

Baldwin County Commission

Baldwin County Commission
Regular
Meeting Minutes
Tuesday, June 5, 2018 8:30 AM



Baldwin County Administration Building
County Commission Chambers
322 Courthouse Square
Bay Minette, Alabama 36507

District 1 – Commissioner Frank Burt, Jr., Chairman
District 2 – Commissioner Chris Elliott
District 3 – Commissioner Tucker Dorsey
District 4 – Commissioner Charles F. Gruber, Vice Chairman

Ronald J. Cink, County Administrator

All supporting documentation for the minutes can be viewed in the File ID link of each item and are denoted by an asterisk.

A WELCOME, INVOCATION AND PLEDGE OF ALLEGIANCE

Present: 4 - Chairman Frank Burt Jr., Commissioner Chris Elliott, Commissioner Tucker Dorsey, and Vice Chairman Charles F. Gruber

Absent: 0

Also present were, Ron Cink, County Administrator/Budget Director, and David Conner, County Attorney.

The Chairman called the meeting to order at 8:32 a.m. and introduced Reverend Mel Hacker, Baldwin County Sheriff's Office Chaplain, who appeared before the Commission and led the Commission in prayer. After the Pledge of Allegiance led by Commissioner Charles F. Gruber, the Commission transacted the following business to-wit:

ADOPTION OF MINUTES

Motion by Vice Chairman Charles F. Gruber, seconded by Commissioner Chris Elliott, to adopt the minutes of the May 15, 2018, regular meeting.

The motion passed by the following vote:

Aye: 4 - Frank Burt Jr., Chris Elliott, Tucker Dorsey, and Charles F. Gruber

Nay: 0

Absent: 0

Abstain: 0

B CONSENT

Ron Cink, County Administrator/Budget Director, said Baldwin County Revenue Commissioner Teddy J. Faust has requested Agenda Item CA2 - Insolvents, Errors and Taxes in Litigation for 2017 to be added to the Consent Agenda for the Commissioners approval.

Motion by Commissioner Tucker Dorsey, seconded by Commissioner Chris Elliott, to approve the Consent Agenda.

The motion passed by the following vote:

Aye: 4 - Frank Burt Jr., Chris Elliott, Tucker Dorsey, and Charles F. Gruber

Nay: 0

Absent: 0

Abstain: 0

BA ADMINISTRATION

BA1 Order Granting License to Establish Private Cemetery - Minchew Haven of Rest Cemetery [18-0217](#)

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

BA2 Perdido Bay Water, Sewer and Fire Protection District - Board Appointments [18-0192](#)

Related to the Perdido Bay Water, Sewer and Fire Protection District Authority, take the following actions:

- 1) Re-appoint Mr. Joe Woods as a member of the Board of Directors for a (4) year term, said term to commence on June 30, 2018, and expire on June 30, 2022; and
- 2) Appoint Mr. Darrell Crase as a member of the Board of Directors to fill the unexpired term and vacant place seat formerly held by Mr. William Mathis, for a pro-rata reduced four (4) year term, said term to commence on June 5, 2018, and expire on December 31, 2020; and
- 3) Thank Mr. William Mathis for his prior civic service as a member of the Board

of Directors.

BA3 South Baldwin Health Care Authority - Board Appointments

[18-0195](#)

Related to the South Baldwin County Health Care Authority, take the following actions:

1) Appoint John Boller for place seat #7, to replace John Andrew Schaff, Sr., for a pro-rata reduced six (6) year term, said term to commence on June 5, 2018, and expire June 1, 2024; and

2) Re-appoint Clark Stewart for place seat #8, for a six (6) year term, said term to continue from June 1, 2018, and expire June 1, 2024; and

3) Re-appoint Sandra S. Russell for place seat #9, for a six (6) year term, said term to continue from June 1, 2018, and expire June 1, 2024.

BA4 Letter of Support - Coastal Alabama Community College
Water/Wastewater Management Course

[18-0224](#)

Authorize the Chairman to execute a letter of support by the Baldwin County Commission, for the Coastal Alabama Community College to receive Workforce Innovation and Opportunity Act (WIOA) approval for its Water/Wastewater Management Course.

BA5 Letter of Support for Southern Rail Commission FYI 7 CRISI, R&E Grants

[18-0228](#)

Make a letter of support by the Baldwin County Commission dated May 22, 2018, for the Southern Rail Commission FYI 7 CRISI, R&E Grants, addressed to Elaine L. Chao, U.S. Department of Transportation, and Ronald Batory, Federal Railroad Administration, part of the record.

BE BUDGET/PURCHASING

BE1 Competitive Bid #WG18-16 - Provision of Heating and Air Conditioning
Services for the Baldwin County Commission

[18-0204](#)

Award the bid to the lowest bidder, Star Service, Inc. of Mobile, for the Provision of Heating and Air Conditioning Services per the Award Listing and authorize the Chairman to execute the Contract. (Contract effective the same date as its full execution for 24 months with option for one (1) twelve (12) month renewal.)

BE2 Competitive Bid #WG18-21 - Provision of Hydraulic Mulches for the
Baldwin County Commission

[18-0206](#)

Award the bid to the lowest bidder, Evans & Company, Inc., for the provision of hydraulic mulches as per the Award Listing.

BE3 Competitive Bid #WG18-24 - Provision of Elevator Maintenance Services for the Baldwin County Commission [18-0200](#)

Award the bid to the lowest bidder, Otis Elevator Company, for the Provision of Elevator Maintenance Services as per the attached Award Listing and authorize the Chairman to execute the Contract. (Contract effective the same date as its full execution for 24 months).

BE4 Competitive Bid #WG18-26 - Dumpster/Garbage Collection and Disposal Services for the Baldwin County Commission [18-0198](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the Dumpster/Garbage Collection and Disposal Services for the Baldwin County Commission; and
- 2) Further, authorize the Chairman/Purchasing Division Commissioner for the Baldwin County Commission to approve any necessary addendums or clarifications if required after the bid is advertised.

BE5 Competitive Bid #WG18-27 - Provision of Instant Precooked Meals for the Baldwin County Commission [18-0208](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the Provision of Instant Precooked Meals; and
- 2) Further, authorize the Chairman/Purchasing Division Commissioner for the Baldwin County Commission to approve any necessary addendums or clarifications if required after the bid is advertised.

BE6 Competitive Bid #WG18-28 - Provision of Bag Ice and Bottled Water for the Baldwin County Commission [18-0210](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of bag ice and bottled water; and
- 2) Further, authorize the Chairman/Purchasing Division Commissioner for the

Baldwin County Commission to approve the necessary addendums or clarifications if required after the bid is advertised.

BE7 Competitive Bid #WG18-29 - Annual Scrap Metal and White Good Recycling Services for the Baldwin County Commission [18-0212](#)

Take the following actions:

1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the Annual Scrap Metal and White Good Recycling Services; and

2) Further, authorize the Chairman/Purchasing Division Commissioner for the Baldwin County Commission to approve any necessary addendums or clarifications if required after the bid is advertised.

BE8 Competitive Bid #WG18-30 - Provision of Emulsified Asphalt (Bituminous Materials) for the Baldwin County Commission [18-0214](#)

Take the following actions:

1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the Provision of Emulsified Asphalt (Bituminous Materials); and

2) Further, authorize the Chairman/Purchasing Division Commissioner for the Baldwin County Commission to approve any necessary addendums or clarifications if required after the bid is advertised.

BE9 Competitive Bid #WG18-31 - Communication Tower and Equipment Valuation Services for the Baldwin County Revenue Commissioner [18-0202](#)

Take the following actions:

1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the Communication Tower and Equipment Evaluation Services for the Baldwin County Revenue Commissioner; and

2) Further, authorize the Chairman/Purchasing Division Commissioner for the Baldwin County Commission to approve any necessary addendums or clarifications if required after the bid is advertised.

BE10 Quotes for Alterations to the Kennel Canopy at the Baldwin County Animal Shelter [18-0216](#)

Award the lowest quote to Porter Roofing Contractors, Inc., in the amount of

\$19,850.00 for Option #1 for the Alterations to the Kennel Canopy at the Baldwin County Animal Shelter and authorize the Chairman to execute the Public Works Contract and the Certificate of Compliance.

BH COMMUNICATIONS/INFORMATION SYSTEMS (CIS)

BH1 Agreement Regarding Baldwin County Interoperability Communications System for Oyster Bay Volunteer Fire Department [18-0241](#)

Approve and authorize the Chairman to sign an "Agreement Regarding Baldwin County Interoperability Communications System for Volunteer Fire Department" between the Baldwin County Commission and the Oyster Bay Volunteer Fire Department for the use of Baldwin County 700MHz Interoperable Communications System.

This Agreement shall be for a term of ten years, unless otherwise terminated by the parties as set forth herein. Any party may cancel or terminate this Agreement by giving ninety (90) days written notice of such termination to the other party.

BI COUNCIL ON AGING

BI1 Title III Older Americans Act Contract Proposal and Application for Fiscal Year 2019 [18-0219](#)

Approve for the Baldwin County Council on Aging Coordinator to submit the South Alabama Planning Commission/Area Agency on Aging Application for Title III Funding for Fiscal Year 2019, requesting funds of \$130,029.00, effective October 1, 2018, through September 30, 2019, said funding to support the operations of the Baldwin County Council on Aging programs.

BL ENVIRONMENTAL MANAGEMENT

BL1 Lease Agreement between Baldwin County Commission and J & J Rhodes Farm, Inc. [18-0221](#)

Approve the Lease Agreement between Baldwin County Commission and Mr. Jesse D. Rhodes, d/b/a J & J Rhodes Farm, Inc., which allows Mr. Rhodes to lease approximately 120 acres more or less of County property at Magnolia Landfill for farmland, at a lease price of \$50.00 per acre annually.

The Lease Agreement shall be for a term of two (2) years, commencing on July 3, 2018 and expiring on July 3, 2020, unless terminated as set forth in the Lease Agreement.

BN HIGHWAY

BN1 Intergovernmental Service Agreement between Baldwin County and the City of Bay Minette for the Striping of Various Roads Inside Bay Minette City Limits

18-0249

Approve an Intergovernmental Service Agreement between Baldwin County and the City of Bay Minette for the Highway Department Stripe Crew to stripe the following roads inside Bay Minette City Limits for an estimated cost of \$4,690.00 for labor and equipment. (Striping distance below includes center line and edge line.)

- 1) E. 12th Street from Hand Avenue to North White Avenue - 0.86 striping miles
- 2) N. Hoyle Avenue from 12th Street to 13th Street - 0.44 striping miles
- 3) 13th Street from Hand Avenue to N White Avenue - 0.85 striping miles
- 4) Brownwood Avenue from Newport Parkway to the end - 1.48 striping miles
- 5) Newport Parkway from S Hoyle Avenue to Railroad Street - 0.86 striping miles
- 6) Byrne Street from Clay Street to Mango Street - 0.91 striping miles
- 7) Bay Street from Clay Street to South Street - 0.54 striping miles
- 8) Stanmeyer Street from Clay Street to Railroad Street - 0.88 striping miles
- 9) Brady Road east of S White Avenue - 0.05 striping miles

The City of Bay Minette will be invoiced the actual cost for labor and equipment upon completion of the project. (This agreement shall be effective upon full execution and terminate after twelve (12) months, unless terminated by either party upon the delivery of a thirty (30) day notice of termination.)

The City of Bay Minette will provide materials for the project.

BN2 Speed Limits on Various Roads

18-0250

Take the following actions:

- 1) Establish speed limits on the following roads:

Crosby Road from State Highway 59 to End of Pavement - 25 MPH
County Road 47 South Ext from County Road 47 to Single Purpose Road - 35 MPH
Old County Road 47 from County Road 47 to End of Maintenance - 35 MPH
Mary Hadley Road from Jack Springs Road to Single Purpose Road - 35 MPH
Khola Stewart Road E from Howell Lane to Khola Stewart Road - 15 MPH
Greenleaf Drive from Buzbee Road to End of Maintenance - 25 MPH
Chasewood Place from Greenleaf Drive to End of Maintenance - 25 MPH
Blueberry Lane from County Road 48 to Holston Lane South - 35 MPH

- 2) Lower speed limits on the following roads:

McPhillips Road from 35 MPH to 25 MPH

Live Oak Road between State Hwy 225 and Live Oak Landing from 35 MPH to 25 MPH

- BN3** City of Foley - Quitclaim Deed - Keller Road from State Route 59 Running Easterly Approximately 2,855 Feet to the Baldwin County Maintenance Limits [18-0263](#)

Authorize the Chairman to sign a Quitclaim Deed conveying any and all rights and title to that portion of right-of-way owned and maintained by Baldwin County on Keller Road from State Route 59 running easterly approximately 2,855 feet to the Baldwin County maintenance limits to the City of Foley.

- BN4** City of Gulf Shores - Quitclaim Deed - Peed Place from 480 Feet East of Geno Road Running East Approximately 766 Feet to Cotton Creek [18-0251](#)

Take the following actions:

1) In accordance with ALA. Code Section 11-49-80, the County Commission hereby assents to the annexation of the following described road and/or right-of-way in the corporate limits of the City of Gulf Shores:

Peed Place from 480 feet east of Geno Road running approximately 766 feet to Cotton Creek; and

2) Authorize the Chairman to execute the Quitclaim Deed.

- BN5** Town of Loxley - Quitclaim Deed - Fackler Road from Approximately 1,448 Feet East of County Road 49 to County Road 55 [18-0252](#)

Authorize the Chairman to sign a Quitclaim Deed conveying any and all rights and title to that portion of right-of-way owned and maintained by Baldwin County on Fackler Road from approximately 1,448 feet east of County Road 49 to County Road 55 to the Town of Loxley.

- BN6** City of Robertsdale - Quitclaim Deed - Portions of Oakdale Lane [18-0262](#)

Authorize the Chairman to sign a Quitclaim Deed conveying any and all rights and title to that portion of right-of-way owned and maintained by Baldwin County on Oakdale Lane from Buck Road to approximately 333 feet east of Buck Road and beginning approximately 1,765 feet east of Buck Road to end to the City of Robertsdale.

- BN7** Alabama Department of Environmental Management (ADEM) Stormwater Inspection Forms [18-0269](#)

Approve making the Alabama Department of Environmental Management (ADEM) forms listed below part of the record:

Blueberry Lane - Permit No. ALR10BCRT - 2018-02-12
Blueberry Lane - Permit No. ALR10BCRT - 2018-04-09
Blueberry Lane - Permit No. ALR10BCRT - 2018-04-16
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-02-12
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-03-15
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-04-09
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-04-16
Hurricane Rd N from Hurricane Rd to EOM - Permit No. ALR10BBZY - 2018-02-08
Hurricane Rd N from Hurricane Rd to EOM - Permit No. ALR10BBZY - 2018-02-12
Hurricane Rd N from Hurricane Rd to EOM - Permit No. ALR10BBZY - 2018-02-26
Old Brady Road Pit - Permit No. ALR6850034 - 2018-02-12
Old Brady Road Pit - Permit No. ALR6850034 - 2018-04-09
Old Brady Road Pit - Permit No. ALR6850034 - 2018-04-16

BP PERSONNEL

BP1 Animal Control Department - Employment of One (1) Kennel Technician Position [18-0148](#)

Approve the employment of Christopher Hansen to fill the open Kennel Technician position (PID #5360) at a grade D-EL (\$9.836 per hour/\$20,458.88 annually) to be effective no sooner than June 11, 2018.

BP2 Baldwin Regional Area Transit System (BRATS) - Employment of One (1) Part-time Bus Driver [18-0147](#)

Approve the employment of Mark Oermann to fill the open part-time Bus Driver position (PID #PT12) grade G-EL (\$12.967 per hour) to be effective no sooner than June 11, 2018.

BP3 Commission Administration (Bay Minette Custodial) - Employment of One (1) Custodian Position [18-0255](#)

Approve the employment of Anna Alaniz to fill the Custodian position (PID #631) at a grade E-EL (\$10.781 per hour/\$22,424.48 annually) to be effective no sooner than June 11, 2018.

BP4 Commission Administration - Re-organization of the Bay Minette Custodial [18-0278](#)

Department

Take the following actions:

- 1) Approve the reporting change for Bay Minette Custodial employees (PID #370, #549, #581, and #352) to report to the Administration/Records Manager, with no change in cost center; and
- 2) Approve the reporting change for Bay Minette Custodial employees (PID #1043, #142, #815, and #631) to report to the Purchasing Director, with no change in cost center; and
- 3) Approve the updated position descriptions for Custodian (Bay Minette), Facilities Maintenance Coordinator, Administration/Records Manager, and Purchasing Director; and
- 4) Approve the updated organizational charts for the Commission Administration Department, Budgeting and Purchasing Department, and Building Maintenance Department.

BP5 Communications and Information Systems (CIS) Department -
Employment of One (1) Software Developer

[18-0248](#)

Approve the employment of Caden Wheeler to fill the Software Developer position (PID #3068) at a salary grade EC-07 (\$44,476.00 annually) to be effective no sooner than June 11, 2018.

BP6 Highway Department (Maintenance) - Promotion of Employee into Traffic
Control Technician II Position

[18-0149](#)

Approve the promotion of Robert Zeagler from the Laborer position (PID #4047) grade E-EL (\$10.781 per hour/\$22,424.48 annually) to fill the open Traffic Control Technician II position (PID #5173) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually) to be effective no sooner than June 11, 2018.

BP7 Juvenile Detention Center - Employment of One (1) Part-time Detention
Technician Position

[18-0247](#)

Approve the employment of Ariel Walker to fill the open part-time Detention Technician position (PID #PT41) at a grade G-EL (\$12.967 per hour) to be effective no sooner than June 5, 2018.

CA2 Insolvents, Errors and Taxes in Litigation for 2017

[18-0130](#)

As requested by the Revenue Commissioner of Baldwin County, the Honorable

Teddy J. Faust, Jr., and in conformance with Section 40-5-23 of the Code of Alabama (1975) and any other applicable law, take the following actions:

- 1) Approve the report made by said Revenue Commissioner entitled Insolvents, Errors and Taxes in Litigation for 2017; and
- 2) Authorize the Chairman to execute the aforesaid report/instrument.

C PRESENTATIONS

CA GENERAL

CA1 Proclamation - RIDEYELLOW DAY - June 16, 2018

18-0186

Mr. Benjamin J. Hansert, Ms. Jill Everson and Ms. Ashley Jones Davis appeared before the Commission to accept the proclamation as presented by Commissioner Elliott on behalf of the Commission.

Commissioner Elliott asked Ron Cink, County Administrator/Budget Director, to read the proclamation for the record.

Motion by Commissioner Chris Elliott, seconded by Vice Chairman Charles F. Gruber, to adopt a proclamation which proclaims June 16, 2018, as "RIDEYELLOW DAY" in Baldwin County, Alabama.

Mr. Hansert thanked the Commissioners and said he is very proud of RIDEYELLOW event and Infirmary Health. He is also proud of what this event does for cancer victims and their families, especially the children. Infirmary Health is proud of this event which is in its 12th year. Infirmary Health always appreciates the support the Commissioners give to the RIDEYELLOW event.

Ms. Everson said she appreciates the County's support. Infirmary Health is excited to hopefully donate the same amount of money to Camp Rap-a-Hope and Camp I Believe.

The motion passed by the following vote:

Aye:	4 -	Frank Burt Jr., Chris Elliott, Tucker Dorsey, and Charles F. Gruber
Nay:	0	
Absent:	0	
Abstain:	0	

D PUBLIC HEARINGS

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills

18-0259

Motion by Commissioner Tucker Dorsey, seconded by Commissioner Chris Elliott, to pay bills totaling \$10,204,703.24 (ten million, two hundred four thousand, seven hundred three dollars and twenty-four cents).

Of this amount, \$8,456,799.86 (eight million, four hundred fifty-six thousand, seven hundred ninety-nine dollars and eighty-six cents) is payable to the Baldwin County Board of Education for its portion of the County Sales and Use Tax.

The motion passed by the following vote:

Aye: 4 - Frank Burt Jr., Chris Elliott, Tucker Dorsey, and Charles F. Gruber

Nay: 0

Absent: 0

Abstain: 0

EA2 Notification of Interim Payments Approved by Clerk/Treasurer as Allowed Under Policy 8.1

18-0258

Ron Cink, County Administrator/Budget Director, informed the Commission that the Baldwin County Commission Interim Payments - June 5, 2018, made by the Clerk/Treasurer totaling \$3,204,022.22 (three million, two hundred four thousand, twenty-two dollars and twenty-two cents) are a part of the minutes.

EB ROAD AND BRIDGE DIVISION

F ELECTED OFFICIAL REQUESTS

FA GENERAL

FA1 Probate Office - Employment of Two (2) Public Records Officer II Positions

18-0146

Motion by Vice Chairman Charles F. Gruber, seconded by Commissioner Chris Elliott, to take the following actions:

1) Approve the employment of Ashley Bidwell to fill the open Public Records Officer II position (PID #635) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually); and

2) Approve the employment of Sally Ludke to fill the open Public Records Officer II position (PID #309) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually).

These actions will be effective no sooner than June 11, 2018.

Commissioner Dorsey asked if this action will fill the holes, to which Ron Cink, County Administrator/Budget Director, replied "yes."

The motion passed by the following vote:

Aye: 4 - Frank Burt Jr., Chris Elliott, Tucker Dorsey, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

FA2 Revenue Commission (Re-Appraisal) - Promotion of Employee

[18-0181](#)

Motion by Vice Chairman Charles F. Gruber, seconded by Commissioner Chris Elliott, to approve the promotion of Deanna Caraway from the Chief Administrative Assistant position (PID #5306) grade I-12 (\$21.007 per hour/\$43,694.56 annually) to fill the open Real Property Appraiser I position (PID #5375) at a grade J-11 (\$22.506 per hour/\$46,812.48 annually) to be effective no sooner than June 11, 2018.

The motion passed by the following vote:

Aye: 4 - Frank Burt Jr., Chris Elliott, Tucker Dorsey, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

G OTHER STAFF RECOMMENDATIONS

GA ADMINISTRATION

GA1 Mrs. Robin Hutchinson - Discussion Regarding Water Access

[18-0267](#)

Mr. and Mrs. Michael and Robin Hutchinson appeared before the Commission to discuss water access.

Mrs. Hutchinson read a prepared statement. Mrs. Hutchinson said she has noticed that there were quit claim deeds approved today and said if any are going to the public roads citizens pay taxes on, they can be enjoyed by the public. The public has paid its hard earned dollars on the public roads and the Commissioners have used those hard earned dollars to repair the public roads to the waters' edge. There may be a few people who use those roads to fish and launch kayaks. It is a beautiful benefit for the people of Baldwin County. Mrs. Hutchinson said she is very upset about what is going on. Mrs. Hutchinson said she has a petition and pictures of the barricade that was placed on Zundel Road on April 24th that they chopped down and threw in Commissioner Elliott's office on April 25th. She is sorry Commissioner Elliott was not

there and Mrs. Hutchinson apologizes for scaring staff.

Mrs. Hutchinson said they have met with Commissioners four times regarding this and she is sorry to bring this to the Commission on election day. She has a petition with 161 signatures today representing the black community and the handicap that have driven down Zundel Road to watch a sunset. This is a disservice to the senior citizens and the handicap. Although she is a Republican she had to go to a Democratic website and place a petition there with over 400 signatures because the Republicans do not give anyone a voice. Mrs. Hutchinson said that petition is for the Primary election to see if representatives will represent the public and not just the waterfront property owners. Mrs. Hutchinson thanked the Commissioners for letting her speak.

Chairman Burt said he understands Mrs. Hutchinson's statement and there is no dispute that Zundel Road is a public road, to which David Conner, County Attorney, replied there is no question it is a public road. Chairman Burt said he understood the issues from emails and messages he received. The Hutchinsons took the fence down and carried it to Commissioner Elliott's office, just as Mrs. Hutchinson stated. Chairman Burt asked if Mr. Conner and Joey Nunnally, County Engineer, have discussed this issue and any blockades on the road?

Mr. Conner said yes, they received the information and presented it during the last work session. He will be glad to discuss it now.

Chairman Burt said if Mr. Conner will expound on it, it may help the general public watching this who may not understand. He can understand people wanting to get to the end of Zundel Road to watch sunsets.

Mr. Conner said there is no question that Zundel Road is a public road. The County has had a policy of preserving and protecting public accesses. One of the first things he did when the Commissioners appointed him as County Attorney was to defend a lawsuit filed by a gentleman that requested the vacation of the property between his property; he owned both sides of the right-of-way on the waterfront. This gentleman said the County and public had abandoned the property and it was not used very much. The Commissioners denied this request. Mr. Conner said that case was ruled in the County's favor to preserve the rights-of-way. The County has done inventories of those, signed them, made sure they have all been identified and are reviewed and protected. The issue that came up here was whether or not there was a need to limit vehicular access on this road. The County Engineer determined that it was appropriate to install some posts to do one thing only, which was limit vehicular access. It was not a vacation petition and the property owners on either side had not asked for the property to be vacated. Pedestrian access was not limited, a person could probably drive a golf cart, ride a bicycle or walk down there. Mr. Conner said the question came up as to whether or not that was appropriate in the Hutchinsons' mind. One place where this went foul was instead of coming to the Commission to discuss this matter, the Hutchinsons took the matter into their own hands. They cut down the poles and delivered them to the County Commission office. What would have been appropriate instead of destroying, taking possession, transporting and dumping property in the County Commission office would have been to come and talk to the County

Commission. Mr. Conner said the Hutchinsons ultimately did come and speak with the Commissioners later at a work session. Mr. Conner said he is giving the same answer he gave previously. The Phillips Broadbeck case was a vacation case. It was a vacation signed by property owners. In 1970, the County Commission approved a vacation, but two weeks later, changed its mind and revoked the vacation because the Commission did not believe all the property owners had signed the petition. The lawsuit went to the Supreme Court of Alabama and the Supreme Court, rightfully so, determined the two property owners should not have had the right to vacate the property. The County did not instruct any barricades on this and was not a part of that lawsuit. The court ordered those respondents to remove the barricades from the property. Mr. Conner said although the County was not a party, it does show precedence as to how the County and government ought to try and protect rights-of-way. At the same time, the law should be looked at as a whole and not just at a narrow focus. The control over roadways in the County is given to the County Commission to make decisions. In the cities, it is given to the city councils to make decisions. State highways are given to the Alabama Department of Transportation and/or Federal Department of Transportation to make decisions.

Mr. Conner said there are two statutes related to the authority given to the County Commission to make decisions that he feels are important. He will not mislead anyone. There is not a lot of research or cases out there on what regulation and control means. There was discussion as to if there would be any action on that additional research and decisions would have to be made as to what was appropriate and what was not. Mr. Conner read Code of Alabama Section 23-1-80 and Section 11-49-80. Mr. Conner said the Commission has not taken any action since the last work session to deal with this road in any other way. The Commission told the Hutchinsons no action would be taken on this unless a public hearing was held in order to give the public a chance to speak. The Commissioners have heard what the Hutchinsons said and gave deference to it. Mr. Conner said his point is that he does not feel the County Commission should ever wash its hands of a right or a power granted to it by the Legislature. Whether the Commission decides to exercise that power as relates to this is up for discussion. Mr. Conner said the words regulate, control and repair mean something. He will need an Attorney General's Opinion or something to look at to address the words "regulation" and "control" because they mean something. The County Commission cannot have a situation where individuals decide they know what is better regarding the roadways and the maintenance of the roadways and then destroy the public property. He feels there is an appropriate procedure to address this and the Hutchinsons did come to the work session to talk about it and they are talking about it today. That is the way to handle it. Commissioners cannot send out a message that someone can knock down public property just because they want to. Mr. Conner said the Commission left that work session with the belief that the County has the authority to exercise some regulation and control over its rights-of-way. The question about whether or not the County has the right to limit vehicle access period is one that was left open. The Commissioners said they would look at it at a later time if they decided they wanted to look into it. The Hutchinsons were told that the Commission would not take any action on this unless there was a public hearing held. Mr. Conner said he hopes this gave the Hutchinsons some assurance. Other items have come out on social media that have been misleading. There was a question

about the use of green signs versus blue signs on public rights-of-way. He called and asked Mr. Nunnally about this. It has nothing to do with public roads, it has to do with what is maintained. Mr. Conner said the green signs mean the public road is County maintained. The blue signs mean the public road is not County maintained, but that does not mean the public does not have the right to use that road. There are many roads all over the County that are public roads that the public uses daily, but the County has not undertaken to maintain. If anyone tries to block a road that has a blue sign, let the Commission know.

Mrs. Hutchinson said a road has been blocked in Point Clear with a "no trespassing" sign.

Mr. Conner said staff will take a look at that. Everyone should be operating on facts and what is fair. There have been complaints and allegations made about this that are unfair. Was a road post put up there? Yes. Did it deserve some discussion? Yes, and there has been some discussion about it. Mr. Conner said he would never advise the Commissioners or anyone else to ever wash their hands of rights. They may have the power to regulate that road, but they may choose not to. His point in telling the Hutchinsons this is to make sure everyone is on the same page. Clearly Zundel Road is a public road. Clearly no one in the public has the right to block the road, that is a County Commission decision. Clearly no one should have the right to remove County property without coming to talk about it first. Those are his points in answering this. He feels the Hutchinsons have more in common with the Commission than they think.

Mrs. Hutchinson said protocol was broken, that is all.

Mr. Hutchinson said they do have a lot in common, mainly, they are arguing over the same road. The words "regulation" and "control" are a far cry from "obstructing." When a barricade is placed across a road, that road is essentially closed to vehicular traffic. He is not arguing with the fact that the County has the right to regulation and control. In his opinion, the County does not have the right to obstruct the road without due process. There was no due process here. Mr. Hutchinson said the County was illegal in the first place to obstruct a road that the Alabama Supreme Court decision ruled to remove the obstruction and not vacate. This is not about a vacation, it is about an obstruction. In that decision, the Alabama Supreme Court said there should be free access for aquatic uses. There were no limitations on the usage. Mr. Hutchinson said the County was completely illegal on the fact there was no public notice, no work session, no work order number and no one was notified at all about the placement of the barricade. The Commission placed a barricade where there was an Alabama Supreme Court decision that specifically said to remove the barricade. The original deed for the parking lot was a lease that stated the road could not be obstructed. That lease worked into a gift deed which said the County must abide by the Alabama Supreme Court decision in Phillips vs. Broadbeck 1972. It also specifically said Zundel Road shall remain open from Scenic 98 to Mobile Bay. That did not mean the County had the right to build a barricade. The County is sitting on the verge of having its deed revoked. The Commission received a letter from Mr. Paul Pacey who gave the gift deed. Item 1 in the gift deed said the Alabama Supreme Court decision must be upheld and that Zundel Road remain open. It is simple logic for him and everyone

else in Baldwin County to know that when a barricade is built across a road, the road is not open. Mr. Hutchinson said he proposes that the Commission treat any type of obstruction that obstructs traffic on a water access or any roads that go to the waterways in the State of Alabama like it would treat a rezoning or a vacation process. The Commission should notify people who are within 300 feet and there should be a public notification and public meeting about it before anything is erected. Mr. Hutchinson said the reason why he cut the barricade down, which was premeditated, is because he is sick of this.

Chairman Burt said he understands what Mr. Hutchinson is saying. Mistakes are made all the time and in this case the County Engineer made a mistake. Ordinarily, if a gate is put up on a County owned right-of-way, the Commission votes to do that. That has been the customary policy since he has been there. There have been many arguments and court cases about these. All he can say is if that barricade was placed on a right-of-way, Mr. Nunnally would have ordinarily come before the Commission during a work session asking for permission to put up a barricade. The Commission would have considered it and the public would have known about it. All he sees is a grave mistake that offends many. He hopes it will not happen again.

Mrs. Hutchinson said in 2009, Mr. Nunnally and Madison Steele, Horticulturist, were contacted about the work order. Mrs. Hutchinson handed out a copy of the correspondence.

Chairman Burt said Mrs. Hutchinson is stating something that he cannot confirm. He wants Mr. Nunnally to respond to this.

Mr. Conner said he wants to make sure the Hutchinsons know they have won in the short term. The Commission has stated it will not take any action, at this time, as it relates to the action taken by the County Engineer. That was an action taken by him in the authority he believed he had under the circumstances at that time. If there is a question as to whether or not the County Engineer has that authority, that is something that is resolved by the Commission like they are doing today as well as a month ago. He did not know anything about the blocking of Zundel Lane until the signs were down. Since that time, there continues to be insinuation through social media accusing him and the County Engineer of some conspiracy of depriving people of their rights to the water, that does not exist. Mr. Conner said it is the same thing with the Commissioners. The Hutchinsons cannot accuse the Commissioners of deciding to do something, but also admit there were no meetings. There were no meetings, the Commissioners did not conspire with someone. Mr. Nunnally was exercising in good faith with the authority the County Engineer has to address any perceived damage or risk involved in a right-of-way. Then, if people disagree with it, they come and talk about it. The Commission has said there will be no action taken without a public hearing, but that does not make Mr. Nunnally's action criminal in nature which is what the Hutchinsons have said. They have made criminal allegations against Mr. Nunnally and the County Commission. Mr. Conner said the Hutchinsons have taken this to a level, where they have already achieved success, but they are accusing people of a crime where no crime was committed. He is asking the Hutchinsons to engage in good political discourse and keep it fair. The Hutchinsons have the right to say

whatever it is they want to say. Mr. Conner asked the Hutchinsons to please make sure what they say is truthful and accurate.

Mrs. Hutchinson said ethics are based on protocol. The ethics complaint she filed to the State of Alabama on all four Commissioners was based on protocol. Mrs. Hutchinson said she grew up on that road, this has been her whole life.

Chairman Burt said Mrs. Hutchinson has the right to tell her story, which is a truthful story. He understands her hurt and passion for Zundel Road. It has a special meaning in her heart and mind. Chairman Burt said it is obvious to him she is passionate about this and is greatly offended if the least thing happens down there. Putting a blockade down there should not have been done. Chairman Burt asked the Hutchinsons to allow Mr. Nunnally to respond. As County Engineer, Mr. Nunnally has certain authorities granted to him by the State. The Commissioners are creatures of the State, just as Mr. Nunnally is. Mr. Nunnally has certain authorities and can act on his own.

Mr. Conner said as it relates to the action taken, the only ethics rules or issues that could potentially apply to this is: did anybody do anything that could benefit themselves personally? Nobody did anything to benefit themselves personally. Did the Commission take action without having a public meeting? No, the Commissioners never voted on this. It was done by one person. Mr. Conner said since that time, no meeting or vote were held. The Commissioners did not get together and conspire to close Zundel Road.

Mrs. Hutchinson said she does not know that.

Mr. Conner said Mrs. Hutchinson knew this a month ago when he told her then and he is telling her again today. The Commissioners have said there will be no answer.

Mrs. Hutchinson said she has heard rumors that it is going up after the election.

Mr. Conner said he cannot answer that. No one has said that here. Rumors abound and a lot of them are started by people who do not know. He is trying to give the Hutchinsons the facts and they can do with it what they want. His point is the Hutchinsons have been successful in their presentations in getting in the ears of the Commission. All of the stuff that has been going on outside of the scene is not helpful.

Chairman Burt thanked Mr. Nunnally for what he does every day in the County. He has done a tremendous job. Everyone is subject to mistakes. If Mr. Nunnally has made a mistake, he can admit. If he feels he has not made a mistake, he can tell the Commissioners that.

Mr. Nunnally said he did make a mistake. His crew was in the area repairing the steps at the end of Zundel Road for people to have access to the beach. They received calls from the landowners and the public that said there were things going on at the end of the road that should not be going on. A conversation took place between him and Commissioner Dorsey about what could be done to help improve the safety. Mr. Nunnally said they kicked around the idea of putting up posts and while they were

working in the area, they put the posts up. That is where he made his mistake. He should have brought this before the Commissioners and received their approval before putting the posts up. He did not do that and he apologize to the Commissioners and the Hutchinsons because he did that and it was his call. Mr. Nunnally said the Hutchinsons have made statements about him breaking the law and doing things illegally which are not true. Did he follow protocol, probably not, but that does not mean he did anything illegal. Mrs. Hutchinson stated in 2009 that he knew about this ordeal and gave Mr. Nunnally the paperwork. Mr. Nunnally said his name is not on the paperwork and he does not know what Mrs. Hutchinson is talking about. He did not know about the 1970 lawsuit until this ordeal manifested itself with the erection of the post. He was unaware of the lawsuit and he apologizes.

Chairman Burt thanked Mr. Nunnally and Mr. and Mrs. Hutchinson for bringing this before the Commission. He understands her passion as a child for that place. It is a special place. Baldwin County is blessed beyond belief. He cannot say more than that. There is no other place on Earth like it. People come and find heaven here. They find jobs, good places to live and good schools. The County is striving to make it good.

Chairman Burt said tomorrow is "D" Day. It hurts his heart to think of all that went on 74 years ago as people prepared for the invasion of France. So many died in defense of what they have and people should never lose sight of that.

Mr. Hutchinson said although he has had disagreements with the Commissioners, the fact that they can stand and talk about it is amazing. It is a treat for him and Mrs. Hutchinson to come before the Commissioners on election day. His father was a part of "D" Day, he grew up with that.

Chairman Burt said former Commissioner Max Foreman was on a PT boat manning machine guns.

Mr. Hutchinson thanked the Commissioners for allowing him and Mrs. Hutchinson to talk today.

GH COMMUNICATIONS/INFORMATION SYSTEMS (CIS)

GH1 Suburban Propane Commercial Propane Gas Sales Agreement

18-0235

Motion by Vice Chairman Charles F. Gruber, seconded by Commissioner Chris Elliott, to authorize and approve the Chairman to sign a Commercial Propane Gas Sales Agreement between the Baldwin County Commission and Suburban Propane for commercial propane gas. The Agreement shall continue for an initial term of three (3) years from the date hereof and thereafter shall automatically renew on a month to month basis unless terminated at the end of the initial term or subsequent anniversary dates by either party upon not less than sixty (60) days prior written notice to the other party as set forth in paragraph 14 of the Agreement.

The motion passed by the following vote:

Aye: 4 - Frank Burt Jr., Chris Elliott, Tucker Dorsey, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

GL ENVIRONMENTAL MANAGEMENT

GL1 Mid-year Personnel Change - Solid Waste

[18-0222](#)

Motion by Commissioner Tucker Dorsey, seconded by Commissioner Chris Elliott, to approve a salary change for Charles Stanford, Assistant Collections Supervisor - South (PID #5197) at a grade K-02 (\$19.812 per hour/\$41,208.96 annually) to a grade K-04 (\$20.817/\$43,299.36 annually).

The motion passed by the following vote:

Aye: 4 - Frank Burt Jr., Chris Elliott, Tucker Dorsey, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

GP PERSONNEL

GP1 Communications and Information Systems (CIS) Department - Position
Reclassification

[18-0277](#)

Motion by Vice Chairman Charles F. Gruber, seconded by Commissioner Chris Elliott, to take the following actions:

- 1) Approve the reclassification of the Geographic Information Systems (GIS) Manager position (PID #2090) from a salary grade EC-08 (\$53,372.00 - \$84,542.00) to a salary grade EC-09 (\$64,045.00 - \$101,449.00); and
- 2) Approve a 2.5% merit increase; and
- 3) Approve the attached updated position description for Geographic Information Systems (GIS) Manager.

The motion passed by the following vote:

Aye: 3 - Frank Burt Jr., Chris Elliott, and Charles F. Gruber
Nay: 1 - Tucker Dorsey
Absent: 0
Abstain: 0

Motion by Vice Chairman Charles F. Gruber to Approve the reclassification of the Purchasing Director and Deputy Chief Clerk from a salary grade EC-08 (\$53,372.00 - \$84,542.00) to a salary grade EC-09 (\$64,045.00 - \$101,449.00).

H COMMISSIONER REQUESTS

HA COMMISSION DISTRICT 1

HB COMMISSION DISTRICT 2

HC COMMISSION DISTRICT 3

HD COMMISSION DISTRICT 4

I ADDENDA

J ADMINISTRATIVE REPORT

K COUNTY ATTORNEY'S REPORT

KA1 Assignment of Contract and Authorization to Execute Closing Documents Related to Purchase/Sale of Approximately 189 Acres, More or Less, in Baldwin County, Alabama (Wilderness Property)

18-0503

David Conner, County Attorney, said he has one item that relates to the sale of the Wilderness Facility property to Pathway, Inc. The County entered into an agreement to sell the facility along with 189 acres to Pathway, Inc. for the sum of \$4,900,000.00. That contract is moving to closing and Pathway has asked for two things. The first is an Assignment of Contract and the Commission will have to authorize the Chairman to execute the documents.

Mr. Conner said the recommendation will be to 1) Approve and authorize the Chairman to execute the Consent to Assignment of Contract between Pathway, Inc., and the Baldwin County Commission, dated March 20, 2018, related to the purchase/sale of approximately 189 acres, more or less, in Baldwin County, Alabama, from Pathway, Inc. ("Assignor"), to Pathway of Baldwin County, LLC ("Assignee"). A copy of the proposed Consent to Assignment is attached as Exhibit A. and 2) Authorize the Chairman and staff to take any and all action deemed necessary, including, but not limited to, the execution of any and all documents, affidavits, representations or warranties deemed necessary, to close on the sale of the subject property, including, but not limited to, the following documents, subject to any changes deemed necessary by the Chairman and the County Attorney: settlement statement, deed, owner/seller's affidavit, survey affidavit, residency affidavit, affidavit related to real estate brokers, and affidavit related to hunting leases. Copies of some of the proposed documents are attached hereto as Exhibit B and shall be subject to any

changes deemed necessary by the Chairman and the County Attorney.

Motion by Commissioner Tucker Dorsey, seconded by Commissioner Chris Elliott, to take the following actions:

1) Approve and authorize the Chairman to execute the Consent to Assignment of Contract between Pathway, Inc., and the Baldwin County Commission dated March 20, 2018, related to the purchase/sale of approximately 189 acres, more or less, in Baldwin County, Alabama, from Pathway, Inc. ("Assignor"), to Pathway of Baldwin County, LLC ("Assignee"). A copy of the proposed Consent to Assignment is attached as Exhibit A.

2) Authorize the Chairman and staff to take any and all action deemed necessary, including, but not limited to, the execution of any and all documents, affidavits, representations or warranties deemed necessary, to close on the sale of the subject property, including, but not limited to, the following documents, subject to any changes deemed necessary by the Chairman and the County Attorney: settlement statement, deed, owner/seller's affidavit, survey affidavit, residency affidavit, affidavit related to real estate brokers, and affidavit related to hunting leases. Copies of some of the proposed documents are attached hereto as Exhibit B and shall be subject to any changes deemed necessary by the Chairman and the County Attorney.

The motion passed by the following vote:

Aye: 4 - Frank Burt Jr., Chris Elliott, Tucker Dorsey, and Charles F. Gruber

Nay: 0

Absent: 0

Abstain: 0

L ANNOUNCEMENTS

M PUBLIC COMMENTS

Mrs. Robin Hutchinson appeared before the Commission and asked if there is water involved in the purchase of the 189 acres purchased by Pathway, Inc., to which Commissioner Gruber replied "no."

N PRESS QUESTIONS

O COMMISSIONER COMMENTS

Commissioner Dorsey said regarding the personnel issues, if the Commissioners are to reclassify a supervisor, he is asking that the requests always go through the Personnel Department. The Commission cannot do one, without doing everybody. In this instant, everyone must be treated the same for the job descriptions they have and the work that they do. Commissioner Dorsey said the Commissioners have to evaluate the entire thing. He understands positions are changing and more demands are placed on people. He is all for discussing this during budget deliberations, which is the appropriate time to talk about those

things that will affect the entire system. He would appreciate it if staff will do this moving forward. Commissioner Dorsey thanked everyone for allowing him to serve in this capacity in a job he enjoys doing very much. He is thankful to God for the opportunity and to everyone for the support and encouragement in doing this job.

Chairman Burt said he is thankful to everyone who prepared for and participated in "D" Day. Everyone must always remember that day and so many other days when Americans stood side-by-side with people who love freedom throughout the world and tried to help defend and protect it. Chairman Burt said he is thankful this country remains so. So much good is going on and he is thankful to have a tiny spot in this and to have sat next to former Commissioner Max Foreman who participated in "D" Day.

P ADJOURNMENT

Motion by Commissioner Tucker Dorsey, seconded by Commissioner Chris Elliott, to adjourn the June 5, 2018, Baldwin County Commission meeting at 9:30 a.m.

The motion passed by the following vote:

Aye:	4 -	Frank Burt Jr., Chris Elliott, Tucker Dorsey, and Charles F. Gruber
Nay:	0	
Absent:	0	
Abstain:	0	

Chairman Burt said the meeting is adjourned at 9:30 a.m.

