

PROCEEDINGS HELD BEFORE THE

BALDWIN COUNTY COMMISSION

(Work Session)

Tuesday, August 28, 2018

The following proceedings were held on this the 28th day of August, 2018, at the Fairhope Satellite Courthouse, Conference Room, 1100 Fairhope Avenue, Fairhope, 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

Charles F. "Skip" Gruber

ALSO PRESENT:

Ron Cink, County Administrator, Administration

Department/Director, Budget/Purchasing

Department

Kim Creech, Clerk/Treasurer, Finance/Accounting

Department

Celena Boykin, Planner, Planning and Zoning

Department

Huey "Hoss" Mack, Sheriff

Mike Job, Assistant Director, CIS Department

David Conner, County Attorney

Chandra Middleton, Assistant Director, Baldwin

Regional Area Transit System (BRATS)

Commissioner-Elect Jeb Ball

Billie Jo Underwood

Joe Davis

Homer Coffman

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**

COMMISSION CHAIRMAN FRANK BURT: Susan tells me it's 8:30. And we want to thank you and welcome you to this 28th day of August work session of the Baldwin County Commission. If you'd join me, please, in prayer. And Commissioner Gruber will lead us in the Pledge.

(Commission Chairman Frank Burt led in prayer.)

(The Pledge of Allegiance was recited.)

COMMISSION CHAIRMAN FRANK BURT: And I got tied up with the CIS Director about 6:30 this morning. And in my efforts to hurry and get out of there, I left my laptop. But Joey's been kind enough to loan me this one.

I can't find the clock on it, Joey. But we're on time. Susan says she'll keep me straight.

Commissioner Elliott is unable to be here this morning. We'll miss him. But he has other business he needs to attend.

We'll carry on now, Ron. It's yours.

MR. RON CINK: Yes, sir.

A-1 - INMATE FOOD ALLOWANCE AND BALDWIN COUNTY SHERIFF'S OFFICE**FOOD BILL FUND**

MR. RON CINK: Good morning, Mr. Chairman, Commissioners. The first item on the agenda is

1 discussion regarding the inmate food allowance and
2 Baldwin County Sheriff's food bill fund.

3 Sheriff Mack.

4 SHERIFF HUEY "HOSS" MACK: Thank you,
5 Mr. Chairman. I appreciate the opportunity to be here
6 today. And more on the lines to give you an update on
7 the food bill situation that we've had and -- and just to
8 kind of discuss with you a little bit a plan of action
9 from here.

10 First of all, I think we probably just ought to let
11 Gloria oversee the cafeteria and the jail. I think the
12 inmates would be happy. I know they would gain a lot of
13 weight.

14 COMMISSION CHAIRMAN FRANK BURT: The population
15 would go up, too.

16 SHERIFF HUEY "HOSS" MACK: That's right. The
17 cost of operations would go up. I'd eat breakfast there
18 every day.

19 The -- just -- and I did send a letter to
20 Commissioner Burt and to the other Commissioners. I
21 won't go back over that letter in detail.

22 But just to give you a brief synopsis, of course,
23 the most recent discussion in inmate food bill started
24 back in 2017, when we had a group out of Atlanta, Georgia
25 called The Southern Center for Human Rights, they
26 basically filed an open records request in the Hale
27 County Court against the Sheriff up there and attempted
28 to adjoin the other sixty-six (66) sheriffs in the state

1 on an open records request that amounted to how the money
2 was being used that was being allocated to the sheriffs
3 for the feeding of inmates in each of the county jails.

4 I'll fast forward up to just this past July, July
5 2018. That case has been dismissed out of the Hale
6 County Court. There was several things -- And Mr. Conner
7 can probably do a better job than I can.

8 But basically it was dismissed based upon procedural
9 error and the way that the case was actually filed and
10 some other things.

11 And it was dismissed without prejudice. So
12 essentially it can be re-filed again. And I think if
13 they do try to file anything, it will be filed in the
14 individual counties as it relates to the feeding of the
15 inmates and how that money is being used. We have not
16 received any notice of that, but we know that that's a
17 possibility.

18 Governor Ivey has taken two steps recently to try to
19 work with this food bill situation in the state. I agree
20 with what she -- her idea and how to amend it. There has
21 been some question, however, whether or not she actually
22 has the direct authority, through an executive order, to
23 amend a legislative act.

24 Because of that, I feel that there may be some
25 corrective action that may actually have to take place in
26 the legislature.

27 This past week we met with your association, your
28 Executive Director Sonny Brasfield, as well as the

1 attorney and the Governmental Affairs Representative for
2 the Alabama County Commission Association.

3 Now, in doing that -- This is why I wanted to bring
4 this to your attention. Essentially, as you know, there
5 are only three ways that the food bill situation in the
6 state can be altered.

7 If the premises of it is, is to where no sheriff can
8 personally claim that money as personal income at the end
9 of the year or at the end of their term, one is by the
10 Governor can take action.

11 The Governor -- Actually, because these are
12 considered state inmates -- None of these are charged
13 with a crime against Baldwin County. They're charged
14 with crimes against the State of Alabama. They are
15 State.

16 So the Governor can actually exercise her authority
17 and direct the Department of Corrections to provide the
18 food for all the feeding of the inmates.

19 I -- I think this is not going to happen. The
20 Department of Corrections is struggling right now with
21 their own prison facilities without trying to provide
22 food to sixty-seven (67) jails in the State of Alabama.

23 Option Number 2, which has existed since the 1960s
24 in a legislation that happened then, is the County
25 Commission, through a resolution, can opt to take over
26 the responsibility for the feeding of the inmates in the
27 county jail.

28 That can be done through your local resolution. And

1 that would be that you would oversee the purchase and the
2 procurement of all the food for the jail that would go to
3 the inmates.

4 Option Number 3 is what we're somewhat discussing
5 right now; and that is, to amend the two statutes that
6 pertain to the ways that the money is allocated by the
7 State of Alabama for feeding of the inmates are handled.

8 I have never taken personal income from the food
9 bill account. I believe that that legislation does need
10 to be amended. I do not think it is right for a sheriff
11 to take that money as personal income.

12 However, we're dealing with a post-Depression law
13 that was back when you could feed an inmate for five
14 cents (\$.05) a meal. And now it's costing us roughly in
15 the neighborhood of about a dollar fifteen (\$1.15) to a
16 dollar thirty (\$1.30) per meal, is what we look at on an
17 average.

18 Today, we've got six hundred and forty (640)
19 inmates. If you do the math, that's nineteen hundred
20 (1,900) meals a day, over eleven thousand (11,000) meals
21 a week that we are preparing in our facility.

22 Last year we sent almost six hundred thousand
23 dollars (\$600,000) on the feeding of inmates. And that
24 was on the cost of food. That does not take into account
25 the various labor costs and things like that that are
26 associated.

27 Currently we do conform with all the guidelines,
28 both Federal and State, for the feeding of inmates. We

1 have a dietary plan. Our plan is approved by a
2 registered dietitian. It's a thirty (30) day rotation
3 menu. It has offered, in essence, about twenty (20)
4 different meal plans within that menu.

5 And, of course, those meal plans are dictated by
6 medical reasons. For instance, if we have a diabetic, if
7 we have a cardiac patient, if we have a substance abuse
8 issue, if we have an AIDS patient, all of those have
9 different menus and are based upon caloric and
10 carbohydrate intakes that has to be prescribed by our
11 physician.

12 Currently we contract our food service out with
13 Aramark Industries. They have a contract to provide the
14 food and the food prep. Actually, the people that are
15 doing the cooking in the kitchen are employees of
16 Aramark. They're not employees of ours.

17 We provide roughly about thirty (30) inmate workers
18 that help deliver those almost two thousand (2,000) meals
19 a day. Also, we currently provide the meals for the
20 Juvenile Detention Center. We have a MOU to prepare
21 those meal and help provide those.

22 So we anticipate more meetings with ACCA coming up
23 in the coming months. We're going to work with the
24 County Commission Association on drafting some
25 legislation.

26 And the premise of the legislation is going to be
27 that any monies allocated by the State of Alabama for the
28 feeding of inmates will be used solely for the feeding of

1 inmates, that that money cannot be claimed as personal
2 income.

3 The reason we have to have that is under an Attorney
4 General's opinion, under an opinion by the Department of
5 Examiners and Accounts, and under an opinion by the
6 Alabama State Comptrollers, since I have been sheriff, I
7 have been 1099'ed and have to pay personal income tax on
8 a portion of that money, which we call the nickel
9 account. I did not want to do that. I was found in an
10 audit in 2008 and was told that we had to take that
11 money.

12 We did take the money in. We kept in a separate
13 fund, and we used it for various distributions that
14 related to the jail, related to charitable, related to
15 functions that was -- we had to use. But I've been
16 having to pay tax, personal tax, on that money every
17 year.

18 We feel that the Governor's action and what she has
19 done does not relieve us of that burden. It simply says
20 how that money -- But because of the wording of that
21 statute, there's been three Attorney General's
22 opinions -- three Attorney General's opinions on this
23 issue, and, no surprise, all three disagree with each
24 other in that.

25 But if you look at the statute, in one statute it
26 says "sheriff's office." I think that's clear. The
27 second statute only has the word "sheriff." It doesn't
28 say "office."

1 And I think there was -- some of the legal opinions
2 that have come up is because of that. It's saying it
3 addresses the individual as sheriff, not the office of
4 sheriff. And that's one of the things we hope to clear
5 up.

6 So what I bring before you is just an update. We
7 are doing well. We're managing it. One of the things
8 that will change -- And we already -- we've complied with
9 the open records request, we have told them -- In fact,
10 we have actually had two media entities that have visited
11 our facility and have looked at different aspects of our
12 feeding of inmates. We've actually had one private
13 entity that has come.

14 If they want to come and look at our books, they can
15 come and look at our books. But I'm not taking our book
16 to Atlanta, Georgia. They have to come here. The
17 Alabama Open Records Act simply says that I have to make
18 available. It doesn't say that I have to accommodate.

19 And so we're open to that. And what I would ask the
20 Commission is if you want to exercise your right to take
21 over the feeding of the inmates, through resolution, then
22 that's one way we can proceed; and if not, then I will
23 proceed jointly with the ACCA and our Legislative
24 Delegation to pursue corrective legislation to amend
25 this.

26 Hopefully -- I think this needs to be done statewide
27 through a constitutional amendment. However, if that
28 were to stonewall and not happen, then our backup plan is

1 to go with local legislation and try to at least
2 accommodate what we're doing here in Baldwin County, if
3 we can't get this passed statewide.

4 COMMISSIONER TUCKER DORSEY: Hoss, I love you
5 personally. I love the job you do as our sheriff. We
6 ain't feeding your folks.

7 COMMISSIONER CHARLES "SKIP" GRUBER: Nope. No,
8 no, no, no, no, and double no, no.

9 COMMISSIONER TUCKER DORSEY: I moved the
10 resolution forward to ACCA last week that we are not --
11 that the County should not do that.

12 You are the sheriff. They're your inmates that
13 you've got to take care of. I want you to feed them.

14 It's the same thing as if Eddie Tyler came in here
15 and asked us to start feeding the kids at school. That
16 isn't our job.

17 So I appreciate the way you handle it. And I
18 appreciate your integrity and your character. I would
19 like for you to help be a leader in crafting that
20 legislation to get this fixed across the state so that
21 you can do your job and the County can do its job.

22 COMMISSIONER CHARLES "SKIP" GRUBER: You know,
23 I don't -- I'm -- I'm the same way. We don't need to be
24 feeding inmates. You know, that's not -- that's not part
25 of our role. I know some other Counties feel different.
26 But, you know, let them have it. Baldwin County is not
27 going to do it.

28 COMMISSION CHAIRMAN FRANK BURT: A long way

1 back, probably when this legislation -- I remember Taylor
2 Wilkins was sheriff. And people killed deer, or if a
3 deer got killed on the side of the road, that was part of
4 the meals. And they'd -- because they'd bring them by.

5 And so many things -- One fellow used to catch a lot
6 of mullet and bring them up there, and they'd feed them.
7 That's all changed. It all has.

8 SHERIFF HUEY "HOSS" MACK: Sure.

9 COMMISSION CHAIRMAN FRANK BURT: And, Sheriff,
10 you've done a super job with it. The only thing I see
11 is it says the staff's recommendation. And you -- we've
12 got three options, you said.

13 But I can't see -- Ron, is there an item in here
14 that we'll act on or have the opportunity to act on
15 Tuesday? All I see is discussion.

16 SHERIFF HUEY "HOSS" MACK: Yeah. I think it's
17 just discussion, unless you choose to exercise your right
18 for a resolution.

19 As I said, I just -- I wanted to be able -- that I
20 have to go to the delegation, if we're going to pursue
21 the legislation, and say, look, we've pursued Option 1.
22 We've pursued Option 2. We've got to go with Option 3.
23 And --

24 COMMISSION CHAIRMAN FRANK BURT: Well, could
25 we --

26 SHERIFF HUEY "HOSS" MACK: -- we need to do
27 that.

28 COMMISSION CHAIRMAN FRANK BURT: -- prepare an

1 agenda item that stated specifically that? And -- and if
2 you don't mind, if you'd come and make a presentation for
3 those who watch. Perhaps it'll get to Facebook and all
4 these other places, and people will understand.

5 They read about it, hear about in the other
6 counties, sheriff in Mobile a few years back. It's just
7 been a thorn in the side.

8 But ever since you transitioned from -- from Sheriff
9 Johnson before, that was just as smooth as it could be,
10 was all sorts of, I believe, legal documents prepared.

11 SHERIFF HUEY "HOSS" MACK: Yes, sir.

12 COMMISSION CHAIRMAN FRANK BURT: And you've
13 managed and done so well.

14 I -- I just don't see how on earth they can charge
15 you as income but -- on your income tax. But I guess if
16 they do, and -- I don't know if you pay Social Security
17 or any of that on it, but some way there's got to be an
18 offset there in your taxes so you don't really have to
19 pay anything.

20 SHERIFF HUEY "HOSS" MACK: That's why it has to
21 be cleared up. Because a CPA does not always agree with
22 a lawyer.

23 COMMISSION CHAIRMAN FRANK BURT: Right.

24 SHERIFF HUEY "HOSS" MACK: And they don't
25 always agree with the IRS. And -- and so there's all
26 these different -- and -- and there's gray area there,
27 because there's two different laws on the books. There's
28 three different Attorney General opinions. There's

1 actually an Alabama Supreme Court opinion that goes back
2 to the 1970s.

3 And with that information, some of which is contrary
4 to each other, I feel like the only way to resolve this
5 is through the Legislature and basically rewrite the law
6 so that it is specific and it protects -- Because
7 these -- you know, these are public funds.

8 COMMISSION CHAIRMAN FRANK BURT: Right.

9 SHERIFF HUEY "HOSS" MACK: This is money
10 that's --

11 COMMISSION CHAIRMAN FRANK BURT: Right.

12 SHERIFF HUEY "HOSS" MACK: -- coming from the
13 State of Alabama. It is public funds, and it need to be
14 handled as such.

15 COMMISSION CHAIRMAN FRANK BURT: Right.

16 SHERIFF HUEY "HOSS" MACK: And what we do do,
17 just so you'll know, since I've been sheriff, if we do
18 have a surplus -- And some years I think we've had as
19 much as a two hundred thousand dollar (\$200,000) surplus
20 in money. There has been those years that we've had
21 deficit as much as sixty thousand dollars (\$60,000).

22 But what we do is each year we close the books out.
23 We run those books on a calendar year. But we close the
24 feeding of the inmates out. And then if there's any left
25 over or if there's any deficit, then we take care of that
26 with our next money.

27 We keep the account separate. We have a food bill
28 account. It's kept in a separate account. We have to

1 line item that out. Because we house municipal inmates.
2 You cannot use municipal money to feed a county inmate.
3 So we have to keep that separate.

4 We also have our Federal inmates. And it's because
5 of our Federal housing contract that we have, number one,
6 that helped us build the tower --

7 COMMISSION CHAIRMAN FRANK BURT: Amen.

8 SHERIFF HUEY "HOSS" MACK: -- years ago to the
9 tune of fifteen million dollars (\$15,000,000).

10 COMMISSION CHAIRMAN FRANK BURT: Yes.

11 SHERIFF HUEY "HOSS" MACK: And then also that
12 helps offset the operations of the Corrections Center
13 anytime that we do have a deficit. And that's the way
14 we're able to keep going. But we do roll that money over
15 from year to year.

16 MS. BILLIE JO UNDERWOOD: What benefit would it
17 be for the County Commission to do this? Are you saying
18 that there's money left over from time to time, and it
19 would help offset some of the costs of operating the jail
20 facilities?

21 SHERIFF HUEY "HOSS" MACK: You could -- you
22 could use -- The money's restricted. So it can only be
23 used -- there's a portion of the money that you can only
24 buy food with.

25 MS. BILLIE JO UNDERWOOD: Okay.

26 SHERIFF HUEY "HOSS" MACK: Then there is a
27 portion of the money that's -- the rest of the money
28 that's restricted has to be used for the operation of the

1 jail.

2 So there are those years that there is a surplus;
3 okay? However, if there is ever a deficit, then you
4 would have to pull it out of general fund to take care of
5 that deficit. And you would have to make up that
6 difference.

7 How I do it, as sheriff, is I pull from my different
8 discretionary funds, one of which is my Federal housing
9 contract, that I'm able then to offset that deficit.

10 So the plus side is, yes, there are some years that
11 we do have a surplus, but then there are also those years
12 that we have a deficit and we have to make that up.

13 COMMISSIONER CHARLES "SKIP" GRUBER: Your
14 population has a lot -- is a big factor on what -- what
15 it costs you --

16 SHERIFF HUEY "HOSS" MACK: Absolutely. And, of
17 course --

18 COMMISSIONER CHARLES "SKIP" GRUBER: -- and
19 what you get back.

20 SHERIFF HUEY "HOSS" MACK: And what really has
21 made the difference -- And it's pretty much now a
22 balanced budget, and I'll tell you why.

23 Up until three years ago, we fed the inmates
24 ourselves. So all the employees worked for me. And we
25 bought the food directly.

26 We essentially bought the food through three
27 different distributors. You had a dairy distributor,
28 which is your eggs, your milk, things of that nature. We

1 had a meat distributor, and then we had basically a bread
2 distributor.

3 We used the -- actually, the County Board of
4 Education's dietitian was the one -- we used the same
5 dietitian. They signed off on that. And so we were
6 buying from companies and doing that.

7 When we went with Aramark, because Aramark is one of
8 the largest food services in the United States -- in
9 fact, they actually, I think, provide food to the
10 majority of the universities and colleges in Alabama.

11 Through their bulk buying, not only did our overall
12 price come down from what we were spending on food, but
13 because they managed the inventory so much -- I mean,
14 that's their business. They're in the cafeteria
15 business. So we didn't have spoilage.

16 We were having issues. We might have four hundred
17 (400) pounds of something that might go out of date
18 before we were able to use it.

19 MS. BILLIE JO UNDERWOOD: You can budget your
20 amounts better.

21 SHERIFF HUEY "HOSS" MACK: Right. And so what
22 we've seen is consistently -- Last year we spent five
23 hundred and eighty-nine thousand dollars (\$589,000) on
24 food. This year so far we've spend about five hundred
25 and forty-five (\$545,000).

26 So we're going to be up just a little bit this year,
27 but our population has really gone up this year. A year
28 ago today, we were averaging about five hundred (500) to

1 five hundred ten (510) in jail a day. Today I've got six
2 thirty (630). So the cost is going up consistently with
3 our inmate population.

4 COMMISSION CHAIRMAN FRANK BURT: I think
5 it's -- my opinion, it's perfect the way it is. And
6 whatever documents, Ron and counsel, that needs to be
7 prepared that will assure the public and the Sheriff that
8 he's got an agreement with the County Commission.

9 ATTORNEY DAVID CONNER: Mr. Chairman, I think
10 what I've heard y'all say is that y'all would support
11 Sheriff Mack taking the lead for a statewide amendment.

12 COMMISSIONER CHARLES "SKIP" GRUBER: Oh, yeah.

13 ATTORNEY DAVID CONNER: So if you'd like for us
14 to draft a resolution in support of that effort, we could
15 certainly do that. But other than that, I don't think
16 there's any other action that would need to be taken --

17 MR. RON CINK: Right.

18 ATTORNEY DAVID CONNER: -- at this time. So if
19 you'd like me to prepare a resolution in support of that
20 effort, we can do that for you.

21 SHERIFF HUEY "HOSS" MACK: And we are
22 working -- I'm currently working -- I'm a past president
23 of the ASA, and I'm one of the directors. And I am
24 working. There's about seven of us sheriffs in the
25 state. In fact, we're meeting Friday.

26 So we've kind of taken this on. And we're
27 working -- Because whatever we do, we want to work it in
28 conjunction with the County Commissions --

1 COMMISSION CHAIRMAN FRANK BURT: Right.

2 SHERIFF HUEY "HOSS" MACK: -- Association
3 because of --

4 COMMISSION CHAIRMAN FRANK BURT: Right.

5 SHERIFF HUEY "HOSS" MACK: -- because of our
6 insurances. You know, I mean, we're married to each
7 other. I mean, you know, we've got to work it together.
8 And so we're going to be working with the ACCA council
9 and Governmental Affairs as well.

10 MS. BILLIE JO UNDERWOOD: How many of the
11 sheriffs actually take those funds?

12 SHERIFF HUEY "HOSS" MACK: Forty-eight (48). I
13 believe there's forty-eight (48). You have sixty-eight
14 (68) in the state. Of the sixty-eight (68), about seven
15 (7) of those sheriffs, the County Commission has taken
16 over the feeding of the inmates.

17 The County Commissions handle that; Mobile, Shelby,
18 maybe Russell. Those were actually taken over by
19 resolution to the County Commissions. But about
20 forty-eight (48) sheriffs currently handle it.

21 And what Commissioner Burt said -- And this is the
22 change in dynamic. He's right. It used to be -- For
23 instance, we used to could take food donations. But now
24 with all the health -- We're inspected by the Health
25 Department. We're classified as a restaurant. So we
26 we're -- we're -- we have to get a health certificate
27 every month --

28 COMMISSION CHAIRMAN FRANK BURT: Right.

1 SHERIFF HUEY "HOSS" MACK: -- by the -- the --
2 the Baldwin County Department of Health. And so we're
3 inspected.

4 So we no longer can take donated food. We can't
5 take a deer, or we can't take vegetables or anything like
6 that. Everything now has to be inspected and properly
7 done, just as if you were to go to a restaurant here in
8 Fairhope. It's the same food under the same guidelines
9 you're going to get.

10 And I -- I expect we'll have -- Of course, with the
11 current legal situation we have, I think we have two
12 sheriffs that are still undergoing some legal questions
13 as to how they took the money.

14 The fact that -- What's always been in question is
15 it's legal for them to take the money, but it's how they
16 took the money.

17 For instance, one of sheriff took the money and
18 never claimed it as personal income. And he got on a tax
19 situation, because you have to pay tax on any money that
20 you take.

21 MS. BILLIE JO UNDERWOOD: Who issues the 1099,
22 the State or --

23 SHERIFF HUEY "HOSS" MACK: Alabama Department
24 of Finance.

25 MS. BILLIE JO UNDERWOOD: Okay.

26 SHERIFF HUEY "HOSS" MACK: Alabama Department
27 of Finance. And that's why that account, up until the
28 Governor's order on the nickel account, was listed under

1 my Social Security number. But now it's listed under our
2 Tax ID Number with the Sheriff's Office.

3 MS. BILLIE JO UNDERWOOD: Okay. So you're
4 taxed on it now?

5 SHERIFF HUEY "HOSS" MACK: Not since July, July
6 the 10th.

7 COMMISSION CHAIRMAN FRANK BURT: Sheriff, do
8 you want to go ahead and move on something Tuesday, or do
9 you want to wait a little while and let them get an
10 agenda item --

11 MR. RON CINK: Your call.

12 COMMISSION CHAIRMAN FRANK BURT: -- that meets
13 your -- your request?

14 SHERIFF HUEY "HOSS" MACK: I mean, I -- we --
15 we will probably have something within the next -- you
16 know, we want to pre-file this bill. And so our hope is
17 to have something in the next four to six weeks. And so
18 if -- And if y'all are not going to take a resolution to
19 take it over --

20 COMMISSIONER CHARLES "SKIP" GRUBER: No, sir.

21 SHERIFF HUEY "HOSS" MACK: -- then I can just
22 come back whenever we have a form of legislation that
23 we're going to proceed with and come to you at that time,
24 ask -- and bring that to you at that time, if that's what
25 you wish.

26 COMMISSION CHAIRMAN FRANK BURT: We can pass
27 one saying we're not going to take it over, Sheriff.
28 That might be best.

1 COMMISSIONER CHARLES "SKIP" GRUBER: Thank you,
2 but no thank you.

3 MR. JOE DAVIS: If it ain't broke, don't --

4 COMMISSION CHAIRMAN FRANK BURT: If you want to
5 postpone it --

6 MR. JOE DAVIS: If --

7 COMMISSION CHAIRMAN FRANK BURT: Go ahead, Joe.

8 MR. JOE DAVIS: No. What I was saying is the
9 situations where County Commissions have taken it on, in
10 my opinion and what I've read about it, is where there
11 has been less than a professional way of handling things.

12 There is no question in my mind or the citizens of
13 this county --

14 COMMISSION CHAIRMAN FRANK BURT: Right.

15 MR. JOE DAVIS: -- that you handle it as well
16 as anybody. And I think if it would help you move this
17 forward, for there to be a resolution, you just tell us
18 when. And I guess I'm speaking for all of us --

19 COMMISSIONER CHARLES "SKIP" GRUBER: Oh, yeah.

20 COMMISSION CHAIRMAN FRANK BURT: Yes.

21 MR. JOE DAVIS: Yeah. If it's not broken, we
22 don't need to mess with it.

23 SHERIFF HUEY "HOSS" MACK: And one -- one
24 thing -- And I know a question comes, well, why -- you
25 know, another question is why wouldn't you? If -- if the
26 County Commission takes it over, it falls under the bid
27 law --

28 COMMISSIONER CHARLES "SKIP" GRUBER: Uh-huh.

1 (Indicates affirmatively.)

2 MR. RON CINK: Yeah.

3 SHERIFF HUEY "HOSS" MACK: -- and you have to
4 bid it out. Now, that doesn't hurt us. Because when we
5 went with Aramark, we bid it out. So we -- we conformed.
6 Even though we don't have to, we conformed with the
7 Alabama bid law.

8 But where it's going to hurt is those sheriffs --
9 And, once again, we're talking about something statewide,
10 not just Baldwin County.

11 Of those sheriffs that have those jails that are
12 fifty (50) and seventy-five (75), well, you're not going
13 to get a company like an Aramark come in and put a bid in
14 on something that small. And so if they were having to
15 conform to the bid law, their prices would to go up.

16 COMMISSIONER CHARLES "SKIP" GRUBER: Uh-huh.
17 (Indicates affirmatively.)

18 SHERIFF HUEY "HOSS" MACK: They would go
19 extremely up, because they -- We still have sheriffs that
20 buy their food from Wal-Mart in the state and buy it from
21 Sam's, just so they can try to get the -- the cheaper
22 price.

23 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah, but
24 they're -- those are small, small, small.

25 SHERIFF HUEY "HOSS" MACK: They are. But keep
26 in mind, the average jail in the State of Alabama is only
27 about fifty (50) inmates. We're the anomaly, you know,
28 with six hundred and fifty (650). But, once again, in

1 the statewide legislation, what passes for me passes for
2 them, too.

3 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah.

4 MS. BILLIE JO UNDERWOOD: Do you see this
5 happening statewide, or do you think it's going to have
6 to be Baldwin County specific?

7 SHERIFF HUEY "HOSS" MACK: I think it's got the
8 best chance, because this is the first governor in
9 twenty-five (25) years that's been willing to take it on.

10 Once again, I a little bit disagree with her
11 process, but I think her idea is sound. And I do think,
12 you know -- I do feel like it's going to -- I -- I think
13 it will make it through the House. We've had good
14 discussions in the House.

15 The issue is going be to in the Senate. Hopefully
16 we'll get a little help in the Senate this time around.
17 And so, you know, I feel like we stand a good chance of
18 getting a statewide amendment, and because of the most
19 recent, you know, publicity and everything else. I think
20 if we've ever had an opportunity to amend it --

21 MR. JOE DAVIS: This is the time.

22 SHERIFF HUEY "HOSS" MACK: -- it's going to be
23 in the '19 session.

24 COMMISSION CHAIRMAN FRANK BURT: You want this
25 on the agenda Tuesday, Sheriff, or wait two weeks until
26 the next one or --

27 SHERIFF HUEY "HOSS" MACK: I'm -- I'm -- if you
28 want to wait until I have that other legislation, I'm

1 fine to do that. It's whatever you prefer.

2 COMMISSIONER CHARLES "SKIP" GRUBER: I think
3 it's best to wait.

4 COMMISSION CHAIRMAN FRANK BURT: Commission --

5 SHERIFF HUEY "HOSS" MACK: Do you want to
6 postpone it?

7 COMMISSION CHAIRMAN FRANK BURT: Postpone it
8 until you get the legislation drafted, and then we can --

9 COMMISSIONER CHARLES "SKIP" GRUBER: We can do
10 that.

11 COMMISSION CHAIRMAN FRANK BURT: -- do it all
12 at once.

13 MR. RON CINK: In the meantime, we'll work on
14 the resolution in support of.

15 SHERIFF HUEY "HOSS" MACK: And I'll keep you
16 updated on that, and I'll let you the status of it.

17 COMMISSION CHAIRMAN FRANK BURT: We appreciate
18 what you do, Sheriff, in many ways. Thank you. And
19 thank you for coming this morning.

20

21 **B-1 - COMPETITIVE BID #WG18-28A - PROVISION OF BAG ICE FOR THE**

22 **BALDWIN COUNTY COMMISSION**

23 COMMISSION CHAIRMAN FRANK BURT: Next, Ron.

24 MR. RON CINK: Yes, sir. Budget and
25 Purchasing, Ms. Wanda Gautney.

26 MS. WANDA GAUTNEY: Good morning.

27 MR. JOE DAVIS: Good morning.

28 MS. WANDA GAUTNEY: The first item I have is

1 Competitive Bid WG18-28A, provisions of bagged ice.

2 This bid was due to open on August the 9th at 1:30.
3 I did not receive any bids. I'm asking the Commission to
4 authorize me to rebid. This would be the bid that we use
5 for disasters for ice.

6 COMMISSIONER CHARLES "SKIP" GRUBER: Consent is
7 fine with me, if you go back out for bids.

8 COMMISSION CHAIRMAN FRANK BURT: Okay. All
9 right. Consent.

10 COMMISSIONER TUCKER DORSEY: If I may, if we're
11 going to do Consent -- Consent is a courtesy, not to go
12 through every item on a formal Tuesday. If we put a
13 Consent item on the agenda and we agree to do that, can
14 we please have the same agenda item that we talked about?

15 MR. RON CINK: Which one are you referring to?

16 COMMISSIONER TUCKER DORSEY: Adding a road to
17 the list last week.

18 MR. RON CINK: Yes, sir.

19 COMMISSIONER TUCKER DORSEY: Thank you.

20 COMMISSION CHAIRMAN FRANK BURT: Well, and that
21 was just done as an amendment, as a late request, and not
22 something that commonly happens. And that wasn't on the
23 Consent agenda.

24 COMMISSIONER TUCKER DORSEY: It was.

25 COMMISSION CHAIRMAN FRANK BURT: It was a
26 separate --

27 COMMISSIONER TUCKER DORSEY: No, sir. You
28 added it as a Consent agenda. You and the Administrator

1 put it on as a Consent agenda item without any
2 notification letting anybody know until you were sitting
3 at the table and said, oh, we added a road.

4 That's not the way we do things. It's a courtesy.
5 If we want to do them all line by line, we can be here
6 all day on Tuesday.

7 COMMISSION CHAIRMAN FRANK BURT: We have done
8 that in the past, too, Commissioner Dorsey.

9 And I hope these next couple months -- I -- you
10 got -- personalities are getting into the middle of it.

11 And if it offended you in some way, then I'll
12 publicly apologize for it. It's not a common thing. It
13 was an addendum with that on there.

14 And if they forgot -- didn't take it off the Consent
15 item -- It came as an addendum. Joey prepared it and at
16 my request. And it -- and it failed. And that -- that
17 was fine with me.

18 It was just an opportunity to bring it on at the
19 request of an individual. And we did. The Commission
20 voted not to do it. And that's fine with me.

21 But we can move on, Ron, to the next one. That's
22 Consent. And we -- we don't change any item unless we
23 bring it up as an amendment, don't you, Ron, on --

24 MR. RON CINK: An addenda.

25 COMMISSION CHAIRMAN FRANK BURT: That's the way
26 I always see them. And they come back through. This
27 item is amended. And you get a hardcopy of it right
28 there. And if you don't want to pass the amended part --

1 It certainly shouldn't have been on the Consent agenda
2 after we had that, but, anyway --

3 COMMISSIONER TUCKER DORSEY: That's my --

4 COMMISSION CHAIRMAN FRANK BURT: That's all --

5 COMMISSIONER TUCKER DORSEY: That's all my
6 point is, Commissioner.

7 COMMISSION CHAIRMAN FRANK BURT: That was an
8 error on my part. And I apologize if it offended you.

9 But, Commissioner Dorsey, I hope we're not going to
10 go through every meeting -- And we have only a few left
11 before we transition into other -- the new Commissioners
12 are coming on.

13 Lord knows I pray for them, that it'll be a good
14 group moving on. All four of you are right here this
15 morning that I hope will be there. And I fully support
16 all of you in every way and will be helpful in every way
17 that I possibly can.

18 But I certainly won't be -- be around making
19 suggestions for how y'all ought to do something. But
20 thank you for that.

21

22 **B-2 - COMPETITIVE BID #WG18-37 - PROVISION OF CLOSED TOP**
23 **RECYCLING ROLL OFF CONTAINERS FOR THE BALDWIN COUNTY COMMISSION**

24 COMMISSION CHAIRMAN FRANK BURT: Ron, what's
25 the next item on the agenda?

26 MR. RON CINK: Wanda.

27 MS. WANDA GAUTNEY: Next item is Competitive
28 Bid WG18-37, provisions of closed-top recycling roll-off

containers. This is an annual bid, and it's just to place on the agenda for approval.

COMMISSIONER TUCKER DORSEY: Other, please.

COMMISSIONER CHARLES "SKIP" GRUBER: Other Staff.

B-3 - COMPETITIVE BID #WG18-38 - PROVISION OF ALTERNATE DAILY COVER MATERIAL FOR THE BALDWIN COUNTY COMMISSION

COMMISSION CHAIRMAN FRANK BURT: Next.

MS. WANDA GAUTNEY: Next item is Competitive Bid WG18-38, provisions of alternate daily cover material. This is an annual bid just to place on the agenda for approval.

COMMISSIONER TUCKER DORSEY: Good here.

COMMISSIONER CHARLES "SKIP" GRUBER: Consent.

COMMISSION CHAIRMAN FRANK BURT: Consent then, Wanda.

B-4 - COMPETITIVE BID #WG18-39 - ANNUAL RENTAL OF PORTABLE TOILETS FOR THE BALDWIN COUNTY COMMISSION

COMMISSION CHAIRMAN FRANK BURT: Ron.

MS. WANDA GAUTNEY: Next item is Competitive Bid WG18-39, annual rental of portable toilets. This is an annual bid just to place on the agenda for approval.

COMMISSIONER TUCKER DORSEY: Good here.

COMMISSION CHAIRMAN FRANK BURT: Consent.

COMMISSIONER CHARLES "SKIP" GRUBER: Consent.

COMMISSION CHAIRMAN FRANK BURT: Next.

B-5 - COMPETITIVE BID #WG18-40 - PROVISION OF BITUMINOUS**MATERIALS FOR THE BALDWIN COUNTY COMMISSION**

MS. WANDA GAUTNEY: Next item is Competitive Bid WG18-40, provisions of bituminous materials. This is an annual bid just to place on the agenda for approval.

COMMISSIONER CHARLES "SKIP" GRUBER: Consent.

COMMISSIONER TUCKER DORSEY: Good here.

B-6 - COMPETITIVE BID #WG18-41 - PROVISION OF LABOR AND EQUIPMENT**FOR ASPHALT PLACEMENT FOR THE BALDWIN COUNTY COMMISSION**

MS. WANDA GAUTNEY: Next item is Competitive Bid WG18-31, provisions of labor and equipment for asphalt placement. This is an annual bid, and it's just to place on the agenda for approval.

COMMISSIONER TUCKER DORSEY: Good here.

B-7 - RENOVATIONS OF THE COURT REPORTER'S OFFICE FOR COURTROOM #1**AREA IN THE BALDWIN COUNTY COURTHOUSE**

MS. WANDA GAUTNEY: Okay. The last item I have is renovations of the court reporter's office for the Courtroom 1 area in the Bay Minette Courthouse.

This is to approve the quote from G. M. Stuart, Inc., in the amount of fourteen thousand dollars (\$14,000) for the renovations for Judge Scott's area -- Scott Taylor, I'm sorry -- the area for his court reporter in the courthouse.

It's removing two walls and making a storage room and a waiting area, one big office area so she'll have

1 room to setup in her area there.

2 COMMISSIONER TUCKER DORSEY: Is this coming out
3 of Junius, Ron?

4 MR. RON CINK: Yes, sir.

5 COMMISSIONER TUCKER DORSEY: Got it? Nothing
6 to amend financially?

7 MR. RON CINK: (Indicates affirmatively.)

8 COMMISSIONER TUCKER DORSEY: Good here.

9 Consent.

10 COMMISSION CHAIRMAN FRANK BURT: Consent?

11 COMMISSIONER CHARLES "SKIP" GRUBER: Consent.

12 MR. RON CINK: Commissioners, it's just a
13 little, small renovation there. Judge Taylor has -- this
14 was an office that had some -- some wiring equipment that
15 CIS had. It can be walled off. And it -- it gives his
16 drug court personnel more room to operate right off his
17 chambers.

18 COMMISSION CHAIRMAN FRANK BURT: That was
19 Consent, Wanda.

20 COMMISSIONER CHARLES "SKIP" GRUBER: Yep.

21 COMMISSION CHAIRMAN FRANK BURT: Next.

22 MS. WANDA GAUTNEY: Okay. That's all I have.
23 Thank you.

24 COMMISSION CHAIRMAN FRANK BURT: Thank you for
25 coming, Wanda. And thank you for what you do every day.
26 You do a good job --

27 MS. WANDA GAUTNEY: Thank you.

28 COMMISSION CHAIRMAN FRANK BURT -- in my

1 opinion.

2
3 **B-8 - APPROPRIATION AGREEMENT ALIGNED TO THE BALDWIN COUNTY**

4 **FISCAL YEAR 2017-2018 COUNTY BUDGET**

5 COMMISSION CHAIRMAN FRANK BURT: Next.

6 COMMISSIONER CHARLES "SKIP" GRUBER: Wasn't
7 there a B-8?

8 MR. RON CINK: Yes, sir.

9 COMMISSIONER CHARLES "SKIP" GRUBER: Is that
10 you?

11 MR. RON CINK: Yes, sir.

12 COMMISSIONER CHARLES "SKIP" GRUBER: Okay.
13 Okay. All right.

14 MR. RON CINK: This relates to an agreement
15 that you guys passed in budget. In the past, the
16 agreement between the MR/DD and the County Commission and
17 the Department of Mental Health used to have a memo
18 required from the Department of Mental Health.

19 In years past -- in a couple years past, we amended
20 this contract to make it a tri-party agreement. And I've
21 got to fall on my sword here. We -- this one slipped by
22 us in the appropriations for last year.

23 And this is just to clean that up. It's the same
24 amount. It's been budgeted the entire year. And you
25 have another one coming for next year.

26 COMMISSION CHAIRMAN FRANK BURT: Commissioners?

27 COMMISSIONER TUCKER DORSEY: Good here.

28 COMMISSIONER CHARLES "SKIP" GRUBER: Consent.

1 COMMISSION CHAIRMAN FRANK BURT: Consent, Ron.

2

3 **C-1 - DRAINAGE EASEMENT AT NAVAL OUTLYING FIELD (NOLF) BARIN**

4 COMMISSION CHAIRMAN FRANK BURT: Next.

5 MR. RON CINK: Thank you, Commissioners. Next
6 item is Mr. Joey Nunnally.

7 MR. JOEY NUNNALLY: Good morning.

8 COMMISSION CHAIRMAN FRANK BURT: Morning.

9 MS. BILLIE JO UNDERWOOD: Good morning.

10 COMMISSIONER CHARLES "SKIP" GRUBER: Good
11 morning.

12 MR. JOEY NUNNALLY: First one we have up is
13 going to be the drainage easement for the NOLF Barin
14 Field.

15 This is going to be the drainage issue we've been
16 working on now for a little over a year. We have --
17 we're making progress on this. We have gotten permission
18 from the Navy to move forward with this drainage easement
19 to create the retention pond.

20 If you see the big yellow -- We're going to have
21 access from Barin Field Road here and access over on this
22 side as well to this.

23 So we're moving forward. They have -- the Navy is
24 really working well with us now. The -- the legal
25 description has already been sent to them. They have
26 approved it and sent back attached to an easement that is
27 with -- that actually we got like yesterday.

28 That has been forwarded to Mr. Conner for his legal

1 review. So we're going through that now. Just as soon
2 as we get his blessing and get the tweaks worked out,
3 obviously, we'll move forward, with y'all's approval, for
4 this drainage easement.

5 At that point, we'll be able to really start digging
6 the pond. Now, once the water leaves this pond -- Let me
7 get my pointer out here.

8 So water -- water's coming in from -- from a lot of
9 different directions into the pond. This is a big
10 subdivision, Sunrise Subdivision, that's got all the
11 issues going on.

12 When it releases, it releases and goes down to this
13 ditch here, flows down another drainage easement into a
14 retention pond here. Once it relieves -- leaves -- that
15 pond, there's another drainage easement that's here. But
16 it's only like fifteen (15) feet, and it only goes back
17 two hundred (200) foot. And it just plays out to
18 No Man's Land.

19 So we're in the process now of acquiring some
20 right-of-way here to get it down to the creek bottom.
21 So -- so we'll be able to -- so this easement that's in
22 front of you today will give us the rights to get on here
23 and start digging a pond. But we do have a little bit
24 more work on the downstream side to get this water where
25 it needs to go.

26 COMMISSIONER TUCKER DORSEY: Our discussions in
27 this the whole time, Sunrise has been involved in this.
28 Their property owners association has had the obligation

1 to clean up their pond and fix their stuff that's owned
2 by the association. Have they done -- have they done
3 their part?

4 MR. JOEY NUNNALLY: They have not cleaned their
5 pond. I did have a meeting with Mr. Utterback
6 (phonetic), who is the president of POA. He's -- he's
7 fully aware of that, that we're not going to do anything
8 to that pond.

9 One of the issues of that pond is not only the fact
10 that it's very crowded and has never been maintained and
11 has got trees growing up in it like this (indicating),
12 there is no outlet structure to that pond. It just
13 overflows and goes out into the street. So we're
14 addressing that as well.

15 COMMISSIONER TUCKER DORSEY: From -- requesting
16 them to manage it?

17 MR. JOEY NUNNALLY: Yeah.

18 COMMISSIONER TUCKER DORSEY: Because if -- I
19 mean, we're doing all this work right here, spending a
20 lot of money. If it's not working in conjunction with
21 what we're expecting downstream, then we just might as
22 well quit doing that and let it stay the way that it is.

23 MR. JOEY NUNNALLY: Exactly.

24 COMMISSIONER TUCKER DORSEY: So you've got
25 to -- you've got to put demands on Sunrise to do -- to
26 fulfil their obligations.

27 MR. JOEY NUNNALLY: Absolutely. That's exactly
28 what I told --

1 COMMISSIONER TUCKER DORSEY: Because probably
2 sitting there waiting, thinking that the County is just
3 going to come in there and do it. And that's -- that's
4 not our job.

5 MR. JOEY NUNNALLY: No. I told him this was
6 private property. We were not going to touch that pond,
7 and we're not going to build that outlet structure for
8 them. That that's up to them.

9 COMMISSIONER CHARLES "SKIP" GRUBER: I spoke
10 with him also. And -- and I think a lot the stuff, he
11 was trying to see what -- what was going to happen over
12 here.

13 You know, because they don't want to dig this thing
14 out and then all of a sudden they get a big load of silt
15 and -- and -- and fill it back up.

16 And he said whenever we got started, he was going to
17 get started, you know, cleaning that out, getting the
18 trees out of it, getting the dirt out of it. You know
19 what I mean?

20 COMMISSIONER TUCKER DORSEY: They've been
21 saying that for six or eight years.

22 COMMISSIONER CHARLES "SKIP" GRUBER: I know. I
23 know. But, you know, all I do is, you know, go by what
24 his word says, you know.

25 MR. JOEY NUNNALLY: He did tell me the last
26 meeting that he had, he went out and got a quote from
27 somebody. And it came in to be like fifteen (\$15,000) or
28 twenty thousand dollars (\$20,000) to clean that pond out.

1 The POA didn't have that kind of money.

2 I said that sounded a little high to me. I said,
3 how many quotes did you get? He said he got one quote.
4 And I said, you need to go out and get a few more quotes.

5 COMMISSION CHAIRMAN FRANK BURT: Joey, are you
6 planning on doing this work before they fix the pond? I
7 mean, it --

8 MR. JOEY NUNNALLY: Yes, sir. We are planning
9 on getting this easement worked out on this downstream
10 side before we start putting water into this pond. We
11 have to.

12 COMMISSION CHAIRMAN FRANK BURT: And you're
13 going to get out there on the ground and work and do that
14 before he fixes the pond?

15 MR. JOEY NUNNALLY: Yes, sir. Yes, sir. That
16 easement is going to have to be constructed to get this
17 water where it needs to go. If we start putting water
18 into this, we're going to -- we're going to not do any
19 good downstream.

20 COMMISSION CHAIRMAN FRANK BURT: Okay.

21 MR. JOEY NUNNALLY: We've got -- we've got to
22 make sure this water gets to where it needs to go safely.

23 COMMISSION CHAIRMAN FRANK BURT: But even if we
24 do this, then there's no assurance that the POA will
25 actually get in there and -- and -- and clean that out.
26 We don't have a legal agreement with them or anything.

27 ATTORNEY DAVID CONNER: Not at this moment. I
28 haven't heard that.

1 COMMISSION CHAIRMAN FRANK BURT: Do you plan on
2 getting one, or would it be advisable, Counsel, not to
3 get one?

4 ATTORNEY DAVID CONNER: If we can get them to
5 agree to a timeframe that they're going to do that work,
6 that would be great.

7 COMMISSION CHAIRMAN FRANK BURT: That makes
8 good business sense to me.

9 ATTORNEY DAVID CONNER: And I do have a
10 question. I think Commissioner Dorsey and Commissioner
11 Burt are going down that road.

12 When we do this detention pond, are we going to
13 increase the flow going downstream, or is it going to be
14 the same or less?

15 MR. JOEY NUNNALLY: That -- the -- the -- the
16 rate is going to be less.

17 ATTORNEY DAVID CONNER: Okay.

18 MR. JOEY NUNNALLY: The rate is going to be
19 less. We -- we're not doing any more than the -- The
20 water that's coming to them now is not going to change.
21 We're just slowing it down and retaining it and letting
22 it release a little slower.

23 COMMISSIONER TUCKER DORSEY: It will be a
24 benefit downstream, but it's got to be -- it's got to
25 work in conjunction with Sunrise. Because you're not
26 trying to keep from drowning Sunrise. You're trying to
27 keep from drowning the people down towards Sand Creek.

28 COMMISSION CHAIRMAN FRANK BURT: Right.

1 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah.

2 COMMISSIONER TUCKER DORSEY: And those have to
3 work together to make that happen.

4 ATTORNEY DAVID CONNER: I just -- I just --
5 from a -- from a standpoint -- Let's just say, for
6 example, they just never did their part. It'd be nice
7 for us to be able to certify that, yeah, we created this
8 pond, but we didn't increase any flow going down, because
9 it's still their fault.

10 You know, we don't want to do anything that -- that
11 would open us up that way if we can help it.

12 COMMISSIONER CHARLES "SKIP" GRUBER: It's going
13 to be --

14 MR. JOEY NUNNALLY: It won't increase any flow.

15 COMMISSIONER CHARLES "SKIP" GRUBER: It will
16 probably release at a whole lot less rate.

17 MR. JOEY NUNNALLY: That's correct.

18 MR. JOE DAVIS: And an MOU stating that --
19 Because POA's, we all know, that leader has one point of
20 view. But there could be a change in leader at that POA.
21 We don't want them to use us sending --

22 MR. JOEY NUNNALLY: That's right.

23 MR. JOE DAVIS: -- water in a better way, not
24 more water, but in a better way -- as an excuse for
25 expecting us to get on private property. That's not
26 going to happen.

27 But if we have an MOU between the existing
28 leadership and our people, then that protects us, I

1 think, down the road.

2 ATTORNEY DAVID CONNER: I think we ought to try
3 for that. And that's what y'all have identified as a
4 problem that we all know.

5 All these associations take on all these common
6 areas. And they collect enough dues, basically, to cut
7 the grass. And they don't prepare for any long-term
8 maintenance. They don't think about detention ponds.
9 And then when the time comes, it's an expensive fix.

10 So if y'all want to try to move that way toward an
11 agreement, we certainly can try that.

12 COMMISSION CHAIRMAN FRANK BURT: That would be
13 my preference. I mean, we need an agreement. We need
14 something in writing. Still, when you get it in writing,
15 it don't always mean something, does it, Joe?

16 MR. JOE DAVIS: That's right.

17 ATTORNEY DAVID CONNER: The assets of the
18 association are probably common areas and detention
19 pond --

20 COMMISSION CHAIRMAN FRANK BURT: Right.

21 ATTORNEY DAVID CONNER: -- that's overflowed, a
22 little park.

23 COMMISSION CHAIRMAN FRANK BURT: Right. So you
24 want to just hold this off but talk about it at the
25 Commission meeting in the public? It certainly shouldn't
26 be on the --

27 COMMISSIONER CHARLES "SKIP" GRUBER: No,
28 Mr. Chairman. I'd like for us to go ahead and get this

1 done. Because I think we need to submit this to the
2 Navy; correct? That's what we're trying to do?

3 MR. JOEY NUNNALLY: We're in a pretty tight
4 timeframe from the Navy's standpoint. We would like to
5 move forward with this --

6 COMMISSION CHAIRMAN FRANK BURT: Okay.

7 MR. JOEY NUNNALLY: -- just -- just for the
8 easement. We won't start any construction until we get
9 the details worked out with the POA.

10 COMMISSION CHAIRMAN FRANK BURT: That -- that
11 was what I was --

12 MR. JOEY NUNNALLY: Yes, sir.

13 COMMISSION CHAIRMAN FRANK BURT: -- referring
14 to. I misstated it. My question want not well prepared.

15 COMMISSIONER CHARLES "SKIP" GRUBER: There's
16 been a lot -- there's been a lot of time and effort put
17 into trying to get this on track --

18 MR. JOEY NUNNALLY: A ton.

19 COMMISSIONER CHARLES "SKIP" GRUBER: -- and a
20 lot of time, what, almost a year and a half almost now?

21 MR. JOEY NUNNALLY: Yes.

22 COMMISSION CHAIRMAN FRANK BURT: Okay.

23 COMMISSIONER-ELECT JEB BALL: Joey, they're
24 just -- they're just talking about hurrying you on the
25 easement part; they're not talking about hurrying you on
26 the construction part, are they?

27 MR. JOEY NUNNALLY: Correct.

28 COMMISSIONER-ELECT JEB BALL: All right.

1 MR. JOEY NUNNALLY: And -- and -- and it has
2 something to do with their funding. They have -- they
3 have -- the funding they have got set aside for this is
4 going to go away if we don't go ahead and get this
5 submitted and get it approved and get that money
6 allocated.

7 COMMISSION CHAIRMAN FRANK BURT: You want that
8 on the Consent agenda, or had you rather talk about it in
9 the meeting? I think it'd be a good idea, because we've
10 got so many retention ponds that POA's aren't -- aren't
11 maintaining. And it's causing lots of problems.

12 ATTORNEY DAVID CONNER: You could use it as a
13 time to educate the public --

14 COMMISSION CHAIRMAN FRANK BURT: Yeah.

15 ATTORNEY DAVID CONNER: -- again about their
16 responsibilities.

17 COMMISSION CHAIRMAN FRANK BURT: Yes.

18 MR. JOEY NUNNALLY: Yeah, okay.

19 COMMISSION CHAIRMAN FRANK BURT: Let's do it as
20 Other. You've got some others?

21 COMMISSIONER CHARLES "SKIP" GRUBER:
22 Presentation.

23

24 C-2 - REVISION OF BALDWIN COUNTY COMMISSION POLICY #9.11 -
25 LICENSE AGREEMENT BETWEEN BALDWIN COUNTY AND
26 CITIZENS/CORPORATIONS FOR WORK ON COUNTY RIGHT-OF-WAYS

27 MR. JOEY NUNNALLY: Okay. Item C-2 is going to
28 be the revision of Baldwin County Policy 9.11, which is

1 the license agreement between Baldwin County and
2 citizens, slash, corporations for work on County
3 right-of-ways.

4 Seth and I got to talking about this last week.
5 This policy is basically when somebody comes to us for a
6 license agreement, we notify the adjoining landowners.

7 The timeframe that was set forth in that policy
8 basically is no time -- in time for the actual Commission
9 meeting. I told Seth it would be good if we could just
10 back that up and notify them in time of the actual work
11 session, that it would be discussed in the meeting.

12 It gives the citizens a little more time. It gives
13 a little better environment to vet things out. So that's
14 just a simple change.

15 COMMISSION CHAIRMAN FRANK BURT: Commissioners?

16 COMMISSIONER CHARLES "SKIP" GRUBER: Consent.

17 COMMISSIONER TUCKER DORSEY: Good here.

18 COMMISSION CHAIRMAN FRANK BURT: Okay.

19 MR. JOEY NUNNALLY: That's it for me.

20 COMMISSION CHAIRMAN FRANK BURT: No addendum.

21 All right. Thanks.

22
23 **G-1 - CASE NO. Z-18038 - GODBOLD PROPERTY REZONING**

24 COMMISSION CHAIRMAN FRANK BURT: Ron.

25 MR. RON CINK: Yes, sir. Planning and Zoning,
26 please.

27 COMMISSION CHAIRMAN FRANK BURT: Good morning.

28 MS. CELENA BOYKIN: Good morning. This is a

1 request to re-zone a lot over -- well, almost thirty
2 (30) acres located in Planning District 21. It's on
3 the -- south of County Road 12 and just east of Sherman
4 Road.

5 The subject property is currently RA. The applicant
6 is asking that it be zoned to RSF-3, because the
7 applicant would like to finish adding on to the Hawthorn
8 Subdivision.

9 The subject property is currently zoned RA. It's
10 surrounded by RA zoning. There is also some RSF-2
11 zoning. This is the first part of Hawthorn, and they
12 want to extend it, so they're asking for RSF-3.

13 There's no RSF-3 in the area right there, but these
14 subdivisions right here were previously approved before
15 Planning District 21 became zoned. And they were zoned
16 RSF-2. But there's many lots in those two subdivisions
17 that have the RSF-3 lot requirements.

18 So staff has recommended approval. And the Planning
19 Commission recommended approval at their August meeting.
20 And I believe they have submitted their subdivision to
21 Seth, and he's reviewing it right now.

22 COMMISSIONER TUCKER DORSEY: Seth, you got some
23 serious drainageways coming through that south end of the
24 property. It needs to be -- make sure that it's right.

25 MR. SETH PETERSON: Understood.

26 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah.

27 COMMISSIONER-ELECT JEB BALL: Was there any
28 opposition to that at the meeting?

1 MS. CELENA BOYKIN: Yes. There was a couple
2 people that got up and talked. Mostly -- I think there
3 was one that had concerns with drainage.

4 And there was also a lady that has a farm down here
5 with cows. And kids trespassing from the subdivision was
6 her concern, coming to her field.

7 COMMISSIONER CHARLES "SKIP" GRUBER: I think
8 she lived off that -- she lived off that Norris Lane, if
9 I'm not mistaken, that lady did.

10 I noticed on the -- the plat that they had
11 submitted, they're going to bring it down coming off
12 Lockridge.

13 MS. CELENA BOYKIN: Yes.

14 COMMISSIONER CHARLES "SKIP" GRUBER: But they
15 also want to cut through to Sherman Road. There's a --

16 MS. CELENA BOYKIN: There's an opening.

17 COMMISSIONER CHARLES "SKIP" GRUBER: --
18 place -- yeah. There's a -- there's a thing there. But
19 then they've got to go across the common area. And
20 they're going to have to go across the other part where
21 it says the 40 at, you know, that long, skinny piece.
22 That's -- they're going to have to go across that, too.
23 So and I don't know. Is that -- is that long, skinny
24 piece, was that left out for --

25 MS. CELENA BOYKIN: That --

26 COMMISSIONER CHARLES "SKIP" GRUBER: --
27 drainage or --

28 MS. CELENA BOYKIN: Yes. That was a --

1 COMMISSIONER CHARLES "SKIP" GRUBER: -- is that
2 all detention?

3 MS. CELENA BOYKIN: -- common area.

4 COMMISSIONER CHARLES "SKIP" GRUBER: That's all
5 common area and detention down there.

6 MS. CELENA BOYKIN: They decided to leave it
7 out of the re-zoning. But I think they just submitted
8 this part right here to Seth, didn't they?

9 MR. SETH PETERSON: That's correct.

10 COMMISSIONER CHARLES "SKIP" GRUBER: What about
11 the long part? What are they doing with the long part?
12 Is that part of their drainage area?

13 MR. SETH PETERSON: I believe there's an
14 easement on the east side of that long area.

15 COMMISSIONER CHARLES "SKIP" GRUBER: Uh-huh.
16 (Indicates affirmatively.)

17 MR. SETH PETERSON: But that long area could be
18 a future phase of the subdivision.

19 COMMISSIONER CHARLES "SKIP" GRUBER: Future
20 phase of it.

21 MR. SETH PETERSON: And that's the one that's
22 going to include the essential connection to Sherman.

23 COMMISSIONER CHARLES "SKIP" GRUBER: Oh, okay.
24 Because there's a lot of concerns about connecting it
25 over there. Kind of -- you can see what's -- what's
26 going on, on Sherman there.

27 And plus it's a through street also to go from 12 to
28 16. So it gets a lot of traffic. And that's what they

1 were -- a lot of people were concerned about that, you
2 know, having that. And they know that's future, you
3 know, so --

4 MS. BILLIE JO UNDERWOOD: I'm not sure what I'm
5 looking at, but what is that really irregular piece down
6 at the bottom of that?

7 COMMISSIONER CHARLES "SKIP" GRUBER: It's --
8 that's their detention. I think that's set aside for
9 their common area. That's all common area at the bottom,
10 common area down there.

11 COMMISSIONER TUCKER DORSEY: Currently there's
12 a pond down there.

13 MS. BILLIE JO UNDERWOOD: Okay.

14 COMMISSIONER TUCKER DORSEY: On the back of
15 the -- on the west side of the Lockridge Road, there is a
16 natural drain that comes straight south. And Lockridge
17 drains through that original ditch down to that pond down
18 at the bottom where -- just right of where it says
19 Sherman.

20 MS. BILLIE JO UNDERWOOD: Okay.

21 COMMISSIONER TUCKER DORSEY: And so my concern
22 is they may increase their capacity for the new
23 additional water.

24 MS. BILLIE JO UNDERWOOD: Which ones are they
25 asking to re-zone? The other --

26 MS. CELENA BOYKIN: This piece --

27 MS. BILLIE JO UNDERWOOD: That long one?

28 MS. CELENA BOYKIN: This, and this one.

1 MS. BILLIE JO UNDERWOOD: Okay, because I
2 thought you said --

3 MS. CELENA BOYKIN: They left out --

4 MS. BILLIE JO UNDERWOOD: -- that long one --

5 MS. CELENA BOYKIN: It's all the way up to 12.
6 This is left out of it.

7 MS. BILLIE JO UNDERWOOD: So they're asking to
8 re-zone it right now. It's not subdivided? I mean,
9 because that's an irregular --

10 MS. CELENA BOYKIN: They're asking for
11 re-zoning right now. But they have submitted to Seth
12 their subdivision. I'm not sure if it's going to go to
13 September Planning Commission.

14 MR. SETH PETERSON: The subdivision application
15 is just the -- the -- the bigger block that's just south
16 of Lockridge Road.

17 COMMISSIONER CHARLES "SKIP" GRUBER: Uh-huh.
18 (Indicates affirmatively.) That piece right there.

19 MR. SETH PETERSON: So they're adding that
20 phase there. And that's going to the Planning Commission
21 meeting in October.

22 MS. BILLIE JO UNDERWOOD: Okay. So the way
23 it's laid out here, that's the way the parcels exist
24 right now --

25 COMMISSIONER TUCKER DORSEY: Yeah. Those are
26 already --

27 MS. BILLIE JO UNDERWOOD: -- that long piece is
28 like that? Okay.

1 COMMISSIONER TUCKER DORSEY: They're already
2 separate parcels.

3 MS. BILLIE JO UNDERWOOD: Okay.

4 COMMISSIONER TUCKER DORSEY: Otherwise they'd
5 be doing it in one piece.

6 MS. BILLIE JO UNDERWOOD: Okay.

7 COMMISSIONER TUCKER DORSEY: And then the
8 sliver between the two of them --

9 MS. BILLIE JO UNDERWOOD: And that was done
10 before zoning came into place, the way this was divided
11 out. So that's why it's probably so -- width-to-depth --

12 MS. CELENA BOYKIN: Right.

13 MS. BILLIE JO UNDERWOOD: -- looks like it
14 would be way off.

15 MS. CELENA BOYKIN: (Indicates affirmatively.)

16 MS. BILLIE JO UNDERWOOD: Okay.

17 COMMISSION CHAIRMAN FRANK BURT: Any other
18 questions or comments?

19 MR. JOE DAVIS: Yes, sir. Is --

20 COMMISSION CHAIRMAN FRANK BURT: Joe.

21 MR. JOE DAVIS: -- there a road to the right of
22 that long piece, or does that --

23 COMMISSIONER CHARLES "SKIP" GRUBER: No.

24 MR. JOE DAVIS: -- access all come this way?

25 COMMISSIONER CHARLES "SKIP" GRUBER: No. There
26 is a -- there is a street -- Lockridge comes down right
27 there and then dead-ends into that parcel there. And
28 then --

1 MS. CELENA BOYKIN: It's open.

2 COMMISSIONER CHARLES "SKIP" GRUBER: -- there's
3 a little -- there's a little -- little stub-out there
4 left for future development into that other piece, that
5 other parcel there. But I think their plans show it
6 coming around and tying -- eventually tying it, leaving a
7 stub for it to go that way.

8 MR. JOE DAVIS: That way.

9 COMMISSION CHAIRMAN FRANK BURT: Mr. Davis,
10 does that answer your question?

11 MR. JOE DAVIS: Yes, it does.

12 COMMISSION CHAIRMAN FRANK BURT: Okay.

13 MS. BILLIE JO UNDERWOOD: Where is the lady's
14 farm at that she --

15 COMMISSIONER CHARLES "SKIP" GRUBER: Off of
16 Norris. See where Norris lane is? Right in there.

17 MS. CELENA BOYKIN: I believe it's this one.

18 COMMISSIONER CHARLES "SKIP" GRUBER: Right in
19 there.

20 MS. BILLIE JO UNDERWOOD: Okay.

21 COMMISSIONER CHARLES "SKIP" GRUBER: She really
22 doesn't get much -- you know, off the subdivision, she's
23 not going to get much. Because that water goes straight.
24 It goes all the way down.

25 It runs along that thing and runs all the way down
26 to County Route 16 down there. All that water runs from
27 12 to 16, all the way through there, goes through all the
28 farms and everything, goes through there, through all

1 that. There's several big ditches through there.

2 COMMISSION CHAIRMAN FRANK BURT: Any other
3 comments or questions for Celena?

4 (No response.)

5 COMMISSION CHAIRMAN FRANK BURT: This then will
6 be on the Public Hearing.

7 COMMISSIONER CHARLES "SKIP" GRUBER: Public
8 hearing, yeah.

9 COMMISSION CHAIRMAN FRANK BURT: Okay.

10

11 **H-1 - 2018-2019 AGREEMENT FOR TRANSPORTATION SERVICES BETWEEN**
12 **BALDWIN COUNTY COMMISSION AND ALTAPOINTE HEALTH SYSTEMS, INC.**

13 COMMISSION CHAIRMAN FRANK BURT: Next, Ron.

14 MR. RON CINK: Next, Mr. Chairman, Chandra
15 Middleton, BRATS.

16 MS. CHANDRA MIDDLETON: Before you today we
17 have our annual contracts. The first one before you is
18 actually the AltaPointe contract.

19 We're asking you to adopt Resolution 2018-103. This
20 would provide services to them from October the 1st
21 through September the 30th of 2019.

22 That would be at a cost of five thousand, eight
23 eighty-three fifty (\$5,883.50) per month.

24 COMMISSIONER TUCKER DORSEY: I think Chris
25 mentioned yesterday he talked to Tuerk Schlesinger at
26 AltaPointe, and they don't need it.

27 MS. CHANDRA MIDDLETON: Yes, sir. Joey and I
28 also phoned Tammy Ruffin, which is our contact. And she

1 asked us to move forward with the -- with the contract.

2 Now, when they are presented with this again -- I
3 have an e-mail where it was approved originally. And so
4 at this point in time, I have, you know, no adjustments.

5 COMMISSIONER CHARLES "SKIP" GRUBER: I tried to
6 call -- I tried to call Tuerk yesterday, but he just
7 never returned -- returned my phone calls. I was trying
8 to get the bottom of that.

9 COMMISSIONER TUCKER DORSEY: But, yeah, we just
10 need some clarification.

11 MS. CHANDRA MIDDLETON: Okay. All right.

12 COMMISSION CHAIRMAN FRANK BURT: You want --

13 MS. CHANDRA MIDDLETON: Next is --

14 COMMISSION CHAIRMAN FRANK BURT: -- to table
15 this, or we want to have it on --

16 COMMISSIONER CHARLES "SKIP" GRUBER: No. I
17 think we need to go forward. I mean, just we need to get
18 a thing from Tuerk. You got an e-mail that said they
19 wanted to do it and --

20 COMMISSION CHAIRMAN FRANK BURT: You want it
21 on?

22 MS. CHANDRA MIDDLETON: Yes, sir. And --

23 COMMISSIONER TUCKER DORSEY: I want to hear it
24 from Tuerk, I mean, whether it's through you or through
25 us or whatever. But I -- that -- I mean, that -- they've
26 already had that conversation. So I don't know what
27 their communication is at their place. But we just need
28 to make sure --

1 COMMISSION CHAIRMAN FRANK BURT: Right.

2 MR. JOEY NUNNALLY: And I -- and I think that
3 would be good. Because, I mean, Tuerk is the CEO, from
4 what I understand. Who we were talking to reports to
5 Tuerk. So, I mean, getting an answer from Tuerk, I
6 think, would be a good thing, the right thing. We need
7 to talk to Tuerk. We talked to the lady that helps
8 execute all the contracts.

9 COMMISSION CHAIRMAN FRANK BURT: Then we'll put
10 this on the agenda, but it'll be Other Staff
11 Recommendations so we can talk about it.

12 MR. JOEY NUNNALLY: We'll work on getting that
13 information from Tuerk.

14 MS. CHANDRA MIDDLETON: Yes, sir.

15 COMMISSION CHAIRMAN FRANK BURT: Okay.

16

17 **H-2 - 2018-2019 AGREEMENT FOR TRANSPORTATION SERVICES BETWEEN**
18 **BALDWIN COUNTY COMMISSION AND BALDWIN COUNTY COMMISSION COUNCIL**
19 **ON AGING**

20 COMMISSION CHAIRMAN FRANK BURT: Next.

21 MS. CHANDRA MIDDLETON: Yes. Next before you
22 is the Council on Aging annual contract. We're asking
23 for you to adopt Resolution 2018-105.

24 And this, of course, will be from October 1 through
25 September the 30th of 2019 as well at a price of five
26 thousand, ninety-five dollars and fifty cents (\$5,095.50)
27 per month.

28 COMMISSIONER CHARLES "SKIP" GRUBER: Consent.

1 COMMISSION CHAIRMAN FRANK BURT: Okay.

2 Okay for you, Commissioner Dorsey?

3 COMMISSIONER TUCKER DORSEY: Yes, sir.

4 COMMISSION CHAIRMAN FRANK BURT: Consent then.

5

6 **H-3 - 2018-2019 AGREEMENT FOR TRANSPORTATION SERVICES BETWEEN**
7 **BALDWIN COUNTY COMMISSION AND COASTAL ALABAMA COMMUNITY COLLEGE**

8 COMMISSION CHAIRMAN FRANK BURT: Next.

9 MS. CHANDRA MIDDLETON: Okay. Next we have
10 before you is the transportation contract for Coastal
11 College. This contract will provide transportation for
12 the individuals to and from their facilities in the
13 county.

14 We are asking you to adopt resolution 2018-104.
15 This will also be in effect from October the 1st through
16 September the 30th of 2019. And the monthly cost on --
17 their -- their monthly costs on this will be one
18 thousand, two twenty-five (\$1,225).

19 COMMISSION CHAIRMAN FRANK BURT: Commissioners,
20 you want it on Consent, or you want to --

21 COMMISSIONER CHARLES "SKIP" GRUBER: Consent.

22 COMMISSION CHAIRMAN FRANK BURT: -- talk about
23 it?

24 COMMISSIONER TUCKER DORSEY: Other Staff.

25 COMMISSION CHAIRMAN FRANK BURT: Other Staff.

26 COMMISSIONER CHARLES "SKIP" GRUBER: Other
27 Staff.

28 COMMISSION CHAIRMAN FRANK BURT: Other Staff.

1 Okay.

2
3 H-4 - 2018-2019 Contract For Courier Services Between Baldwin
4 County Commission and Coastal Alabama Community College

5 COMMISSION CHAIRMAN FRANK BURT: Next.

6 MS. CHANDRA MIDDLETON: Also before you we have
7 our courier contract with Coastal Community College as
8 well. We are asking you to approve the contract for
9 services with them to provide their courier service.

10 This route actually operates within our 103 account.
11 It provides service with our current County courier
12 service. The cost to them will be one thousand, one
13 eighty-seven (\$1,187) per month. And this will operate
14 from October 1st through September 30th.

15 COMMISSIONER TUCKER DORSEY: Consent is fine.

16 COMMISSION CHAIRMAN FRANK BURT: Consent then.

17 MS. CHANDRA MIDDLETON: Thank you.

18 COMMISSION CHAIRMAN FRANK BURT: Is that it?

19 MS. CHANDRA MIDDLETON: Yes, sir.

20 COMMISSION CHAIRMAN FRANK BURT: Thank you,
21 Chandra.

22 Joey, you have something, or Ron?

23 MR. RON CINK: With the changes in the budget,
24 are these sustainable?

25 MS. CHANDRA MIDDLETON: We are looking at all
26 of those. If we decide to -- to, for instance, forego
27 these contracts, we would just have to give them a thirty
28 (30) day written notice of that change.

1 COMMISSION CHAIRMAN FRANK BURT: That's the way
2 the contract reads now.

3 MR. JOEY NUNNALLY: Yes, sir.

4 MS. CHANDRA MIDDLETON: Yes.

5 COMMISSIONER CHARLES "SKIP" GRUBER: Okay.

6 COMMISSION CHAIRMAN FRANK BURT: Okay. It's on
7 the Consent. It will be there. And if you want to end
8 it, or the new Commission wants to change it, they
9 certainly can with thirty (30) days notice.

10 MS. CHANDRA MIDDLETON: Yes.

11 COMMISSION CHAIRMAN FRANK BURT: But the
12 currier runs anyway, because they're delivering stuff for
13 lots of people.

14 MS. CHANDRA MIDDLETON: Yes. Yes, sir. Okay.

15 COMMISSION CHAIRMAN FRANK BURT: Yes, ma'am.
16 Thank you.

17 MS. CHANDRA MIDDLETON: Thank you.
18

19 **Q-1 - REVISION OF BALDWIN COUNTY COMMISSION POLICY #2.6 - ALCOHOL**

20 **LICENSE APPLICATIONS**

21 COMMISSION CHAIRMAN FRANK BURT: Next, Ron.

22 MR. RON CINK: Yes, sir. Item Q-1, this is a
23 revision to Baldwin County Commission Policy 2.6, which
24 is alcohol license applications.

25 We ask that you change the -- change the Policy 2.6
26 to reflect the changes made in the law regarding the
27 application of Alcohol Beverage Control Board in the
28 process of providing alcohol at nonprofit special events,

1 retail license.

2 Before, you had to go through a public hearing and
3 timing issue. Now, through the changing of the law,
4 these -- these events are granted through the ABC Board.
5 And the -- the applicant provides a courtesy letter to
6 the County Commission.

7 You should have received a courtesy letter from
8 North -- North Baldwin Chamber of Commerce regarding an
9 event that's going on. So it's already basically in
10 effect, and it complies with the law.

11 COMMISSIONER CHARLES "SKIP" GRUBER: So
12 basically we're not going to have anything to do with it
13 anymore.

14 MR. RON CINK: Not with the special events.

15 COMMISSIONER CHARLES "SKIP" GRUBER: Not with
16 the special events. Okay.

17 COMMISSION CHAIRMAN FRANK BURT: That's good.

18 MR. RON CINK: Yeah. This event and the Bald
19 Eagle Bash and so forth that are held down at Weeks Bay.
20 It just streamlines the process for these -- for these
21 special events that --

22 COMMISSIONER CHARLES "SKIP" GRUBER: Okay.

23 COMMISSION CHAIRMAN FRANK BURT: Right.

24 COMMISSIONER TUCKER DORSEY: It's a good call.
25 Sometimes they come in, in a hurry.

26 COMMISSION CHAIRMAN FRANK BURT: Okay. Next,
27 Ron.

28 MR. RON CINK: Consent okay with you guys?

1 COMMISSIONER TUCKER DORSEY: Yes, sir.

2 COMMISSION CHAIRMAN FRANK BURT: Yes, sir.

3 MR. RON CINK: Okay.

4

5 **Q-2 - REVISION OF BALDWIN COUNTY COMMISSION POLICY #2.13 - PUBLIC**

6 **RECORDS ACCESS AND RATES SCHEDULE**

7 MR. RON CINK: Next item up is Item Q-2, which
8 is revision of Baldwin County Commission Policy 2.13,
9 which is public records access and rate schedule.

10 We're asking to change this policy and to eliminate
11 the County Attorney fees from being charged for public
12 records access.

13 COMMISSIONER TUCKER DORSEY: What's the logic
14 on that?

15 MR. RON CINK: It's the law.

16 COMMISSIONER TUCKER DORSEY: It's the law?

17 ATTORNEY DAVID CONNER: There's some Attorney
18 General opinions that have been issued as well as some
19 other cases that attorney time in reviewing documents to
20 protect the County Commission should not be paid by the
21 public.

22 COMMISSIONER TUCKER DORSEY: Okay. It is --

23 MR. CLIFF MCCOLLUM: It's cost prohibitive for
24 people who are requesting records to have that done.

25 COMMISSIONER TUCKER DORSEY: Got you. So when
26 did this change.

27 ATTORNEY DAVID CONNER: It -- it was something
28 about two or three years ago. And it came up. And

1 nobody's questioned it until recently when some -- when
2 they requested some large amounts of documents.

3 And so one of the ways we've tried to manage that is
4 to ask people to down their scope. For example, Cliff
5 and his place has been very good about that.

6 They submitted a request one time that could have
7 possibly covered ten thousand (10,000) pages. We talked
8 to them about narrowing it. And then that got narrowed
9 real small, and we addressed it.

10 Some folks come in with the idea that -- that they
11 don't want to do that. They want to shoot this big, wide
12 net out. And so we've been successful in trying to bring
13 that down. And in light of that, of those cases and the
14 Attorney General opinion, we felt a policy revision was
15 necessary.

16 COMMISSIONER TUCKER DORSEY: Okay.

17 COMMISSIONER CHARLES "SKIP" GRUBER: Consent.

18 COMMISSION CHAIRMAN FRANK BURT: Okay.

19

20 **Q-3 - ONO ISLAND WATER, SEWER AND FIRE PROTECTION AUTHORITY -**

21 **BOARD APPOINTMENT**

22 MR. RON CINK: Next item, Commissioners, is
23 Q-3, which is Ono Island Water, Sewer and Fire Protection
24 Authority. This is a board appointment.

25 And this is to accept the resignation of Mr. John
26 Fonde effective August 1st and thank Mr. Fonde for his
27 civic service, and consider the appointment of one of the
28 two following individuals; Mr. William Erickson or

1 Mr. Bruce Donaldson.

2 COMMISSION CHAIRMAN FRANK BURT: Commissioners?

3 MR. RON CINK: The way the agenda is written,
4 you would select in the Commission meeting, unless you
5 tell me otherwise today.

6 COMMISSION CHAIRMAN FRANK BURT: All right.

7 COMMISSIONER CHARLES "SKIP" GRUBER: You know,
8 Bruce Donaldson seems to be a pretty good guy, from what
9 I know of him. And I don't know the other gentlemen that
10 well. So, I mean, it's -- it's one of two names.
11 Because the board, they -- they actually go through an
12 election, if I'm not mistaken.

13 Is that not right, Ron?

14 MR. RON CINK: Yes, sir, on this particular
15 board, yes.

16 COMMISSIONER CHARLES "SKIP" GRUBER: The --
17 that board has an election, and they come up with the two
18 people.

19 MR. RON CINK: They make recommendations,
20 and --

21 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah.

22 MR. RON CINK: -- narrow the selection process.

23 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah.

24 MR. RON CINK: You can choose one under the
25 lights, if you'd like.

26 COMMISSIONER TUCKER DORSEY: It doesn't matter
27 to me. I'm looking to you, Skip, being a District 4
28 issue.

1 COMMISSIONER CHARLES "SKIP" GRUBER: What?

2 COMMISSIONER TUCKER DORSEY: It doesn't matter
3 to me. I'm looking to you for direction. It's a
4 District 4 issue, whatever you want to do.

5 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah, you
6 know, Mr. Donaldson, you know, seems to be a -- be a good
7 person, you know.

8 COMMISSION CHAIRMAN FRANK BURT: So that's your
9 choice, not under Other Staff, just go ahead and put it
10 on Consent?

11 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah.

12 COMMISSION CHAIRMAN FRANK BURT: Sir? And the
13 board made no -- they just left that up to --

14 COMMISSIONER CHARLES "SKIP" GRUBER: They left
15 it up to --

16 COMMISSION CHAIRMAN FRANK BURT: -- the
17 Commission?

18 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah.
19 They sent us two names. And we have to narrow it down
20 from them.

21 COMMISSION CHAIRMAN FRANK BURT: Okay. Which
22 one it is, Skip?

23 COMMISSIONER CHARLES "SKIP" GRUBER: You know,
24 Mr. Donaldson, as far as I'm concerned.

25 COMMISSION CHAIRMAN FRANK BURT: Okay. Well,
26 then I -- it certainly sounds like we support it. You
27 want to put it on Consent, or you want to put it on
28 Other?

1 MR. RON CINK: You want it on --

2 COMMISSIONER CHARLES "SKIP" GRUBER: Consent.

3 COMMISSION CHAIRMAN FRANK BURT: Sir?

4 COMMISSIONER CHARLES "SKIP" GRUBER: Consent is
5 fine.

6 COMMISSION CHAIRMAN FRANK BURT: Okay.

7

8 **Q-4 - MUTUAL COOPERATIVE PROMOTIONAL AGREEMENT WITH AT&T ALABAMA**
9 **FOR THE SOUTH ALABAMA MEGA SITE**

10 COMMISSION CHAIRMAN FRANK BURT: Next, Ron.

11 MR. RON CINK: Next, Mr. Chairman,
12 Commissioners, sometime back, the Commission adopted a
13 mutual cooperative promotional agreement with AT&T
14 Alabama for the South Alabama Megasite.

15 This is to rescind that action. The background
16 information is that AT&T never signed -- the party in
17 correspondence with them, that -- through Mr. Lawson, he
18 informed us that the agreement is no longer necessary.

19 COMMISSION CHAIRMAN FRANK BURT: I think I
20 voted against that anyway. So, but -- so we'll need
21 action to --

22 MR. RON CINK: To resend your other action.

23 COMMISSION CHAIRMAN FRANK BURT: Okay. Want to
24 put it on Other Staff Recommendations to let AT&T --
25 They're the most uncooperative utility I know, last to
26 move their lines on the road.

27 COMMISSIONER TUCKER DORSEY: I want to
28 introduce you to CenturyLink. Because we would argue on

1 the south end of the county, that CenturyLink is the
2 worst one.

3 COMMISSION CHAIRMAN FRANK BURT: Okay. Wow.

4 COMMISSIONER-ELECT JEB BALL: Along with
5 Mediacom.

6 COMMISSION CHAIRMAN FRANK BURT: Yeah, oh my,
7 Mediacom.

8 COMMISSIONER CHARLES "SKIP" GRUBER: You
9 need -- you need to come down there and try to get on the
10 internet.

11 COMMISSIONER-ELECT JEB BALL: Verizon.

12 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah.
13 When paying -- when you're paying for something and
14 you're not getting it, that's what makes you so mad.

15 COMMISSION CHAIRMAN FRANK BURT: Well, you want
16 to put it on Other Staff Recommendations --

17 COMMISSIONER CHARLES "SKIP" GRUBER: No.
18 Consent is fine --

19 COMMISSION CHAIRMAN FRANK BURT: -- to let the
20 general public --

21 COMMISSIONER CHARLES "SKIP" GRUBER: -- with
22 me.

23 COMMISSION CHAIRMAN FRANK BURT: Okay.
24 Consent.

25

26 Q-5 - ABSENTEE ELECTION DUTIES RELATED TO THE 2018 STATEWIDE

27 GENERAL ELECTION

28 COMMISSION CHAIRMAN FRANK BURT: All right.

1 Next.

2 MR. RON CINK: Mr. Chairman, next item up is
3 Q-5, which deals with absentee election duties related to
4 the 2018 statewide general election.

5 This is -- Jody Campbell wishes to be the Absentee
6 Election Manager. And she also wishes that the
7 Commission terminate the contract with Rhonda Smith and
8 appoint Ms. Evelina Hernandez as her support.

9 COMMISSIONER TUCKER DORSEY: Fine here. Y'all
10 care?

11 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah.

12 COMMISSIONER-ELECT JEB BALL: I didn't know. I
13 thought we -- for some reason, I thought we decided the
14 last time to keep it as is through the whole entire
15 election process.

16 COMMISSIONER TUCKER DORSEY: That's for the
17 runoff.

18 COMMISSIONER-ELECT JEB BALL: Just for the
19 runoff?

20 COMMISSIONER TUCKER DORSEY: (Indicates
21 affirmatively.)

22 COMMISSIONER-ELECT JEB BALL: I'm good.
23 Doesn't matter to me.

24 COMMISSIONER CHARLES "SKIP" GRUBER: She's
25 the -- well --

26 COMMISSION CHAIRMAN FRANK BURT: Consent or
27 Other?

28 COMMISSIONER CHARLES "SKIP" GRUBER: Consent's

1 fine with me.

2 COMMISSIONER TUCKER DORSEY: Consent is fine.

3 MR. RON CINK: Yes, sir.

4
5 **R-1 - BALDWIN COUNTY EASTERN SHORE HEALTH CARE AUTHORITY - BOARD**

6 **APPOINTMENTS**

7 MR. RON CINK: We have two addendas. The first
8 addenda is related to Baldwin County Eastern Shore
9 Healthcare Authority Board. There are some board
10 appointments that some -- some board members whose terms
11 expired. The Authority made some recommendations for
12 this board.

13 COMMISSIONER TUCKER DORSEY: Just go with their
14 request on their three?

15 COMMISSION CHAIRMAN FRANK BURT: Consent.

16 COMMISSIONER CHARLES "SKIP" GRUBER: (Indicates
17 affirmatively.)

18 COMMISSION CHAIRMAN FRANK BURT: Okay. Next.

19
20 **R-2 - CITY OF FAIRHOPE - REQUEST FOR THE USE OF ONE BALDWIN**

21 **REGIONAL AREA TRANSIT SYSTEM (BRATS) BUS**

22 MR. RON CINK: And the next addenda item I
23 received this morning about 7:15 is request from the City
24 of Fairhope to utilize the BRATS service for a trip to
25 Florida for their council, mayor, economic development
26 folks.

27 You want to address that, or do you want me to?

28 MS. CHANDRA MIDDLETON: It's up to you.

1 MR. RON CINK: Okay. Again, I received this
2 early this morning. And the rate is sixty-five dollars
3 (\$65) per hour. The event is September 13th.

4 COMMISSIONER TUCKER DORSEY: So which bus are
5 you using?

6 MR. JOEY NUNNALLY: I think they said they were
7 going to have about eighteen (18) people.

8 MS. CHANDRA MIDDLETON: Correct, about eighteen
9 (18) people, about two and a half (2-1/2) hours into
10 Florida.

11 COMMISSIONER TUCKER DORSEY: Which bus are you
12 using?

13 MS. CHANDRA MIDDLETON: I believe probably one
14 of the Federally-funded buses that we put in under the
15 eighty (80) hours that's available for government
16 entities. The air conditioning is not working on Bus 11.

17 COMMISSIONER TUCKER DORSEY: That's the one I'd
18 choose. For sixty-five dollars (\$65) an hour, no air
19 conditioning comes with it.

20 MS. BILLIE JO UNDERWOOD: Oh, come on.

21 COMMISSIONER TUCKER DORSEY: Is this your field
22 trip y'all are taking?

23 MS. BILLIE JO UNDERWOOD: It is. You want to
24 go?

25 COMMISSIONER TUCKER DORSEY: I do not.

26 MS. BILLIE JO UNDERWOOD: It's too hot in
27 September to not have AC.

28 MR. JOE DAVIS: Question. Did --

1 COMMISSION CHAIRMAN FRANK BURT: Yes, sir.

2 MR. JOE DAVIS: Did we present them with a
3 cost, or did they present what they would pay?

4 MS. CHANDRA MIDDLETON: Mr. Rider provided them
5 a sixty-five dollar (\$65) cost.

6 MR. JOE DAVIS: Okay. So provided by us.
7 Okay.

8 COMMISSIONER TUCKER DORSEY: What does it cost
9 to operate that vehicle an hour?

10 MS. CHANDRA MIDDLETON: Roughly about forty-one
11 dollars (\$41) an hour.

12 MR. JOE DAVIS: And that's inclusive of
13 drivers?

14 MS. CHANDRA MIDDLETON: (Indicates
15 affirmatively.)

16 MR. JOE DAVIS: Total package?

17 MS. CHANDRA MIDDLETON: (Indicates
18 affirmatively.)

19 COMMISSION CHAIRMAN FRANK BURT: Okay. You
20 want to discuss that, or do you want Consent?

21 COMMISSIONER CHARLES "SKIP" GRUBER: Consent,
22 as far as I'm concerned.

23 COMMISSIONER TUCKER DORSEY: All right. You
24 just need to make sure of your cost on that tight budget.

25 MS. CHANDRA MIDDLETON: (Indicates
26 affirmatively.)

27 COMMISSIONER TUCKER DORSEY: Don't need to be
28 supplementing Fairhope. I mean, don't need to be

1 supplementing any of these private deals.

2 MS. CHANDRA MIDDLETON: Yes, sir.

3 COMMISSION CHAIRMAN FRANK BURT: However,
4 that's in this -- When did you want to do it, September?

5 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah.

6 COMMISSION CHAIRMAN FRANK BURT: So it's still
7 in this year.

8 COMMISSIONER CHARLES "SKIP" GRUBER:
9 September the 13th.

10 COMMISSION CHAIRMAN FRANK BURT: Fiscal Year
11 18.

12 MS. CHANDRA MIDDLETON: Yes, sir.

13 COMMISSIONER TUCKER DORSEY: It's the 13th;
14 right?

15 MR. RON CINK: Yes, sir.

16 MS. BILLIE JO UNDERWOOD: Two weeks from
17 Thursday, I believe.

18 COMMISSIONER CHARLES "SKIP" GRUBER: Do what?

19 MS. BILLIE JO UNDERWOOD: Two weeks from
20 Thursday.

21 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah, two
22 weeks from Thursday.

23 MS. BILLIE JO UNDERWOOD: So it's coming right
24 up.

25 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah.

26 COMMISSION CHAIRMAN FRANK BURT: Well, they've
27 made a request. I would certainly think that they would
28 pay the bill, I would hope.

1 MS. CHANDRA MIDDLETON: (Indicates
2 affirmatively.)

3 COMMISSION CHAIRMAN FRANK BURT: Do we have an
4 agreement they sign whenever -- or some sort of
5 contractual agreement?

6 MS. CHANDRA MIDDLETON: Currently, no, sir. We
7 don't really have anything. We normally -- once we
8 perform the trip, we do an analysis of what the overall
9 cost was. And then we present them with an invoice and a
10 bill that says to pay within thirty (30) days, since
11 they're a government entity.

12 MR. JOEY NUNNALLY: Have we ever had a problem
13 collecting bills from Fairhope like that before?

14 MS. CHANDRA MIDDLETON: No, sir, not to my
15 knowledge.

16 COMMISSIONER TUCKER DORSEY: Daphne is the only
17 one that has a credit problem around here right now.

18 COMMISSION CHAIRMAN FRANK BURT: Consent is
19 fine with me then. I mean, they made a request.

20 COMMISSIONER CHARLES "SKIP" GRUBER: I said a
21 minute ago Consent.

22 COMMISSION CHAIRMAN FRANK BURT: Okay. All
23 right. Thank you, Chandra.

24 Next, Ron.

25 MR. RON CINK: That's all I have, Mr. Chairman.

26 MR. JOEY NUNNALLY: Ron, we've got an executive
27 session that I didn't tell you about.

28 MR. RON CINK: Okay. That's fair.

1 COMMISSION CHAIRMAN FRANK BURT: I couldn't
2 hear that whisper. I hope she did.

3 THE COURT REPORTER: Executive session.

4 MR. RON CINK: There's an executive session
5 that Mr. Nunnally needs to --

6 COMMISSION CHAIRMAN FRANK BURT: Okay.

7 ATTORNEY DAVID CONNER: Mr. Chairman, there's
8 no action that needs to be taken. So if you want to
9 finish up the work session and then adjourn --

10 COMMISSION CHAIRMAN FRANK BURT: Adjourn --

11 ATTORNEY DAVID CONNER: -- from executive
12 session, you can do that.

13

14 **T - PRESS QUESTIONS**

15 COMMISSION CHAIRMAN FRANK BURT: Okay. Any
16 press questions?

17 MR. CLIFF MCCOLLUM: (Indicates negatively.)

18

19 **S - PUBLIC COMMENT**

20 COMMISSION CHAIRMAN FRANK BURT: Any public
21 here? I'm trying to see someone. Just one. No public.
22 No press.

23

24 **U - COMMISSIONER COMMENTS**

25 COMMISSION CHAIRMAN FRANK BURT: Commissioner
26 comments?

27 COMMISSIONER CHARLES "SKIP" GRUBER: Well,
28 only -- I've got just one quick one. On the contracts we

1 were talking about with BRATS, with the budget coming up,
2 I hope, you know, we can -- if the budget doesn't allow
3 it, some of the stuff may have to go away.

4 MS. CHANDRA MIDDLETON: Yes, sir.

5 COMMISSIONER CHARLES "SKIP" GRUBER: You know,
6 so, you know, I want to make sure, you know --

7 MS. CHANDRA MIDDLETON: The Coastal -- the
8 Coastal, that's actually already being operated in our
9 demand response routes.

10 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah.

11 MS. CHANDRA MIDDLETON: As we look at that, I
12 mean, that should be readily available, if we maintain
13 all of those routes, you know.

14 So we're -- we're going to -- when we get into the
15 nitty-gritty of all of that, we will. We're going to
16 look --

17 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah.

18 MS. CHANDRA MIDDLETON: -- at what we need to
19 maintain and what we don't need to maintain and -- and go
20 through all of that.

21 And, luckily, there is that cancellation. And any
22 changes, when we do mass changes in our service, we will
23 have to advertise that and do public hearings and things
24 of that nature as well. But it's a, you know, like a
25 thirty (30) day notice.

26 COMMISSIONER CHARLES "SKIP" GRUBER: See,
27 because some of those contracts, you know, that's --
28 that's out there, you know, I know it says thirty

1 (30) days, but that's not going to give a lot of these
2 places ample time to make alternative arrangements.

3 You know, that's -- that's -- I don't want to set
4 something out there, hold them up, and, you know, like
5 some of the school routes that we have.

6 MS. CHANDRA MIDDLETON: Yes, sir.

7 COMMISSIONER CHARLES "SKIP" GRUBER: You know
8 what I mean? You know, they're gonna -- they're the ones
9 that's gonna suffer from it. I mean, you know, they're
10 not going to be able to find somebody that'll do that
11 within thirty (30) days.

12 MS. CHANDRA MIDDLETON: And the thirty (30)
13 days is just a minimum.

14 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah.

15 MS. CHANDRA MIDDLETON: You know, we can
16 choose --

17 COMMISSIONER CHARLES "SKIP" GRUBER: Yeah.

18 MS. CHANDRA MIDDLETON: -- to do another
19 option. But we just, you know -- that's the contractual
20 agreement.

21 COMMISSIONER CHARLES "SKIP" GRUBER: Okay.

22 COMMISSION CHAIRMAN FRANK BURT: But you've
23 still got the budget you have right now that's already
24 been approved to get you through the end of the year.
25 We're not running a shortfall --

26 COMMISSIONER CHARLES "SKIP" GRUBER: Not for
27 this year.

28 COMMISSION CHAIRMAN FRANK BURT: -- on the

1 current budget.

2 COMMISSIONER CHARLES "SKIP" GRUBER: Not this
3 year, no.

4 COMMISSION CHAIRMAN FRANK BURT: That's what
5 I'm talking about. So they're good until October 1.
6 Then they operate under the new budget under a new
7 Commission. And they'll go from there.

8 COMMISSIONER TUCKER DORSEY: Well, y'all need
9 to get into the nitty-gritty on it. Because your
10 forty-one dollars (\$41) an hour is not your cost. And
11 from the numbers you said yesterday on your labor,
12 insurance, benefits, all that stuff, if you're running
13 overtime on the field trip --

14 MS. CHANDRA MIDDLETON: Correct.

15 COMMISSIONER TUCKER DORSEY: -- then -- then --
16 your fuel costs to get there and back, that's your
17 forty-one dollars (\$41). It doesn't count for you. It
18 doesn't count for that high-powered director. It doesn't
19 count for dispatch. It doesn't account for any of those
20 costs, which are costs of your operation.

21 So when you say forty-one dollars (\$41) an hour,
22 that's not a true number. Y'all have got to get into
23 figuring out what your cost is.

24 MS. CHANDRA MIDDLETON: Yes, sir.

25 COMMISSIONER TUCKER DORSEY: Now, we did that
26 with Highway. It's not something that happened
27 overnight. We had to populate the entire Highway
28 Department for a couple years to figure out -- to get

1 down to what it really cost.

2 When Joey talks about how much it costs -- what the
3 paving cost is for the parking lot back here, it's
4 including Lisa. It's including his trucks. It's
5 including the equipment numbers.

6 And y'all have got to include that in your -- in
7 your costs, because that's where you're bleeding from.
8 Because when you run around and tell everybody, I'm doing
9 to do the work for you for sixty-five dollars (\$65) an
10 hour, I bet we're not covering real costs.

11 MS. CHANDRA MIDDLETON: And basically that
12 forty-one dollars (\$41) covers admin and operations.

13 COMMISSIONER TUCKER DORSEY: There's no way.

14 MS. CHANDRA MIDDLETON: There's no -- there's
15 no depreciation or capital in there. That's what we
16 report on our NTD reporting, is that forty-one dollars
17 (\$41), I think, forty-one eighty-six (\$41.86) to be
18 exact.

19 But so it's more like with the depreciation and the
20 capital, the rough numbers, I believe, were like
21 fifty-eight (\$58), fifty-nine dollars (\$59) an hour, in
22 that general area.

23 COMMISSIONER TUCKER DORSEY: Okay. Well,
24 I'm --

25 MS. BILLIE JO UNDERWOOD: You're going to have
26 depreciation and capital whether it's sitting there or
27 running, though. I mean, that's -- that's -- that's a
28 given.

1 MR. JOE DAVIS: Fixed.

2 MS. BILLIE JO UNDERWOOD: Fixed.

3 MS. CHANDRA MIDDLETON: But I do -- I do agree
4 that those things have to be taken into consideration as
5 well.

6 MR. JOEY NUNNALLY: We're going to get to the
7 nitty-gritty. I promise you.

8 COMMISSIONER CHARLES "SKIP" GRUBER: All right.

9

10 **R-3 - CANCELLATION OF THE AUGUST 28, 2018, SPECIAL MEETING**

11 **(BUDGET DELIBERATIONS)**

12 MR. RON CINK: Mr. Chairman, I have one last
13 thing to address.

14 COMMISSION CHAIRMAN FRANK BURT: Yes, sir.

15 MR. RON CINK: There was -- there was a
16 published budget meeting after this one. Does the
17 Commission wish to cancel it?

18 COMMISSION CHAIRMAN FRANK BURT: That's what I
19 was just looking at. I'll pass the gavel. And I'll make
20 a motion that we have ended it.

21 I think the Chair said yesterday that was the final
22 meeting. But we haven't officially ended it, Ron, so you
23 can publish it, Ron. So we can have a motion to do that.
24 It certainly would be in order and be grateful.

25 COMMISSIONER CHARLES "SKIP" GRUBER: I'll
26 second the motion.

27 ATTORNEY DAVID CONNER: There's no action taken
28 in the work session. The Chairman just would need to

1 note that the meeting has been cancelled, if that's okay.

2 COMMISSION CHAIRMAN FRANK BURT: Well, I think
3 he publishes public meetings on --

4 ATTORNEY DAVID CONNER: Yeah, but I just think
5 in a work session you can't take an official action or
6 record a vote.

7 COMMISSION CHAIRMAN FRANK BURT: I understand.

8 ATTORNEY DAVID CONNER: So you, as the
9 Chairman, would just announce that the meeting has been
10 cancelled. And he would send notice out.

11 COMMISSION CHAIRMAN FRANK BURT: I just want to
12 be sure it was all right with everybody that we did. But
13 I think the Chair of Finance said yesterday he didn't
14 want another one.

15

16 **R-4 - REQUEST FOR EXECUTIVE SESSION**

17 COMMISSION CHAIRMAN FRANK BURT: Okay. Then if
18 you'll lead us into the --

19 ATTORNEY DAVID CONNER: Yes, sir.

20 COMMISSION CHAIRMAN FRANK BURT: -- executive
21 session, we'll adjourn from there.

22 ATTORNEY DAVID CONNER: Mr. Chairman, I
23 recommend we go into executive session in accordance with
24 Alabama Code Section 36-25-A7(a)(1) to discuss the
25 general reputation and character, physical condition,
26 professional competence, or mental health of individuals
27 or subject to the limitations set out herein to discuss
28 the job performance of certain public employees.

1 Also, in accordance with Section 3, to discuss with
2 your attorney the legal ramifications of and legal
3 options for pending litigation, controversies not yet
4 being litigated, but eminently likely to be litigated or
5 eminently likely to be litigated if the governmental body
6 pursues a proposed course of action.

7 It is anticipated the executive session will last
8 approximately --

9 MR. SETH PETERSON: Fifteen minutes.

10 COMMISSION CHAIRMAN FRANK BURT: Fifteen
11 minutes is what he said.

12 ATTORNEY DAVID CONNER: -- fifteen minutes. I
13 make the oral declaration the discussion is appropriate
14 for executive session, at which time you can -- since
15 there is no further action that needs to be taken, you
16 can adjourn the meeting from the executive session.

17 COMMISSION CHAIRMAN FRANK BURT: Okay.

18 COMMISSIONER CHARLES "SKIP" GRUBER:
19 Mr. Chairman, I make a motion that we go into executive
20 session as stated by our legal counsel.

21 COMMISSION CHAIRMAN FRANK BURT: And adjourn
22 from that meeting?

23 COMMISSIONER CHARLES "SKIP" GRUBER: Yes.

24 COMMISSIONER TUCKER DORSEY: Second that.

25 COMMISSION CHAIRMAN FRANK BURT: Second. Okay.
26 All in favor, say aye.

27 (Commissioners say "aye" in unison.)

28 COMMISSION CHAIRMAN FRANK BURT: Okay. And I

1 don't have a clock on here so --

2 THE COURT REPORTER: 9:51.

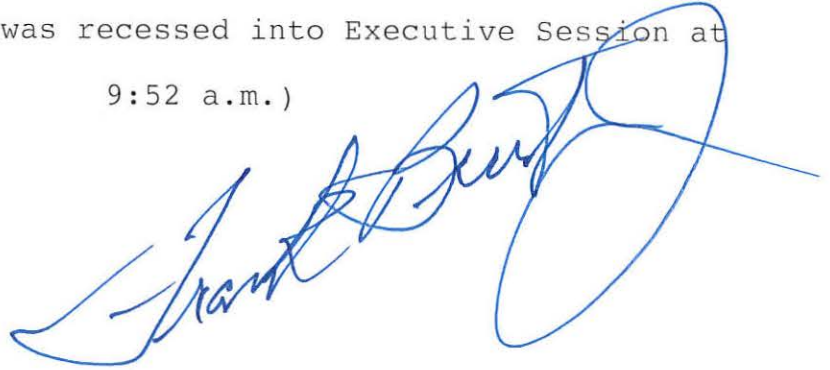
3 COMMISSION CHAIRMAN FRANK BURT: 9:51.

4 COMMISSIONER CHARLES "SKIP" GRUBER: 9:52.

5 COMMISSION CHAIRMAN FRANK BURT: 9:52.

6
7 (The Work Session was recessed into Executive Session at
8 9:52 a.m.)

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A large, stylized handwritten signature in blue ink, appearing to read "Frank Burt", is written over the text of the recessed session. The signature is fluid and cursive, with a large loop at the end.

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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