

Baldwin County Commission

Baldwin County Commission
Regular
Meeting Minutes
Tuesday, September 4, 2018 8:30
AM



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

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

Ronald J. Cink, County Administrator

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

A WELCOME, INVOCATION AND PLEDGE OF ALLEGIANCE

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

Absent: 0

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

The Chairman called the meeting to order at 8:34 a.m. and introduced Reverend James E. Richardson, III, Pastor of Tate Creek Missionary Baptist Church, Little River, Alabama, who appeared before the Commission and led the Commission in prayer. After the Pledge of Allegiance led by Commissioner Tucker Dorsey, the Commission transacted the following business to-wit:

ADOPTION OF MINUTES

Motion by Vice Chairman Charles F. Gruber, seconded by Commissioner Chris Elliott, to adopt the minutes of the July 23, 2018, Special (Budget) Meeting; July 24, 2018, Special (Budget) Meeting; and August 21, 2018, Regular Meeting minutes.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

B CONSENT

Ron Cink, County Administrator/Budget Director, requested the Commissioners pull Agenda Item BA6 - City of Fairhope - Request for the Use of One Baldwin Regional Area Transit System (BRATS) Bus from the Agenda, at the request of staff.

Motion by Commissioner Chris Elliott, seconded by Commissioner Tucker Dorsey, to adopt the consent agenda, with the exception of Item BA6.

The motion passed by the following vote:

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

After the motion, before the vote, Chairman Burt asked Joey Nunnally, County Engineer, to explain why Item BA6 was pulled from the agenda.

Mr. Nunnally appeared before the Commission and said the City of Fairhope reached out to staff late last week and requested the use of a BRATS bus. This was brought before the Commissioners during the work session for a discussion. However, after further investigation of the request, staff found the location where the City of Fairhope wanted to go was outside of the service area that the Federal Transit Administration (FTA) recognizes for BRATS. Mr. Nunnally said in order to provide this service, staff would have to advertise for a private service. If there was no response from a private service, then the service could be provided through BRATS and the timeframe that the City of Fairhope requested for all of this does not allow for that.

Chairman Burt said the Commission was willing to do it and even had it on the Consent Agenda for the benefit of the City of Fairhope, but the statute will not allow it.

BA ADMINISTRATION

BA1 Baldwin County Eastern Shore Health Care Authority - Board Appointments

[18-0877](#)

Related to the Baldwin County Eastern Shore Health Care Authority Board, take the following actions:

1) Re-appoint Ms. Emalyn Johnson as a member of the Board of Directors for slot #4, for the remaining unexpired six (6) year term, which began on April 30, 2018, and will expire on April 30, 2024; and

2) Re-appoint Mr. John Baker as a member of the Board of Directors for slot #5,

for the remaining unexpired six (6) year term, which began on April 30, 2018, and will expire on April 30, 2024; and

3) Re-appoint Mr. Marion (Tut) Wynne as a member of the Board of Directors for slot #9, for the remaining unexpired six (6) year term, which began on April 30, 2018, and will expire on April 30, 2024.

BA2 Ono Island Water, Sewer and Fire Protection Authority - Board Appointment

[18-0886](#)

Related to the Ono Island Water, Sewer and Fire Protection Authority, take the following actions:

- 1) Accept the resignation of Mr. John P. Fonde (place seat #3) effective August 1, 2018, and thank Mr. Fonde for his previous civic service on the board; and
- 2) Appoint Mr. Bruce Donaldson for a pro-rata reduced six (6) year term, to fill place seat #3 and un-expired term of Mr. John P. Fonde, said term to commence on September 4, 2018, and expire on March 1, 2023.

BA3 Revision of Baldwin County Commission Policy #2.6 - Alcohol License Applications

[18-0879](#)

Adopt the revised Baldwin County Commission Policy #2.6 - Alcohol License Applications and make said policy a part of the Baldwin County Commission Policies and Procedures Book.

BA4 Revision of Baldwin County Commission Policy #2.13 - Public Records Access and Rates Schedule

[18-0888](#)

Adopt the revised Baldwin County Commission Policy #2.13 - Public Records Access and Rates Schedule and incorporate said revised policy into the Baldwin County Policies and Procedures Book.

BA5 Absentee Election Duties Related to the 2018 Statewide General Election

[18-0885](#)

Related to the 2018 Statewide General Election (November 6, 2018), take the

following actions:

1) 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 period recognized by state law during the remainder of the 2018 Statewide Election Cycle [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)

2) 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 September 4, 2018, and authorize the Chairman to sign correspondence to Ms. Smith notifying her of said contract termination; and

3) 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 period recognized by law during the remainder of the 2018 Statewide Election Cycle [November 6, 2018]. The term of the Contract shall commence no earlier than 12:01 a.m. on September 5, 2018, and expire no later than November 7, 2018, unless sooner terminated as set forth in the Contract.

BA6 City of Fairhope - Request for the Use of One Baldwin Regional Area Transit System (BRATS) Bus

[18-0889](#)

This item was pulled from the agenda at the request of staff.

BA7 City of Fairhope - Annexation Notification

[18-0892](#)

Authorize the placement of the City of Fairhope Annexation Ordinance Number 1623, an ordinance amending Ordinance Number 1253 known as The Zoning Ordinance into the minutes of the September 4, 2018, Baldwin County Commission meeting with the proper notifications to the following departments/organizations:

Baldwin County Commission Departments
Baldwin County Commission
Building Inspection Department
Communications/Information Systems Department
Environmental Management/Solid Waste Department

Highway Department
Planning and Zoning Department

Elected Officials
Baldwin County Revenue Commission
Baldwin County Sheriff's Office

Other Agencies
Board of Registrars Office
Emergency 911
South Alabama Regional Planning Commission

BA8 Mutual Cooperative Promotional Agreement with AT&T Alabama for the South Alabama Mega Site

[18-0884](#)

Rescind action taken by the Baldwin County Commission during its regularly scheduled meeting held on February 21, 2017, more specifically, the staff recommendation regarding Agenda Item BA7, which approved as follows:

“MOTION BY COMMISSIONER J. TUCKER DORSEY, SECONDED BY COMMISSIONER CHARLES F. GRUBER, IN AN EFFORT TO PROMOTE THE SOUTH ALABAMA MEGA-SITE AS AN ATTRACTIVE PLACE TO RELOCATE OR EXPAND BUSINESS AND THE AVAILABILITY OF ADVANCED BROADBAND COMMUNICATIONS TECHNOLOGY AND SERVICES PROVIDED BY AT&T TO BUSINESSES LOCATED IN THE DEVELOPMENT, TO AUTHORIZE THE CHAIRMAN TO SIGN A MUTUAL COOPERATIVE PROMOTIONAL AGREEMENT BETWEEN THE BALDWIN COUNTY COMMISSION AND AT&T ALABAMA.

THE TERM OF THIS AGREEMENT SHALL BE ONE YEAR FROM THE DATE OF FULL EXECUTION AND SHALL CONTINUE THEREAFTER UNLESS AND UNTIL TERMINATED BY EITHER PARTY BY GIVING AT LEAST SIXTY (60) DAYS PRIOR WRITTEN NOTICE TO THE OTHER.”

BE BUDGET/PURCHASING

BE1 Competitive Bid #WG18-28A - Provision of Bag Ice for the Baldwin County Commission

[18-0873](#)

Take the following actions:

- 1) Approve the Purchasing Director to re-bid for the Provision of Bag Ice; and

2) 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.

BE2 Competitive Bid #WG18-38 - Provision of Alternate Daily Cover Material for the Baldwin County Commission

[18-0875](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of alternate daily cover material; 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.

BE3 Competitive Bid #WG18-39 - Annual Rental of Portable Toilets for the Baldwin County Commission

[18-0876](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the annual rental of portable toilets; 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.

BE4 Competitive Bid #WG18-40 - Provision of Bituminous Materials for the Baldwin County Commission

[18-0878](#)

Take the following actions:

- 1) Approve the specifications for the provision of bituminous materials and authorize the Purchasing Director to place a competitive bid; 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 #WG18-41 - Provision of Labor and Equipment for Asphalt Placement for the Baldwin County Commission

[18-0880](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of labor and equipment for asphalt placement; 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 Renovations of the Court Reporter's Office for Courtroom #1 Area in the Baldwin County Courthouse

[18-0881](#)

Take the following actions:

- 1) Approve the quote from G. M. Stuart, Inc., in the amount of \$14,000.00 for the renovations of the Court Reporters Office for Courtroom #1 Area in the Baldwin County Courthouse; and
- 2) Authorize the Purchasing Director to issue a Purchase Order for the work. Funding source will be Building Maintenance (51995.5231)

BE7 Appropriation Agreement Aligned to the Baldwin County Fiscal Year 2017-2018 County Budget - Cindy Haber Center, Inc.

[18-0894](#)

As related to, and as authorized by, the Baldwin County Fiscal Year 2017-2018 Budget (Resolution #2017-129; Resolution #2017-130), execute the agreement with Cindy Haber Center, Inc. (formerly known as the MR/DD Board, Inc.) to appropriate county public funds for activities benefiting a myriad of public purposes as set forth within the agreement. The term, respectively, of the agreement shall commence October 1, 2017, and expire September 30, 2018 and may be terminated per the parameters as set forth therein, respectively.

BN HIGHWAY

BN1 Revision of Baldwin County Commission Policy #9.11 - License Agreement Between Baldwin County and Citizens/Corporations for Work on County Right-of-Ways

[18-0893](#)

Adopt the revised Baldwin County Commission Policy #9.11 - License Agreement Between Baldwin County and Citizens/Corporations for Work on County Right-of-Ways and incorporate the same into the Policy and Procedures Book.

BP PERSONNEL

BP1 Revenue Commission (Re-Appraisal) - Personnel Changes

18-0883

Take the following actions:

- 1) Approve the promotion of Maggie Gill from the Real Property Appraiser Trainee position (PID #5333) grade I-04 (\$17.260 per hour/\$35,900.80 annually) to fill the open Real Property Appraiser I position (PID #5374) at a grade J-03 (\$18.489 per hour/\$38,457.12 annually); and
- 2) Approve the promotion of Sean Cheshire from the Real Property Appraiser Trainee position (PID #5332) grade I-04 (\$17.260 per hour/\$35,900.80 annually) to fill the open Real Property Appraiser I position (PID #4099) at a grade J-03 (\$18.489 per hour/\$38,457.12 annually); and
- 3) Approve the employment of Chip Gillikin to fill the open Real Property Appraiser Trainee position (PID #5300) at a grade I-EL (\$15.629 per hour/\$32,508.32 annually); and
- 4) Approve the employment of Aaron Thomley to fill the open Real Property Appraiser Trainee position (PID #5407) at a grade I-EL (\$15.629 per hour/\$32,508.32 annually); and
- 5) Approve the employment of Jason Hester to fill the open Real Property Appraiser Trainee position (PID #5333) at a grade I-EL (\$15.629 per hour/\$32,508.32 annually).

These actions will be effective no sooner than September 17, 2018.

BP2 Solid Waste Department - Employment of Three (3) Solid Waste Technicians

18-0882

Take the following actions:

- 1) Approve the employment of Dominic Disanto 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

2) Approve the employment of James Davis 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

3) Approve the employment of Demetrius Walker to fill the Solid Waste Technician position (PID #5232) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually) in the Solid Waste Magnolia Landfill (54300).

These actions will be effective no sooner than September 10, 2018.

Ron Cink, County Administrator/Budget Director, asked the Commissioners for liberty to bounce around the agenda. Mr. Sonny Hankins, with the Baldwin County Cattle & Fair Association, is enroute to accept a proclamation regarding the Cattle & Fair and it is not yet 9:00 a.m. to consider the public hearing. Mr. Cink asked the Commissioners to move on to the Payment of Bills.

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills

[18-0851](#)

Motion by Commissioner Tucker Dorsey, seconded by Vice Chairman Charles F. Gruber, to pay bills totaling \$11,747,371.35 (eleven million, seven hundred forty-seven thousand, three hundred seventy-one dollars and thirty-five cents).

Of this amount, \$9,963,825.89 (nine million, nine hundred sixty-three thousand, eight hundred twenty-five dollars and eighty-nine cents) is payable to the Baldwin County Board of Education for its portion of the County Sales and Use Tax.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

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

[18-0852](#)

Ron Cink, County Administrator/Budget Director, informed the Commission that the Baldwin County Commission Interim Payments - September 4, 2018, made by the Clerk/Treasurer totaling \$1,745,446.80 (one million, seven hundred forty-five thousand, four hundred forty-six dollars and eighty cents) are a part of the record.

EB ROAD AND BRIDGE DIVISION

F ELECTED OFFICIAL REQUESTS

G OTHER STAFF RECOMMENDATIONS

GE BUDGET/PURCHASING

GE1 Competitive Bid #WG18-37 - Provision of Closed Top Recycling Roll Off Containers for the Baldwin County Commission

[18-0874](#)

At this time, Commissioner Dorsey left the chambers and the meeting and did not participate in any discussion regarding Item GE1.

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

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of closed top recycling roll off containers; 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.

The motion passed by the following vote:

Aye: 3 - Frank Burt Jr., Chris Elliott, and Charles F. Gruber

Nay: 0

Absent: 1 - Tucker Dorsey

Abstain: 0

At this time, Commissioner Dorsey returned to the chambers and the meeting.

GM FINANCE AND ACCOUNTING

GM1 IRS Audit General Obligation Warrants, Series 2013

[18-0897](#)

Commissioner Gruber asked if this is a standard audit.

Kim Creech, Clerk/Treasurer, appeared before the Commission and said this was an audit the County was selected for regarding the 2013 General Obligation Warrants. When she received the request, she submitted it to the County's bond counsel and the bond counsel started gathering information. Ms. Creech said bond counsel needs this form signed. Her recommendation to authorize the Chairman to sign other related documents is because there may be documents signed that go to Jones Walker which is the firm that has all the documentation. The deadline to submit the documentation is on the 20th of this month. Ms. Creech said that is the reason this item was not brought before the Commissioners during a work session.

Chairman Burt said the County has no concerns; it was a random selection.

Commissioner Dorsey said when someone receives a certified letter from the IRS regarding \$21 million, there are a few concerns when the letter is opened.

Ms. Creech said she is concerned. This is the first time she is aware of the County ever being selected by the IRS regarding a warrant, but she feels good and the County's documents are in place. The bond counsel is familiar with the agent. Ms. Creech said she feels the Commission is going down the right path.

Motion by Commissioner Chris Elliott, seconded by Commissioner Tucker Dorsey, and as related to the IRS Audit General Obligation Warrants, Series 2013, take the following actions:

- 1) Authorize the chairman to sign IRS Form 2848, Power of Attorney and Declaration of Representative; and
- 2) Authorize Lee Birchall, Bradley Arant Boult Cummings LLP to be the Baldwin County Commission's Legal Representative with the IRS audit; and
- 3) Authorize chairman to sign all documents related to the audit.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

GN HIGHWAY

GP PERSONNEL

GP1 Blue Cross Blue Shield - Enrollment Agreement for 2019

[18-0891](#)

Chairman Burt said there have been concerns and rumors about the County's health insurance.

Andrea Roberson, Personnel Director, appeared before the Commission and introduced Mr. Brian Butler, a representative of Cobbs Allen, the County's brokers who handle the insurance and helped put this together. Ms. Roberson said Mr. Butler will explain the changes in the insurance.

Mr. Butler appeared before the Commission and said he works with Cobbs Allen after retiring from the City of Tuscaloosa as its Chief Human Resource Officer after 27 years. He is very familiar with employee benefits. He has been working with Baldwin County for a few years and really enjoys the partnership with the Commission. Mr. Butler thanked the

Commissioners for the opportunity to work with them and presented a slide show on the changes to the Blue Cross/Blue Shield

Chairman Burt asked if these changes begin January 1st, to which Ms. Roberson replied "yes." Chairman Burt asked how does this compare to the insurance the State or the Board of Education employees have?

Mr. Butler said the Commission is a self-insured organization. For an organization with as many employees as the County, it makes more sense to be self-insured because the Commission can manage the plan and the County gets to keep the savings the Commission will receive by making these changes. Mr. Butler said under the local government plan, the rates, policy provisions and benefits are set. There is no latitude in making adjustments to this. He knows the local governments rate is going up five percent and he cannot really speak to the educators' insurance rates.

Chairman Burt asked if that is five percent on what employees pay, to which Mr. Butler replied it is on the total premium. Mr. Butler said it depends on the jurisdiction as to what the cost-share is, but the organization as a whole will go up five percent.

Chairman Burt asked how much will the County's rate go up, to which Mr. Butler replied a total of eight percent.

Commissioner Dorsey said under the self-insured packet, everyone is paying for medical benefits together. With the changes that will be made, it will still be much cheaper than being fully funded which the County was a few years ago. The County has better service with the Symbol Clinics and it is a much better package. From the County's standpoint, by employees checking their health every year, they can get ahead of the health issues and in the long-term be healthier. Commissioner Dorsey said this will be great for everyone and allow the County system to have a good production.

Mr. Butler said as an organization, Baldwin County is ahead of the curve. By being self-insured, the County is keeping those savings. Also, by having a near site-clinic such as Symbol, it will only further reduce those costs. The County will reduce costs also by having two tiers of premiums, a non-wellness and a wellness tier. The wellness tier is to drive those employees to start doing the things to get them healthier earlier so the County is not paying huge, catastrophic claims later. He commends the Commission for doing this. The near site-clinics and wellness programs are a model to which a lot of public administration clients are looking at implementing.

Commissioner Elliott said he wants to make sure the employees and taxpayers know these are the costs of the healthcare the Commission is consuming as a body. The big change from a fully insured program with Blue Cross/Blue Shield was that there was an inherent profit margin that was built in. The Commission has removed that. The employees are paying for the healthcare that they are consuming. Increases, even when they are small, are the results of the increase in the cost of healthcare employees consume. The Commission mitigated this tremendously and the County has not seen increases over the last three years. Commissioner Elliott said one of the reasons the Commission wanted to take this action a couple of years ago was to make sure the trend

line was flattened out. The County was seeing large, double digit increases from Blue Cross/Blue Shield and that can be shocking for the employees and their families to absorb. The Commission wanted to stabilize this as much as possible in addition to the benefits that have been added to this plan. Commissioner Elliott said the County's retirees are still covered under this plan as well as anyone that is connected to those retirees. The retirees are paying right around the same thing the employees are and they are not working anymore.

Mr. Butler said that is a great benefit.

Commissioner Elliott said that is an incredible benefit. He wants to make sure it is pointed out that if the County is still paying for the retirees contribution and the retirees are still paying around \$100.00. This is an incredible benefit to the retirees. Commissioner Elliott asked if Mr. Butler is aware of another public plan like this that exists and has this rich benefit coverage for the retirees.

Mr. Butler said the Commission does have a very rich benefit coverage. From a public administration standpoint, many times employees cannot be paid the wages they would make in the private sector; therefore, the recruiting tools used are the benefits. A lot of organizations allow the retirees to stay on, but they are paying 100 percent of the premiums. Mr. Butler said it is not rare, but it is fairly uncommon to see retirees remain on the plan and pay the same rate as an active employee. That is a very rich benefit. The increase in rate is a benefit a current employee would one day be able to take advantage of as a retiree. The testament to the management of the County's plan is that nothing has been done in the past three years and now the County is only looking at an eight percent rate where most organizations are looking at double digits. Mr. Butler said these are the claims that County employees and dependants are making. It costs \$5,000.00 for someone to go to the emergency room. The County pays that bill and not Blue Cross/Blue Shield. The County has a lot of control over its plan. He was working with a client who is fully funded and Blue Cross/Blue Shield made almost \$700,000.00 off that client. If a company is self-insured, that \$700,000.00 goes back into that company's insurance fund.

Chairman Burt asked if this covers the rumors Ms. Roberson has heard, to which Ms. Roberson replied she got a text message from one person. Other than that, she has not received any feedback from anyone.

Chairman Burt asked if Mr. Butler's presentation today has answered that person's question or corrected what was misstated, to which Ms. Roberson replied "yes." Chairman Burt said the Commissioners appreciate Mr. Butler coming. It helps when the Commission can communicate with the people who pay the bills, the taxpayers.

Commissioner Elliott said the large part of this expense in this plan is borne by the Commission which means the taxpayers are paying it. By saving money and decreasing the healthcare costs overall, the Commission is saving the taxpayers money, not just the employees. All of the actions have taken place to reduce the cost of the plan, not only to the employees, but to the taxpayers as well.

Motion by Commissioner Tucker Dorsey, seconded by Commissioner Chris Elliott, to approve and authorize the Chairman to execute the Amendment to Enrollment Agreement Customized BCBSAL Plan with Blue Cross Blue Shield of Alabama to be effective January 1, 2019, with changes as outlined in the amended agreement.

The motion passed by the following vote:

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

C PRESENTATIONS

CA GENERAL

CA1 Proclamation - Baldwin County Fair Week - September 18-22, 2018

[18-0731](#)

Mr. Sonny Hankins with Baldwin County Cattle & Fair appeared before the Commission to accept a proclamation for the Baldwin County Fair Week in September 2018, as presented by Commissioner Elliott on behalf of the Commission.

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

Mr. Hankins thanked the Commissioners for what they have done for the county fair over the years. The fair has been here for a long time and the Commissioners have always helped. Mr. Hankins thanked Felisha Anderson, Archives Director, for doing an excellent job. The Fair has all of the museums that come to the County; it is very educational. There are approximately 30 county fairs across the State of Alabama that encompasses all of the counties. Mr. Hankins said Baldwin County is one of the top ones in the State and he is proud of that. He talked with a representative from the State Peanut Association who said she would send someone to the fair with a booth to promote peanuts. Mr. Hankins said he reminded her that the City of Dothan and the Peanut Festival was no longer number one. Baldwin County produces more peanuts than two or three of those counties. He suggested to her that maybe the Cattle & Fair would change its name to Southwest Alabama Peanut Festival. Mr. Hankins said the representative did not enjoy that at all. Mr. Hankins thanked the Commissioners and said he appreciates the proclamation. He is looking forward to seeing them at the county fair.

Chairman Burt said the Commissioners thank Mr. Hankins and the Cattle & Fair board for carrying on the tradition of rural life and modern day farming.

Mr. Hankins said there are over 100 antique pieces of equipment at the fair that helped plow and plant to make Baldwin County what it is. That is tremendous and almost as large

as the Texas State Fair which is the largest in the world. He is proud of this and proud of the people.

Motion by Commissioner Chris Elliott, seconded by Vice Chairman Charles F. Gruber, to adopt a proclamation which proclaims September 18-22, 2018, as "Baldwin County Fair Week" in Baldwin County, Alabama, and encourages all to attend and enjoy the Baldwin County Fair.

The motion passed by the following vote:

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

D PUBLIC HEARINGS

DQ PLANNING AND ZONING

DQ1 Case No. Z-18038 - Godbold Property Rezoning

[18-0887](#)

Celena Boykin, 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. David Shumer, the applicant's representative, appeared before the Commission and said he is here to answer any questions.

Commissioner Gruber asked why is this request for an RSF-3 designation? The other designations are zoned RSF-1 and RSF-2.

Mr. Shumer said it is because of the size of the lots. The existing subdivisions are zoned RSF-2, but the lots meet the requirement more for an RSF-3. The applicant is matching the same size, look, and type as the Master Plan that was developed ten years ago. Mr. Shumer said that is the current zoning designation that is required.

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

Motion by Vice Chairman Charles F. Gruber, seconded by Commissioner Chris Elliott, to adopt Resolution #2018-106, which approves Case No. Z-18038, Godbold Property, as it pertains to the rezoning of 29.78 acres, more or less, as located in Planning (Zoning) District 21, from RA, Rural Agriculture District, to RSF-3, Residential Single Family District.

The motion passed by the following vote:

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

L ANNOUNCEMENTS

Commissioner Elliott said Commissioner-Elect James E. "Jeb" Ball asked that he inform the public that September is "Childhood Cancer" month.

Chairman Burt thanked Commissioner Elliott and Commissioner-Elect Ball for that announcement.

M PUBLIC COMMENTS

N PRESS QUESTIONS

K COUNTY ATTORNEY'S REPORT

EXECUTIVE SESSION

David Conner, County Attorney, 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 that the executive session will last approximately ten minutes and he makes the oral declaration that the discussions are appropriate for an executive session. The Commission will be asked to take action once the meeting reconvenes.

Motion by Commissioner Chris Elliott, seconded by Vice Chairman Charles F. Gruber, to enter into an executive session at 9:17 a.m. for approximately 10 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: 4 - Frank Burt Jr., Chris Elliott, Tucker Dorsey, and Charles F. Gruber
Nay: 0
Absent: 0

Abstain: 0

Chairman Burt recessed the meeting at 9:17 a.m.

The meeting reconvened at 9:31 a.m.

KA1 HESI/Transocean Punitive Damages & Assigned Claims Settlements
Determination of Notice

18-0929

David Conner, County Attorney, said staff received notice of the Determination Notice in the HESI/Transocean Punitive Damages & Assigned Claims Settlements regarding the claim filed by the County. This notice is a denial of that claim. Staff is determining what is the basis for that denial. However, based on the time frame that is allowed for the appeal there is not enough time to make that determination and take action prior to the Commission's next meeting. Mr. Conner said he is bringing this to the Commissioners' consideration today. The staff recommendation is to authorize County Attorneys to take any and all action deemed necessary to appeal and to challenge the Determination Notice issued in Baldwin County, Alabama vs. Halliburton/Transocean Punitive Damages & Assigned Claims Settlements Claimant Number: EFED3BAD46 and to authorize the Chairman, County staff and County Attorneys to prepare and execute any and all documents deemed necessary in this matter. Mr. Conner said the County settled its BP claims some time in the past. There were other claims related to Transocean and Halliburton and punitive damages claims that were not made a part of that settlement and were reserved and set up through a different appeals and claims process. This claim was filed on behalf of the County in September of last year and this is the first notice the County has received related to the validity of the claim. Mr. Conner said he is asking the Commission to authorize staff to appeal and take the action necessary to effect that appeal and any other action deemed necessary.

Commissioner Dorsey said he will make the motion, but he would like to clarify that the "we" being County Attorneys is not Blackburn and Conner P.C. under the County's contract arrangement with Mr. Conner by the hour. This "we" in the attorney group is the claims attorney group that helped the Commission through the original BP settlement and that is on a contingency fee basis so the Commission is not paying Mr. Conner for his time on this.

Mr. Conner said Commissioner Dorsey is absolutely correct. If the Commission would rather he change County Attorneys to Attorneys in the recommendation, he can do that. Mr. Conner said this group consists of the Law Offices of Frederick T. Kuykendall, III, LLC, Johnston Druhan, LLP; Blackburn & Conner, P.C. and the others who are authorized by the agreement with the County under the contingency fee.

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

- 1) Authorize the Attorneys to take any and all action deemed necessary to appeal

and/or challenge the Determination Notice issued in Baldwin County, Alabama, vs. Halliburton/Transocean Punitive Damages & Assigned Claims Settlements Claimant Number: EFED3BAD46; and

2) Authorize the Chairman, County staff and the Attorneys to prepare and execute any and all documents deemed necessary in this matter.

The motion passed by the following vote:

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

H COMMISSIONER REQUESTS

HA COMMISSION DISTRICT 1

HB COMMISSION DISTRICT 2

HC COMMISSION DISTRICT 3

HD COMMISSION DISTRICT 4

I ADDENDA

J ADMINISTRATIVE REPORT

O COMMISSIONER COMMENTS

Commissioner Dorsey thanked the citizens of Baldwin County and Jesus Christ for the opportunity to serve in this capacity.

Chairman Burt said his comments dittos Commissioner Dorsey's comments.

P ADJOURNMENT

Motion by Commissioner Chris Elliott, seconded by Vice Chairman Charles F. Gruber, to adjourn the September 4, 2018, Baldwin County Commission meeting at 9:36 a.m.

The motion passed by the following vote:

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

Chairman Burt said the September 4, 2018, Baldwin County Commission meeting is adjourned at 9:36 a.m.