:28, 219:11</p> <p>personal [4] - 87:10, 140:1, 140:23, 187:17</p> <p>personally [2] - 91:3, 173:11</p> <p>PERSONNEL [1] - 218:25</p> <p>Personnel [1] - 8:25</p> <p>perspective [3] - 47:8, 48:9, 70:7</p> <p>pertain [1] - 50:11</p> <p>pertinent [1] - 128:26</p> <p>Pest [2] - 5:12, 145:1</p> <p>PEST [1] - 144:24</p> <p>pest [1] - 144:27</p> <p>petition [6] - 75:3, 81:8, 95:15, 222:1, 222:3</p> <p>petitions [1] - 74:1</p> <p>phase [14] - 25:25, 29:6, 29:11, 39:23, 59:26, 157:6, 157:7, 157:11, 165:20, 166:10, 166:11,</p>	<p>166:14, 167:7</p> <p>PHASE [1] - 181:3</p> <p>Phase [6] - 6:12, 21:11, 21:15, 59:23, 60:3, 181:9</p> <p>phased [1] - 21:7</p> <p>phases [1] - 157:4</p> <p>phasing [1] - 21:10</p> <p>phone [4] - 83:17, 83:20, 166:1, 222:2</p> <p>photo [1] - 57:1</p> <p>photography [1] - 14:12</p> <p>physical [2] - 139:1, 153:23</p> <p>pick [1] - 112:21</p> <p>picked [3] - 38:22, 64:12, 105:2</p> <p>picks [1] - 186:15</p> <p>picture [5] - 57:17, 71:7, 152:7, 164:19, 166:8</p> <p>pictures [7] - 12:21, 15:7, 73:22, 73:28, 78:27, 92:6</p> <p>piece [10] - 21:15, 48:26, 50:14, 55:11, 71:2, 81:26, 112:14, 170:9, 190:4</p> <p>pieces [2] - 170:15, 224:1</p> <p>piling [1] - 44:25</p> <p>pillars [1] - 119:2</p> <p>pin [1] - 129:22</p> <p>pipe [10] - 40:8, 40:12, 40:19, 41:7, 41:10, 156:27, 157:9, 183:17, 183:21, 184:11</p> <p>pipeline [1] - 168:21</p> <p>pit [23] - 12:13, 12:14, 13:9, 21:26, 21:27, 22:2, 22:5, 22:7, 22:11, 22:21, 22:22, 23:24, 24:6, 24:9, 24:17, 25:16, 42:13, 43:10, 43:12, 44:8, 44:9, 45:25, 136:28</p> <p>pits [4] - 23:23, 25:14, 43:8, 45:28</p> <p>PLACE [1] - 181:3</p> <p>place [16] - 17:17, 18:6, 38:14, 38:15, 56:28, 99:26, 100:2, 122:22, 146:9, 147:15, 149:17, 161:25, 168:4, 193:26, 217:9, 223:21</p> <p>Place [2] - 6:12, 181:9</p>	<p>placed [2] - 63:12, 159:27</p> <p>places [12] - 18:8, 19:17, 26:5, 60:4, 61:8, 61:22, 61:23, 69:25, 70:2, 82:1, 99:23, 133:16</p> <p>plain [1] - 90:20</p> <p>PLAN [1] - 13:25</p> <p>plan [41] - 11:19, 11:24, 12:8, 13:2, 13:28, 14:13, 14:17, 15:3, 15:6, 15:9, 16:18, 21:10, 27:18, 36:20, 37:9, 37:11, 37:14, 37:22, 38:1, 41:20, 42:1, 42:7, 50:20, 52:6, 54:3, 58:23, 58:24, 61:15, 68:9, 68:18, 73:18, 73:20, 77:28, 123:6, 123:9, 123:14, 123:19, 130:20, 183:19, 184:26</p> <p>Plan [2] - 6:19, 108:8</p> <p>PLANNED [1] - 13:24</p> <p>planned [5] - 11:15, 11:23, 12:8, 35:8, 141:16</p> <p>Planned [1] - 6:18</p> <p>Planner [1] - 3:10</p> <p>planning [7] - 20:6, 36:21, 38:3, 39:5, 39:22, 61:9, 70:7</p> <p>Planning [46] - 2:21, 3:10, 5:23, 7:18, 7:21, 7:24, 11:6, 11:9, 11:18, 12:2, 12:18, 12:19, 12:25, 14:8, 15:14, 17:20, 20:14, 27:20, 28:12, 28:14, 55:7, 64:5, 64:16, 65:24, 66:3, 68:10, 72:15, 72:23, 73:27, 74:22, 83:21, 88:14, 95:13, 107:1, 108:2, 108:20, 110:7, 115:16, 120:12, 121:13, 123:18, 148:2, 152:13, 213:26, 215:19</p> <p>PLANNING [5] - 6:16, 147:25, 213:21, 214:9, 215:9</p> <p>planning-related [1] - 61:9</p> <p>plans [4] - 34:27, 49:17, 55:28, 99:26</p> <p>plat [10] - 20:20, 42:7,</p>	<p>52:3, 55:5, 55:8, 63:6, 124:2, 130:13, 135:9, 181:19</p> <p>play [4] - 17:18, 18:9, 19:22, 168:28</p> <p>Pledge [2] - 10:10, 10:15</p> <p>PLEDGE [2] - 5:4, 10:3</p> <p>plug [2] - 54:25, 55:2</p> <p>plus [2] - 59:18, 213:3</p> <p>pneumatic [1] - 167:20</p> <p>POA [1] - 18:13</p> <p>POCKET [1] - 203:12</p> <p>POINT [1] - 152:28</p> <p>Point [9] - 6:11, 110:21, 153:3, 153:15, 154:6, 154:7, 154:24, 154:26, 168:12</p> <p>point [25] - 11:11, 14:4, 16:16, 20:15, 37:25, 39:20, 39:27, 52:4, 54:16, 55:4, 58:5, 59:6, 59:11, 65:11, 66:5, 72:16, 96:13, 98:2, 105:14, 107:15, 120:2, 124:27, 154:3, 177:10, 226:8</p> <p>points [3] - 115:17, 134:27, 170:7</p> <p>pole [1] - 155:23</p> <p>poles [1] - 168:19</p> <p>police [6] - 91:3, 98:16, 98:17, 98:27, 126:22, 147:14</p> <p>POLICE [1] - 147:10</p> <p>Police [1] - 5:16</p> <p>policy [9] - 153:27, 193:26, 194:16, 196:20, 196:22, 198:4, 198:6, 204:11, 219:11</p> <p>POLLARD [12] - 79:17, 79:21, 79:27, 80:2, 80:4, 80:9, 80:12, 80:17, 81:7, 82:17, 82:22, 83:11</p> <p>Pollard [4] - 3:21, 3:22, 80:9, 82:23</p> <p>polyethylene [1] - 159:16</p> <p>pond [5] - 37:2, 37:3, 37:27, 39:14, 39:27</p> <p>ponds [7] - 26:27, 27:3, 34:20, 51:2, 51:13, 53:8, 53:25</p> <p>population [1] - 98:3</p>
--	--	--	--	--

<p>portable [1] - 97:24 portion [6] - 21:28, 52:12, 64:15, 107:22, 107:27, 109:21 POSITION [1] - 218:8 position [5] - 140:7, 214:2, 218:12, 222:19, 225:27 Position [1] - 8:24 positive [1] - 55:16 possibilities [1] - 45:21 possible [1] - 44:24 possibly [3] - 33:4, 121:3, 121:21 potential [7] - 19:4, 33:1, 33:27, 35:21, 37:15, 83:22, 136:23 potentially [3] - 32:11, 54:27, 203:21 pour [1] - 161:27 Power [2] - 221:21, 222:20 power [3] - 155:26, 225:28, 226:20 practice [1] - 141:15 practices [1] - 222:14 prayer [1] - 10:14 PRD [16] - 6:19, 13:2, 13:25, 13:28, 14:11, 14:13, 14:17, 14:28, 15:3, 15:9, 37:7, 37:9, 41:27, 42:1, 48:16, 70:22 PRD's [1] - 18:27 Pre [1] - 6:5 PRE [1] - 150:14 Pre-Qualification [1] - 6:5 PRE- QUALIFICATION [1] - 150:14 pre/post [1] - 39:18 pre/post- calculations [1] - 39:18 preliminary [5] - 11:19, 20:19, 42:7, 124:2, 139:20 Premiere [1] - 157:26 PREMIUM [1] - 218:26 Premium [1] - 8:26 preparation [1] - 33:5 prepared [1] - 46:13 preparing [1] - 169:14 prequalification [1] - 150:20 PRESENT [4] - 2:3, 2:8, 3:3, 4:3</p>	<p>present [1] - 227:3 presentation [4] - 135:27, 153:10, 158:12, 171:25 presentations [2] - 20:7, 153:16 presented [1] - 71:14 President [1] - 3:4 president [1] - 181:28 PRESS [1] - 231:16 Press [1] - 9:7 press [1] - 231:18 pretty [3] - 165:3, 169:8, 224:18 prevailed [1] - 66:3 prevented [1] - 71:1 previous [3] - 14:9, 22:1, 86:10 price [2] - 151:6, 190:22 priced [1] - 119:5 prices [2] - 144:20, 148:18 pricing [1] - 223:18 primarily [1] - 114:24 primary [5] - 20:23, 113:3, 113:22, 115:23, 115:25 primer [1] - 79:6 privacy [1] - 18:10 private [2] - 126:13, 139:22 PROBATE [1] - 147:25 Probate [2] - 5:23, 148:1 problem [12] - 60:20, 67:2, 83:6, 88:26, 126:23, 130:10, 131:12, 156:7, 186:5, 206:11, 225:28, 229:4 problems [4] - 19:1, 33:27, 48:11, 126:6 procedure [1] - 38:11 proceed [2] - 194:4, 229:16 PROCEEDINGS [1] - 1:2 proceedings [3] - 1:12, 234:8, 234:16 process [31] - 15:27, 20:20, 22:3, 22:5, 22:8, 23:9, 23:22, 30:22, 36:18, 36:25, 38:8, 42:6, 42:16, 43:13, 52:21, 54:4, 58:1, 58:28, 60:1, 63:3, 63:5, 63:9, 63:16, 63:18, 64:22, 73:7, 73:18, 123:26,</p>	<p>162:28, 176:25, 192:16 produce [1] - 37:15 produced [1] - 128:4 product [1] - 67:25 PRODUCTION [1] - 220:6 production [2] - 211:3, 223:14 Production [1] - 9:5 professional [4] - 20:5, 139:1, 223:14, 223:17 professionally [1] - 135:10 profile [1] - 158:13 Program [2] - 7:13, 9:4 PROGRAM [2] - 212:9, 220:6 program [1] - 212:15 PROJECT [3] - 148:24, 191:22, 212:23 project [15] - 13:14, 20:23, 29:25, 39:24, 58:8, 117:7, 149:2, 149:5, 190:14, 191:15, 192:12, 193:8, 195:27, 196:3 Project [4] - 5:26, 7:16, 8:12, 191:28 projects [5] - 20:8, 21:5, 29:19, 199:28, 201:26 promise [1] - 218:28 promote [1] - 222:12 proper [4] - 17:7, 82:7, 118:25 properly [1] - 163:21 properties [12] - 12:22, 19:2, 72:26, 73:4, 73:23, 107:25, 107:28, 108:6, 108:17, 109:4, 120:12, 122:21 property [68] - 11:8, 11:20, 11:25, 11:28, 12:21, 14:6, 16:23, 19:14, 44:13, 45:19, 47:15, 48:27, 50:14, 52:10, 55:11, 61:6, 61:11, 61:12, 62:1, 72:21, 72:25, 73:22, 74:21, 78:14, 78:18, 78:22, 81:18, 81:26, 85:16, 86:10, 86:16, 97:18, 103:10, 103:28, 105:1, 105:17, 107:9,</p>	<p>107:16, 107:22, 107:23, 108:10, 108:18, 109:1, 110:22, 111:3, 111:5, 117:10, 118:9, 118:11, 120:5, 120:6, 120:10, 120:22, 121:10, 124:26, 129:23, 132:20, 134:26, 136:19, 137:15, 137:18, 139:18, 190:3, 190:4, 190:6, 190:8, 200:9, 213:2 PROPERTY [1] - 189:28 Property [1] - 8:10 proposal [5] - 12:13, 79:4, 132:18, 149:1 proposals [1] - 150:25 PROPOSALS [1] - 148:23 Proposals [1] - 5:25 proposed [13] - 12:10, 14:1, 14:13, 14:25, 73:13, 73:14, 82:13, 91:6, 107:21, 108:26, 110:3, 120:20, 139:12 proposing [3] - 14:15, 121:2, 153:25 prospective [1] - 120:27 protect [4] - 38:17, 95:26, 96:3, 98:10 protected [2] - 141:5, 161:1 protection [1] - 161:19 proud [1] - 48:12 provide [16] - 13:16, 22:15, 31:17, 31:27, 32:7, 48:18, 54:18, 58:19, 61:1, 61:8, 61:13, 61:17, 96:4, 156:2, 157:16, 165:25 Provided [1] - 6:11 PROVIDED [1] - 152:28 provided [4] - 73:27, 110:3, 128:14, 153:3 provider [1] - 210:15 provides [1] - 108:8 providing [1] - 31:21 Provision [3] - 5:9, 5:12, 5:14 provision [1] - 176:25 PROVISION [3] -</p>	<p>144:4, 144:24, 145:11 provisional [1] - 155:18 provisions [5] - 14:17, 144:8, 144:27, 145:14, 145:17 proximity [2] - 98:12, 98:22 proxy [3] - 202:22, 202:25, 203:22 public [23] - 28:11, 43:23, 46:3, 59:20, 60:3, 72:1, 74:6, 76:7, 77:24, 97:16, 104:20, 104:25, 106:4, 119:20, 122:10, 122:26, 122:27, 135:4, 137:25, 139:4, 140:9, 141:2, 231:13 Public [1] - 9:6 PUBLIC [1] - 231:11 PUD [3] - 52:22, 53:24, 63:9 PUD's [1] - 63:2 pull [4] - 98:12, 163:3, 170:6, 206:2 pulled [2] - 211:21, 228:15 pump [1] - 88:22 PURCHASE [2] - 145:26, 147:9 purchase [4] - 139:17, 146:4, 147:13, 213:7 Purchase [2] - 5:16, 5:18 purchased [4] - 21:28, 111:2, 111:5, 190:5 Purchasing [1] - 3:6 purpose [3] - 63:15, 107:16, 127:28 purposes [3] - 53:1, 228:12, 230:24 pursues [1] - 139:12 purview [2] - 176:14, 228:17 push [1] - 170:9 pushing [2] - 34:20, 34:24 put [36] - 16:22, 18:22, 32:3, 43:15, 61:5, 75:24, 76:3, 79:3, 81:21, 116:12, 117:22, 118:27, 130:3, 156:27, 157:9, 158:7, 159:8, 159:13, 160:6, 160:20, 161:13, 161:14, 161:16,</p>
--	---	---	--	--

<p>163:16, 163:26, 167:2, 169:27, 175:21, 177:21, 182:1, 208:24, 213:7, 216:1, 218:15, 229:19, 230:19 putting [8] - 68:16, 69:20, 82:1, 95:25, 98:9, 132:19, 198:21, 198:22</p>	<p>191:10, 231:18 Questions..... [1] - 9:7 quick [11] - 16:11, 47:6, 95:8, 133:24, 137:26, 138:13, 138:15, 187:2, 213:27, 217:18, 218:28 quickly [2] - 165:24, 229:15 quiet [1] - 118:7 quite [1] - 50:4</p>	<p>125:6, 150:26, 170:15 RE [1] - 72:4 Re [1] - 6:20 re-advertise [1] - 150:26 re-splice [1] - 170:15 re-zone [5] - 55:11, 71:3, 72:18, 120:2, 125:6 re-zoned [1] - 107:23 Re-Zoning [1] - 6:20 RE-ZONING [1] - 72:4 re-zoning [26] - 11:7, 11:10, 11:22, 12:7, 13:1, 14:9, 15:9, 27:21, 36:20, 37:6, 52:17, 63:10, 71:19, 72:12, 73:15, 104:17, 106:20, 106:27, 106:28, 107:19, 108:10, 110:6, 116:28, 119:27, 120:24, 123:15 reach [2] - 173:15, 183:5 reaching [1] - 92:14 read [2] - 115:15, 183:20 reading [2] - 46:24, 63:20 ready [5] - 138:9, 142:27, 171:18, 196:11, 211:5 real [9] - 57:14, 67:17, 111:26, 138:13, 139:18, 155:14, 187:2, 213:27, 217:18 realize [1] - 127:3 really [39] - 16:21, 22:26, 28:6, 31:21, 31:23, 35:28, 36:5, 37:4, 39:26, 47:26, 50:9, 62:20, 82:28, 84:6, 90:25, 95:26, 96:20, 109:3, 111:12, 122:13, 135:24, 153:26, 156:22, 164:9, 168:6, 168:8, 172:21, 175:20, 180:17, 183:14, 198:5, 199:22, 199:28, 200:17, 208:1, 209:5, 227:12, 232:5 realm [1] - 227:22 reappoint [2] - 215:15,</p>	<p>215:16 reappointments [1] - 215:13 reappraisal [1] - 150:5 Reappraisal [1] - 150:7 reason [8] - 14:9, 52:26, 63:4, 70:21, 113:22, 166:2, 178:14 reasons [1] - 38:21 rebuttal [1] - 131:9 receive [1] - 81:19 received [4] - 19:11, 83:17, 150:25, 151:3 recent [3] - 33:10, 104:13, 192:8 RECENT [1] - 147:24 Recent [1] - 5:22 recently [6] - 30:19, 57:16, 97:23, 190:5, 192:20, 219:2 recess [1] - 138:4 recessed [1] - 142:19 recipient [1] - 20:24 recited [1] - 10:15 reclaiming [1] - 24:8 reclamation [3] - 22:5, 22:10, 22:21 recognize [1] - 95:28 recommend [4] - 17:3, 110:9, 115:22, 121:15 recommendation [9] - 12:27, 15:16, 55:16, 110:10, 121:16, 131:15, 138:26, 213:28, 226:16 recommendations [2] - 17:28, 73:24 recommended [2] - 12:25, 15:14 reconvene [1] - 141:25 record [3] - 182:4, 182:7, 230:24 recreational [1] - 107:17 Recreational [1] - 72:19 recruitment [2] - 140:1, 140:21 RECTOR [60] - 19:25, 19:28, 21:19, 22:15, 22:28, 24:2, 24:13, 24:20, 24:23, 25:2, 25:5, 29:1, 29:3, 29:7, 29:10, 29:15, 29:22, 29:28, 36:15, 36:18, 38:3, 38:12,</p>	<p>38:21, 39:2, 40:13, 40:19, 40:24, 40:27, 41:2, 41:6, 41:15, 41:27, 42:3, 42:19, 43:8, 44:9, 44:19, 44:21, 44:27, 45:2, 53:28, 54:9, 54:13, 55:17, 55:23, 56:1, 56:4, 56:7, 56:12, 56:14, 56:24, 57:25, 59:4, 60:18, 60:23, 68:25, 68:28, 69:5, 70:15, 70:18 Rector [6] - 3:11, 13:14, 16:15, 18:15, 19:24, 19:28 recuse [4] - 181:26, 187:6, 187:28, 188:7 red [4] - 44:4, 87:1, 167:1, 206:6 redo [1] - 169:17 reducing [1] - 186:19 refer [2] - 50:19, 99:8 referendum [2] - 95:17, 95:18 referring [1] - 23:28 reflective [1] - 193:3 reflects [1] - 192:27 regard [1] - 129:18 REGARDING [1] - 152:27 regarding [4] - 77:26, 153:2, 217:2, 217:19 Regarding [1] - 6:10 regards [1] - 213:2 regional [2] - 33:13, 33:22 regions [1] - 171:8 regs [3] - 54:23, 64:14, 152:12 regular [3] - 176:19, 214:27, 215:17 regulation [1] - 49:19 REGULATIONS [1] - 151:24 regulations [11] - 17:27, 23:6, 48:15, 48:16, 50:19, 52:5, 52:24, 55:7, 62:14, 73:20, 95:25 Regulations [2] - 152:5, 152:10 Regulations..... [1] - 6:9 regulatory [1] - 222:14 reimbursed [1] - 194:11 reinforced [1] - 161:27 reinstatement [2] - 158:9, 161:23</p>
<p>Q</p>	<p>R</p>			
<p>Q-1 [2] - 8:4, 138:24 Q-10 [3] - 8:18, 207:26, 230:5 Q-11 [2] - 8:21, 217:15 Q-12 [2] - 8:23, 218:8 Q-13 [2] - 8:25, 218:25 Q-14 [2] - 9:4, 220:5 Q-2 [2] - 8:5, 182:18 Q-3 [2] - 8:6, 185:14 Q-4 [2] - 8:7, 188:28 Q-5 [2] - 8:10, 189:28 Q-6 [2] - 8:11, 191:21 Q-7 [2] - 8:14, 193:20 Q-8 [2] - 8:16, 205:7 Q-9 [2] - 8:17, 207:8 Qualification [1] - 6:5 QUALIFICATION [1] - 150:14 Qualifications [1] - 6:4 QUALIFICATIONS [1] - 149:12 qualifications [1] - 149:15 qualify [1] - 28:5 quality [4] - 12:16, 61:28, 70:8, 192:26 quarter [5] - 85:28, 125:2, 125:7, 158:3, 160:15 quarters [1] - 125:3 QUESTIONS [1] - 231:16 questions [29] - 12:28, 13:2, 13:6, 13:15, 13:19, 15:17, 15:20, 22:27, 36:23, 45:16, 59:13, 65:6, 82:14, 108:21, 110:13, 110:17, 116:22, 116:24, 119:14, 119:16, 121:24, 121:27, 142:10, 167:3, 169:1, 171:24, 182:9,</p>	<p>R-1 [2] - 122:22, 122:24 RA [9] - 11:12, 52:13, 72:17, 72:24, 72:26, 73:4, 107:12, 120:17, 120:22 radius [4] - 83:26, 90:18, 129:3, 161:1 rain [2] - 50:14, 57:16 rainy [1] - 193:3 raise [1] - 187:24 raised [3] - 33:16, 65:16, 86:21 raising [1] - 117:26 Raleigh [1] - 163:23 ramifications [1] - 139:8 ranges [1] - 155:16 rate [7] - 39:17, 91:4, 94:1, 197:12, 210:1, 218:19, 219:6 rates [3] - 93:9, 94:2, 168:24 rather [8] - 16:25, 37:20, 64:21, 82:28, 98:17, 200:13, 222:14, 223:28 ratify [3] - 230:14, 230:15, 230:20 rating [1] - 161:17 re [34] - 11:7, 11:10, 11:22, 12:7, 13:1, 14:9, 15:9, 27:21, 36:20, 37:6, 52:17, 55:11, 63:10, 71:3, 71:19, 72:12, 72:18, 73:15, 104:17, 106:20, 106:27, 106:28, 107:19, 107:23, 108:10, 110:6, 116:28, 119:27, 120:2, 120:24, 123:15,</p>			

<p>reiterated [1] - 113:23 reject [1] - 150:24 RELATED [1] - 220:7 related [1] - 61:9 Related [1] - 9:5 relates [3] - 53:18, 53:25, 63:9 relationship [1] - 20:25 relationships [1] - 86:23 Release [1] - 6:12 RELEASE [1] - 181:3 release [2] - 181:8, 181:10 relocating [2] - 196:9, 196:10 relocation [1] - 195:26 remain [1] - 219:4 remember [4] - 33:28, 99:27, 111:12, 223:15 remind [1] - 65:20 remove [1] - 215:17 Rena [2] - 3:17, 133:22 RENAE [1] - 133:22 Renewal [1] - 7:13 RENEWAL [1] - 212:10 renovation [1] - 143:10 Renovations [1] - 5:7 RENOVATIONS [1] - 143:3 renovations [1] - 143:17 rental [3] - 147:28, 148:5, 148:6 repair [3] - 162:21, 170:7, 172:1 repaving [1] - 99:26 replace [2] - 183:16, 183:22 replaced [1] - 43:16 REPLACEMENT [1] - 188:28 Replacement [1] - 8:7 replacement [4] - 186:27, 189:4, 189:11, 218:16 replacing [1] - 184:11 report [7] - 11:23, 15:11, 31:2, 32:1, 32:7, 110:1, 121:8 Reporter [2] - 1:16, 234:23 REPORTER [9] - 62:18, 62:25, 79:19, 79:22, 79:26, 79:28,</p>	<p>80:3, 80:7, 80:10 reports [5] - 39:12, 84:2, 84:11, 84:18, 91:3 representation [1] - 42:20 representing [4] - 20:2, 21:9, 141:9, 154:6 represents [1] - 234:10 reputation [1] - 138:28 Request [5] - 5:25, 6:4, 7:4, 8:4, 8:21 REQUEST [10] - 11:1, 72:4, 106:16, 119:22, 138:24, 148:23, 149:12, 182:19, 210:27, 217:15 request [25] - 11:7, 11:21, 12:4, 13:27, 14:10, 41:24, 52:17, 72:12, 72:18, 73:6, 73:12, 104:19, 107:19, 110:5, 110:6, 110:8, 119:28, 121:9, 121:14, 149:1, 149:15, 183:8, 183:9, 211:7, 220:22 Request. [1] - 6:20 Request..... [1] - 8:5 Request..... [3] - 6:17, 6:22, 6:23 requested [3] - 107:14, 107:22, 211:4 requesting [8] - 11:10, 71:3, 110:2, 120:2, 120:24, 136:13, 219:10 requests [1] - 127:23 require [10] - 29:5, 53:8, 108:13, 108:18, 108:27, 121:4, 134:23, 177:3, 179:13, 179:14 required [6] - 23:3, 23:12, 54:3, 65:5, 104:28, 105:11 requirement [2] - 14:23, 135:25 requirements [11] - 23:7, 41:12, 52:7, 55:6, 56:21, 60:24,</p>	<p>63:7, 123:24, 128:7, 131:24, 141:17 requires [4] - 36:19, 52:22, 108:15, 139:27 Reserve [3] - 12:6, 38:5, 61:24 reserve [1] - 224:23 resident [1] - 102:10 Residential [1] - 6:19 residential [15] - 11:15, 11:24, 12:8, 107:25, 108:9, 108:17, 109:5, 109:26, 116:10, 120:4, 120:13, 120:28, 129:9, 130:3, 156:12 RESIDENTIAL [1] - 13:25 residents [5] - 95:15, 95:19, 102:6, 185:28, 206:14 resignation [1] - 214:1 Resolution [5] - 8:8, 8:11, 189:5, 191:26, 217:6 RESOLUTION [2] - 189:1, 191:21 resolved [1] - 58:7 respect [2] - 46:18, 76:12 respond [2] - 100:19, 177:5 responded [1] - 97:27 response [12] - 13:16, 13:20, 71:23, 101:1, 101:3, 116:18, 119:17, 142:11, 171:21, 221:4, 231:14, 233:9 responsibility [1] - 77:19 responsible [4] - 57:5, 130:6, 172:6, 172:10 rest [2] - 60:17, 109:27 restatement [2] - 162:4, 162:28 restoration [1] - 164:7 restrictive [1] - 123:4 resubmit [1] - 216:22 result [2] - 108:10, 234:15 resumed [2] - 138:5, 142:21 resurface [1] - 184:28 resurfaced [1] - 192:20 resurfacing [2] - 184:17, 192:15</p>	<p>retain [1] - 39:15 retention [10] - 26:22, 26:26, 27:2, 37:27, 37:28, 53:18, 124:5, 140:1, 140:8, 141:1 RETURN [1] - 212:9 Return [1] - 7:12 returned [1] - 105:3 revenue [4] - 45:22, 87:25, 89:5, 156:11 reverse [1] - 37:23 review [10] - 23:10, 37:1, 42:7, 46:28, 47:25, 53:24, 58:3, 62:11, 63:11, 64:15 reviewed [2] - 52:6, 63:2 reviewing [1] - 55:12 reviews [1] - 23:16 revising [1] - 18:19 REVISITED [1] - 230:6 Revisited)..... [1] - 8:20 Rezoning [3] - 6:17, 6:21, 6:23 REZONING [3] - 11:1, 106:16, 119:22 RF [1] - 118:16 RFP [4] - 5:25, 148:23, 149:4, 149:17 Rhode [1] - 99:28 ride [1] - 132:9 Ridge [2] - 155:11, 167:4 right-of-way [5] - 181:18, 195:26, 196:11, 200:20, 200:27 rights [1] - 37:10 RISK [1] - 191:21 Risk [2] - 8:12, 191:28 risks [1] - 167:28 RIVER [1] - 189:28 River [8] - 8:10, 34:13, 34:15, 50:7, 54:21, 57:2, 190:2 RMF-6 [2] - 107:11, 118:16 ROAD [6] - 185:14, 188:28, 191:23, 193:20, 207:8 Road [57] - 8:6, 8:7, 8:12, 8:14, 8:17, 8:17, 11:17, 14:7, 14:8, 14:15, 16:1, 40:20, 40:21, 41:8, 41:10, 72:22, 72:23, 74:20, 74:21, 82:23, 107:24, 107:27, 108:5, 108:7,</p>	<p>108:23, 112:21, 113:9, 120:11, 121:3, 121:6, 124:18, 124:25, 125:14, 125:19, 125:26, 125:27, 126:2, 126:6, 126:26, 127:6, 127:21, 129:24, 129:25, 129:27, 131:17, 132:4, 132:22, 133:16, 183:23, 185:18, 185:20, 186:11, 186:12, 186:27, 189:5, 191:28, 193:23 road [59] - 23:7, 24:5, 51:16, 57:1, 57:17, 57:24, 60:1, 78:7, 81:1, 86:3, 87:15, 91:24, 101:17, 104:11, 111:9, 111:11, 113:18, 114:21, 126:8, 126:9, 126:18, 126:28, 130:13, 130:18, 132:28, 133:1, 134:18, 158:6, 158:22, 160:17, 162:21, 162:23, 163:15, 181:16, 181:17, 183:12, 184:3, 184:9, 184:12, 184:14, 184:15, 184:16, 184:17, 184:28, 187:5, 192:20, 192:23, 192:28, 193:2, 193:8, 200:13, 206:5, 206:7, 206:9, 206:12 roadbed [2] - 25:27, 37:1 roadbeds [1] - 177:22 roads [11] - 17:16, 22:12, 56:20, 57:12, 78:1, 86:28, 99:26, 104:12, 104:15, 159:3, 167:6 Roads [1] - 8:12 ROADS [1] - 191:22 roadways [2] - 25:15, 176:14 ROBERT [9] - 79:17, 79:21, 79:27, 80:2, 80:4, 80:9, 80:12, 80:17, 81:7 Robert [3] - 3:21,</p>
--	---	---	---	---

80:9, 215:14 Roberta [2] - 221:1, 228:7 Robertsdale [5] - 7:13, 45:17, 49:14, 132:11, 133:25 ROBERTSDALE [1] - 212:10 rod [1] - 163:12 role [1] - 19:21 rollover [1] - 158:15 RON [14] - 150:5, 150:9, 179:16, 190:13, 190:19, 191:7, 191:11, 191:14, 191:17, 209:28, 224:12, 224:19, 224:23, 230:16 Ron [3] - 2:11, 191:5, 224:10 room [3] - 78:25, 99:4, 165:14 Room [1] - 1:14 roomful [1] - 35:23 rooms [1] - 57:10 Rosinton [4] - 85:16, 87:10, 90:27, 95:22 Rouge [1] - 66:1 roundabouts [1] - 99:15 route [1] - 168:16 routes [1] - 85:21 RSF [1] - 128:28 RSF-1 [7] - 52:14, 120:3, 120:17, 120:24, 121:18, 128:28, 129:1 RSF-2 [4] - 11:13, 12:4, 12:6, 121:22 RSF-3 [6] - 72:28, 120:3, 120:9, 121:23, 123:4, 125:7 RSF-4 [2] - 120:8, 123:6 RSF-E [1] - 128:28 rubber [1] - 163:16 rug [1] - 48:4 rules [4] - 23:18, 50:18, 67:3, 69:5 run [7] - 17:13, 44:10, 52:14, 83:8, 92:7, 178:17, 184:14 running [4] - 153:22, 171:2, 175:2, 184:25 runoff [4] - 26:18, 26:20, 86:13, 87:27 runs [2] - 86:11, 162:10 Rural [8] - 8:12, 11:12,	72:17, 72:24, 72:25, 107:12, 120:22, 191:28 RURAL [1] - 191:21 rural [8] - 74:26, 121:18, 124:26, 126:12, 155:28, 168:11, 174:26, 192:28 rush [1] - 71:8 RUSSELL [3] - 89:10, 89:13, 89:19 Russell [3] - 3:25, 4:7, 89:13 RUSTY [2] - 81:5, 83:13 RV [26] - 72:20, 73:6, 73:14, 73:16, 73:21, 78:1, 78:7, 79:4, 79:5, 79:9, 82:13, 83:23, 83:25, 84:14, 85:6, 92:24, 93:24, 94:2, 94:15, 96:14, 101:28, 103:15, 104:14, 117:1, 123:14 RV-1 [1] - 72:18 RVs [3] - 93:6, 94:22, 101:4	Sanitary [2] - 5:27, 149:3 SANITARY [1] - 148:25 sat [1] - 101:21 SATELLITE [3] - 146:1, 150:16 Satellite [6] - 5:20, 5:20, 6:6, 146:7, 146:8, 150:22 SAVANNAH [1] - 13:24 Savannah [4] - 6:18, 11:16, 12:11, 14:2 saved [1] - 97:26 saw [2] - 81:2, 161:4 scenario [1] - 174:2 School [4] - 31:13, 31:15, 32:15, 32:25 school [8] - 12:23, 81:27, 82:1, 87:2, 87:4, 99:19, 131:21, 132:7 schools [3] - 30:21, 30:27, 172:22 scientific [2] - 221:3, 223:25 Scout [1] - 8:21 SCOUT [1] - 217:15 Scouts [2] - 217:19, 217:20 screen [1] - 27:5 seal [2] - 162:20, 162:23 sealant [1] - 163:16 seat [2] - 214:28, 217:9 second [13] - 52:21, 59:26, 62:5, 127:28, 142:4, 150:22, 157:7, 165:20, 185:15, 207:6, 223:16, 231:3, 232:25 SECOND [1] - 150:15 Second [1] - 6:6 seconded [2] - 142:8, 232:27 secretary [1] - 76:10 Secrets [4] - 139:26, 140:5, 140:25, 141:6 Section [5] - 127:28, 138:27, 139:6, 139:14, 139:19 section [11] - 12:3, 31:3, 73:19, 79:18, 80:2, 128:1, 139:27, 183:25, 192:19, 194:22, 206:5 sections [2] - 111:27,	112:1 security [1] - 179:23 SECURITY [1] - 218:25 Security [1] - 8:25 see [53] - 11:27, 12:19, 17:10, 17:11, 19:18, 21:9, 24:12, 25:12, 27:7, 31:2, 31:14, 32:3, 32:8, 34:26, 36:22, 37:26, 39:7, 43:5, 44:6, 44:22, 49:23, 52:28, 55:13, 61:25, 68:20, 77:26, 78:5, 81:19, 85:8, 103:28, 109:1, 109:22, 111:19, 114:11, 120:17, 122:18, 122:21, 130:12, 133:1, 136:10, 137:2, 168:26, 169:4, 183:12, 183:19, 186:8, 196:20, 214:14, 228:21, 228:23, 228:24 seeing [3] - 19:22, 35:16, 67:2 seek [1] - 73:17 sees [1] - 168:27 sell [3] - 118:14, 118:15, 179:20 sellable [1] - 59:25 selling [1] - 118:9 send [5] - 46:11, 75:11, 85:2, 117:18, 219:9 sending [1] - 75:26 sends [1] - 205:25 senior [1] - 90:12 sense [1] - 188:5 sensor [2] - 160:20, 160:23 sent [12] - 17:21, 28:12, 28:19, 36:3, 46:22, 64:28, 73:25, 74:24, 75:1, 78:27, 80:18, 104:26 separate [3] - 15:12, 43:9, 70:26 separately [1] - 160:8 September [1] - 28:16 septic [8] - 80:14, 80:15, 80:25, 81:21, 88:18, 88:21, 91:20, 135:6 serious [1] - 35:27 seriously [1] - 98:7 serve [2] - 104:2,	168:19 served [2] - 140:10, 141:2 serves [1] - 104:4 service [4] - 104:3, 156:3, 165:28, 211:3 SERVICES [1] - 193:21 services [9] - 98:9, 154:8, 154:14, 157:11, 165:25, 168:22, 175:19, 193:24, 193:28 Services..... ... [1] - 8:15 SESSION [1] - 138:24 Session [6] - 1:4, 62:23, 138:5, 142:19, 142:21, 233:17 session [24] - 74:4, 106:9, 120:7, 138:11, 138:27, 140:12, 141:4, 141:12, 141:17, 141:22, 141:23, 141:25, 142:3, 142:9, 142:17, 142:20, 143:1, 196:14, 202:13, 202:15, 202:17, 202:21, 203:25, 232:3 Session..... [1] - 8:4 set [10] - 14:18, 23:6, 23:11, 67:28, 94:2, 100:27, 139:3, 164:24, 183:20, 200:20 setup [1] - 94:6 seven [15] - 85:25, 110:5, 120:26, 157:23, 181:14, 194:6, 194:14, 195:3, 196:19, 196:21, 197:11, 198:1, 204:16, 226:2 seventeen [1] - 181:14 seventy [4] - 85:5, 97:24, 123:2, 181:15 seventy-five [2] - 97:24, 123:2 seventy-six [1] - 181:15 sever [1] - 170:6 several [4] - 21:2, 49:13, 138:12, 155:3 Sewer [1] - 88:23 sewer [11] - 81:4, 88:19, 103:8,
	S			
	S-17020 [2] - 6:12, 181:3 sac [1] - 184:5 sacing [1] - 183:26 safe [11] - 17:11, 91:25, 92:1, 97:19, 99:14, 118:25, 126:26, 126:27, 193:2, 223:23 safely [1] - 126:19 safer [1] - 168:4 safety [5] - 18:11, 19:13, 22:25, 65:28, 97:16 salary [1] - 218:19 sale [2] - 105:23, 139:17 SALES [1] - 209:20 Sales [1] - 6:14 salvation [1] - 89:16 samples [1] - 159:9 San [1] - 163:22 SANDS [1] - 210:27 Sands [2] - 7:4, 211:2 Sangster [1] - 2:19 SANGSTER [1] - 183:1			

<p>122:11, 122:26, 122:27, 125:10, 135:5, 177:25, 180:18 Shaffer [1] - 29:16 shaking [1] - 42:17 shallow [7] - 158:16, 158:17, 158:26, 163:8, 172:4, 172:7, 174:5 Shannon [1] - 214:26 share [7] - 32:26, 49:28, 128:20, 159:9, 195:12, 198:23, 200:5 shared [1] - 166:24 sharing [2] - 199:19, 201:19 Sharp [1] - 148:5 Sheriff [1] - 207:20 Sheriff's [4] - 84:2, 84:12, 97:20, 98:26 Sheriff'S [1] - 5:17 SHERIFF'S [1] - 147:11 shifted [1] - 39:27 Shirley [2] - 3:22, 82:22 SHIRLEY [3] - 82:17, 82:22, 83:11 shocked [1] - 162:12 Shoenight [3] - 3:12, 6:21, 106:28 SHOENIGHT [4] - 106:16, 116:21, 116:25, 119:9 SHORE [1] - 214:11 Shore [1] - 7:21 Shores [3] - 31:26, 132:5, 132:7 SHORT [1] - 220:6 Short [1] - 9:5 short [7] - 46:18, 152:1, 153:12, 158:10, 168:27, 170:9, 230:10 shot [1] - 124:1 show [6] - 39:12, 50:17, 54:15, 58:23, 117:4, 158:10 showed [1] - 29:17 showing [6] - 11:26, 14:11, 37:26, 73:11, 120:14, 206:22 shown [2] - 39:22, 181:18 shows [4] - 77:28, 120:16, 128:5, 165:13 shut [1] - 206:12</p>	<p>shutting [1] - 206:5 sic [1] - 106:26 side [14] - 11:17, 11:18, 14:7, 14:8, 51:3, 53:10, 71:16, 72:22, 120:11, 125:20, 166:9, 166:10, 184:5, 200:9 sides [1] - 159:3 sidewalks [1] - 165:23 sign [5] - 79:3, 131:19, 172:8, 178:22, 212:13 signage [1] - 186:5 signal [1] - 166:28 signature [1] - 210:2 signed [3] - 168:14, 207:28, 230:10 significant [1] - 74:2 signify [2] - 142:13, 233:11 signoff [1] - 172:16 signs [1] - 105:4 similar [4] - 109:3, 109:12, 210:13, 214:12 simple [2] - 71:19, 90:21 simply [3] - 52:12, 65:9, 181:27 Single [1] - 11:14 single [5] - 15:1, 30:3, 90:19, 120:25, 192:3 Single-Family [1] - 11:14 single-family [3] - 15:1, 30:3, 120:25 sinkhole [3] - 45:21, 57:2, 57:18 sinkholes [3] - 19:4, 57:12, 66:6 sinks [1] - 19:18 sister [1] - 181:27 sit [5] - 18:7, 47:26, 58:4, 58:21, 195:24 site [49] - 11:24, 12:8, 13:2, 13:28, 14:13, 14:17, 15:3, 15:6, 15:9, 16:18, 24:28, 25:6, 26:1, 27:18, 33:20, 34:9, 35:16, 36:22, 37:9, 37:11, 37:14, 37:22, 38:1, 38:6, 38:7, 39:2, 39:10, 39:17, 41:20, 42:1, 45:24, 61:15, 68:8, 68:9, 68:18, 69:15, 73:17, 73:20, 77:28, 83:16, 91:6, 108:13, 120:19,</p>	<p>121:4, 123:6, 123:9, 123:14, 123:19, 190:8 Site [1] - 6:19 SITE [1] - 13:25 sitting [2] - 127:8, 171:17 situation [10] - 33:10, 62:12, 63:1, 65:20, 65:22, 131:14, 167:5, 187:22, 221:4, 222:5 situations [1] - 19:16 six [14] - 70:3, 72:16, 83:26, 96:16, 118:23, 148:16, 155:21, 158:4, 159:23, 162:10, 181:15, 194:9, 196:2, 197:20 sixteen [2] - 155:3, 160:12 sixty [3] - 14:25, 28:10, 60:12 size [7] - 32:16, 39:22, 39:28, 123:1, 132:20, 133:4, 159:18 sizes [3] - 53:4, 122:12, 135:3 sketchy [1] - 91:26 skew [1] - 183:14 Skip [1] - 2:4 skip [2] - 11:5, 146:13 SKIP [302] - 10:4, 10:17, 10:25, 11:2, 13:4, 13:11, 13:17, 13:21, 15:18, 16:12, 22:16, 25:3, 25:9, 26:3, 26:13, 26:17, 26:21, 28:23, 34:17, 35:12, 36:10, 38:19, 41:17, 41:25, 41:28, 42:26, 43:2, 43:20, 43:24, 43:27, 44:5, 45:8, 46:1, 50:2, 51:21, 62:7, 62:26, 64:7, 66:16, 69:3, 69:7, 69:10, 69:18, 69:27, 70:16, 71:20, 71:24, 71:28, 72:5, 72:8, 74:12, 74:16, 76:22, 79:15, 79:24, 80:5, 81:12, 81:15, 82:20, 85:13, 89:8, 89:11, 89:26, 90:2, 90:22, 92:19, 93:18, 94:24, 94:28, 95:3, 95:9, 100:6, 100:10, 101:5, 102:22,</p>	<p>102:27, 103:5, 103:17, 103:20, 103:24, 104:7, 104:22, 105:25, 105:28, 106:13, 106:17, 106:21, 107:5, 110:15, 110:27, 111:18, 111:23, 111:28, 112:5, 112:9, 112:13, 112:19, 112:25, 113:4, 113:11, 113:15, 114:8, 116:16, 116:19, 116:23, 119:7, 119:15, 119:18, 119:23, 121:25, 122:2, 124:9, 124:15, 124:19, 124:22, 125:4, 125:16, 127:1, 127:11, 127:17, 128:12, 130:15, 130:28, 131:4, 131:8, 131:28, 133:20, 134:13, 136:14, 137:19, 137:23, 137:28, 138:8, 138:17, 138:21, 141:27, 142:6, 142:12, 142:16, 142:24, 142:28, 143:22, 144:1, 144:13, 144:21, 145:3, 145:23, 146:15, 146:22, 147:3, 147:21, 148:7, 148:20, 148:26, 149:8, 149:22, 150:1, 150:6, 150:11, 150:17, 151:7, 151:11, 151:14, 151:18, 152:17, 152:21, 153:17, 157:1, 157:12, 160:3, 160:9, 161:20, 165:4, 165:8, 169:3, 169:7, 169:20, 169:24, 170:1, 170:12, 170:16, 170:22, 171:6, 171:10, 172:19, 173:10, 173:23, 173:26, 174:8, 174:11, 174:17, 175:4, 175:12, 175:16, 175:25, 176:16, 177:28, 178:4,</p>	<p>179:27, 180:4, 180:28, 181:5, 181:20, 182:5, 182:15, 184:6, 185:2, 186:21, 187:7, 187:11, 187:15, 188:8, 188:11, 188:21, 188:25, 189:19, 189:25, 194:20, 194:24, 195:1, 195:5, 195:17, 195:21, 198:9, 198:13, 198:18, 198:26, 199:4, 199:10, 199:15, 199:24, 200:15, 200:28, 201:5, 201:11, 201:18, 204:3, 205:2, 205:18, 205:26, 207:2, 208:13, 208:17, 208:21, 208:26, 209:3, 209:7, 209:10, 210:6, 210:19, 210:24, 211:9, 211:16, 212:5, 212:17, 213:4, 213:18, 214:4, 214:23, 215:1, 215:20, 215:24, 217:12, 217:25, 218:1, 219:19, 219:23, 220:8, 220:12, 220:16, 220:20, 220:26, 221:7, 222:22, 223:5, 224:2, 224:7, 224:16, 224:21, 224:26, 225:2, 229:25, 230:1, 230:13, 230:21, 230:25, 231:2, 231:7, 231:12, 231:17, 231:20, 231:24, 231:28, 232:7, 232:13, 232:18, 232:23, 232:26, 233:3, 233:7, 233:10, 233:14 skipped [2] - 146:16, 146:20 skipping [1] - 10:18 sleeping [1] - 223:2 sleeving [1] - 170:8 slide [23] - 154:20, 155:7, 155:14, 156:15, 157:21,</p>
--	---	---	--	--

<p>158:13, 159:1, 159:8, 160:16, 161:4, 161:22, 163:1, 163:28, 164:17, 165:12, 166:8, 166:23, 167:4, 167:13, 168:7, 183:18, 184:2, 184:10 slight [1] - 27:15 slot [1] - 161:24 slow [2] - 86:2, 186:7 slower [1] - 133:2 slurry [2] - 161:26, 162:16 small [17] - 17:2, 39:28, 52:12, 52:14, 111:26, 112:1, 114:25, 114:28, 115:1, 158:1, 159:2, 159:6, 159:8, 161:16, 170:4, 187:23, 187:24 smaller [4] - 122:12, 135:3, 159:18, 159:19 smallest [1] - 124:27 smart [1] - 130:6 smartly [1] - 130:9 SOCIAL [1] - 218:25 social [1] - 105:6 Social [1] - 8:25 SOFTWARE [1] - 209:20 Software [1] - 6:14 sold [3] - 105:21, 129:24, 129:27 solicit [1] - 149:4 Solid [3] - 3:9, 5:26, 149:2 SOLID [1] - 148:24 solution [1] - 56:11 solved [1] - 88:26 someone [6] - 22:2, 78:22, 91:14, 97:27, 101:11, 105:21 sometimes [9] - 31:19, 31:20, 47:1, 47:19, 86:24, 99:21, 105:10, 172:13, 188:17 Sometimes [2] - 33:16, 158:5 somewhere [9] - 34:25, 61:6, 64:11, 91:25, 99:17, 132:11, 185:12, 194:13, 196:6 son [1] - 101:24 Sonoma [4] - 155:11,</p>	<p>167:4, 180:10, 180:13 Sons [1] - 183:10 sooner [1] - 33:3 soothe [1] - 62:21 sorry [14] - 59:6, 62:19, 79:19, 106:27, 131:2, 131:3, 131:6, 146:17, 153:6, 159:10, 159:11, 185:24, 195:9, 214:19 sort [2] - 17:27, 204:6 sound [2] - 56:8, 229:24 sounds [4] - 88:17, 175:5, 185:3, 197:8 source [2] - 18:28, 191:12 South [4] - 7:24, 108:5, 108:23, 113:10 south [7] - 72:22, 78:23, 81:18, 108:7, 127:5, 127:7, 192:18 SOUTH [1] - 215:10 southern [2] - 22:5, 155:10 space [27] - 16:16, 16:20, 16:26, 17:3, 17:7, 17:26, 17:28, 18:2, 18:20, 18:22, 18:26, 20:10, 21:7, 28:5, 48:19, 59:20, 59:23, 60:7, 60:14, 61:2, 61:5, 61:7, 61:13, 61:25, 66:21, 67:12, 68:5 spaces [2] - 16:23, 17:11 Spanish [2] - 206:3, 206:8 spanking [1] - 193:9 SPEAKER [1] - 68:22 speaking [1] - 206:4 speaks [1] - 129:10 special [2] - 73:6, 104:19 Specialist [1] - 2:20 specific [4] - 13:15, 65:6, 67:13, 67:17 specifically [1] - 76:4 specify [1] - 68:4 speculative [1] - 134:22 SPEED [1] - 185:14 Speed [1] - 8:6 speed [7] - 156:2, 168:9, 168:23,</p>	<p>185:18, 186:3, 186:5, 186:20 speeding [2] - 185:16, 186:2 speeds [1] - 166:16 spend [3] - 68:14, 68:23, 124:6 spending [3] - 192:13, 195:10, 223:7 spent [2] - 49:16, 50:4 splice [1] - 170:15 split [2] - 85:18, 87:18 spoken [2] - 20:11, 206:18 sports [1] - 127:4 spot [2] - 92:24, 110:19 spotted [1] - 122:23 spray [1] - 192:25 sprinkler [1] - 164:4 square [4] - 18:5, 60:13, 121:23, 123:1 Square [1] - 1:15 squatter [1] - 93:23 Staff [5] - 182:2, 182:12, 182:14, 182:16, 229:19 staff [31] - 11:23, 12:26, 15:11, 15:15, 23:1, 23:4, 23:16, 31:2, 31:4, 31:22, 32:1, 32:6, 47:3, 47:9, 47:26, 48:8, 49:26, 55:15, 58:21, 71:9, 75:26, 108:3, 108:22, 110:1, 110:9, 121:8, 121:16, 121:21, 142:3, 152:6, 181:10 staff's [3] - 47:7, 121:17, 131:15 stand [3] - 34:7, 38:18, 132:14 standard [1] - 63:7 standards [3] - 56:21, 123:23, 153:27 standby [3] - 179:5, 179:7, 179:19 standing [4] - 46:12, 46:16, 90:15, 97:7 standpoint [9] - 24:7, 24:11, 24:18, 24:19, 25:23, 25:24, 55:25, 55:26, 172:10 start [21] - 10:20, 10:26, 28:16, 35:22, 64:21, 67:16, 67:17, 79:10, 88:2, 92:10, 92:11, 118:3, 126:24, 154:7,</p>	<p>165:17, 168:13, 171:18, 172:22, 199:28, 200:9 started [6] - 82:4, 124:17, 126:11, 138:9, 157:5, 171:15 starting [3] - 20:26, 166:11, 215:14 starts [1] - 186:10 startup [1] - 154:25 starving [1] - 218:28 state [4] - 63:14, 110:11, 127:18, 132:27 State [18] - 8:13, 22:4, 23:26, 23:28, 25:22, 31:6, 31:20, 87:24, 99:27, 104:28, 121:3, 121:6, 141:15, 148:15, 184:16, 186:19, 193:7, 197:11 STATE [2] - 191:23, 234:3 statement [1] - 24:24 states [4] - 127:28, 139:24, 139:25, 140:12 stating [1] - 121:10 station [1] - 104:3 statistic [1] - 133:6 statute [2] - 53:14, 186:19 statutory [1] - 224:20 stay [6] - 84:10, 92:24, 102:3, 102:9, 126:19, 168:2 staying [2] - 100:13, 158:26 stenotype [1] - 234:8 step [8] - 36:28, 37:3, 52:21, 52:23, 95:23, 96:3, 118:27, 141:9 Step [2] - 24:13, 24:14 Stephens [2] - 4:8, 124:14 STEPHENS [7] - 124:13, 124:17, 124:21, 124:24, 125:6, 125:18, 127:7 steps [2] - 52:25, 71:18 still [14] - 35:6, 50:22, 75:20, 104:18, 104:25, 123:8, 123:9, 133:13, 135:8, 162:7, 201:15, 221:28, 224:12, 224:17 stipulates [1] - 42:4</p>	<p>Stockdale [1] - 190:6 STOP [1] - 207:8 stop [5] - 99:18, 112:20, 131:19, 138:15, 207:22 Stop [1] - 8:17 storage [5] - 107:17, 107:21, 115:20, 117:1, 118:6 store [4] - 37:3, 104:3, 104:4, 126:20 stormwater [11] - 26:18, 26:19, 26:22, 38:27, 40:2, 48:25, 49:18, 53:7, 58:25, 122:15, 124:4 story [6] - 71:15, 98:22, 99:6, 99:10, 117:24, 229:6 strand [1] - 155:21 stream [2] - 80:13, 80:27 street [11] - 21:2, 35:25, 38:7, 78:21, 114:13, 114:17, 132:8, 160:20, 160:21, 161:12, 161:18 Street [2] - 113:10, 183:25 streets [2] - 180:11, 180:14 strict [1] - 208:2 strictly [1] - 73:9 striping [3] - 99:25, 192:12, 192:25 stroke [1] - 219:14 structure [1] - 126:9 stuck [1] - 146:21 students [2] - 33:5, 172:23 studies [5] - 49:17, 49:25, 50:5, 51:17, 135:20 study [10] - 28:27, 29:16, 40:3, 127:10, 127:15, 129:17, 134:24, 134:26, 135:25, 136:11 stuff [15] - 10:27, 45:5, 46:11, 50:23, 57:13, 66:12, 96:21, 96:22, 97:4, 102:1, 162:10, 163:12, 172:14, 201:14, 208:28 sub [3] - 54:23, 64:14, 152:12 SUBDIVISION [1] - 151:24 Subdivision [3] - 6:9,</p>
---	---	--	--	---

<p>152:5, 152:10 subdivision [59] - 11:15, 15:27, 23:6, 24:10, 25:25, 33:23, 34:21, 35:4, 35:7, 50:18, 51:14, 52:2, 52:3, 52:5, 52:14, 52:17, 52:24, 55:5, 55:6, 59:18, 62:14, 63:6, 64:15, 65:22, 71:4, 73:18, 73:19, 96:27, 97:2, 97:3, 112:15, 114:26, 114:28, 115:2, 115:6, 118:16, 118:19, 120:4, 120:20, 120:25, 121:1, 121:3, 123:9, 124:2, 125:19, 125:23, 126:25, 128:8, 130:19, 130:23, 134:5, 156:25, 157:19, 158:14, 159:2, 164:18, 165:1, 165:16, 168:28 subdivisions [16] - 18:25, 18:27, 33:11, 40:16, 128:25, 128:27, 129:9, 129:16, 155:8, 162:27, 163:28, 168:14, 168:21, 175:9, 180:2, 195:15 subject [18] - 11:20, 12:4, 12:21, 14:6, 55:8, 63:11, 72:20, 73:7, 73:22, 107:9, 107:15, 107:22, 108:9, 120:10, 120:21, 135:8, 139:3 subjectivity [3] - 60:19, 61:14, 61:16 submission [1] - 75:28 submit [3] - 75:23, 192:21, 193:15 submittal [1] - 208:1 submitted [10] - 55:5, 58:8, 70:22, 75:15, 76:9, 120:21, 192:1, 213:12, 215:28, 216:19 submitting [1] - 71:4 substance [1] - 88:6 successful [2] - 163:22, 163:24 successfully [1] - 175:1 suggest [1] - 230:18</p>	<p>suggestion [1] - 228:16 suggestions [1] - 117:5 suicides [1] - 96:25 suitable [1] - 115:18 Sullivan [1] - 214:2 summer [1] - 164:9 supplied [1] - 128:19 Support [1] - 2:19 support [6] - 53:17, 58:18, 212:27, 212:28, 213:10, 213:11 SUPPORT [1] - 212:23 Support..... [1] - 7:17 suppose [2] - 22:26, 218:13 supposed [3] - 37:5, 66:12, 201:21 Supreme [1] - 66:2 SURETY [1] - 181:4 surety [2] - 181:9, 181:11 Surety..... [1] - 6:12 surface [2] - 54:8, 54:14 surprised [1] - 78:5 surrounding [4] - 12:22, 72:26, 78:12, 136:5 surveying [1] - 193:28 surveyor [1] - 20:5 Susan [1] - 1:16 SUSAN [1] - 234:22 suspicious [1] - 96:23 Swatter's [1] - 110:25 swept [1] - 48:3 system [4] - 81:4, 97:14, 103:8 SYSTEMS [3] - 6:24, 7:3, 145:27 systems [3] - 88:18, 146:5, 164:4 Systems [2] - 5:19, 88:23</p> <p style="text-align: center;">T</p> <p>table [2] - 58:6, 229:21 tank [2] - 80:25, 91:20 tanks [5] - 80:14, 80:15, 81:21, 88:21, 135:7 tape [2] - 223:9, 226:17 tapped [1] - 179:19</p>	<p>tar [1] - 162:22 tarp [1] - 79:7 taste [1] - 204:1 TAX [1] - 209:20 tax [3] - 45:22, 197:23, 197:24 Tax [1] - 6:14 Tech [2] - 7:4, 211:2 TECH [1] - 210:27 technical [1] - 66:9 techwise [1] - 172:23 telecom [3] - 154:23, 154:25, 157:15 temperature [1] - 162:8 ten [15] - 30:5, 30:6, 50:14, 65:21, 101:21, 121:23, 129:26, 131:16, 133:6, 133:8, 138:1, 161:2, 221:18, 221:24, 226:3 ten-inch [1] - 50:14 ten-minute [1] - 138:1 tent [1] - 92:6 tents [1] - 79:8 term [1] - 215:14 terminate [1] - 211:4 Termination [1] - 7:5 TERMINATION [1] - 210:27 terms [1] - 21:26 Terri [1] - 3:8 terrified [1] - 87:4 terrifies [1] - 86:28 territory [1] - 100:1 tested [2] - 24:17, 42:14 testing [3] - 23:13, 25:25, 25:26 Texas [1] - 173:16 text [1] - 17:22 that'll [2] - 119:19, 180:2 THE [28] - 1:2, 62:18, 62:25, 79:19, 79:22, 79:26, 79:28, 80:3, 80:7, 80:10, 143:4, 143:5, 144:5, 144:25, 145:12, 145:27, 145:28, 146:2, 147:10, 147:24, 147:26, 148:25, 149:12, 150:14, 150:15, 151:23, 220:5 there'll [1] - 15:28 therein [1] - 139:3 thermoed [1] - 192:23 thermoplastic [2] -</p>	<p>192:26, 193:6 they've [17] - 20:20, 56:28, 76:17, 153:20, 156:9, 157:7, 163:21, 172:25, 173:16, 177:3, 183:21, 184:27, 212:28, 213:12, 221:14 thinking [1] - 87:23 third [2] - 52:23, 59:26 thirteen [2] - 129:26, 166:12 thirty [9] - 118:23, 129:15, 148:16, 167:15, 186:12, 186:13, 186:15, 197:26, 223:16 thirty-eight [1] - 129:15 thirty-five [5] - 167:15, 186:12, 186:13, 186:15, 197:26 thirty-six [2] - 118:23, 148:16 Thomas [1] - 214:1 thoughts [1] - 17:23 thousand [26] - 68:14, 97:24, 121:23, 123:1, 143:14, 155:1, 155:4, 164:28, 166:19, 178:23, 181:13, 194:3, 194:9, 194:14, 194:26, 195:3, 196:21, 196:23, 197:7, 197:21, 197:26, 204:15, 220:22, 221:15, 221:16, 223:8 thousands [1] - 68:24 three [42] - 14:3, 22:1, 30:8, 30:9, 30:10, 32:28, 57:22, 59:17, 72:16, 73:5, 80:20, 81:10, 83:26, 110:12, 121:8, 125:2, 125:3, 129:2, 130:1, 134:2, 134:3, 134:9, 143:15, 150:9, 151:27, 154:10, 155:23, 155:27, 158:3, 159:4, 160:15, 164:28, 166:22, 168:26, 171:3, 192:2, 192:9, 192:14, 206:18, 215:14, 215:27,</p>	<p>226:1 three-fourths [1] - 80:20 three-minute [1] - 168:26 three-quarter [2] - 125:2, 158:3 three-quarter-inch [1] - 160:15 threshold [1] - 219:16 threw [3] - 44:4, 124:2, 200:22 throat [1] - 90:16 throughout [2] - 18:25, 48:22 throw [3] - 135:11, 174:5, 203:24 throwing [1] - 196:3 tie [2] - 110:12, 168:17 tied [2] - 127:22, 208:7 ties [1] - 183:23 tight [1] - 209:5 timeframe [2] - 92:24, 208:2 TKC [3] - 20:3, 21:27, 44:12 TNR [2] - 7:12, 212:9 TO [5] - 148:24, 151:23, 191:23, 218:26, 220:7 today [12] - 45:12, 45:16, 65:12, 88:14, 95:28, 160:19, 161:8, 165:27, 166:21, 167:1, 180:17, 232:3 today's [1] - 18:16 together [9] - 18:9, 47:8, 57:27, 75:24, 82:26, 98:23, 124:3, 204:20, 204:24 tomorrow [7] - 28:17, 179:20, 196:14, 202:11, 202:15, 202:25, 204:13 TON [1] - 211:25 Ton [1] - 7:10 took [9] - 75:17, 95:23, 96:2, 185:19, 185:20, 186:3, 216:18, 221:10, 227:27 tool [2] - 50:25, 174:23 tools [1] - 50:21 top [9] - 10:21, 25:13, 25:15, 30:1, 44:25, 162:1, 162:18, 163:15, 163:16 topic [2] - 225:22,</p>
--	--	--	---	---

<p>227:12 topography [1] - 49:24 Torbert [1] - 214:28 total [1] - 30:7 touching [1] - 63:21 tough [2] - 133:17, 232:3 tourists [1] - 87:13 towards [5] - 72:28, 122:14, 153:22, 192:6, 196:9 Town [3] - 122:16, 122:28, 129:25 town [6] - 14:25, 15:2, 86:20, 91:28, 114:3, 202:8 tracer [1] - 160:6 track [1] - 76:13 tracking [1] - 33:2 tractor [1] - 81:2 tractors [1] - 87:22 trade [1] - 139:21 Trade [4] - 139:26, 140:4, 140:25, 141:5 traffic [36] - 28:27, 28:28, 29:16, 33:18, 66:7, 80:23, 81:1, 85:27, 86:28, 90:1, 90:5, 90:6, 91:10, 91:16, 91:21, 113:18, 125:10, 126:4, 126:5, 126:8, 126:10, 126:24, 126:28, 127:9, 127:10, 127:15, 130:9, 131:14, 131:27, 133:5, 134:24, 134:26, 170:21, 183:8, 184:16, 186:1 Traffic [3] - 8:5, 8:12, 191:28 TRAFFIC [2] - 182:18, 191:22 trailer [2] - 90:11, 93:19 trailers [1] - 81:22 transcribed [1] - 234:8 transcript [2] - 234:7, 234:11 transcription [1] - 234:9 transfer [1] - 211:28 transferred [1] - 152:12 transition [1] - 121:19 translates [1] - 158:28 Transmissions [1] - 123:17</p>	<p>transportation [1] - 201:13 TRAP [1] - 212:9 Trap [1] - 7:12 trap [1] - 212:15 Trap-Neuter-Return [1] - 7:12 TRAP-NEUTER-RETURN [1] - 212:9 trash [5] - 43:14, 44:7, 44:16, 91:8 travel [4] - 33:8, 90:10, 90:11, 125:13 trees [1] - 119:4 tremendously [1] - 199:14 trench [10] - 155:25, 157:8, 158:7, 158:17, 160:8, 162:11, 163:11, 173:28, 174:18, 177:21 trenches [4] - 137:2, 167:9, 174:1 trenching [17] - 155:19, 155:20, 156:5, 157:18, 157:22, 158:4, 160:18, 163:2, 163:5, 163:8, 163:26, 165:20, 166:28, 167:10, 167:11, 168:1, 177:26 trend [4] - 129:11, 129:13, 130:2, 131:13 trends [2] - 129:11, 131:26 trial [1] - 173:13 tried [3] - 133:15, 163:24, 203:7 triggered [1] - 29:11 trip [1] - 221:10 Triple [1] - 70:27 trips [5] - 29:25, 30:2, 131:16, 131:17, 133:8 trooper [1] - 132:27 TRUCK [1] - 211:25 Truck [1] - 7:10 truck [2] - 226:2, 226:4 trucks [2] - 24:27, 186:1 true [6] - 65:9, 156:3, 188:5, 210:14, 210:17, 234:10 TRUE [1] - 210:11 True [1] - 6:26</p>	<p>TRUE-UP [1] - 210:11 True-Up [1] - 6:26 true-up [1] - 210:14 truth [2] - 45:27, 100:21 try [11] - 31:18, 32:9, 58:16, 71:6, 78:8, 87:5, 96:4, 97:1, 125:21, 167:17, 169:26 trying [14] - 49:7, 58:13, 62:20, 67:3, 71:7, 71:8, 91:18, 97:21, 103:10, 111:15, 115:21, 131:20, 135:10, 223:26 tucked [1] - 61:25 Tuesday [4] - 1:5, 106:3, 227:3, 230:19 Tuesday's [1] - 117:17 tune [2] - 97:23, 118:28 turn [4] - 16:4, 99:15, 160:17, 222:3 turned [1] - 86:1 turning [1] - 101:20 turns [2] - 160:23, 160:26 TV [1] - 27:6 tweak [1] - 21:22 twelve [11] - 93:2, 131:17, 132:16, 132:17, 144:11, 155:18, 161:5, 161:6, 164:6, 168:20, 222:1 twenty [29] - 14:19, 14:20, 26:6, 61:1, 68:1, 68:2, 72:16, 107:10, 108:16, 117:24, 120:2, 125:25, 143:15, 157:23, 162:10, 164:20, 164:21, 166:18, 192:19, 192:22, 194:9, 194:12, 194:26, 196:27, 197:20, 197:28, 198:1, 223:9, 226:2 twenty-eight [3] - 194:26, 196:27, 197:28 twenty-five [6] - 107:10, 108:16, 117:24, 166:18, 192:19, 192:22 twenty-seven [1] - 226:2</p>	<p>twenty-six [3] - 162:10, 194:9, 197:20 twenty-six-point-nine-three [1] - 72:16 twenty-three [1] - 143:15 twenty-two-point-eight [1] - 120:2 twice [2] - 39:21, 39:28 two [66] - 11:21, 14:3, 30:11, 38:22, 42:24, 43:8, 43:9, 51:2, 51:12, 53:1, 60:14, 71:18, 73:25, 81:21, 81:22, 83:24, 90:17, 90:18, 97:26, 105:2, 109:4, 120:2, 120:26, 124:28, 125:24, 126:15, 127:4, 129:28, 131:15, 134:27, 151:10, 155:7, 162:13, 162:26, 163:10, 164:25, 165:2, 166:22, 168:13, 170:7, 171:19, 175:9, 180:1, 180:11, 183:13, 192:2, 194:9, 195:24, 197:21, 202:22, 203:14, 203:18, 203:22, 205:9, 205:15, 206:18, 206:25, 209:23, 211:28, 216:10, 217:18, 219:7, 222:2, 225:23, 226:8, 228:18 Two [1] - 144:11 two-mile [1] - 90:17 Two-Way [1] - 144:11 twofold [1] - 41:26 type [15] - 20:8, 21:8, 21:14, 37:7, 52:1, 52:18, 74:28, 84:10, 115:19, 136:10, 161:8, 177:4, 178:12, 227:21, 228:23 types [4] - 14:28, 17:28, 18:26, 85:7 typical [1] - 153:26 typically [3] - 30:3, 71:17, 193:4</p>	<p style="text-align: center;">U</p> <p>U.S [5] - 120:11, 157:24, 157:25, 157:27, 208:3 ultimate [2] - 12:17, 36:21 un-zoned [2] - 93:15, 96:8 unaware [1] - 108:3 unconventional [1] - 163:25 under [13] - 12:23, 14:17, 20:23, 48:3, 64:16, 93:11, 125:2, 152:13, 156:4, 156:15, 156:24, 176:14, 176:26 underlying [2] - 53:3, 115:25 underneath [1] - 41:7 underserved [4] - 154:9, 154:16, 168:9, 172:28 Underwood [3] - 2:5, 91:2, 207:18 UNDERWOOD [211] - 18:17, 19:9, 19:27, 22:14, 22:18, 23:19, 27:9, 33:9, 33:26, 34:3, 34:6, 34:14, 35:10, 35:14, 35:19, 36:12, 36:17, 38:10, 38:13, 44:2, 46:17, 46:21, 48:28, 49:6, 56:26, 59:2, 59:5, 65:19, 83:14, 84:1, 84:24, 84:28, 85:4, 88:9, 88:13, 93:14, 94:19, 96:12, 109:9, 109:13, 109:17, 110:18, 110:24, 111:1, 111:4, 111:8, 111:14, 111:21, 112:3, 112:7, 112:11, 112:17, 112:23, 112:27, 113:2, 113:6, 113:13, 113:17, 113:20, 113:26, 114:1, 114:5, 114:12, 114:16, 114:19, 114:22, 114:27, 115:3, 115:8, 115:11, 115:14, 115:27, 116:2, 116:6, 116:13, 135:13, 135:17, 135:23,</p>
--	--	--	---	--

136:2, 136:8, 136:22, 136:25, 137:4, 137:8, 137:11, 137:16, 137:21, 143:24, 144:17, 145:5, 145:19, 146:12, 146:18, 146:25, 147:1, 148:11, 149:6, 149:18, 149:26, 150:3, 150:8, 150:27, 152:23, 165:10, 172:27, 173:3, 173:6, 173:21, 175:23, 176:3, 176:6, 181:24, 182:13, 182:22, 182:26, 183:4, 184:20, 184:22, 185:4, 185:11, 185:23, 185:25, 188:23, 189:23, 191:3, 193:12, 193:17, 194:27, 196:13, 196:16, 197:1, 197:18, 198:16, 199:27, 200:3, 201:23, 202:1, 202:5, 202:10, 202:14, 202:18, 203:2, 203:5, 203:9, 203:13, 203:17, 203:20, 203:26, 204:8, 204:12, 204:19, 204:22, 205:4, 205:11, 206:28, 207:9, 209:25, 210:3, 210:22, 211:13, 212:3, 212:19, 213:15, 214:16, 214:21, 215:5, 215:22, 215:26, 216:5, 216:9, 216:16, 216:25, 217:4, 217:11, 217:27, 219:28, 220:10, 220:14, 220:18, 220:24, 220:28, 221:9, 222:21, 222:24, 223:3, 223:11, 224:6, 224:9, 224:14, 224:24, 224:28, 225:13, 225:17, 225:24, 226:5, 226:11, 226:18, 226:21, 226:25, 227:2,	227:9, 227:15, 228:2, 228:9, 229:3, 229:8, 229:14, 229:18, 229:23, 229:27, 232:11 undeveloped [1] - 114:24 unintended [1] - 125:9 unique [1] - 63:1 unison [2] - 142:15, 233:13 United [1] - 145:16 units [2] - 30:7, 213:3 Unity [5] - 156:9, 156:18, 166:6, 168:17, 170:19 UNKNOWN [1] - 68:22 unless [3] - 42:5, 119:12, 156:3 unlimited [1] - 154:15 unmarked [1] - 92:2 unreal [2] - 90:5, 90:8 unrelated [1] - 64:28 unserved [2] - 172:18, 172:28 unusable [1] - 61:6 unusual [2] - 51:24, 163:25 Up [1] - 6:26 up [99] - 14:18, 16:22, 16:23, 21:16, 32:9, 34:10, 35:7, 36:3, 39:14, 39:21, 39:26, 41:14, 42:10, 44:4, 45:5, 46:23, 48:2, 57:17, 57:21, 58:15, 58:28, 59:8, 60:28, 64:12, 65:16, 78:8, 79:3, 81:8, 82:21, 82:26, 83:1, 86:13, 87:7, 88:20, 88:25, 90:14, 91:23, 91:24, 94:2, 97:5, 97:8, 99:5, 100:27, 105:2, 111:25, 112:15, 112:21, 117:4, 118:3, 123:5, 125:14, 126:4, 128:18, 130:21, 135:11, 137:2, 152:1, 155:4, 158:1, 158:6, 158:8, 162:12, 162:17, 163:3, 163:11, 163:14, 164:24, 166:13, 167:6, 167:11, 170:15, 171:2, 177:18, 177:19, 182:21, 185:26, 186:7,	186:15, 188:10, 190:21, 191:6, 193:2, 194:2, 194:7, 196:18, 196:26, 198:21, 198:22, 204:13, 206:2, 206:22, 207:5, 208:24, 210:14, 210:17, 220:13, 222:2 UP [1] - 210:11 Updated [1] - 8:23 UPDATED [1] - 218:8 updating [1] - 17:26 upfront [2] - 70:11, 163:19 upgraded [1] - 140:9 upgrading [2] - 141:1, 149:25 upset [3] - 205:23, 205:24 urban [1] - 18:4 urgency [1] - 223:22 US [1] - 191:23 usable [4] - 16:24, 17:17, 68:3, 68:5 USAGE [1] - 217:16 Usage [1] - 8:22 USE [1] - 209:20 uses [6] - 61:17, 108:17, 113:25, 113:27, 115:25, 116:10 utilities [4] - 30:28, 158:25, 196:10, 200:20 Utilities [1] - 155:3 UTILITY [1] - 147:10 Utility [1] - 5:16 utility [4] - 147:14, 180:18, 195:26, 200:26	vehicle [3] - 133:7, 133:12, 147:14 VEHICLE [1] - 147:10 Vehicle [2] - 5:17, 72:19 vehicles [3] - 92:2, 107:18, 212:1 ventures [1] - 154:26 verbal [1] - 221:13 versa [1] - 20:6 versus [6] - 63:22, 68:18, 96:16, 97:3, 117:12, 118:9 vet [1] - 58:16 veterinarians [1] - 212:14 via [1] - 156:3 vice [2] - 20:6, 181:28 vice-president [1] - 181:28 vicinity [1] - 83:25 video [2] - 158:10, 168:27 view [4] - 11:25, 15:6, 27:6, 158:13 viewpoint [1] - 35:20 Vince [25] - 2:21, 13:6, 13:7, 15:22, 16:15, 17:20, 17:25, 27:13, 27:14, 27:24, 30:22, 48:16, 51:2, 59:16, 61:2, 65:11, 67:25, 72:13, 75:1, 84:2, 92:22, 92:23, 95:12, 102:14, 105:16 VINCE [69] - 11:8, 13:10, 13:13, 13:26, 15:25, 16:5, 16:8, 18:14, 19:8, 19:23, 19:26, 27:25, 27:27, 31:1, 31:9, 32:2, 32:6, 46:5, 46:8, 46:16, 46:20, 51:9, 52:19, 61:3, 64:1, 64:3, 64:9, 64:24, 65:14, 67:27, 72:14, 75:4, 75:6, 75:10, 75:14, 75:19, 75:22, 76:11, 76:17, 76:20, 77:4, 77:6, 77:14, 77:17, 78:28, 84:22, 84:26, 85:2, 92:25, 92:28, 93:5, 93:20, 93:26, 94:4, 94:8, 94:13, 94:16, 95:2, 100:16, 100:24, 101:2, 102:15, 102:18, 102:26, 104:9, 104:24, 105:18, 105:24,	105:27 Vince's [2] - 47:21, 63:21 Virginia [1] - 155:2 virtually [1] - 101:4 visibility [1] - 135:2 visible [1] - 44:21 visit [1] - 45:24 visited [1] - 83:24 voice [1] - 133:19 voiced [1] - 25:18 voices [1] - 91:11 Volkert [1] - 194:18 volume [1] - 186:4 vote [5] - 15:13, 110:11, 176:7, 187:26, 203:18 voted [4] - 20:16, 110:8, 121:14, 176:11 voting [1] - 45:12
W				
<p>wait [1] - 98:19 waive [1] - 198:4 waiver [3] - 172:9, 217:22, 217:23 Waiving [1] - 8:22 waiving [1] - 198:5 WAIVING [1] - 217:15 waking [1] - 90:14 Wal [1] - 109:8 Wal-Mart [1] - 109:8 walk [2] - 60:5, 60:6 walked [1] - 111:15 walking [1] - 132:22 walkover [1] - 208:18 WALTER [2] - 81:5, 83:13 Walton [3] - 57:28, 61:23, 61:24 WANDA [20] - 143:9, 144:7, 144:19, 144:26, 145:13, 146:3, 146:13, 146:17, 146:21, 146:27, 147:7, 147:12, 147:27, 148:9, 148:15, 148:28, 149:14, 150:19, 151:3, 151:16 Wanda [4] - 3:6, 143:8, 146:11, 151:19 wants [5] - 37:18, 47:27, 116:1, 125:21, 206:11</p>				

<p>WARD [1] - 90:24 Ward [2] - 3:18, 90:27 Warner [1] - 123:20 warranty [1] - 177:13 WASTE [1] - 148:24 Waste [3] - 3:9, 5:26, 149:2 watch [1] - 174:27 Water [1] - 5:14 water [24] - 33:13, 33:20, 34:20, 34:25, 34:28, 39:11, 41:14, 51:5, 53:18, 80:25, 81:3, 87:27, 92:7, 122:11, 122:25, 122:26, 122:27, 125:10, 135:4, 145:15, 145:17, 164:10, 180:18 WATER [1] - 145:12 waterline [1] - 177:24 waterproof [1] - 162:2 watershed [9] - 34:10, 49:24, 50:5, 50:12, 50:13, 50:20, 54:21, 66:6, 88:4 WAY [1] - 207:8 WAYNE [95] - 11:4, 16:10, 16:14, 26:24, 26:28, 27:4, 27:13, 28:21, 28:25, 29:2, 29:4, 29:8, 29:13, 29:21, 29:24, 30:2, 30:6, 30:9, 30:17, 30:27, 31:8, 31:28, 32:5, 32:17, 32:22, 33:6, 34:2, 34:16, 37:8, 39:1, 47:5, 47:11, 48:6, 49:2, 49:8, 49:11, 60:27, 61:4, 61:21, 66:23, 66:27, 67:1, 67:5, 67:11, 67:15, 67:20, 67:23, 68:21, 69:24, 70:1, 70:13, 71:27, 72:7, 72:10, 95:7, 95:11, 96:2, 105:16, 105:19, 106:19, 106:25, 119:25, 142:26, 143:7, 151:20, 175:6, 182:1, 204:21, 204:26, 207:13, 208:19, 209:15, 209:18, 209:22, 209:27, 210:12, 211:20, 211:26, 212:12, 212:24, 213:6, 213:24, 214:12, 214:19,</p>	<p>214:22, 214:25, 215:12, 216:4, 216:7, 216:23, 217:1, 217:6, 217:17, 218:10, 220:2 Wayne [6] - 2:9, 11:3, 21:12, 57:26, 64:12, 66:19 ways [2] - 226:8, 228:18 Weaver [3] - 183:10, 183:16, 184:18 Wednesday [4] - 189:10, 201:28, 202:9, 221:2 weeds [1] - 71:16 week [12] - 46:18, 46:19, 58:28, 74:6, 77:24, 123:21, 132:23, 152:1, 165:2, 189:9, 208:1, 218:23 weeks [5] - 135:19, 202:23, 203:14, 203:18, 203:22 welcome [7] - 10:5, 74:27, 74:28, 106:5, 116:15, 232:14 WELCOME [2] - 5:4, 10:3 welfare [3] - 19:13, 65:28, 96:23 west [3] - 120:11, 120:18, 186:10 WEST [1] - 212:22 West [6] - 7:16, 72:23, 154:7, 154:24, 212:25, 213:2 wetlands [2] - 40:9, 41:15 WG18-36 [1] - 144:8 WG19-33 [1] - 143:10 WG19-43 [1] - 144:27 WG19-44 [1] - 145:14 WG19-48 [1] - 147:13 WG19-49 [1] - 146:4 what'll [2] - 16:22 what-have-you [1] - 170:27 wheel [1] - 173:7 wheelable [1] - 94:22 whereas [1] - 164:27 whole [14] - 19:18, 35:25, 36:8, 47:16, 80:25, 136:18, 162:11, 164:14, 167:25, 196:2, 198:21, 201:20, 228:24, 230:12</p>	<p>wholesale [1] - 156:19 wide [4] - 158:3, 160:15, 174:19, 177:26 widen [1] - 183:11 widow [1] - 90:12 widowed [1] - 90:19 width [2] - 123:2, 126:8 wife [1] - 118:1 WiFi [3] - 153:20, 172:25, 180:6 Wilcox [1] - 83:27 wild [1] - 155:16 Wildlife [3] - 7:16, 208:3, 212:25 WILDLIFE [1] - 212:22 William [1] - 215:18 willing [2] - 20:12, 139:16 willingness [1] - 20:21 Willis [1] - 108:7 Willow [1] - 117:12 window [1] - 93:12 windows [1] - 163:13 wire [4] - 160:5, 160:6, 160:20, 160:24 wireless [2] - 153:20, 154:8 wires [1] - 166:28 wish [1] - 59:10 wishing [1] - 211:28 Witch [1] - 157:26 women [1] - 90:19 won [1] - 65:23 wonderful [2] - 97:20, 209:14 wondering [1] - 191:19 woods [2] - 91:7, 91:9 word [3] - 66:11, 135:28, 163:2 workmanship [1] - 181:16 works [3] - 37:21, 173:14, 175:15 workshop [2] - 10:6, 135:19 world [2] - 36:5, 177:20 worried [2] - 53:19, 177:24 worry [1] - 204:13 worth [1] - 70:10 worthwhile [3] - 45:26, 222:5, 222:17 wreck [1] - 90:6 wrecks [1] - 226:4 wrote [1] - 222:11</p>	<p style="text-align: center;">Y</p> <p>y'all [55] - 10:22, 10:27, 13:5, 13:18, 15:19, 28:27, 29:26, 31:17, 45:11, 53:6, 53:16, 53:26, 60:8, 63:18, 82:12, 89:15, 89:20, 89:22, 92:16, 102:16, 102:17, 105:8, 106:5, 106:11, 106:12, 116:24, 117:23, 119:13, 124:11, 137:24, 138:9, 153:28, 169:4, 171:11, 176:8, 176:9, 176:10, 176:11, 178:9, 180:24, 182:25, 184:13, 184:18, 184:25, 184:27, 189:11, 198:4, 207:16, 208:10, 220:17, 225:3, 230:8, 230:20, 232:2 y'all's [5] - 89:24, 127:23, 175:7, 190:26, 194:17 yard [2] - 98:1, 171:17 yards [2] - 80:26, 92:2 year [11] - 12:9, 44:13, 85:26, 149:24, 179:1, 192:3, 210:18, 215:14, 219:14, 221:10, 223:15 Year [1] - 191:27 years [17] - 43:16, 44:11, 65:21, 70:5, 118:2, 118:3, 129:12, 129:15, 154:26, 157:23, 157:24, 167:16, 192:2, 192:14, 202:6, 226:3 yesterday [6] - 73:26, 75:2, 75:9, 81:2, 81:10, 84:11 young [1] - 118:12 yourself [3] - 95:26, 102:17, 187:28</p>	<p>Z-19022 [3] - 6:20, 72:4, 72:11 Z-19023 [2] - 6:21, 106:16 Z-19027 [3] - 6:23, 119:22, 119:27 Zach [1] - 218:15 Zachary [1] - 2:25 zone [7] - 55:11, 71:3, 72:18, 108:27, 120:2, 125:6, 186:9 zoned [24] - 11:28, 12:4, 52:13, 72:17, 72:24, 72:26, 93:15, 94:18, 95:11, 95:14, 96:8, 96:14, 97:12, 97:13, 100:18, 107:11, 107:23, 107:28, 108:6, 109:2, 116:26, 120:22, 125:1, 137:14 Zoning [13] - 5:24, 6:20, 7:18, 7:21, 7:24, 11:6, 20:14, 64:16, 74:23, 108:15, 148:2, 152:13, 213:26 zoning [56] - 11:7, 11:10, 11:22, 11:27, 12:2, 12:7, 13:1, 14:9, 14:12, 15:9, 27:21, 27:22, 28:2, 36:20, 37:6, 37:7, 52:17, 53:1, 53:3, 63:10, 64:19, 66:26, 67:11, 68:17, 69:12, 71:19, 72:12, 73:15, 95:20, 104:11, 104:17, 106:20, 106:27, 106:28, 107:19, 108:2, 108:4, 108:10, 108:21, 108:23, 109:6, 110:6, 116:12, 116:28, 118:20, 119:27, 120:14, 120:24, 122:17, 122:19, 122:23, 122:24, 123:7, 123:15, 123:28, 128:2 ZONING [6] - 6:16, 72:4, 147:26, 213:22, 214:10, 215:10 zonings [1] - 120:19</p>
Z				
<p>Z-19008 [3] - 6:17, 11:1, 11:6 Z-19011 [2] - 6:18, 13:24</p>				

$\frac{1}{2}$
$\frac{1}{2}$ [2] - 7:10, 211:24