

# Baldwin County Commission

Baldwin County Commission  
Regular  
Meeting Minutes  
Tuesday, June 19, 2018 8:30 AM



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

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

Ronald J. Cink, County Administrator

---

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

## A WELCOME, INVOCATION AND PLEDGE OF ALLEGIANCE

**Present:** 3 - Chairman Frank Burt Jr., Commissioner Chris Elliott, and Commissioner Tucker Dorsey

**Absent:** 1 - Vice Chairman Charles F. Gruber

Also present were, Kim Creech, Clerk/Treasurer, and David Conner, County Attorney.

The Chairman called the meeting to order at 8:34 a.m. and introduced Felisha Anderson, Director of Archives and History, who appeared before the Commission and led the Commission in prayer. After the Pledge of Allegiance led by Commissioner Chris Elliott, the Commission transacted the following business to-wit:

## ADOPTION OF MINUTES

Motion by Commissioner Chris Elliott, Seconded by Commissioner Tucker Dorsey, to adopt the minutes of the June 5, 2018, Baldwin County Commission Regular Meeting.

The motion passed by the following vote:

**Aye:** 3 - Frank Burt Jr., Chris Elliott, and Tucker Dorsey

**Nay:** 0

**Absent:** 1 - Charles F. Gruber

**Abstain:** 0

## B CONSENT

Motion by Commissioner Chris Elliott, seconded by Commissioner Tucker Dorsey, to

adopt the consent agenda.

The motion passed by the following vote:

**Aye:** 3 - Frank Burt Jr., Chris Elliott, and Tucker Dorsey

**Nay:** 0

**Absent:** 1 - Charles F. Gruber

**Abstain:** 0

## **BA ADMINISTRATION**

**BA1** Baldwin County Commission District No. 4 Planning (Zoning) District Board of Adjustment (Greater South Baldwin Area) - Board Resignation [18-0338](#)

As relates to the Baldwin County Commission District No. 4 Planning (Zoning) District Board of Adjustments, take the following action:

1) Accept the resignation of Mr. Van McCamish as a regular member (Planning District 24 designee) and thank him for his prior civic service as a member of the board.

**BA2** 2018-2019 ACCA Legislative Committee Appointment [18-0380](#)

Select Commissioner Charles F. Gruber as the Baldwin County Commission's representative to the 2018-2019 - Association of County Commissions of Alabama (ACCA) Legislative Committee.

**BA3** Resolution #2018-091 - Perdido Bay Water, Sewer and Fire Protection District - Fiscal Year 2018 CDBG Application Preparation to ADECA [18-0367](#)

Adopt Resolution #2018-091 authorizing the Perdido Bay Water, Sewer and Fire Protection District to prepare Fiscal Year 2018 Community Development Block Grant (CDBG) application to request funding from the Alabama Department of Economic and Community Affairs (ADECA) to improve and extend public water services near the Town of Lillian.

**BA4** Resolution #2018-092 of the Baldwin County Commission - Act No. 90-449 (Fire Tax) - Perdido Volunteer Fire Department - Approval of Use of Fire Tax Proceeds [18-0368](#)

Take the following actions:

1) Adopt Resolution #2018-092 of the Baldwin County Commission which provides the Baldwin County Commission's required approval for the Perdido Volunteer Fire Department to utilize its proceeds of taxes derived by Act No.

90-449 as security for repayment of a loan for up to \$300,000.00 (and the repayment of said loan's applicable interest) to build a new fire station located at 22190 Old County Road 47, Perdido, Alabama, 36562, to strengthen its provision of firefighting and other related emergency services to Baldwin County, Alabama; and

2) Authorize the Baldwin County Commission Chairman to execute any other necessary documentation related to the adoption of Resolution #2018-092, including any other assurances, certifications and financing documents or approvals to affect such approval and purchase of the subject equipment. This approval does not in any way constitute any financial involvement or obligation of the Baldwin County Commission.

**BA5**    Acknowledgement of Tax Abatement - Kaishan Compressor (USA) LLC

[18-0356](#)

Take the following actions:

1) In observance with §40-9B-5(d), Code of Alabama (1975), acknowledge receipt, on May 21, 2018, and by certified mail, of a "Resolution," by the City of Loxley Industrial Development Board, Loxley, Alabama, granting a "Tax Abatement" to Kaishan Compressor (USA) LLC; and

2) Forward to the Office of the Revenue Commissioner of Baldwin County and the Office of Probate Judge of Baldwin County the "Resolution" and associated attachments informing the Baldwin County Commission of the aforementioned grant of such "Tax Abatement."

**BA6**    Request for the Use of Baldwin County Central Annex Auditorium

[18-0343](#)

Approve the use of the Baldwin County Central Annex Auditorium on September 27, 2018, from 5:30 p.m. to 7:30 p.m., by the League of Women Voters of Baldwin County for "Meet the Candidates and a Forum."

**BA7**    Request from the City of Spanish Fort for the Use of One (1) Baldwin Regional Area Transit System Bus for the 25th Anniversary Celebration

[18-0351](#)

To promote recreational and educational purposes benefitting the public, adopt Resolution #2018-090 of the Baldwin County Commission, which authorizes the appropriation of \$330.00 to the City of Spanish Fort to provide for the use of one (1) Baldwin Regional Area Transit System (BRATS) bus for handling the flow from the Community Center to Spirit Park during the City of Spanish Fort's 25th Anniversary Celebration, on Saturday, July 21, 2018, from 5:00 p.m. to 10:00 p.m. This expenditure will be funded from Budget Line Item 51990.5290 (Commission Discretionary Fund).

**BA8** Sale of Equipment on GovDeals.com by the Administration Department

[18-0355](#)

Approve and authorize the sale of one (1) Contex HD3650 Large Scanner by the Administration Department through the Finance and Accounting department on GovDeals.com, at a minimum bid price of \$200.00.

**BE BUDGET/PURCHASING**

**BE1** Competitive Bid #WG16-32 - Provision of Off-site Printing, Imaging and Mailing of Tax Notices for the Baldwin County Revenue Commissioner

[18-0341](#)

Extend Bid #WG16-32 - Provision of Off-Site Printing, Imaging and Mailing of Annual Tax Notices for the Baldwin County Revenue Commissioner with Peregrine Corporation, for an additional twelve (12) months at the same prices and terms stated in the bid specifications as was awarded on June 21, 2016. The extension will expire on June 21, 2019.

**BE2** Competitive Bid #WG18-23 - Provision of Regular Unleaded Gasoline and No. 2 Diesel Fuel for the Baldwin County Commission

[18-0342](#)

Award the bid to the lowest bidder, Petroleum Traders Corporation, for the Provision of Regular Unleaded Gasoline and No. 2 Diesel Fuel as follows: (Effective June 22, 2018, through June 22, 2020, with option to extend for additional 12 months.)

Regular Unleaded Gasoline

Tank Wagon Delivery \$0.0650 Margin over Terminal price per gallon

Truck Transport Delivery \$0.0011 Margin over Terminal price per gallon

Truck Transport Delivery 8,000 gallons

Shell Mobile, AL posted terminal price \$2.1613

No. 2 Diesel Fuel

Tank Wagon Delivery \$0.0650 Margin over Terminal price per gallon

Truck Transport Delivery \$0.0142 Margin over Terminal price per gallon

Truck Transport Delivery 7,000 gallons

Shell Mobile, AL posted terminal price \$2.2852

**BE3** Competitive Bid #WG18-25 - Construction of Magnolia Landfill Gas Collection System - Phase 3 Expansion for the Baldwin County Commission

[18-0354](#)

Take the following actions:

- 1) Award the bid to the lowest responsible bidder, who met all the specifications, Stearns, Conrad & Schmidt, Consulting Engineers, Inc. d/b/a SCS Field Services

in the amount of \$497,540.00; Completion Time: 90 days after Notice to Proceed for the Construction of Magnolia Landfill Gas Collection System - Phase 3 Expansion and authorize the Chairman to execute Contract; and

2) Authorize the Chairman to execute any project related documents.

**BE4** Competitive Bid #WG18-33 - Provision of Road Signs for the Baldwin County Commission

[18-0345](#)

Take the following actions:

1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the Provision of Road Signs; and

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

**BE5** Competitive Bid #WG18-34 - Provision of Industrial Fittings, Hoses and Accessories for the Baldwin County Commission

[18-0347](#)

Take the following actions:

1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the Provision of Industrial Fittings, Hoses and Accessories; and

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

**BE6** Rental of One (1) Copy Machine for the Baldwin County Finance/Accounting Department Located in Bay Minette for the Baldwin County Commission

[18-0348](#)

Approve and authorize the Chairman to execute the rental agreement with Sharp Electronics Corporation for the rental of one (1) new copy machine off the State of Alabama Contract for thirty-six (36) months effective the date of execution as follows:

Location: Finance Accounting Department - Bay Minette

Model: MX6070V

Price: \$217.00/month

Excess Charge/Copy: \$0.0054 B/W; \$0.0400 Color

**BE7** Contract Amendment - Consultant Services for the Baldwin County Flood

[18-0350](#)

## Hazard Management Plan

Approve and authorize the Chairman to execute Amendment No. 1 to the Contract with Amec Foster Wheeler Environmental & Infrastructure, Inc., which was approved on December 5, 2017, changing the company name to Wood Environment & Infrastructure Solutions, Inc., for the Flood Hazard Management Plan Consultant Services.

### **BJ ELECTED OFFICIALS**

**BJ1**     Transfer of Vehicles from the Baldwin County Sheriff's Office to the Baldwin County Commission to be Sold on GovDeals.com     [18-0375](#)

Authorize the transfer of four (4) vehicles from the Baldwin County Sheriff's Office to the Baldwin County Commission as surplus assets and authorize the Chairman to execute the Fixed Asset Change Forms.

Per Baldwin County Policy #8.8, authorize the sale of the vehicles on GovDeal.com and the revenue from the sale of these vehicles be deposited into the Baldwin County Commission's General Fund.

2005 Ford Crown Victoria - Vin # 2FAHP71W05X134452  
2006 Ford Crown Victoria - Vin # 2FAHP71W96X138128  
2007 Ford Crown Victoria - Vin # 2FAHP71W37X130236  
2010 Ford E-350 - Vin # 1FBSS3BLXADA30696

**BJ2**     Transfer of Vehicle from the Baldwin County Sheriff's Office to the Baldwin County Commission to be Sold on Govdeals.com     [18-0377](#)

Authorize the transfer of one (1) vehicle from the Baldwin County Sheriff's Office Community Corrections Program to the Baldwin County Commission as surplus assets and authorize the Chairman to execute the Fixed Asset Change Form.

Per Baldwin County Policy #8.8, authorize the sale of the vehicles on GovDeal.com and the revenue from the sale of these vehicles be deposited into Baldwin County Commission Fund 708. This vehicle was purchased out of Baldwin County Commission Fund 708 - Community Corrections.

2010 Dodge Charger Vin # 2B3AA4CT2AH163598

**BJ3**     Transfer of Vehicles from the Baldwin County Sheriff's Office to the Baldwin County Commission to be Sold as Scrap Metal     [18-0376](#)

Authorize the transfer of two (2) vehicles from the Baldwin County Sheriff's Office to the Baldwin County Commission to be sold as scrap metal and authorize the

Chairman to execute the Fixed Asset Change Forms.  
The revenue from the sale of these vehicles will be deposited into the Baldwin County Commission General Fund.

2007 Ford Crown Victoria - Vin #2FAHP71W97X132847  
2011 Ford Crown Victoria - Vin #2FABP7BVXBX168681

## **BM FINANCE AND ACCOUNTING**

### **BM1** Request for Waiver of Sales Tax Penalty [18-0363](#)

Deny sales tax penalty waiver request for taxpayer #20434 in the amount of \$12,012.02.

### **BM2** Sale of Two (2) Sales & Use Tax/License Inspection Department Vehicles on GovDeals.com [18-0358](#)

Take the following actions:

- 1) Authorize the sale of 2006 Dodge Durango (VIN#1D8HB38N26F177395) on GovDeals.com. The vehicle is currently housed at the Baldwin County Sales & Use Tax/License Inspection office; and
- 2) Authorize the sale of 2006 Ford Crown Victoria (VIN#2FAFP73V66X124778) on GovDeals.com. The vehicle is currently housed at the Baldwin County Sales & Use Tax/License Inspection office.

## **BN HIGHWAY**

### **BN1** Town of Elberta - County Road 83 Project - Request for Assistance with Detour Signage [18-0359](#)

Approve the request from the Town of Elberta for the Highway Department to assist the Town with detour signs on their County Road 83 project.

### **BN2** Case No. S-17018 - Road Acceptance for Rivers Edge, Phase 2 [18-0364](#)

Take the following actions:

- 1) Approve the following subdivision roads for maintenance and authorize said roads to be added to the County Maintenance Road List:

Street Name	Length	Maint. Area	Asphalt Width	Curbing
Cool Springs Drive	1,222 ft	300	26 ft	No
Winding River Drive	422 ft	300	26 ft	No

2) Approve the Subdivision Roadway and Drainage Improvement Acceptance Agreement and accept the Surety Document from Platte River Insurance Company on behalf of River 53, LLC in the amount of \$112,500.00 to guarantee the workmanship and materials of the roadways and drainage improvements within the public rights-of-way as shown on the approved Final and "As-Built" construction plans.

## **BP PERSONNEL**

### **BP1 Highway Department (Bay Minette) - Personnel Changes**

**18-0352**

Take the following actions:

1) Approve the promotion of Cody Weaver from the Laborer position (PID #634) grade E-EL (\$10.781 per hour/\$22,424.48 annually) to fill the open Operator Technician I position (PID #5007) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually); and

2) Approve the employment of Matthew McFarland to fill the open Operator Technician I position (PID #614) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually).

These recommendations will be effective no sooner than June 25, 2018.

### **BP2 Highway Department (Foley) - Personnel Changes**

**18-0332**

Take the following actions:

1) Approve the promotion of Charley Weekley from the Operator Technician III position (PID #295) grade I-08 (\$19.045 per hour/\$39,613.60 annually) to fill the open Operator Technician IV position (PID #886) at a grade J-07 (\$20.404 per hour/\$42,440.32 annually); and

2) Approve the promotion of Jeff Rose from the Operator Technician II position (PID #894) grade H-09 (\$17.79 per hour/\$37,003.20 annually) to fill the open Operator Technician III position (PID #295) at a grade I-08 (\$19.045 per hour/\$39,613.60 annually); and

3) Approve the promotion of Arne Hansen from the Operator Technician I position (PID #638) grade G-08 (\$15.806 per hour/\$32,876.48 annually) to fill the open Operator Technician II position (PID #894) at a grade H-07 (\$16.930 per hour/\$35,214.40 annually); and

4) Approve the promotion of Jeremy Ringler from the Laborer position (PID #910) grade E-04 (\$11.903 per hour/\$24,758.24 annually) to fill the open Operator



Technician I position (PID #638) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually); and

5) Approve the employment of Kevin Koon to fill the open Laborer position (PID #910) at a grade E-EL (\$10.781 per hour/\$22,424.48 annually); and

6) Approve the employment of Joseph Harris to fill the open Laborer position (PID #3080) at a grade E-EL (\$10.781 per hour/\$22,424.48 annually).

These changes will be effective no sooner than June 25, 2018.

**BP3** Highway Department (Maintenance) - Personnel Changes

[18-0333](#)

Take the following actions:

1) Approve the employment of Scotty Conway to fill the open Laborer position (PID #4047) at a grade E-EL (\$10.781 per hour/\$22,424.48 annually); and

2) Approve the employment of Brett Pearson to fill the open Traffic Control Technician II position (PID #5384) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually).

These actions will be effective no sooner than June 25, 2018.

**BP4** Highway Department (Silverhill) - Personnel Changes

[18-0349](#)

Take the following actions:

1) Approve the promotion of Devin Carroll from the Operator Technician I position (PID #3079) grade G-02 (\$13.620 per hour/\$28,329.60 annually) to fill the open Operator Technician II position (PID #4080) at a grade H-01 (\$14.60 per hour/\$30,368.00 annually); and

2) Approve the employment of Timothy Hallford to fill the open Operator Technician I position (PID #3079) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually).

These recommendations will be effective no sooner than June 25, 2018.

**BP5** Probate Office - Personnel Changes

[18-0334](#)

Take the following actions:

1) Approve the promotion of Carol Renee Hawsey from the License Revenue Manager position (PID #158) grade I-08 (\$19.045 per hour/\$39,613.60 annually)

to fill the open License Revenue Administrator position (PID #157) at a grade J-07 (\$20.404 per hour/\$42,440.32 annually); and

2) Approve the promotion of Cynthia Till from the License Revenue Officer II position (PID #606) grade H-09 (\$17.79 per hour/\$37,003.20 annually) to fill the open License Revenue Manager position (PID #158) at a grade I-08 (\$19.045 per hour/\$39,613.60 annually).

3) Approve the employment of Justine Milson to fill the open License Revenue Officer I position (PID #3050) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually).

These actions shall not be effective until June 25, 2018.

**BP6**    Solid Waste Department - Employment of Three (3) Solid Waste Technician Positions

[18-0353](#)

Take the following actions:

1) Approve the employment of Jacob Hattamer to fill the Solid Waste Technician position (PID #5245) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually) in the Solid Waste Collections Department (54800); and

2) Approve the employment of Jimmy L. Weaver to fill the Solid Waste Technician position (PID #5241) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually) in the Solid Waste Collections Department (54800); and

3) Approve the employment of Joseph Mickles to fill the Solid Waste Technician position (PID #5236) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually) in the Solid Waste Magnolia Landfill (54300); and

These actions will be effective no sooner than June 25, 2018.

**C      PRESENTATIONS**

**E      COMMITTEE REPORTS**

**EA     FINANCE/ADMINISTRATION DIVISION**

**EA1    Payment of Bills**

[18-0309](#)

Motion by Commissioner Tucker Dorsey, seconded by Commissioner Chris Elliott, to pay bills totaling \$2,939,938.05 (two million, nine hundred thirty-nine thousand, nine hundred thirty-eight dollars and five cents) with the exception of Vendor 84, which is listed in the Baldwin County Accounts Payable Payments - June 19, 2018, for a revised total of \$2,939,459.40.

Of this amount, \$363,776.74 (three hundred sixty-three thousand, seven hundred seventy-six dollars and seventy-four cents) is payable to the Baldwin County Board of Education for its portion of the County Sales and Use Tax.

The motion passed by the following vote:

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

Motion by Commissioner Chris Elliott, Seconded by Commissioner Tucker Dorsey, to pay vendor 84 in the amount of \$478.65.

Vendor #84: Dorsey, Jasper T. \$478.65

The motion passed by the following vote:

**Aye:** 2 - Frank Burt Jr., and Chris Elliott  
**Nay:** 0  
**Absent:** 1 - Charles F. Gruber  
**Abstain:** 1 - Tucker Dorsey

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

[18-0310](#)

Kim Creech, Clerk/Treasurer, informed the Commission that the Baldwin County Commission Interim Payments - June 19, 2018, made by the Clerk/Treasurer totaling \$4,978,370.86 (four million, nine hundred seventy-eight thousand, three hundred seventy dollars and eighty-six cents) are a part of the minutes.

**EB ROAD AND BRIDGE DIVISION**

**F ELECTED OFFICIAL REQUESTS**

**G OTHER STAFF RECOMMENDATIONS**

**H COMMISSIONER REQUESTS**

**HA COMMISSION DISTRICT 1**

**HB COMMISSION DISTRICT 2**

**HC COMMISSION DISTRICT 3**

## HD COMMISSION DISTRICT 4

### I ADDENDA

#### IA GENERAL

##### IA1 Absentee Election Duties Related to the 2018 Statewide Primary Election, Primary Run-off Election and General Election [18-0398](#)

Motion by Commissioner Chris Elliott, to take the following actions related to the 2018 Statewide Primary Run-off Election and General Election:

1) Terminate the Contract for Services with Rhonda Smith for her services as the Assistant to the Absentee Election Manager for the 2018 Statewide Election Cycle, effective at midnight on June 19, 2018, and authorize the Chairman to sign correspondence to Ms. Smith notifying her of said contract termination; and

2) Pursuant to Section 17-11-14 of the Code of Alabama (1975), determine the amount of compensation to be paid to the Absentee Election Manager, the Honorable Jody Wise Campbell, and for the applicable absentee election time period recognized by law during the remainder of the 2018 Statewide Election Cycle, effective at 12:01 a.m. on June 20, 2018, for the July 17, 2018 and November 6, 2018 elections, to be the same pay as a Precinct Inspector for federal/state/statewide elections provided at (Baldwin County Commission) Policy #2.10 [\$125.00 per day with eligibility for an additional \$25.00 per day worked if certified as a qualified poll worker or completing a local election school] which is compliant to Section 17-8-12 of the Code of Alabama 1975; and

3) Pursuant to Section 17-11-2 of the Code of Alabama (1975), recognize the performance at and designate the place/office where the Absentee Election Manager shall perform such public duties for the applicable absentee election time periods recognized by state law during the remainder of the 2018 Statewide Election Cycle [July 17, 2018 and November 6, 2018], as follows:

Place: Baldwin County (Main) Courthouse at the County Seat in Bay Minette  
Office: Office of Circuit Clerk of the 28th Judicial Circuit  
8:00 AM - 4:30 PM (Monday - Friday)

4) Approve the request of the Absentee Election Manager, the Honorable Jody Wise Campbell, and authorize the execution of a Contract for Services with Evelina Hernandez for her services as Assistant to the Absentee Election Manager at a rate of compensation of \$75.00 per day worked [as paid from Baldwin County Budget Line Item 51910.5150] for the applicable absentee election time periods recognized by law during the 2018 Statewide Election Cycle [July 17, 2018, and November 6, 2018] (the term of the Contract shall commence no earlier than 12:01 a.m. on June 20, 2018, and expire no later than November 7, 2018, unless

sooner terminated as set forth in the Contract).

Commissioner Dorsey said he will not second this motion.

Chairman Burt said the request from Ms. Campbell came in after hours on Friday afternoon. This came about through discussions between the Judge of Probate, Tim Russell and the Secretary of State, John Merrill. The Commission was unaware of this until the request was made from Ms. Campbell. Chairman Burt said he would be glad to put it on the agenda today, provided everything was legally right and if all of the Commissioners' responsibilities were met. Chairman Burt said he personally spoke with the Secretary of State Merrill three times on Friday and was told his staff was working to get everything in order. It was Secretary of State Merrill's recommendation for the Commission to move forward in this manner with the hours and time just as it is spelled out in the agenda item. Chairman Burt said Commission staff worked to bring forth a good document. There was a motion, but no second. He would hope this item could be considered on the agenda. This is not a good reflection on the Commission, as a body. It was requested by the Probate Judge and recommended by the Secretary of State for the Commission to do this and move forward. This will make it difficult for all and it is disrespectful on the Commission's part, in his opinion, if the Commission does not move forward. Chairman Burt asked David Conner, County Attorney, if he knows of anything? He is unsure of who Mr. Conner has spoken with.

Mr. Conner said he does not know of anything different, facts wise. The request came in on Friday.

Chairman Burt said it was late Friday afternoon.

Mr. Conner agreed and said the request from the Secretary of State came in late Friday afternoon. The question about this came up a little earlier in the day. Mr. Conner said he had a conversation with Mr. David Brewer, Chief of Staff for the Secretary of State and Mr. Conner raised several issues. The Secretary of State's Office responded late Friday afternoon. Mr. Conner said he checked to see if the Circuit Clerk was eligible to serve under the circumstances. An Attorney General's Opinion was issued in 1994 that stated if the Circuit Court Clerk has no opposition in the election that is being held, then she is able to serve in that position. Mr. Conner said he is unaware of any objections from the Probate Judge, the Sheriff, or the previous appointing authority. Under the circumstances, if the Commission is inclined to move forward with this request, then the appropriate action would be to terminate the previous contracts that were entered into by the County Commission. In those contracts there is a provision that states the contract can be terminated with or without cause. If Ms. Campbell takes over that position, she has requested that a new absentee assistant be appointed. Mr. Conner said that contract is attached to the agenda item. Under the circumstances, he is unaware of any limitations or prohibition that would prohibit the Circuit Clerk from serving in that capacity.

Chairman Burt said he knows Commissioner Dorsey and Commissioner Elliott were unaware of the goings on. Staff was unsure if they could get the agenda item together. As soon as it was in order, staff emailed it out yesterday.

Commissioner Dorsey said this is the first time he has seen this and was unaware of it. The Circuit Clerk was involved in this election cycle and he knows she won without a run-off. He has some questions and concerns and there is no one here today to answer those questions. The Commission can move on this item during its July 3, 2018, meeting and still have time to perform during the July 17, 2018, meeting.

Chairman Burt asked if Commissioner Dorsey would mind saying who he would like to ask questions of, to which Commissioner Dorsey replied "no." Chairman Burt said he knows of nothing else to do regarding this. The Commission can table this item until a date certain.

Mr. Conner said at this point in time, there has been no second on the motion. If the Commissioners would like to table this recommendation until a point certain, they can. If not, it will need to be brought back up at a subsequent meeting as a new agenda item.

Chairman Burt said that is what the Commission will have to do. Commissioner Dorsey has questions, but without stating them, Chairman Burt does not know what they are. The Commission will pull this item and come back with a new item with Commissioner Dorsey's comments.

**IA2**     Proposal for Advanced Plus Service Package by Motorola Solutions, Inc.

**18-0239**

Motion by Commissioner Chris Elliott, Seconded by Commissioner Tucker Dorsey, to approve and authorize the Chairman to sign the Proposal for Advanced Plus Services which includes Statement of Work and Operational Agreement with Motorola Solutions, Inc. This proposal will provide maintenance, hardware/software updates and a full time technical resource necessary to maintain Baldwin County ASTRO 25 System at the highest level of support and availability.

The proposal is based on a seven (7) year contract effective October 1, 2018, and will expire September 30, 2025.

The motion passed by the following vote:

**Aye:**            3 -     Frank Burt Jr., Chris Elliott, and Tucker Dorsey

**Nay:**            0

**Absent:**        1 -     Charles F. Gruber

**Abstain:**      0

**IA3**     Guardian RFID System Agreement

**18-0402**

Motion by Commissioner Chris Elliott, seconded by Commissioner Tucker Dorsey, to approve the Guardian RFID System Agreement and authorize the Chairman to execute the contract and any related documents.

The motion passed by the following vote:

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

Commissioner Elliott said Commissioner Dorsey asked if this was the item for the Corrections Center. Since there is no financial impact indicated, is this coming out of the Sheriff's Office budget, to which Kim Creech, Clerk/Treasurer, replied "yes."

Commissioner Dorsey said this agenda item has no information on it; staff has to do better. He had information on this prior to the meeting, but there is nothing listed on the item.

David Conner, County Attorney, said he takes a little of the blame for that. This item came to the executive session and has to do with the monitoring. When staff tried to bring the item forward on yesterday, he learned the Sheriff's Office employees were in training in New Orleans and were unable to assist. Mr. Conner said he and staff came up with the approval. It is very bare bones and he apologizes for that.

Commissioner Dorsey said when this addendum item is published, make sure the appropriate information is on it for the public.

Mr. Conner said staff will add the background information from when the item went to a previous work session.

Chairman Burt said he understood staff sent the agenda items to all of the Commissioners yesterday before 4:30 p.m.

Commissioner Dorsey said they were placed in the confidential folder and can only be accessed through the VPN.

Mr. Conner said staff may have sent it that way because at the top of the contract itself, it says "Confidential" and "Proprietary."

Commissioner Dorsey said this goes back to the addendum on the Absentee Election item.

Chairman Burt said all of the addendum items were sent to the confidential folder. The only reason there are no attachments to this item is because it is confidential.

## **K COUNTY ATTORNEY'S REPORT**

David Conner, County Attorney, said the contract between the Baldwin County Commission and Pathway of Baldwin County, LLC for the purchase of the property and buildings occupied by the Wilderness Program was closed Monday. This has been a long work effort by the County Commission related to that project. The result has been to keep that program in Baldwin County for the benefit of the youth, the courts and the people of the County. At the same time, the County has been able to sell that property. The debt outstanding was approximately \$4 million. The Commissioners were able to negotiate a contract to sell the property for \$4.9 million; the wire transfers on this came in yesterday. Mr. Conner said also,

the County is no longer responsible for any Medicaid or Medicare charges related to that program. The Commissioners are also enjoying a significant savings in the General Fund. This has been a long effort the Commissioners have engaged in and worked on. He wanted to announce this and give the Commissioners an opportunity to comment as part of his report.

Commissioner Dorsey thanked staff for their work on this and said the Wilderness Program was county government not doing what it was supposed to really be doing. He is glad to have this service available to the courts. He and Commissioner Elliott did some great negotiating and worked through that problem very well to see the property sold and reduce the debt level by \$4.9 million, give or take some closing costs. The draw on the budget for that to the County before entering into an agreement with Pathway was approximately \$1 million a year. Commissioner Dorsey said that is an increase in cash flow to the Commission. The same service is still being provided to the court system. Commissioner Dorsey thanked Kim Creech, Clerk/Treasurer, for her help in getting Pathway here to have conversations on this. He is proud of this accomplishment and he is glad to have it off the Commission's books.

Commissioner Elliott said he agrees with Commissioner Dorsey. This is one of those things that Commissioners looked at and saw was clearly not the function of government and was something the Commission did not need to be doing. The Commission was spending too much money and staff time on it. The facts are that the private sector is doing it better at a reduced cost to the County taxpayers and has a significant reduction in liability to the County taxpayers. That is the hard work that goes on behind the scenes to get something like this done. Ms. Creech's office spent a tremendous amount of time on this and he is glad it is something the County is no longer doing. The service is still there for the children who need it and for the Courts to refer children to. It is just no longer on the backs of the County taxpayers; that is a victory.

Chairman Burt said he agrees. This is a great benefit to the people of Baldwin County now and into the future. However, had this not been built, he doubts Pathway would have built a facility such as this, here. The Lord worked things out when the Commissioners were striving for a solution. Commissioner Elliott was the first to bring it to the table. Everyone was concerned about what to do. Ms. Creech was heavily involved in the Medicaid portion of this, everything was so complexed. As Commissioner Dorsey stated, it was something local government had no business dealing with. Chairman Burt said the reason the Commission got into it was because the courts were assigning children to serve long periods of time in facilities like this and sending them far away or to a State agency to be held. The Commissioners, at that time, thought it shameful to send the children of Baldwin County off to faraway places where they would not be able to visit with their families. Chairman Burt said this program worked out well with the help of everyone working together. The County is completely out of it and he hopes Pathway is there for a long time.

## **D PUBLIC HEARINGS**

### **DA ADMINISTRATION**

**DA1** Case No. LV- 18003 - Alcohol License Application for Bon Temps Catering, LLC d/b/a Lillians Front Porch

[18-0226](#)

Ms. Dawn Stephenson appeared before the Commission and said she started the



business eight months ago. She has a food and beer and wine license and she is applying for a liquor license now. The business has been doing really well.

Chairman Burt opened the public hearing at 9:04 a.m. and asked if there is anyone present who wishes to speak.

There being no requests to address the Commission, Chairman Burt closed the public hearing at 9:04 a.m.

Motion by Commissioner Chris Elliott, seconded by Commissioner Tucker Dorsey, to approve the 020 - Restaurant Retail Liquor license application for Alcohol License Application for Bon Temps Catering, LLC d/b/a Lillians Front Porch, located at 33925 US Highway 98, Lillian, Alabama 36549, and approve the issuance of said license by the Alabama Beverage Control (ABC) Board.

The motion passed by the following vote:

**Aye:** 3 - Frank Burt Jr., Chris Elliott, and Tucker Dorsey

**Nay:** 0

**Absent:** 1 - Charles F. Gruber

**Abstain:** 0

## **DQ PLANNING AND ZONING**

### **DQ1 Case No. Z-18018 - Turberville Property Rezoning**

**18-0344**

Celena Boykin, Planner, appeared before the Commission and provided the staff report on the subject property.

Chairman Burt opened the public hearing at 9:06 a.m. and asked if there is anyone present who wishes to speak.

Mr. Nick Turberville, the owner of the property, appeared before the Commission and said he has been in the RV repair business with his father for approximately 10 years. He has a small shop now and he is trying to expand the business and build a larger repair shop. He wants to open a storage lot, as well. Mr. Turberville said he is working with an engineer to get some ideas and he hopes to move this forward. He purchased the property two years ago and waited a little longer than he wanted to get this process going, but he is here now.

There being no further requests to address the Commission, Chairman Burt closed the public hearing at 9:07 a.m.

Motion by Commissioner Chris Elliott, seconded by Commissioner Tucker Dorsey, to adopt Resolution #2018-077, which approves Case No. Z-18018, Turberville Property, as it pertains to the rezoning of 5.22 acres, more or less, as located in Planning (Zoning) District 30, from RA, Rural Agriculture District, to B-4, Major Commercial District.

The motion passed by the following vote:

**Aye:** 2 - Frank Burt Jr., and Chris Elliott  
**Nay:** 0  
**Absent:** 1 - Charles F. Gruber  
**Abstain:** 1 - Tucker Dorsey

**DQ2** Case No. Z-18019 - Morgan Property Rezoning

[18-0346](#)

Celena Boykin, Planner, appeared before the Commission and provided the staff report on the subject property.

Chairman Burt opened the public hearing at 9:10 a.m. and asked if there is anyone present who wishes to speak.

Ms. Rebecca Morgan, the applicant, appeared before the Commission and said when she originally requested to have the property zoned commercial, it was going to blow that area up. Unfortunately, due to some medical issues for her husband, who she almost lost, she is requesting to rezone the property as residential in order to sell it and downsize after the property is refinanced. Ms. Morgan said the property is up for sale and she would like to refinance it to do what she has to do financially to survive. She is requesting the Commission rezone this residential in order to get things taken care of.

There being no further requests to address the Commission, Chairman Burt closed the public hearing at 9:10 a.m.

Motion by Commissioner Chris Elliott, seconded by Commissioner Tucker Dorsey to adopt Resolution #2018-078, which approves Case No. Z-18019, Morgan Property, as it pertains to the rezoning of 3 acres, more or less, as located in Planning (Zoning) District 12, from B-4, Major Commercial District, to RSF-E, Residential Single-Family Estate District.

The motion passed by the following vote:

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

**DQ3** Case No. Z-18020 - Loxley Super Storage Inc., Property Rezoning

[18-0360](#)

Linda Lee, Planner, appeared before the Commission and provided the staff report on the subject property.

Chairman Burt opened the public hearing at 9:13 a.m. and asked if there is anyone present who wishes to speak.

Mr. Brad Pierce, the property owner, appeared before the Commission and said he purchased this business in late 2016. The parcel has one existing storage facility. There are already two concrete slabs there for future use. That is why they bought the business. There is a house that has been removed from the property as well as mobile homes. He has cleaned up the front portion and it will be a fully fenced and gated facility with entry until 9:00 at night. Mr. Pierce said there is an eight-foot privacy fence on the south and east portions of the property. He hopes the Commission will approve this because there is no ground disturbance at all. He wants to continue with his business.

Commissioner Dorsey asked if the privacy fence was already up, to which Mr. Pierce replied "yes."

Mr. Pierce said the fence is an eight-foot privacy fence that faces the residential properties.

There being no further requests to address the Commission, Chairman Burt closed the public hearing at 9:14 a.m.

Motion by Commissioner Chris Elliott, seconded by Commissioner Tucker Dorsey, to adopt Resolution #2018-079, which approves Case No. Z-18020, Loxley Super Storage Inc., Property, as it pertains to the rezoning of 3.99 acres, more or less, as located in Planning (Zoning) District 12, from RSF-1, Single Family District, to B-3, General Business District.

The motion passed by the following vote:

**Aye:** 3 - Frank Burt Jr., Chris Elliott, and Tucker Dorsey

**Nay:** 0

**Absent:** 1 - Charles F. Gruber

**Abstain:** 0

**DQ4** Case No. Z-18021 - McClain Trailers Inc., Property Rezoning

[18-0361](#)

Linda Lee, Planner, appeared before the Commission and provided the staff report on the subject property.

Chairman Burt opened the public hearing at 9:17 a.m. and asked if there is anyone present who wishes to speak.

There being no requests to address the Commission, Chairman Burt closed the public hearing at 9:17 a.m.

Motion by Commissioner Chris Elliott, seconded by Commissioner Tucker Dorsey, to adopt Resolution #2018-080, which approves Cases No. Z-18021, McClain Trailers Inc., Property, as it pertains to the rezoning of 10.5 acres, more or less,

as located in Planning (Zoning) District 12, from RA, Rural Agricultural District, to M-1, Light Industrial District.

The motion passed by the following vote:

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

Commissioner Dorsey said this was discussed during the work session and there were concerns with the ingress/egress areas. There is more activity happening there. Staff needs to work with the Town of Loxley and the Alabama Department of Transportation with regards to the access to Highway 59. Commissioner Dorsey asked if staff will make sure everyone is on board as this project moves forward, to which Ms. Lee replied "yes."

**DQ5** Case No. Z-18022 - The Reserve at Daphne Rezoning

[18-0366](#)

Vince Jackson, Planning Director, appeared before the Commission and provided the staff report on the subject property.

Chairman Burt opened the public hearing at 9:20 a.m. and asked if there is anyone present who wishes to speak.

Mr. Steve Pumphrey with Dewberry Engineers, Inc. appeared before the Commission and said this is driven mostly from the next item on the agenda because he is proposing a Planned Residential Development (PRD). This is a large property, the density level is at 1.3 units per acre. This is why there is a need to request rezoning. The Commission has rezoned a part of the property. The developer was able to acquire more property which was important because it provided another access point out of the property. Mr. Pumphrey said this has been a master plan for years. The only access to this was always at County Road 64. However, because the developer was able to acquire additional property, there will now be an access to County Road 54, to the west. There is a proposed school site that also gives another access point to County Road 54 and a connection to the development if that were to happen. Overall, there have been some positive moves and they have kept the density relatively low. Almost 60 percent of this site is left open, only 40 percent is actually being developed into roadways and lots. Mr. Pumphrey said that is a fairly small amount when considering the overall project.

Commissioner Dorsey asked where will the school site will be located, to which Mr. Pumphrey replied it is the yellow spot on the map.

Ms. Louisa Toler appeared before the Commission and said she wants to speak on Case #Z-18023.

There being no further requests to address the Commission, Chairman Burt closed the

public hearing at 9:23 a.m.

Motion by Commissioner Chris Elliott, seconded by Commissioner Tucker Dorsey, to adopt Resolution #2018-081 which approves Case No. Z-18022 as it pertains to the rezoning of approximately 309 acres, located in Planning (Zoning) Districts Number 15 and Number 28, from RA, Rural Agricultural District, to RSF-2, Single Family District.

The motion passed by the following vote:

**Aye:** 3 - Frank Burt Jr., Chris Elliott, and Tucker Dorsey

**Nay:** 0

**Absent:** 1 - Charles F. Gruber

**Abstain:** 0

**DQ6** Case No. Z-18023 - The Reserve at Daphne - Planned Residential Development Site Plan

[18-0369](#)

Vince Jackson, Planning Director, appeared before the Commission and provided the staff report on the subject property.

Chairman Burt opened the public hearing at 9:25 a.m. and asked if there is anyone present who wishes to speak.

Ms. Louisa Toler appeared before the Commission and said she is here to voice her concern about this plan. She hopes the Commissioners are still trying to find a way to get the people out from the north. Entering the development to get to the most northern part involves a distance of approximately three miles. There are four phases of this development that have only one way out to the south over one bridge. Prior to this, there was a choice of going to County Road 64 or County Road 54. If anything happens in that northern area to block the roadway, there will be 394 houses that are marooned. Ms. Toler said there should be some way to find an alternate way of exiting this property to the north. Also, in this development there are 618 lots and over 70 already existing homes. The method for development is to remove every tree from every lot that is built on. This is what the developers are doing so far. Ms. Toler said the only amenity is a pool that is close to the County Road 64 entrance. The pool has a parking space for 26 vehicles and this development is going to have almost 700 homes. There are no other amenities. There are 17 retention ponds on the map in which the property owners will be saddled with maintaining. The County Commission has no authority to maintain these retention ponds and has no authority to tell the property owners to maintain them. She hopes this will be addressed by the homeowners' association. This is an area that contains Bay Branch and Turkey Branch which flow together to create Fish River. Ms. Toler said there are a lot of environmental issues involved in all of this and she is concerned about the issues she sees with this development.

There being no further requests to address the Commission, Chairman Burt closed the public hearing at 9:29 a.m.

Mr. Jackson said the Planning and Zoning Commission meeting will be held on July 12, 2018. Staff is already working on the advertising and will have plenty of time to get it back before the Commission by August 7th to meet the 60-day requirement.

David Conner, County Attorney, asked if staff will re-advertise for the hearing at this meeting, to which Mr. Jackson replied "yes." Mr. Conner said this public hearing will be re-opened at that meeting for consideration of this item.

Chairman Burt said there has been an opening and closing of the public hearing, the next time the Commission will vote.

Commissioner Dorsey said Ms. Toler brought up great points and he agrees with her regarding the access. He is looking at the very north end of the property, which is the last phase of the project. He will be glad to help facilitate the conversation because he knows the owners on the north side to try and figure out how to loop an access to Plantation Hills. Commissioner Dorsey said he knows Plantation Hills is not dying for that access, but Ms. Toler's point is perfect because there is one road in there. If there is an emergency, people have to be able to get in and out of there. He hopes the applicants can agree to have another conversation to figure out another access out of there to the north end for safety issues.

Mr. Pumphrey said the developer will be agreeable to consider any of that. He has worked hard to get this other access point at County Road 54. If something can be worked out for the north, Mr. Pumphrey is sure the developer will be glad to do it.

Commissioner Dorsey said he will be glad to help.

Commissioner Elliott said he echoes those comments. It takes him 7 1/2 minutes to get out of the back of the TimberCreek Subdivision to get to a main road. He is also close to a gate that he and the City of Spanish Fort disagree on. If this gate was opened, it would be very easy access out the back of his neighborhood. He agrees with Ms. Toler on the access points and he is sure Mr. Pumphrey will do what he can to see if something can be worked out with the Plantation Hills Subdivision at least for emergency vehicles.

Motion by Commissioner Chris Elliott, seconded by Commissioner Tucker Dorsey, to table any action on Case No. Z-18023, until August 7, 2018, so that it may be returned to the Planning Commission for additional review and consideration.

The motion passed by the following vote:

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

## **J ADMINISTRATIVE REPORT**

Kim Creech, Clerk/Treasurer, said an additional addendum has come in. This is a request for the Petition for Establishment of Lloyd G. Hastings Family Cemetery, Bay Minette, Baldwin County, Alabama.

Mr. Bill Brantley appeared before the Commission and said he is representing the Hastings family in this matter. He appreciates the Commission hearing this request so rapidly. Mr. Brantley said this petition was filed in the Probate Court yesterday. Mr. Lloyd Hastings passed away three weeks ago. One of Mr. Hastings' last wishes was to be buried on the family property. At the time of his death, the property had not been surveyed. Mr. Brantley said he did not know what to do to establish a family cemetery in Baldwin County. Within three days he put a petition together, found a surveyor and had to wait until the property could be surveyed. What he is asking the Commission to allow him to do is for the family to set aside approximately 1.09 acres of undeveloped land that is surrounded by Hastings family property to establish a private cemetery where only Mr. Hastings, his spouse, when she passes and his direct descendants can be buried. Mr. Brantley said there are approximately 30 descendants, at this time. He does not see where there will be a great deal of additives to the property. He does not have a 911 address because the property has not been transferred from its current owner to the trustees of the cemetery board. There is a proposed deed whereby Mr. Hastings' son, Eric Hastings and his wife, who currently own the property would transfer the property to Eric, a brother and a sister-in-law as trustees of the cemetery. Under the terms of the deed, the property would be held in trust as a family cemetery for perpetuity. They have put together proposed restrictions on the cemetery. The biggest restriction is to be buried there a person must be a direct descendant of Mr. Hastings or the board would have to find a special reason for a person to be buried there. Mr. Brantley said the property is surrounded by land of the Hastings' family and it will stay in the family forever.

Commissioner Dorsey said if the Commission is going to move forward regarding the cemetery, he wants to make sure all of the pieces are right and once this is done everything is correct and as it should be. Is this considered a family split? Is it automatically subdivided as a cemetery? How does this work?

David Conner, County Attorney, said it all depends on how it is presented to the Planning and Zoning Department. If it is presented as a family subdivision of land, then there is an exemption that allows for that. Whatever action the Commission takes today, should be conditioned upon any other approvals deemed necessary by staff and/or other officials with authority.

Commissioner Dorsey said the family is petitioning the Commissioners to get a one-acre family cemetery done in a hurry. He does not see a problem with the family cemetery portion, but he wants to make sure all of the pieces of the puzzle are correct. How will staff handle the subdivision of one-acre from the master tract? Can it be done administratively through a family split or is it automatically subdivided when it becomes a cemetery? There is a legal description and a deed.

Vince Jackson, Planning Director, appeared before the Commission and said there is an administrative way to do this. One option would be a one-time split if the property has not been divided.

Mr. Brantley said the property has been divided. The original parcel of land belonged to Mr. Hastings who deeded various portions to his children. In this case, a brother will deed the property to himself, another brother and a sister-in-law within the capacity of the trustees. This does not quite fit the one-time split because it has been divided before.

Mr. Jackson said this would probably meet the family division. Mr. Jackson said he is not really involved in that subdivision aspect of things, but based on what he is hearing, the family division would probably be available.

Commissioner Dorsey said he knew Mr. Jackson would know close enough what to do. Commissioner Dorsey asked Joey Nunnally, County Engineer, to make sure his crew handles this and makes it right. Of course staff will follow the law, but he wants to make this happens for the family. He does not want there to be any problems down the road because someone forgot about something.

Mr. Jackson said based on what he is hearing, he feels the family division would work for that situation.

Mr. Brantley said if the family division will not work, he will do whatever is needed to be done.

Commissioner Dorsey said that is his point too.

Mr. Brantley said he will be more than happy to do something retroactively. The major problem is, Mr. Hastings is still in the mortuary. He has been there for a couple of weeks and the family is getting anxious to inter him where he wished to be buried.

Commissioner Dorsey said he has no intention of slowing this down. He wanted Mr. Brantley to know that staff is fully on board to do whatever it takes to make things right.

Mr. Brantley said if the family has a problem, they will contact him and he will drop everything to see that this is done.

Chairman Burt said it is in a planning district, but is unzoned, to which Mr. Brantley replied "yes."

Mr. Conner said by the Commissioners approving this petition, for the purpose of the timing of this burial, staff will have to determine the ultimate perimeters of the cemetery. He feels a family exemption will work. He originally had questions because this would be owned by co-trustees, but the first transaction will be to a direct family member. This may help in the transition, if not, staff will make sure the family is steered to get this to fruition.

Mr. Brantley said the transfer of the property will be from a brother to himself, another brother and a sister-in-law as co-trustees. The other provision in the proposed rules and



regulations for the cemetery is that the trustees will name their successors before they resign. If someone were to die in office, the trustee would be the oldest living child of the deceased trustee. This ensures that the ownership goes down the family lineage. It will not go out of the Hastings' family.

Mr. Conner said under these circumstances, staff will do all it can to make this happen as quickly as possible. Mr. Conner asked if the address that staff has is the address of the property adjacent to this site, to which Mr. Brantley replied "yes." Mr. Conner said in order to clear up staff's recommendation, he would suggest that instead of putting in a physical address because no 911 address has been established, at the end of recommendation #1 he would suggest stating that the property is located adjacent to 47553 Lloyd Hastings Road, Bay Minette, Alabama 36507, and is more particularly described in the application to establish private cemetery which has been filed in the Probate Court in Case #35872. This will clear up the legal description and location.

Chairman Burt said a part of the statute requires the Commissioner to visit the site. The Health Department used to check it, but they no longer do. He was out early this morning and took pictures of the site. He can see where the family has already prepared the site and removed a lot of trees. His heart hurt for the family and he prayed the Commissioners could come together and get this done today.

Mr. Brantley said there is a slope on the property. The family plans to terrace it in order to have a step down. The family does not want bodies washing down the hillside.

Chairman Burt said he knew that if Mr. Brantley had it, it would be meticulously correct.

Commissioner Dorsey asked Ms. Creech for the policy number the Commissioners will be waiving in which Ms. Creech replied it is County Commission Policy #2.7 - Licensing of Cemeteries.

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

1) Waive Baldwin County Commission Policy #2.7 - Licensing of Cemeteries, and approve the application to establish a private cemetery located just north of 47553 Lloyd Hastings Road, Bay Minette, Alabama 36507 and more accurately described as Parcel A in the application to establish a private cemetery; and

2) Make the application to establish a private cemetery a part of the June 19, 2018, Baldwin County Commission regular meeting minutes.

The motion passed by the following votes:

**Aye:** 3 - Frank Burt Jr., Chris Elliott, and Tucker Dorsey

**Nay:** 0

**Absent:** 1 - Charles F. Gruber

**Abstain:** 0

After the motion, before the vote, Chairman Burt said someone mentioned the name of the cemetery earlier.

Mr. Brantley said the name will be the Lloyd G. Hastings Family Cemetery. He apologizes, he did not know this was on the docket.

Commissioner Dorsey asked if he needed to amend the motion to include the name?

Mr. Conner said only if Mr. Brantley is sure of what the name is. He does not feel it is required.

Chairman Burt said Ms. Jody Wise Campbell, Circuit Clerk, has come in since the discussion regarding her request to change the Assistant to the Absentee Election Manager.

Mr. Conner said he has a request to enter into an executive session to briefly discuss an item. The Commission may be required to come back and take action. It would be great if the Commission take that up.

Chairman Burt asked Ms. Campbell to hang around until the meeting reconvenes. If the Commissioners are coming back, Mr. Conner can move them into the executive session.

#### **KA1** Executive Session

[18-0567](#)

David Conner, County Attorney, said he has an item for executive session to discuss. The Commission may be required to take action once the meeting reconvenes. He recommended the Commission enter into an executive session to discuss the general reputation and character, physical condition, professional competence, or mental health of individuals, or, subject to the limitations set out herein, to discuss the job performance of certain public employees and to discuss with their attorney the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action. Mr. Conner said it is anticipated the executive session will last approximately 15 minutes at which time the Commission will reconvene the meeting and continue forward. He makes the oral declaration that the discussion is appropriate for an executive session.

Motion by Commissioner Chris Elliott, seconded by Commissioner Tucker Dorsey, to enter into an executive session at 9:50 a.m. for approximately 15 minutes to discuss the general reputation and character, physical condition, professional competence, or mental health of individuals, or, subject to the limitations set out herein, to discuss the job performance of certain public employees and to discuss with their attorney the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action.

The motion passed by the following vote:

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

The Chairman recessed the meeting at 9:50 a.m.

The meeting reconvened at 10:08 a.m.

David Conner, County Attorney, said he has no report coming from the executive session. There is no action to take at the moment. If Chairman Burt wants to proceed with Public Comments or the next item on the agenda, he can do that.

## **L ANNOUNCEMENTS**

## **M PUBLIC COMMENTS**

## **N PRESS QUESTIONS**

## **O COMMISSIONER COMMENTS**

Chairman Burt said prior to the executive session, he asked Ms. Jody Wise Campbell, Circuit Clerk, if she wanted to address the Commission. Ms. Campbell's request came up on the agenda prior to her arrival. He just provided Ms. Campbell with a copy of the agenda item because she did not have it.

Ms. Campbell appeared before the Commission and said she was unaware she was needed at the meeting. She understands there were questions, perhaps from Commissioner Dorsey.

Chairman Burt said no questions were asked. A motion was made, but it did not receive a second.

Commissioner Dorsey said his questions were answered.

Chairman Burt asked if the Probate Judge appointed Ms. Campbell or was it by statute?

Ms. Campbell said according to Code Section 17-11-2, the Circuit Clerk of the County shall at his or her option be the Absentee Election Manager; there is no appointing. Since she has no further opposition either in her party or the opposing party, she is eligible to serve as the Absentee Election Manager. The Commission chooses who is appointed to help her. She may not need any help for the run-off. The Commissioners may need to think about that.

Chairman Burt said if Ms. Campbell is the Absentee Election Manager, the Commission

appoints the office and which government building she will use. Since this has already been set as a part of the Judge of Probate's Department, then it would remain there until the Commission changes it.

Ms. Campbell said she is respectfully asking the Commission to change the location to her office or it will be a hardship. She can do it, but it will take away from her other responsibilities as Circuit Clerk.

David Conner, County Attorney, said the location has been set and if it is to be changed, it will require Commission action. Also, if there is a change to the Absentee Election Manager Assistant, that would require the termination of the present contract and entering into a new contract if the Commission deems it necessary.

Chairman Burt said the salary is the addition other than what the State statute sets for the Absentee Election Manager. Unless the Commission votes to add that portion that by statute it has the authority to do, then Ms. Campbell would not get that if the Commission does not act.

Ms. Campbell said she is unsure where she stands.

Chairman Burt said Ms. Campbell is the Absentee Election Manager and Circuit Clerk. Today, she can still operate the Absentee Election's office from the place assigned by the Commission. The Commission has a contract with Ms. Rhonda Smith.

Mr. Conner said at this point in time, the Commission has a contract with Ms. Smith to serve as the Absentee Election Manager Assistant, pursuant to that contract.

Chairman Burt said Ms. Smith will serve as the assistant until the Commission changes that contract.

Mr. Conner said the contract states Ms. Smith is appointed as the Absentee Election Manager Assistant until the end of the General Election in November. If the Commission is going to change this to Ms. Evelina Hernandez as requested by Ms. Campbell, the Commission will need to terminate that contract with Ms. Smith and enter into a new contract with Ms. Hernandez.

Ms. Campbell asked if the Commissioners do not want her to be the Absentee Election Manager. Is this the reason the Commission does not want to change the location back to the main courthouse?

Commissioner Dorsey said he would be glad to discuss this with Ms. Campbell offline, but if she wants to do it here, he can. He would like to leave the location at the Judge of Probate. He will be glad for Ms. Campbell to do this, she has the authority to call it, but he wants to leave it where it is and leave the assistant the same.

Ms. Campbell asked Commissioner Dorsey why.

Commissioner Dorsey said this is where he is comfortable for the balance of the elections.

Ms. Campbell asked if Commissioner Dorsey is suggesting she would do something.

Commissioner Dorsey said he did not say that.

Ms. Campbell said if this is how the Commissioners feel, she will not be the Absentee Election Manager for the run-off because she cannot do her job effectively in her office and across the street. People walk in the Absentee Elections Office and call all the time. There is a lot to it. She can handle this in the main courthouse.

Chairman Burt said there is an assistant there Ms. Campbell could direct and have authority over.

Ms. Campbell said she would rather not have Ms. Smith as an assistant.

Chairman Burt said the Commission cannot get sufficient votes to move the Absentee Elections Office back to the courthouse and asked Ms. Campbell to think about this. Chairman Burt asked Mr. Conner when did Commissioner Dorsey suggest discussing this.

Mr. Conner said Chairman Burt will need to ask Commissioner Dorsey, but he thinks Commissioner Dorsey mentioned discussing this at a later County Commission meeting.

Ms. Campbell said no, Commissioner Dorsey said offline.

Commissioner Dorsey said they are online and in it. He will not second a motion. He will be glad for Ms. Campbell to do this during the General Election, but he is just not doing this. Commissioner Dorsey said that is his prerogative from this chair.

Ms. Campbell said this sounds personal.

Commissioner Dorsey said Ms. Campbell has the ability to choose if she wants to do this or not. If walking from the courthouse to the Absentee Elections Office is too much of an inconvenience with her job, then that is fine and her decision.

Ms. Campbell said it is not an inconvenience to her, it is an inconvenience to the public.

Commissioner Dorsey said as stated, there is an assistant over there who has been working through the primary process. The office has already processed 190 absentee ballots. The system is working as it is. If it is changed, it could be more of a challenge for the public because people are already filling out paperwork in the Probate Office.

Ms. Campbell said she has some in her office as well.

Commissioner Dorsey said Ms. Campbell knows how to handle that. This sounds like it is personal between Ms. Campbell and Ms. Smith. He is sorry Ms. Campbell is unhappy with that assistant, but that is where the Commission is with four weeks to go.

Chairman Burt said nothing has been said that will change what the statute says. The Commissioners are where they are. The office where the Absentee Election Manager

primarily operates from is the office assigned.

Mr. Conner said unless someone shows him differently, it will require County Commission action.

Chairman Burt said the employee who has a contract still has that contract until the Commission changes it, to which Mr. Conner replied "yes."

## **P      ADJOURNMENT**

Motion by Commissioner Chris Elliott, seconded by Commissioner Tucker Dorsey, to adjourn the June 19, 2018, Baldwin County Commission meeting at 10:20 a.m.

The motion passed by the following vote:

**Aye:**            3 -    Frank Burt Jr., Chris Elliott, and Tucker Dorsey

**Nay:**            0

**Absent:**        1 -    Charles F. Gruber

**Abstain:**       0

Chairman Burt said the June 19, 2018, Baldwin County Commission meeting is adjourned at 10:20 a.m.