

PROCEEDINGS HELD BEFORE THE

BALDWIN COUNTY COMMISSION

(Work Session)

Tuesday, June 12, 2018

The following proceedings were held on this the 12th day of June, 2018, at the Baldwin County Central Annex, Conference Room, 22251 Palmer Street, Robertsdale, Alabama, before Susan C. Andrews, Certified Court Reporter Number 287.

A P P E A R A N C E**COUNTY COMMISSIONERS PRESENT:**

Frank Burt, Jr., Chairman

J. Tucker Dorsey

Chris Elliott

ALSO PRESENT:

Ron Cink, County Administrator, Administration

Department/Director, Budget/Purchasing

Department

Kim Creech, Clerk/Treasurer, Finance/Accounting

Department

Mike Howell, Building Official, Building Inspection

Department

Mike Job, Assistant Director, CIS Department

Lisa Sangster, Chief Administrative Assistant,

Highway Department

Huey "Hoss" Mack, Sheriff

Joey Nunnally, County Engineer, Highway Department

Vince Jackson, Planning Director, Planning

Department

Linda Lee, Planner, Planning and Zoning Department

Jeb Ball

David Conner, County Attorney

Celena Boykin, Planner, Planning and Zoning

Department

Terri Graham, Director, Environmental Management

(Solid Waste) Department

A P P E A R A N C E S (cont.)**ALSO PRESENT (cont.):**

Lee Lawson, President, Baldwin County Economic

Development Alliance

Henry Crawford

Edna Dixon

Joe Davis

Sally Deane

Dan Hanson

Hal Scheurich, WALA Fox 10

Cliff McCollum, Gulf Coast Media

VIA VIDEOCONFERENCE:

Wanda Gautney, Purchasing Director,

Budget/Purchasing Department

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P R O C E E D I N G S

WELCOME, INVOCATION AND PLEDGE OF ALLEGIANCE

CHAIRMAN FRANK BURT: Okay. Looks like the computer says it's that time. Good morning and welcome to the June 12th work session of Baldwin County Commission in Robertsdale, Alabama.

This morning Mr. Joey Nunnally, County Engineer, will lead us in the prayer and Commissioner Elliott will lead us in the Pledge.

(Mr. Joey Nunnally led in prayer.)

(The Pledge of Allegiance was recited.)

CHAIRMAN FRANK BURT: All right, Mr. Cink. You want to guide us through this agenda?

MR. RON CINK: Well, certainly, Mr. Chairman.

A-1 - TRANSFER OF VEHICLES FROM THE BALDWIN COUNTY SHERIFF'S**OFFICE TO THE BALDWIN COUNTY COMMISSION TO BE SOLD ON****GOVDEALS.COM****A-2 - TRANSFER OF VEHICLES FROM THE BALDWIN COUNTY SHERIFF'S****OFFICE TO THE BALDWIN COUNTY COMMISSION TO BE SOLD ON****GOVDEALS.COM****A-3 - TRANSFER OF VEHICLES FROM THE BALDWIN COUNTY SHERIFF'S****OFFICE TO THE BALDWIN COUNTY COMMISSION TO BE SOLD AS SCRAP METAL**

1 MR. RON CINK: Good morning, Mr. Chairman,
2 Commissioners. First item up is item A-1, which is
3 transfer of vehicles from the Baldwin County Sheriff's
4 Office.

5 Sheriff Mack, anything on those?

6 SHERIFF HUEY "HOSS" MACK: No, sir. One of
7 them -- two of them are just surplus vehicles. And we'll
8 be having probably -- hopefully this will be on the
9 agenda for about the next three or four times you meet.

10 We're rolling these vehicles through rotation now.
11 One of them you'll notice it says for scrap. That was a
12 vehicle that was totaled in a motor vehicle accident, so
13 we're also selling that for scrap.

14 But, uh, we are in the process now of rolling out
15 the vehicles that were purchased in the 17/18 budget.
16 And so these surplus vehicles we will be trying to get on
17 GovDeals just as quick as we can.

18 CHAIRMAN FRANK BURT: All those Consent?

19 COMMISSIONER TUCKER DORSEY: Yes, sir.

20 COMMISSIONER CHRIS ELLIOTT: Yes, sir.

21

22 **B-1 - COMPETITIVE BID #WG16-32 - PROVISION OF OFF-SITE PRINTING,**
23 **IMAGING AND MAILING OF TAX NOTICES FOR THE BALDWIN COUNTY REVENUE**

24 **COMMISSION**

25 MR. RON CINK: Next, Mr. Chairman, Mr. Wanda
26 Gautney.

27 MS. WANDA GAUTNEY: First item I have is
28 Competitive Bid WG16-32, provisions of offsite printing,

1 imagining, and mailing of tax notices.

2 This is to extend the bid by an additional twelve
3 (12) months with Peregrine Corporation at the same prices
4 that were bid in 2016. The extension will expire on
5 June 21, 2019.

6 COMMISSIONER CHRIS ELLIOTT: Consent is fine.

7 CHAIRMAN FRANK BURT: Consent. Next.

8
9 **B-2 - COMPETITIVE BID #WG18-23 - PROVISION OF REGULAR UNLEADED**
10 **GASOLINE AND NO. 2 DIESEL FUEL FOR THE BALDWIN COUNTY COMMISSION**

11 MS. WANDA GAUTNEY: Next item I have is
12 Competitive Bid WG18-23, provisions of regular unleaded
13 gasoline and Number 2 diesel fuel. This is to award the
14 bid to the lowest bidder, Petroleum Traders Corporation,
15 in the following amounts.

16 COMMISSIONER CHRIS ELLIOTT: Consent is fine,
17 Mr. Chairman.

18 CHAIRMAN FRANK BURT: Consent.

19
20 **B-3 - COMPETITIVE BID #WG18-25 - CONSTRUCTION OF MAGNOLIA**
21 **LANDFILL GAS COLLECTION SYSTEM - PHASE 3 EXPANSION FOR THE**
22 **BALDWIN COUNTY COMMISSION**

23 MS. WANDA GAUTNEY: Next item I have is
24 Competitive Bid WG18-25, construction of Magnolia
25 Landfill Gas Collection System, Phase III Expansion.

26 This is to award the bid to the lowest responsible
27 bidders that met the specifications, Stearns, Conrad and
28 Schmidt Consulting Engineers, Inc., doing business as SCS

Field Services, in the amount of four hundred and ninety-seven thousand, five hundred and forty dollars (\$497,540.00); completion time, ninety (90) days after the notice to proceed, and authorize the Chairman to execute the contract and any other necessary documents.

They were not the lowest bidder, but the lowest bidder does not have the proper Alabama General Contractors License. I was instructed by Alabama General Contractors Board that we could not award the bid to Advance One Development, LLC, who is out of Georgia.

CHAIRMAN FRANK BURT: Consent?

COMMISSIONER CHRIS ELLIOTT: Yes, sir.

COMMISSIONER TUCKER DORSEY: Good.

**B-4 - COMPETITIVE BID #WG18-33 - PROVISION OF ROAD SIGNS FOR THE
BALDWIN COUNTY COMMISSION**

MS. WANDA GAUTNEY: Next item is Competitive Bid WG18-34 -- I mean, 33 -- provisions of road signs for the Baldwin County Commission. This is just an annual bid placed on agenda for approval.

CHAIRMAN FRANK BURT: Consent. Next.

**B-5 - COMPETITIVE BID #WG18-34 - PROVISION OF INDUSTRIAL
FITTINGS, HOSES AND ACCESSORIES FOR THE BALDWIN COUNTY COMMISSION**

MS. WANDA GAUTNEY: Next item is Competitive Bid WG18-34, provisions of industrial fittings, hoses, and accessories. This is an annual bid just placed on the agenda for approval.

CHAIRMAN FRANK BURT: Consent?

COMMISSIONER CHRIS ELLIOTT: Consent.

COMMISSIONER TUCKER DORSEY: Yes, sir.

**B-6 - RENTAL OF ONE (1) COPY MACHINE FOR THE BALDWIN COUNTY
FINANCE/ACCOUNTING DEPARTMENT LOCATED IN BAY MINETTE FOR THE
BALDWIN COUNTY COMMISSION**

MS. WANDA GAUTNEY: Next item is the rental of one (1) copy machine for the Baldwin County Finance/Accounting Department located in Bay Minette.

This is to approve and authorize the Chairman to execute the rental agreement with Sharp Electronics Corporation for the machine for thirty-six (36) months in the amount two hundred and seventeen dollars (\$217) per month.

CHAIRMAN FRANK BURT: Consent?

COMMISSIONER CHRIS ELLIOTT: Yes, sir.

**B-7 - CONTRACT AMENDMENT - CONSULTANT SERVICES FOR THE BALDWIN
COUNTY FLOOD HAZARD MANAGEMENT PLAN**

MS. WANDA GAUTNEY: The next item is a contract amendment for the consultant services for the Baldwin County Flood Hazard Management Plan.

This is to approve and authorize the Chairman to execute Amendment Number 1 to the contract with Amec Foster Wheeler Environmental Infrastructure, Inc., changing the company name to Wood Environment and Infrastructure Solutions, Inc.

1 This is -- The original contract was signed December
2 the 5th, 2017. All they're doing is changing their name.
3 I talked to Conner about this. They're not changing
4 their Duns number, their Federal ID number, or any of
5 that, change of address or anything, just a name change.

6 So to make this legal so we can pay them under Wood
7 Environment and Infrastructure Solutions, I actually need
8 to amend to contract to reflect that.

9 CHAIRMAN FRANK BURT: Consent?

10 COMMISSIONER CHRIS ELLIOTT: Good here.

11 COMMISSIONER TUCKER DORSEY: Very good.

12 CHAIRMAN FRANK BURT: Next.

13 MS. WANDA GAUTNEY: Okay. Thank you. That's
14 all I have.

15 COMMISSIONER TUCKER DORSEY: Thank you.

16 CHAIRMAN FRANK BURT: Very good, Wanda.

17
18 **C-1 - ELBERTA ELEMENTARY SCHOOL - REQUEST TO GRADE, DRAIN, BASE**
19 **AND PAVE NEW PARKING AREA**

20 MR. RON CINK: Mr. Nunnally.

21 CHAIRMAN FRANK BURT: Mr. Nunnally, you're in
22 charge.

23 MR. JOEY NUNNALLY: Item C-1, actually this one
24 is going to be pulled. I'm not asking the Commission to
25 actually take any action on this.

26 This was an original request from the School Board
27 for the elementary -- uh, Elberta Elementary School.
28 They're having parking area problems over there. And

1 they have asked us to -- kind of reached out to us to ask
2 to help with the parking solutions.

3 We came up with a design at our meetings with them,
4 gave them a price. They decided to go with a private
5 contractor, who showed up on the site yesterday to start
6 the work.

7 That was all done. Of course, we were unaware of
8 all that. Anyway, they started work, so we're good with
9 that so.

10 CHAIRMAN FRANK BURT: Very good.

11
12 **C-2 - TOWN OF ELBERTA - COUNTY ROAD 83 PROJECT - REQUEST FOR**
13 **ASSISTANCE WITH DETOUR SIGNAGE**

14 MR. JOEY NUNNALLY: Item C-2 is the going to be
15 the request from the Town of Elberta, which was the --
16 we -- we hashed this out a lot on the meeting on 4/24,
17 County Road 83 resurfacing project where they're going to
18 be replacing seven (7) pipes.

19 Uh, they've asked us to kinda help them with the
20 detour routes, which is shown here on -- on the screen.
21 So we're just bringing this to y'all's attention for
22 us -- to approve us, at the request of Town of Elberta,
23 for the Highway Department to assist the Town on the
24 detour signs on that project.

25 CHAIRMAN FRANK BURT: Consent --

26 COMMISSIONER CHRIS ELLIOTT: Good here.

27 CHAIRMAN FRANK BURT: -- all right?

28 COMMISSIONER TUCKER DORSEY: Yes, sir.

1 CHAIRMAN FRANK BURT: Good.

2
3 **C-3 - FORT MORGAN - NO NAME ROAD - ROADWAY, PARKING AND BEACH**

4 **ACCESS IMPROVEMENTS**

5 CHAIRMAN FRANK BURT: Next.

6 MR. JOEY NUNNALLY: Item C-3, um, Commissioner
7 Gruber is not here, but Commissioner Gruber and I have
8 been working with the Historical folks and ALDOT about
9 this No Name Road off Fort Morgan Road.

10 This is -- if you're familiar with it, this is right
11 before you get to the fort. We are talking about maybe
12 trying to create some parking down there with a walking
13 trail down to the beach.

14 The road is just in really bad disrepair. ALDOT is
15 actually wanting to help fund this project. And they
16 have actually sent us an agreement with a hundred and
17 twenty thousand dollars (\$120,000.00) to help fund this
18 project.

19 Commissioner Gruber and I have met with them and
20 said that the County would be willing to -- to throw in
21 equipment and labor if they would help fund the
22 materials, which is what the hundred and twenty thousand
23 dollars (\$120,000.00) is for.

24 So we have to have an agreement with the Historical
25 Commission. We have to have an agreement with ALDOT.
26 All that's kinda in the works. And, um, I'm just asking
27 for this to be postponed until we get all the dots -- i's
28 dotted and t's crossed. Because I kinda wanted to kinda

1 bring you in the loop of what's going on down there.

2 So could you go to the next slide?

3 CHAIRMAN FRANK BURT: I totally agree with
4 the -- The County once owned that land. And State Land
5 folks came down and had a smart-talking director they had
6 and conned the County into giving that land to them.

7 MR. JOEY NUNNALLY: Really?

8 CHAIRMAN FRANK BURT: Yes, sir.

9 MR. JOEY NUNNALLY: Interesting.

10 CHAIRMAN FRANK BURT: And you see what they've
11 done with it.

12 MR. JOEY NUNNALLY: The road is in really bad
13 shape. You can't really -- you'd have to have a
14 four-wheel drive to traverse it right now. It's in bad
15 shape.

16 CHAIRMAN FRANK BURT: Yeah.

17 MR. JOEY NUNNALLY: And when people use it,
18 they go out there to the beach and swim. And if
19 emergency vehicles try to get out there, they wouldn't be
20 able to get out there to the people. So it's -- it is an
21 issue.

22 Go to the next slide. We found this map, which is
23 interesting, back in 1864, that showed this road at that
24 same location back where the troops used to use this.
25 So, uh, I thought that was pretty interesting.

26 CHAIRMAN FRANK BURT: What's the map?

27 MR. JOEY NUNNALLY: A map from 1864 that showed
28 the road right there in the same general location.

1 CHAIRMAN FRANK BURT: That is about wartime,
2 wasn't it?

3 MR. JOEY NUNNALLY: That's exactly right. So
4 the road's been there forever so.

5 CHAIRMAN FRANK BURT: Well, the road is still
6 there. There's just no asphalt on it; right?

7 MR. JOEY NUNNALLY: Yes. Yes. I've kinda
8 spoken with Mike Howell about this project a little bit
9 about, um, the naming of this road.

10 Obviously, we -- once the project gets done, if the
11 Commission approves -- approves us to move forward with
12 the project, we're going to need to name this road
13 something other No Name Road off Fort Morgan Road.

14 Commissioner Gruber reached out to the Historical
15 Society to get a name, since it's right there by the
16 fort. So we've got a -- Mr. Burgoyne is going to be
17 the -- was -- was an actual engineer who surveyed a lot
18 of the property down there and actually fought in the
19 war.

20 And so we're going to be coming to Mike Howell to
21 name the road Burgoyne Road instead of No Name Road off
22 Fort Morgan.

23 CHAIRMAN FRANK BURT: How do you spell that?

24 MR. JOEY NUNNALLY: It's B-U-R-G-O-Y-N-E, John
25 Fox Burgoyne is the name of the guy that the road will be
26 named after, which is what they call a Royal Surveyor is
27 what -- was his title.

28 CHAIRMAN FRANK BURT: How about that. Pretty

1 good. I think that should not be on Consent, once it
2 gets here, though, so you can talk about all that.
3 People in the county might be interested.

4 This is not on -- You've taking this off, or what?

5 MR. JOEY NUNNALLY: It's not because the
6 agreement with ALDOT has got a few tweaks that needs to
7 be done. And the Historical Society agreement needs to,
8 uh -- it's got a few tweaks with it, too. So we weren't
9 able to get that all worked out for today so.

10 Chairman FRANK BURT: That's typically the way
11 they are going to operate.

12 MR. JOEY NUNNALLY: But I'll be bringing that
13 back to you in the future.

14 CHAIRMAN FRANK BURT: No addendum?

15 MR. JOEY NUNNALLY: No.

16

17 **D-1 - SALE OF TWO (2) SALES & USE TAX/LICENSE INSPECTION**

18 **DEPARTMENT VEHICLES ON GOVDEALS.COM**

19 MR. RON CINK: Ms. Creech.

20 MS. KIM CREECH: Commissioners, um, my agenda,
21 D-1 is to, um, sell two vehicles on GovDeals. There's a
22 2006 Dodge Durango and a 2006 Ford Crown Vic.

23 This budget year y'all authorized to have two (2)
24 new vehicles. And they just came in. Um, so we would
25 like to go ahead and sell these, please.

26 CHAIRMAN FRANK BURT: Consent?

27 COMMISSIONER CHRIS ELLIOTT: It's amazing to me
28 we authorized that in calender -- almost a calendar year

1 later, they come in.

2 MS. KIM CREECH: It takes a while --

3 COMMISSIONER CHRIS ELLIOTT: It takes a while.

4 MS. KIM CREECH: It takes a while to get
5 vehicles in.

6 COMMISSIONER CHRIS ELLIOTT: Yes, Consent,
7 Mr. Chairman.

8 CHAIRMAN FRANK BURT: They're back there. I
9 heard them tiptoeing in.

10 MS. CELENA BOYKIN: I'm first.

11 CHAIRMAN FRANK BURT: Good morning.

12

13 **G-1 - CASE NO. Z-18018 - TURBERVILLE PROPERTY REZONING**

14 MS. CELENA BOYKIN: Um, this is the Turberville
15 case. Um, the applicant is asking, um, a little over
16 five (5) acres to be re-zoned from RA to B-4. Um,
17 they're asking for the B-4 for RV storage and repair.

18 Um, the subject property is located on the west side
19 of the intersection of Brinks Willis Road and James Road
20 in Planning District 30.

21 You can see by the zoning map there are several B-4
22 parcels on Brinks Willis. There is M-1, Industrial, to
23 the south. You can go to the next -- go to the next
24 slide.

25 Here is an aerial photography. They also have a
26 plan of what they plan to do. There it is. They're
27 going to have a little over two hundred (200) parking
28 spaces, RV storage. There is an office close to the

1 road, Brinks Willis Road.

2 Planning Commission recommended approval at their
3 Planning Commission meeting. And staff has also
4 recommended approval of this re-zoning request.

5 CHAIRMAN FRANK BURT: Very good. Any
6 questions?

7 (No response.)

8 CHAIRMAN FRANK BURT: Next.

9

10 **G-2 - Case No. Z-18019 - MORGAN PROPERTY REZONING**

11 MS. CELENA BOYKIN: Next is the Morgan
12 property. Um, it's a little over three (3) acres. This
13 property came to y'all several -- a couple years ago.
14 They asked that you re-zone them to B-4, and it was
15 approved.

16 Now they're requesting to go back to RSF-E, um, to
17 Residential. They have to refinance. Medical issues is
18 what they stated on their re-zoning application.

19 It's located in Planning District 12 just south of
20 Oakdale Drive. You can see it's just east of the Baldwin
21 Beach Express.

22 COMMISSIONER CHRIS ELLIOTT: I remember this
23 one, yeah.

24 MS. CELENA BOYKIN: Staff recommended approval
25 and Planning Commission also recommended approval.
26 Here's the survey of the property.

27 CHAIRMAN FRANK BURT: Questions, comments?

28 (No response.)

CHAIRMAN FRANK BURT: Thank you very much.

MS. CELENA BOYKIN: All right.

(Ms. Terri Graham joined the Work Session.)

CHAIRMAN FRANK BURT: Good morning, Terri.

MS. TERRI GRAHAM: Good morning.

G-3 - CASE NO. Z-18020 - LOXLEY SUPER STORAGE INC., PROPERTY

REZONING

MR. LINDA LEE: This is the Loxley Super Storage property. The applicant is requesting to re-zone three-point-nine-nine (3.99) acres from RSF-1 to B-3 to allow for construction of an additional storage building on the existing slab.

The property is located on the south side Dawson Road, west of State Highway 59 in Planning District 12. This is the locator map.

And as you see here, the adjacent properties are Residential, but the properties on 59 are zoned Commercial. And the Residential property just east of this property zoned Residential is actually used for Commercial.

These are your aerial photography. And the slabs are existing. They're proposing to build a building on one of those existing slabs. These are just pictures of the subject property and the surrounding properties.

The Master Plan provides a land designation as

1 Residential for the subject property. The re-zoning, if
2 approved, the Future Land Use Map will be amended to
3 reflect the designation of Commercial.

4 The Planning Commission considered this case at its
5 May 3rd meeting and recommended approval to the County
6 Commission. Staff concurs with that recommendation.

7 CHAIRMAN FRANK BURT: Any questions, comments?

8 (No response.)

9 CHAIRMAN FRANK BURT: Thank you. Next.

10
11 **G-4 - CASE NO. Z-18021 - MCCLAIN TRAILERS INC., PROPERTY REZONING**

12 MR. LINDA LEE: The next case is the McClain
13 Trailers property. The applicant is requesting to
14 re-zone two-point-five (2.5) acres from RA to M-1 to
15 allow light industrial use of the property and sell his
16 boat trailers.

17 The subject property is located on the east side of
18 the Railroad Avenue and north of Hinote Glass Road in
19 Planning District 12. This is the locator map. And as
20 you can see, it's really right across the highway from
21 the previous case.

22 The property to the north is the Ecovery property,
23 and it's zoned M-1. And it's Rural Agricultural property
24 around it. This is the aerial photography of the subject
25 property.

26 COMMISSIONER TUCKER DORSEY: Is that a paved
27 road, or is that --

28 MS. LINDA LEE: Which one?

1 COMMISSIONER TUCKER DORSEY: Is that a rock
2 road there?

3 MS. LINDA LEE: Which one, Hinote or --

4 COMMISSIONER TUCKER DORSEY: Railroad.

5 MR. LINDA LEE: I think Railroad is paved and
6 Hinote is gravel.

7 COMMISSIONER CHRIS ELLIOTT: Yeah. Railroad is
8 paved.

9 COMMISSIONER TUCKER DORSEY: Are we marking
10 them do improvements there for that?

11 MR. LINDA LEE: They will make that decision
12 when they issue turnout permits.

13 COMMISSIONER TUCKER DORSEY: Is that us?

14 MR. JOEY NUNNALLY: Yeah, that would be us.

15 COMMISSIONER TUCKER DORSEY: What would you
16 require? Are y'all going to require any changes there?

17 MR. JOEY NUNNALLY: We may well might. I mean,
18 I haven't --

19 MR. LINDA LEE: They would have to submit for
20 turnout permits when they get ready to construct.

21 MR. JOEY NUNNALLY: Yeah. It depends on what
22 the traffic study would show. And I don't know that
23 that's been performed yet.

24 Chairman FRANK BURT: Certainly would, surely
25 would.

26 COMMISSIONER TUCKER DORSEY: I just want to
27 make sure we're on top of it. That would be a big issue
28 there.

1 CHAIRMAN FRANK BURT: Absolutely.

2 MR. LINDA LEE: The future land designation for
3 this property is Rural. And if the re-zoning is
4 approved, the map would be amended to reflect the
5 designation of Industrial. These are pictures of the
6 subject property and the surrounding property.

7 The Planning Commission considered this case at its
8 May 3rd meeting and recommended approval to the County
9 Commission. And staff concurs with that recommendation.

10 These are pictures of their locations. And I think
11 it's in Houston, Texas. The neighbors were concerned
12 about this one. But most of their concerns were really
13 to do with the Ecovery operation.

14 And so they sent pictures to show what the building
15 would look like and what it is that they sell at their
16 location.

17 I'll answer any other questions.

18 CHAIRMAN FRANK BURT: Okay. Mr. Vince.

19

20 **G-5 - CASE NO. Z-18022 - THE RESERVE AT DAPHNE REZONING**

21 MR. VINCE JACKSON: We have two, um,
22 applications that deal with the Reserve at Daphne. The
23 first is a Case Z-180022. This is the re-zoning from RA
24 to RSF-2.

25 The total project would involve four hundred seventy
26 (470) acres with three hundred and nine (309) acres
27 requested for re-zoning. And this is to facilitate a
28 Planned Residential Development to be known as The

1 Reserve.

2 At the time it was presented to the Planning
3 Commission, it involved six hundred and twelve (612)
4 lots. There's been a subsequent change, and I'll talk
5 about that in just a minute. The RSF-2 is necessary for
6 the number of lots they're trying to achieve.

7 The Reserve was actually in some form of an approval
8 process prior to the adoption in zoning in Planning
9 District 15. And for whatever reason, the appropriate
10 zoning was not recommended at that time. So I think if
11 it had been, it would have been an equivalent to RSF-2.

12 The Planning Commission considered this. This is on
13 the north side of The Reserve at Daphne Phase I, south of
14 Plantation Hills, east of County Road 54.

15 And the re-zoning part of it involves land in
16 Planning District 15 and Planning District 28. For the
17 PRD part of it is in Planning District 7, which is
18 un-zoned.

19 The Planning Commission considered this re-zoning
20 request at their May 3rd meeting and voted to recommend
21 approval to the Commission. And staff concurs.

22 CHAIRMAN FRANK BURT: Any questions?

23 (No response.)

24 CHAIRMAN FRANK BURT: All right. Next.

25 MR. VINCE JACKSON: And that's a copy of the
26 proposed layout as it was presented to the Planning
27 Commission.

28 And the next application, uh, would be the --

1 COMMISSIONER TUCKER DORSEY: Can you back up
2 one. Steve, do we have another -- is there any chance of
3 getting another exit out of there? What do you got over
4 there? Is 54 --

5 MR. STEPHEN PUMPHREY: Yeah. That's one of the
6 things we're doing, is we bought additional property. So
7 now we have exit out to 54.

8 COMMISSIONER TUCKER DORSEY: All right.

9 MR. STEPHEN PUMPHREY: The addition only had
10 one, the exit out to 64. But they acquired more
11 property, which now allows a second entrance over on 54.

12 COMMISSIONER TUCKER DORSEY: Now, you say the
13 north end is way on down the road, but is that Plantation
14 Hills on the north end?

15 MR. STEPHEN PUMPHREY: Yes, it is.

16 COMMISSIONER TUCKER DORSEY: Is there -- is
17 there any connectivity?

18 MR. STEPHEN PUMPHREY: No, Sir. None was set
19 up in the Plantation Hills project.

20 MR. JOEY NUNNALLY: Is it -- How many bridges
21 are in this? I mean, it looks like there's -- there's
22 one long one, it looks like.

23 MR. STEPHEN PUMPHREY: Yeah, it could be --
24 could be at least two.

25 MR. JOEY NUNNALLY: Two bridges?

26 MR. STEPHEN PUMPHREY: That's on down the road,
27 too.

28 MR. JOEY NUNNALLY: Yeah.

1 CHAIRMAN FRANK BURT: All right. Wanna move to
2 the next one?

3 MR. VINCE JACKSON: Yes.

4

5 **G-6 - CASE NO. Z-18023 - THE RESERVE AT DAPHNE - PLANNED**

6 **RESIDENTIAL DEVELOPMENT SITE PLAN**

7 MR. VINCE JACKSON: And next the part would be
8 Z-18023, which is the -- the PRD application. The PRD,
9 as presented at the Planning Commission, was six hundred
10 twelve (612) lots. And, um, subsequent to the review of
11 the Planning Commission -- And the Planning Commission
12 did recommend for it to be approved.

13 There is a desire on the part of the applicant to
14 add six (6) additional lots. Because PRD approval is
15 site plan specific, and because the Planning Commission
16 reviewed a six hundred twelve (612) lot PRD, this part of
17 it needs to go back to them.

18 And that's the rules. Unfortunately, that's the
19 rules that we work under. And Mr. Pumphrey can explain
20 that in more detail.

21 But there -- there are two ways -- And the public
22 hearing was already advertised, uh, at the time that we
23 found out. But there are two ways we can do this: We
24 can have them withdraw it and start, or we can delay
25 action.

26 I think the latest date that y'all could take action
27 would be August 7th. We could delay action. That would
28 give us time to take it back and get it back to you-all

1 by the 7th. That way they would avoid paying additional
2 fees.

3 COMMISSIONER CHRIS ELLIOTT: I think just delay
4 and let the Planning Commission --

5 Chairman FRANK BURT: Yeah.

6 COMMISSIONER CHRIS ELLIOTT: -- look at it
7 again, Mr. Chairman, and then we'll take it back up.

8 MR. VINCE JACKSON: And we've -- we've done
9 that kind of thing before, and it worked out pretty well.

10 Since the Planning Commission has already looked at
11 it and recommended it, I don't think we'll run into any
12 heartburn over six (6) lots. It's just a necessary part
13 of the process that we need to do.

14 CHAIRMAN FRANK BURT: And it will be on the
15 agenda, but we'll just table any action until then.

16 MR. VINCE JACKSON: Yes, sir. That's the --
17 that's, uh, the agenda item that --

18 Chairman FRANK BURT: Go through the full
19 presentation and explain why.

20 MR. VINCE JACKSON: Yes, sir.

21 Chairman FRANK BURT: Sure. Okay. Any
22 questions?

23 COMMISSIONER CHRIS ELLIOTT: Does that work for
24 you, Steve?

25 MR. STEPHEN PUMPHREY: Yes.

26 COMMISSIONER CHRIS ELLIOTT: Okay.

27 MR. STEPHEN PUMPHREY: Actually, the deadline
28 is today for the Planning Commission. I've got the

1 package ready to submit, so we'll be right on the agenda,
2 so we won't waste any time.

3 CHAIRMAN FRANK BURT: You do good work.

4 MR. STEPHEN PUMPHREY: I try to.

5 Chairman FRANK BURT: I know.

6

7 **G-7 - DUNE WALKOVER ZONING TEXT AMENDMENT DISCUSSION**

8 MR. VINCE JACKSON: Okay, um, our last item is
9 a -- is a discussion item.

10 Um, a few weeks ago, we had this discussion at a
11 work session in Fairhope concerning the dune walkover
12 issue down at Fort Morgan. And one of the things that
13 came out of that was that we would draft some proposed
14 language to be included in the Planning District 25 local
15 provisions.

16 So I've provided you-all a copy of my first pass at
17 that. And this is really just for discussion purposes.
18 Other than it being included in the agenda, the only
19 others that I've ever talked with it about -- about it
20 were Mike -- Mr. Howell, and Mr. Conner.

21 And, um, I used some existing language from the
22 Cities of Orange Beach and Gulf Shores as guidelines. I
23 also looked at a jurisdiction in North Carolina that was
24 mentioned in the previous discussion.

25 And then Mike and I talked about some ideas to come
26 up with the draft we have. Basically, we wanted to let
27 you know where we are, and perhaps get some feedback from
28 y'all, make sure we're on the right track.

1 I don't have this scheduled to go on a Planning
2 Commission agenda yet, but I can do that at anytime,
3 if -- if -- you know, whenever y'all authorize, I can do
4 that.

5 Um, Mr. Conner thought we, you know -- this might
6 require a couple discussions, so this is the first. But,
7 basically, this is just for information and, uh, to get
8 feedback.

9 COMMISSIONER TUCKER DORSEY: It's -- We talked
10 about it at the meeting the other day. Y'all okay with
11 it? You okay with it, Mike?

12 CHAIRMAN FRANK BURT: Say that again.

13 COMMISSIONER TUCKER DORSEY: This is -- these
14 are all the things we talked the about the other day. I
15 just wanted to make sure --

16 MR. MIKE HOWELL: Yeah. The only thing, you
17 know, I've been dealing with this now for a little over a
18 year. The main issue is the height. That's --

19 Chairman FRANK BURT: Right.

20 MR. MIKE HOWELL: -- that's the main issue out
21 of the whole thing, is that high one, you know, that
22 we've got down there.

23 And, of course, I think there needs to be a little
24 more regulation in that division, ADEM regulations has
25 got in there. Division 8 has got their regulations. US
26 Fish and Wildlife has theirs. And now the County is
27 looking to develop theirs.

28 One thing I don't want to do, uh, we were talking

1 about narrowing the six-foot maximum width. I want to be
2 careful that we don't put roadblocks in front of ADA
3 handicap requirements.

4 COMMISSIONER CHRIS ELLIOTT: Sure.

5 MR. MIKE HOWELL: Some of the -- some of the
6 bigger projects down there want six (6) foot so two
7 wheelchairs can pass. So I don't -- I wouldn't want us
8 to get in that position.

9 All in all, what Vince has got is a good draft.
10 There is a few things that I want to interject in there,
11 nothing major. One of them is the maximum width is (6)
12 foot. I think that should be the walking surface should
13 be six (6) foot, because the pylons are set on the
14 outside. So, technically, we would be a little bit wider
15 than six (6) foot.

16 But what's he's got, I mean, looks good to me, other
17 than -- other than tweaking it a little bit.

18 CHAIRMAN FRANK BURT: You're making those
19 tweaking recommendations to him?

20 MR. MIKE HOWELL: Yeah. I -- I'll -- I'll do
21 that. And the other thing is -- I deal with so much of
22 this -- you know, no roofs or walls. I would like to see
23 a definition. If somebody puts a pergola out there, is
24 it a roof? That's -- that's what we get into all the
25 time.

26 CHAIRMAN FRANK BURT: Easy to pass them.
27 Sometimes the lawyers see them different, don't they?

28 MR. MIKE HOWELL: No doubt about it.

1 MR. VINCE JACKSON: Mike and I see each other
2 just about every day.

3 MR. MIKE HOWELL: Yeah, we do.

4 MR. VINCE JACKSON: So we're talking about this
5 constantly. So we'll -- we'll continue to work on it.

6 COMMISSIONER CHRIS ELLIOTT: Get with, um --
7 There -- there may be some regulations about building
8 over vegetative, especially if there's any wetlands
9 involved, as far as height off the wetlands, that
10 height-to-width. There used to be -- I think it was
11 Corps regulations that talked about the -- the -- the
12 width of the --

13 MR. MIKE HOWELL: No less than five (5) foot, I
14 think.

15 COMMISSIONER CHRIS ELLIOTT: The decking had to
16 be equal to the height, or something like that.

17 MR. MIKE HOWELL: Yeah, and --

18 COMMISSIONER CHRIS ELLIOTT: We just want to
19 make sure we don't have any conflicts there.

20 MR. MIKE HOWELL: You won't, because there's no
21 wetlands on the beach --

22 COMMISSIONER CHRIS ELLIOTT: I know --

23 MR. MIKE HOWELL: -- that I'm aware of.

24 COMMISSIONER CHRIS ELLIOTT: There's some
25 low-lying areas that could get close, I thought. But
26 just -- just -- just check.

27 MR. MIKE HOWELL: Yeah, we can. We can.

28 CHAIRMAN FRANK BURT: All right. Wanna move on

1 to the next item then?

2 MR. MIKE HOWELL: I think what we'll do is
3 we'll tweak what we got and bring it back --

4 MR. VINCE JACKSON: Yes.

5 MR. MIKE HOWELL: -- at a later date --

6 MR. VINCE JACKSON: -- at a later work session.

7 And we'll get some additional comments from Mr. Conner
8 and, you know, the others who are interested as well.

9 That's all we have for today.

10 COMMISSIONER CHRIS ELLIOTT: It's a fun one.

11 MR. MIKE HOWELL: Thank you.

12 COMMISSIONER CHRIS ELLIOTT: Thank you.

13 CHAIRMAN FRANK BURT: Very good. Thank you,
14 Mike.

15

16 **Q-1 - RESOLUTION #2018-091 - PERDIDO BAY WATER, SEWER AND FIRE**

17 **PROTECTION DISTRICT - FISCAL YEAR 2018 CDBG APPLICATION**

18 **PREPARATION TO ADECA**

19 Chairman FRANK BURT: Next.

20 MR. RON CINK: Next, Mr. Chairman, is --

21 Chairman FRANK BURT: Yes.

22 MR. RON CINK: -- Item Q-1, which is Resolution
23 2018-91, Perdido Bay Water, Sewer and Fire Protection
24 District.

25 This is a request from them to apply for a CDBG
26 grant to ADECA. This is what they talked to you guys
27 about last work session.

28 This is the actual resolution authorizing them to

1 apply for the grant. They -- they had applied before and
2 did not get the grant. There is a local government --
3 those funds will flow through this Commission.

4 CHAIRMAN FRANK BURT: Okay. Any questions
5 about that?

6 (No response.)

7 CHAIRMAN FRANK BURT: Very good. Next.

8
9 **Q-2 - REQUEST FOR THE USE OF BALDWIN COUNTY CENTRAL ANNEX**

10 **AUDITORIUM**

11 MR. RON CINK: Next is a request regarding the
12 Baldwin County Central Annex auditorium. This is a
13 request from the League of Woman Voters to meet the
14 candidates September 27th.

15 The reason I'm asking on that, that's a Saturday.
16 You would require staff overtime, or I need to -- I need
17 to know what you want me to do here.

18 COMMISSIONER CHRIS ELLIOTT: I've got a key.

19 MR. RON CINK: That's fair.

20 COMMISSIONER CHRIS ELLIOTT: I'll open it up.

21 MR. RON CINK: That's fair. I just -- I needed
22 to know what y'all wanted me to do here.

23 COMMISSIONER CHRIS ELLIOTT: I'm fine with it.

24 CHAIRMAN FRANK BURT: Me, too.

25 MR. RON CINK: Okay.

26
27 **Q-3 - REQUEST FROM THE CITY OF SPANISH FORT FOR THE USE OF ONE**

28 **(1) BALDWIN REGIONAL AREA TRANSIT SYSTEM BUS FOR THE 25TH**

ANNIVERSARY CELEBRATION

MR. RON CINK: Next item is a request for the
from the City of Spanish Fort for the use of one (1)
BRATS transit bus for their 25th anniversary celebration.

COMMISSIONER CHRIS ELLIOTT: Consent is fine.

CHAIRMAN FRANK BURT: Yes, sir.

Q-4 - APPROPRIATION REQUEST FROM REPAIR BALDWIN

MR. RON CINK: Okay. Next item is Item Q-4,
which is an appropriation request from Repair Baldwin.
This is -- Members of Repair Baldwin should be here to
discuss an appropriation of six thousand dollars (\$6,000)
for the repair of three homes in Baldwin County.

MS. SALLY DEANE: Hi. I'm Sally Deane. I'm
the Director of Ecumenical Ministries. And we've got Dan
Hanson and Reverend Crawford and Reverend Dixon.

We're all part of, um -- Repair Baldwin is a program
of Ecumenical Ministries. We've been in existence almost
five (5) years, have repaired four hundred and fifty
(450) homes in Baldwin County.

We are the only program in Baldwin County that
addresses home repair throughout the county, from
Stockton up north all the way down to Gulf Shores.

We fund ourselves basically through grants, through
donations, through our thrift store. And, um, through
that, all of that money that we fund into Repair Baldwin
goes into home repair.

We started with just a small organization that was

1 just doing small repairs. Now it's major repairs. And
2 our most amount of repairs that we do are roofs, trying
3 to save homes for low-income families in Baldwin County.
4 And we also do a lot of ramps.

5 So any funding appropriation we bring into the
6 program will go directly into repairing a home here in
7 Baldwin County. We're hoping that six thousand (\$6,000)
8 would help us with three (3) homes. Plus we -- we find
9 matching funds.

10 A great statics: Within the last four-and-a-half
11 years, we have been the conduit for a little over six
12 hundred and twenty-nine thousand dollars (\$629,000) in
13 Baldwin County in repair of homes, so, four hundred and
14 fifty (450) homes.

15 And, uh, we just continue. We -- we are going at a
16 rate of about a hundred (100) homes a year. We -- we
17 estimate there's probably about a thousand (1,000) homes
18 still out there. We've got fifty (50) on our waiting
19 list. And applications come in daily. So just are
20 asking for a little help.

21 COMMISSIONER CHRIS ELLIOTT: Got you. Thank
22 y'all for what you do for the county, for sure.

23 CHAIRMAN FRANK BURT: Yeah.

24 COMMISSIONER CHRIS ELLIOTT: And your timing is
25 very good, as we go into budget season. Obviously, we
26 handle those types of requests during -- during budget
27 season. But your timing is apt, because we're about to
28 spend a whole lot of time this summer.

1 So, Dan, you probably knew that, didn't you?

2 MR. DAN HANSON: (Indicates affirmatively.)

3 CHAIRMAN FRANK BURT: And this will be just a
4 request for the appropriation during budget time; is that
5 correct?

6 MR. RON CINK: Y'all's call.

7 CHAIRMAN FRANK BURT: I'm asking.

8 COMMISSIONER CHRIS ELLIOTT: That -- that would
9 be my recommendation, Mr. Chairman, as we get in budget,
10 just to deal -- you know, deal with that one just as we
11 deal with other requests during --

12 CHAIRMAN FRANK BURT: And they would get the
13 funds after October 1st, if approved during budget.

14 COMMISSIONER CHRIS ELLIOTT: That's -- I mean,
15 that's typically how we handle requests, is during
16 budget, if it's not a budgeted item, unless y'all think
17 something different. Let Dan do it.

18 COMMISSIONER TUCKER DORSEY: Is this a project
19 specific right now, or does it -- need assistance for
20 grant matching, or --

21 MS. SALLY DEANE: Excuse me?

22 COMMISSIONER TUCKER DORSEY: Is this project
23 specific you are requesting, or is this grant matching
24 funds? How --

25 MS. SALLY DEANE: Um, basically it's going to
26 be general fund of repairs. Um, we just need funding to
27 keep going and so that we can work on our waiting list.

28 We don't have the specific homes right now. It

1 would be whatever, um, homes come up on list at times.
2 We try to be pretty fair throughout the county. We try
3 to do one -- we've got the county divided into four (4)
4 different, um, areas.

5 Um, our greatest need is in the north end of the
6 county, which I'm sure you probably understand that
7 there's a lot more requests up there.

8 We are also, um, the only repair that actually deals
9 with mobile homes. Because we've found that it's --
10 there are a lot of people that are low income that that's
11 the only structure they have to live in.

12 And if we can go in and for two (\$2,000) to three
13 thousand dollars (\$3,000) can put a roof on that home and
14 extend the life of that home, we think it's a very good
15 investment for that family as well as the county, that we
16 don't have people that their homes age out to the point
17 where they now don't have a place to live.

18 Because you know that we do have a lack of
19 affordable housing throughout the county. And so if we
20 can keep them in their homes, that definitely takes the
21 pressure off that.

22 CHAIRMAN FRANK BURT: Okay. There's no
23 really -- any need for this to have any action on there?

24 MR. RON CINK: No, sir. We'll put on the
25 decision items --

26 CHAIRMAN FRANK BURT: Still put it on the
27 budget.

28 MR. RON CINK: -- list associated with budget.

1 CHAIRMAN FRANK BURT: Okay. Work it through
2 the process. Ron will notify you as to when to come or
3 meet with them or however, or it will be just in there
4 for consideration during budget.

5 MR. DAN HANSON: So that would be like a budget
6 hearing, something? You'll let us know then?

7 MR. RON CINK: Yes, sir. I'll get your contact
8 information and get you all the dates and pertinent
9 information and put it on the decision items list.

10 MR. DAN HANSON: And your name is Ron?

11 MR. RON CINK: Ron Cink.

12 COMMISSIONER CHRIS ELLIOTT: As y'all would
13 imagine, we get dozens and dozens and dozens of requests.
14 And -- and we combine them all in budget season, the same
15 time we do every -- you know, set the County's budget.

16 So we kind of work through all of that at -- at one
17 time and -- and budget those items and disburse those
18 funds throughout the year.

19 CHAIRMAN FRANK BURT: And it just comes under
20 other items on the budget, specific items, though. All
21 right.

22 MR. DAN HANSON: I'll e-mail -- send Ron my
23 e-mail address and --

24 COMMISSIONER CHRIS ELLIOTT: Sounds good.

25 MS. SALLY DEANE: Thank you.

26 COMMISSIONER CHRIS ELLIOTT: Yeah. Absolutely.
27 Thank y'all. Appreciate what you do for the county.

28 COMMISSIONER TUCKER DORSEY: Thank y'all.

1 COMMISSIONER CHRIS ELLIOTT: Great stuff.

2
3 **Q-5 - SALE OF EQUIPMENT ON GOVDEALS.COM BY THE ADMINISTRATION**

4 **DEPARTMENT**

5 MR. RON CINK: Next item, Mr. Chairman, we have
6 a large scanner we want to get rid of.

7 COMMISSIONER CHRIS ELLIOTT: Consent,
8 Mr. Chairman.

9 CHAIRMAN FRANK BURT: Yes, sir.

10
11 **Q-6 - 2018-2019 ACCA LEGISLATIVE COMMITTEE APPOINTMENT**

12 MR. RON CINK: Q-6 is ACCA Legislative
13 Committee appointment. This is a request of ACCA to
14 select a representative for '18 and '19, for the
15 legislative committee.

16 CHAIRMAN FRANK BURT: Okay. Consent.

17 COMMISSIONER CHRIS ELLIOTT: You've got to pick
18 somebody.

19 MR. RON CINK: Yeah.

20 COMMISSIONER CHRIS ELLIOTT: I hope to be up
21 there helping already. We'll see.

22 CHAIRMAN FRANK BURT: Okay.

23 COMMISSIONER TUCKER DORSEY: Skip should have
24 been here today.

25 MR. JOE DAVIS: Sounds like a nominee.

26 COMMISSIONER CHRIS ELLIOTT: Second.

27 MR. RON CINK: I'll handle it. It's handled.
28 That's where I was going. I wanted y'all to lead me

1 there.

2
3 **Q-7 - ACKNOWLEDGEMENT OF TAX ABATEMENT - KAISHAN COMPRESSOR (USA)**

4 **LLC**

5 MR. RON CINK: Okay. Next item, Q-7, which is
6 acknowledgement of tax abatement for Kaishan Compressor,
7 LLC, out of -- I believe it's in Loxley.

8 COMMISSIONER CHRIS ELLIOTT: And this is an
9 abatement that Loxley has already done; correct? We're
10 acknowledging it.

11 MR. RON CINK: Yes, sir. It's a formality.
12 And it -- it really helps us keep the record straight --

13 COMMISSIONER CHRIS ELLIOTT: Sure.

14 MR. RON CINK: -- and our tax abatements,
15 because GASB is requiring pretty detailed information on
16 tax abatements. So it provides the link in the --

17 COMMISSIONER CHRIS ELLIOTT: Yes.

18 MR. RON CINK: -- in the recordkeeping.

19 COMMISSIONER CHRIS ELLIOTT: Got you.

20 Consent, Mr. Chairman.

21 COMMISSIONER TUCKER DORSEY: What did they give
22 away? Did they do a ten (10) year?

23 MR. RON CINK: I don't know what they -- I
24 didn't even look at how far they --

25 COMMISSIONER TUCKER DORSEY: Ten (10).

26 MR. RON CINK: -- they took it.

27 COMMISSIONER TUCKER DORSEY: Ten years (10).

28 There it is.

1 MR. RON CINK: Yes, sir.

2 CHAIRMAN FRANK BURT: All right.

3

4 **R-1 - RESOLUTION #2018-092 OF THE BALDWIN COUNTY COMMISSION - ACT**

5 **NO. 90-449 (FIRE TAX) - PERDIDO VOLUNTEER FIRE DEPARTMENT -**

6 **APPROVAL OF USE OF FIRE TAX PROCEEDS**

7 MR. RON CINK: All right. The next item there
8 is one addenda that came in. And this deals with the
9 Perdido Volunteer Fire Department.

10 This is the -- a request from them to use the fire
11 tax proceeds. This -- volunteer fire departments make
12 this request to buy equipment, buy property, and so forth
13 and so on.

14 In essence, this is the authorization of the County
15 Commission to say that they will continue the levy of
16 said tax. This is -- and the volunteer fire department
17 will go out into a debt instrument with this.

18 COMMISSIONER CHRIS ELLIOTT: Okay.

19 MR. RON CINK: Okay.

20 CHAIRMAN FRANK BURT: All right. Next.

21 MR. RON CINK: That's all I have. Where's
22 my -- the lawyer didn't make it?

23 MR. JOEY NUNNALLY: I did see David walk in.

24 CHAIRMAN FRANK BURT: Who?

25 MR. JOEY NUNNALLY: David Conner was supposed
26 to be here.

27 CHAIRMAN FRANK BURT: Well, you told him 9:30,
28 didn't you?

1 MR. RON CINK: No, sir. 9:15.

2 CHAIRMAN FRANK BURT: Oh, 9:15. Lee Lawson was
3 9:30; right?

4 MR. RON CINK: Lee's here. He's just waiting
5 on my text.

6 CHAIRMAN FRANK BURT: Oh, okay.

7 COMMISSIONER CHRIS ELLIOTT: Well, let's get
8 Lee then.

9 MR. JOEY NUNNALLY: Is David out there with
10 him?

11 MR. RON CINK: That I -- I don't know, Joey.

12

13 (Attorney David Conner joined the Work Session.)

14

15 MR. JOEY NUNNALLY: I think they're ready for
16 you.

17 He's walking in.

18 CHAIRMAN FRANK BURT: We're six minutes ahead
19 of schedule; right?

20 MR. RON CINK: Hit that one pretty close,
21 didn't I?

22 CHAIRMAN FRANK BURT: Very good, actually.

23 COMMISSIONER CHRIS ELLIOTT: Got some ED stuff,
24 and I don't know what David's got.

25 COMMISSIONER TUCKER DORSEY: What is the
26 executive session about?

27 COMMISSIONER CHRIS ELLIOTT: Megasite, I
28 believe.

S - PUBLIC COMMENTS

CHAIRMAN FRANK BURT: In the meantime, any public comments?

(No response.)

CHAIRMAN FRANK BURT: Might be some, though, after they get here. We'll wait on them, when Lee gets in, if that's all right.

How about we just take about a seven- or eight-minute break, until he can assemble his troops?

COMMISSIONER CHRIS ELLIOTT: That sounds good to me.

COMMISSIONER TUCKER DORSEY: Whatever you want to do.

CHAIRMAN FRANK BURT: That's what we'll do.

(A recess was taken at 9:12 a.m.)

(The Work Session resumed at 9:23 a.m.)

CHAIRMAN FRANK BURT: Looks like they're just chewing the fat. We ready to go to work?

COMMISSIONER CHRIS ELLIOTT: Yep.

COMMISSIONER TUCKER DORSEY: Whenever you are.

CHAIRMAN FRANK BURT: All right. We're about -- about ready. Chitchat is over. Nine minutes have gone. We're back in session.

All right. Back to Mr. Cink.

MR. RON CINK: Yes, sir, Mr. Chairman.

T - PRESS QUESTIONS

CHAIRMAN FRANK BURT: Well, he'll leave, but he won't leave until we go into executive session, or he may have questions.

MR. HAL SCHEURICH: I don't have any questions right now.

MR. CLIFF MCCOLLUM: I just always stick around to hear David do the -- the call for executive session.

CHAIRMAN FRANK BURT: That's why -- that's why --

MR. HAL SCHEURICH: Y'all don't mind if I leave a wireless microphone on the table, do you?

CHAIRMAN FRANK BURT: Sometimes you --

MR. CLIFF MCCOLLUM: They do mind. I did that one time.

CHAIRMAN FRANK BURT: Sometimes you might make a mistake, and we might act on it. And you would be the only one ever caught that lie.

MR. HAL SCHEURICH: Oh, okay. Well, I'll just go ahead and leave on out. See you in a second.

CHAIRMAN FRANK BURT: After a look like you just gave him, I believe I would have left, too.

R-2 - REQUEST FOR EXECUTIVE SESSION

ATTORNEY DAVID CONNER: All right, Mr. Chairman. We ready to go?

CHAIRMAN FRANK BURT: You got it.

ATTORNEY DAVID CONNER: I make a recommendation

1 we go int executive session in accordance with Alabama
2 Code Section 36-25A7(a)(1) to discuss the general
3 reputation and character, physical condition,
4 professional competence, or mental health of individuals,
5 or subject to the limitations setout herein to discuss
6 the job performance of certain public employees.

7 Also, to discuss, in Section 3, the legal
8 ramifications of and legal options for pending
9 litigation, controversies not yet being litigated but
10 eminently likely to be litigated, or eminently likely to
11 be litigated if the governmental body pursues a proposed
12 course of action.

13 Also, to discuss, in accordance with Section 6, the
14 consideration the governmental body is willing to offer
15 or accept in the purchase, sale, exchange, lease, or
16 market value of real property.

17 And also to discuss preliminary negotiations
18 involving matters of trade or commerce in which the
19 governmental body is in competition with other
20 individuals or governmental agencies.

21 Mr. Chairman, Lee Lawson will make the declaration
22 for us regarding that matter.

23 MR. LEE LAWSON: All right. My name is Lee
24 Lawson. I'm President of the Baldwin County Economic
25 Development Alliance.

26 I do make the declaration that David just stated,
27 that the discussions that we will have in executive
28 session would have a detrimental affect upon the

1 competitive position of a party to the negotiations or
2 upon the location of a business entity in the area served
3 by the governmental body if disclosed outside of
4 executive session.

5 ATTORNEY DAVID CONNER: How much time do you
6 think you'll need?

7 MR. LEE LAWSON: Thirty (30) minutes.

8 ATTORNEY DAVID CONNER: Okay. It is
9 anticipated the executive session will last approximately
10 thirty-five (35) minutes. There will be no action to be
11 taken, obviously, and since you -- you have the option to
12 adjourn the meeting from the executive session. I make
13 the oral declaration the discussion is also appropriate
14 for executive session.

15 COMMISSIONER CHRIS ELLIOTT: Mr. Chairman, I
16 move we enter into executive session for the purpose
17 stated by counsel and Mr. Lawson. Executive session will
18 last approximately thirty (30) minutes, and adjourn from
19 the executive session.

20 CHAIRMAN FRANK BURT: Motion by Commissioner
21 Elliott.

22 COMMISSIONER CHRIS ELLIOTT: Oh, thirty-five
23 (35)?

24 ATTORNEY DAVID CONNER: She has one item.

25 MS. KIM CREECH: I have one item, five (5)
26 minutes.

27 COMMISSIONER TUCKER DORSEY: I'm glad to do it,
28 but I did have some Commissioner comments to clear the

1 record before we did that.

2 COMMISSIONER CHRIS ELLIOTT: Oh, I'm sorry.

3 COMMISSIONER TUCKER DORSEY: I'll second the
4 motion, if you'll just throw me in for discussion.

5 CHAIRMAN FRANK BURT: Well, let's just drop the
6 motion and go ahead with Commission comments.

7

8 **U - COMMISSIONER COMMENTS**

9 COMMISSIONER TUCKER DORSEY: All right. Just
10 real quick, I want to talk about the 68 situation with
11 Patterson Construction and the pond up there. I don't
12 know that we're going to solve the problem, but I just
13 want to clear the record up.

14 We talked about this in work session in February
15 with regards to the damages that were being created up
16 there. We -- we -- I'm on the record saying I want to
17 keep up with the cost of it. I want them to be
18 accountable to whatever they -- we think they're
19 responsible for.

20 We have historically done that in the past.
21 Certainly, when we had Wal-Mart going in, in Robertsedale,
22 County Road 48 got destroyed. We used our leverage to
23 require them to fix the road.

24 Interesting thing about that Wal-Mart project was
25 Bill Patterson was the one that wanted us to keep
26 Wal-Mart accountable for that road being done. But when
27 it's him doing the road project up on 68, then all of a
28 sudden, it's, you know -- it's turned into instead of us

1 being -- trying to not use taxpayer dollars to repair one
2 person's damage to our roads, it's turned into me
3 being -- me misusing my authority at the County
4 Commission to send him a bill, which I find that he's not
5 going to pay his bill.

6 That's fine. But I just want to make sure we all
7 agree it's -- Tucker didn't tell you to send him a bill,
8 that we are trying to keep our roads square.

9 Y'all had to do the work, because we ran into the
10 safety issue. It was in the time that he had given us to
11 do that repair and that you sent a bill, and he's not
12 going to pay it.

13 That's fine. But I think that we have done our job
14 to make him accountable to what we -- to what y'all
15 decided he was responsible for. I just wanted to clear
16 the record up on that, because it's not me doing it all
17 by myself.

18 CHAIRMAN FRANK BURT: Sure. And I want that
19 cleared up, too. And, now, based on that statement, then
20 do we need to -- You sent him a bill?

21 MR. JOEY NUNNALLY: I've already sent him a
22 bill, yes, sir.

23 CHAIRMAN FRANK BURT: And he -- I -- I think --
24 Don't you think that ought to be on the Commission, for
25 the full Commission to either -- he's -- because he's --
26 he's not paid a bill, then you've got to figure how
27 you're going -- are you going to pursue that, or are you
28 just going to let staff -- I'm saying you. I'm asking

1 you legally.

2 ATTORNEY DAVID CONNER: And that's what I'm
3 fixing to tell you. I have spoken to Joey and
4 Commissioner Dorsey about this. I have a conflict of
5 interest in firm has -- has represented Mr. Patterson.
6 So I encouraged Joey to contact Brad Hicks, as conflict
7 counsel, if we need to do that.

8 I can say as a historical matter, that is not an
9 isolated incident. Wall-Mart was mentioned. There are
10 other instances where it relates to subdivision bonds and
11 other things where you-all have taken action to correct
12 damage to property.

13 And so I -- I think what you ought to do is have
14 Joey contact Brad to speak to him about that. And then
15 if you-all wish to pursue that matter, then, yes, it
16 would need to be an action of the County Commission.

17 CHAIRMAN FRANK BURT: But we took a formal
18 action to do that?

19 ATTORNEY DAVID CONNER: That's correct.

20 CHAIRMAN FRANK BURT: In this case, you just
21 sent a bill. So he could come back before the Commission
22 and say, I've sent a bill. It's not been paid. Do you
23 want to take some formal action?

24 ATTORNEY DAVID CONNER: That's correct.

25 CHAIRMAN FRANK BURT: I'm just asking you about
26 the logic in that.

27 ATTORNEY DAVID CONNER: Yes, sir. I -- I -- I
28 think that would be appropriate. And I mentioned to Joey

1 about calling Brad to help with that transaction, however
2 y'all want to proceed with it.

3 In the Wal-Mart case, we put them on notice. They
4 had problems and issues.

5 CHAIRMAN FRANK BURT: Right.

6 ATTORNEY DAVID CONNER: Short of us coming and
7 taking action, they agreed in writing that they would
8 repair after certain instances. So we came forward a
9 formal agreement.

10 CHAIRMAN FRANK BURT: Right.

11 ATTORNEY DAVID CONNER: Time, place, when,
12 amount, and who was going to do it.

13 CHAIRMAN FRANK BURT: I remember.

14 ATTORNEY DAVID CONNER: So that may be the
15 result of the negotiations here, or you may take some
16 other action. But I mentioned to Joey about calling Brad
17 to help with that, because of my conflict.

18 CHAIRMAN FRANK BURT: Sure. And I was one of
19 the ones that was getting a lot of complaints about the
20 road.

21 ATTORNEY DAVID CONNER: Yes, sir.

22 CHAIRMAN FRANK BURT: And all of us were, I
23 suppose.

24 ATTORNEY DAVID CONNER: Yes, sir.

25 CHAIRMAN FRANK BURT: And so we -- In this
26 case, you know --

27 ATTORNEY DAVID CONNER: I can think of
28 another --

1 CHAIRMAN FRANK BURT -- the facts are the facts.

2 ATTORNEY DAVID CONNER: I can think of another
3 example, Mr. Chairman, where we had a -- this was off
4 225. And it's been a while. But there was a road, and
5 at the end of the road was a dirt pit. It turned out
6 that there were ruts being cut in the road.

7 We began to take action about that. Now, we decided
8 differently at the end because of the age of the road and
9 the damage. And it was on -- it was on to be repaved
10 anyway, on schedule.

11 So that was one where y'all looked at it and
12 decided, well, we're going to repave it anyway. But I
13 just -- I just make that comment to let you -- to say
14 that this is not an isolated thing. The County has done
15 this numerous times to address damage to roads.

16 CHAIRMAN FRANK BURT: So then --

17 COMMISSIONER TUCKER DORSEY: Every license
18 agreement, every right-of-way permit, all that stuff, all
19 those guys are responsible for what they're responsible
20 for.

21 It's forty-two hundred dollars (\$4,200) or something
22 of that nature. I don't remember what the amount was.
23 But I just want to clear the record up as much as
24 anything. If we want to make a formal request, I'd just
25 as soon us do it in a formal -- in a regular meeting to
26 do it.

27 I just wanted to clear the record up today because
28 I'm getting my brains beat in on Facebook for being

1 everything but a good Christian, and I --

2 CHAIRMAN FRANK BURT: You --

3 COMMISSIONER TUCKER DORSEY: That's not how --

4 CHAIRMAN FRANK BURT: You want something on the
5 agenda -- I would -- on the agenda for Tuesday to where
6 we can publically talk about pursuing that? I mean, I
7 have no problem --

8 COMMISSIONER TUCKER DORSEY: I'll take whatever
9 you give me --

10 CHAIRMAN FRANK BURT: -- with putting it on the
11 agenda. Our staff and -- and our attorney, you know --
12 But you can't advise us, you said.

13 ATTORNEY DAVID CONNER: Yeah. That would be
14 Brad Hicks.

15 CHAIRMAN FRANK BURT: You know, if it was an
16 unknown name, then you'd advise us.

17 MR. JOEY NUNNALLY: I'll reach out to Brad and
18 make sure he can be there on Tuesday.

19 CHAIRMAN FRANK BURT: Or would you rather reach
20 out to Patterson and say that, you know, that Commission
21 is willing to consider this in public. Now, do you want
22 us to talk about it in public and say, you know -- Has he
23 responded to you and said, I'm not going to pay it?

24 MR. JOEY NUNNALLY: I don't think I've ever
25 gotten an e-mail or anything from him saying he was not
26 going to pay. He has said that he doesn't feel that he
27 is responsible. He said there were other people using
28 the road. He feels like he's being singled out, is kind

1 of how he put it. But I don't think he's ever flat out
2 denied not paying the bill.

3 CHAIRMAN FRANK BURT: Well, then --

4 MS. KIM CREECH: You can --

5 CHAIRMAN FRANK BURT: Kim is Finance.

6 MS. KIM CREECH: You can give him a 30-day from
7 date you issued the invoice. And then, at that point,
8 you can carry it to the -- have the lawyer issue, you
9 know, a demand letter. You know, you're at least giving
10 them due diligence. You're giving them 30-day -- 30 days
11 to pay.

12 MR. JOEY NUNNALLY: And -- and I think that's
13 probably the proper action. Now, I don't -- it's
14 probably not been 30 days, so it may be a little
15 premature for the -- for the Commission to take action,
16 given that 30-day timeframe.

17 And, again, it's forty-two hundred dollars (\$4,200).
18 At some point, I don't know, are we chasing -- are we
19 chasing a rabbit that's not going to payoff a lot in the
20 end. So, we have to --

21 CHAIRMAN FRANK BURT: Well, it's going to cost
22 you -- it might cost you five thousand dollars (\$5,000)
23 to get a lawyer --

24 MR. JOEY NUNNALLY: Exactly.

25 CHAIRMAN FRANK BURT: -- and pursue it.

26 MR. JOEY NUNNALLY: Exactly.

27 CHAIRMAN FRANK BURT: And y'all's staff time
28 and that. But at some point, somebody's got to make a

1 decision. Since we have a fiduciary responsibility,
2 then -- And I can understand Commissioner Dorsey, if he's
3 being -- his name's defamed or whatever. He don't like
4 it. And I don't blame him. I don't look at Facebook.

5 COMMISSIONER CHRIS ELLIOTT: It's clearly
6 Commission action, the way everything is. See if Brad
7 can come and talk to us about it at a Commission meeting.
8 And we can determine whether or not it's reasonable to
9 take action at that point or not given the amount.

10 MR. JOEY NUNNALLY: At this Commission meeting,
11 or wait until the 30 days expires and the following
12 meeting?

13 CHAIRMAN FRANK BURT: It's no problem for me.

14 COMMISSIONER CHRIS ELLIOTT: Give them the
15 30 days, and then we'll --

16 MR. JOEY NUNNALLY: I think that's proper.

17 MS. KIM CREECH: Have him come to the next work
18 session. That'll be right there at 30 days.

19 MR. JOEY NUNNALLY: Right.

20 COMMISSIONER CHRIS ELLIOTT: That would be
21 fine, if he wants to talk about it.

22 MR. JOEY NUNNALLY: Okay.

23 COMMISSIONER CHRIS ELLIOTT: Or he can pay it.

24 MR. JOEY NUNNALLY: All right.

25 CHAIRMAN FRANK BURT: Or he doesn't have to
26 show up.

27 COMMISSIONER CHRIS ELLIOTT: Okay.

28 CHAIRMAN FRANK BURT: But, now, he -- I've not

1 known Bill very long. I was introduced to him recently,
2 but -- or he introduced himself to me, I think.

3 But -- but I don't know how to say this, since it's
4 in the record. But he has a reputation for working hard,
5 doing a lot of things. He's a big contractor in the
6 county, I think. I believe, by your statement, he does a
7 lot of work, probably one of the largest contractors in
8 dirt moving and all that, site preps and whatever.

9 And, you know, I would have just thought you could
10 have pursued it and Kim could have pursued it or
11 something and gotten the bill paid. If it was -- thought
12 it was too much, or if he just didn't think he ought to
13 pay anything or whatever it was, and talk it through.

14 But since you sent the bill, now you're stick with
15 it and got to live by it. But conversation don't ever
16 hurt. Our President just went over there and met the
17 rocket man, little rocket man.

18 Anyway, I just -- I'd like to talk, myself, a little
19 bit. But whatever -- I -- I'll leave, myself, me
20 personally as one, in y'all's hands to pursue it like you
21 want.

22 And, Ron, you're part of administration, too. So
23 the three of y'all need to do it. But I certainly can
24 understand Commissioner Dorsey's point.

25 COMMISSIONER TUCKER DORSEY: Thank you. I
26 appreciate that.

27

28 R-2 - REQUEST FOR EXECUTIVE SESSION (REVISITED)

1 MR. LEE LAWSON: Do I need to make the call
2 again?

3 ATTORNEY DAVID CONNER: No. The call has
4 been --

5 COMMISSIONER CHRIS ELLIOTT: We've got a motion
6 and a second.

7 CHAIRMAN FRANK BURT: The call has been made.

8 ATTORNEY DAVID CONNER: We have the motion and
9 a second.

10 CHAIRMAN FRANK BURT: He made a motion.

11 COMMISSIONER TUCKER DORSEY: I'll second.

12 CHAIRMAN FRANK BURT: And now he seconds it.
13 And all those in favor, say aye.

14 (Commissioners say "aye" in unison.)

15 CHAIRMAN FRANK BURT: Going into executive
16 session.

17
18 (The Work Session recessed into Executive Session at 9:37 a.m.)
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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

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