

Baldwin County Commission

Baldwin County Commission
Regular
Meeting Minutes
Tuesday, September 18, 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 8:30 a.m. and introduced Reverend Jim Batchelor, Pastor of Loxley United Methodist Church, Loxley, Alabama, who appeared before the Commission, provided information about his church and led the Commission in prayer. After the Pledge of Allegiance led by Chief Deputy Charlie Jones, Baldwin County Sheriff's Office, 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 August 6, 2018, Special (Budget) meeting; August 13, 2018, Special (Budget) meeting and September 4, 2018, Regular meeting.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

B CONSENT

Motion by Commissioner Chris Elliott, seconded by Vice Chairman Charles F. Gruber to adopt the consent agenda.

Commissioner Dorsey asked if the replacement items should be noted and be a part of the minutes? The Commissioners received an email a few minutes ago from staff stating there was a change to Agenda Item BN5 - License Agreement #18021 - Unopened Right-of-Way on Cypress Avenue. Item BI2 - Fiscal Year 2018-2019 Title III Older Americans Act Contract with South Alabama Regional Planning Commission is also different.

Chairman Burt asked that the motion and second be withdrawn and restated.

Commissioner Gruber withdrew his second.

Ron Cink, County Administrator/Budget Director, asked the Commissioners to pull the items for discussion.

Commissioner Elliott withdrew his motion and said there are a lot of replacement items. Commissioner Elliott asked which items are to be pulled.

Commissioner Dorsey said Item BN5 is a license agreement that just came through. Item BP2 is the Baldwin County Employee Health and Wellness Incentive Program and Item BI2 is the Contract for Services for Title III.

Mr. Cink said the last two items are okay, to which Commissioner Elliott replied no, they are not.

Motion by Commissioner Chris Elliott, seconded by Commissioner Tucker Dorsey, to adopt the consent agenda with the exception of Item BN5 and Item BP2.

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

BB ANIMAL CONTROL

BB1 Baldwin County Veterinary Service Agreement and Trap-Neuter-Return (TNR) Program Agreement

[18-0948](#)

Take the following actions:

- 1) Approve and authorize the Chairman to execute the Professional Service

Agreement for Trap-Neuter-Return (TNR) Services with Magnolia by the Gulf Animal Clinic. This agreement commences on September 18, 2018, and continues for a period of ninety (90) days (expiring on December 17, 2018) with an automatic renewal for one additional ninety (90) day term (expiring March 17, 2019); and

2) Approve and authorize the Chairman to execute the Veterinary Services Agreement between the Baldwin County Commission and Magnolia by the Gulf Animal Clinic. This agreement commences on September 18, 2018, and continues for a period of two (2) years (expiring on September 18, 2020) with an automatic renewal for one (1) year (expiring September 18, 2021).

BC ARCHIVES AND HISTORY

BC1 Request from Baldwin County High School - Cross Country Championships Event at Bicentennial Park

[18-1001](#)

Approve Baldwin County High School to host the Cross-Country Championships event at the Baldwin County Bicentennial Park in Stockton, Alabama, on October 20, 2018, beginning at 8:00 a.m. and ending at 12:00 p.m.

BD BALDWIN REGIONAL AREA TRANSIT SYSTEM (BRATS)

BD1 2018-2019 Agreement for Transportation Services between Baldwin County Commission and AltaPointe Health Systems, Inc.

[18-0985](#)

Take the following actions:

1) Adopt Resolution #2018-103 and approve an Agreement between the Baldwin County Commission and AltaPointe Health Systems, Inc. for the Baldwin Regional Area Transit System (BRATS) to provide four (4) transportation routes Monday through Friday to all Baldwin County locations of AltaPointe Health Systems, Inc. at the cost of \$1,470.88 per route for a total of \$5,883.52 per month to be paid by AltaPointe Health Services, Inc. (The term of this agreement shall commence on October 1, 2018, and expire September 30, 2019, and is contingent on Alabama Department of Transportation approval.); and

2) Authorize the execution of any documents related to this agreement.

BD2 2018-2019 Agreement for Transportation Services between Baldwin County Commission and Coastal Alabama Community College

[18-0987](#)

Take the following actions:

1) Adopt Resolution #2018-104 and approve an Agreement between the Baldwin County Commission and Coastal Alabama Community College for the Baldwin Regional Area Transit System (BRATS) to provide transportation services to all the Coastal Alabama Community College locations in Baldwin County, Monday through Friday at the cost of \$1,225.00 per month to be paid by the Coastal Alabama Community College. (The term of this agreement shall commence on October 1, 2018, and expire September 30, 2019.); and

2) Authorize the execution of any documents related to this agreement.

BD3 2018-2019 Agreement for Transportation Services between Baldwin County Commission and Baldwin County Commission Council on Aging

[18-0989](#)

Take the following actions:

1) Adopt Resolution #2018-105 and approve an Agreement between the Baldwin County Commission and Baldwin County Commission Council on Aging for the Baldwin Regional Area Transit System (BRATS) to provide services to the seniors of Baldwin County Monday through Friday at the cost of \$5,095.50 per month to be paid by the Baldwin County Commission Council on Aging. (The term of this agreement shall commence on October 1, 2018, and expire September 30, 2019 and is contingent on Alabama Department of Transportation approval.); and

2) Authorize the execution of any documents related to this agreement.

BD4 2018-2019 Contract for Courier Services between Baldwin County Commission and Coastal Alabama Community College

[18-0986](#)

Take the following actions:

1) Approve a "Contract for Services" between the Baldwin County Commission and Coastal Alabama Community College for the Baldwin Regional Area Transit System (BRATS) to provide courier services to all the Coastal Alabama Community College locations in Baldwin County on Monday through Friday at the cost of \$1,187.00 per month to be paid by the Coastal Alabama Community College. (The term of this contract shall commence on October 1, 2018, and expire September 30, 2019.); and

2) Authorize the execution of any document related to this contract.

BE BUDGET/PURCHASING

As related to, and as authorized by, the Baldwin County Fiscal Year 2018 - 2019 Budget (Resolution #2018-117; Resolution #2018-118), execute Agreements with the below indicated entities to appropriate county funds for activities benefiting a myriad of public purposes as set forth within each Agreement, respectively, said entities as follows:

- 1) Van Scoyoc Associates, Inc. (not to exceed \$114,000.00)
- 2) Adams and Reese LLP (not to exceed \$72,000.00)
- 3) Christie Strategy Group (not to exceed \$42,000.00)
- 4) North Baldwin Chamber of Commerce (\$1,000.00)
- 5) South Baldwin Chamber of Commerce (\$1,000.00)
- 6) Central Baldwin Chamber of Commerce (\$1,000.00)
- 7) Eastern Shore Chamber of Commerce (\$1,000.00)
- 8) Baldwin County Economic Development Alliance (\$380,000.00)
- 9) Baldwin County Heritage Museum Association (\$15,000.00; \$3,200.00)
- 10) Coastal Alabama Partnership (\$25,000.00)
- 11) Southwest Alabama Workforce Development Council (\$22,500.00)
- 12) USS Alabama Battleship Commission (\$10,000.00)
- 13) Baldwin County Historic Development Commission (not to exceed \$60,000.00)
- 14) Mobile Bay National Estuary Program (\$50,000.00)
- 15) Alabama Extension Service/Alabama Cooperative Extension System (\$53,854.00; \$852.00 non-conveyable)
- 16) Baldwin County Library Cooperative (\$96,798.00; \$4,500.00 non-conveyable; \$5,064.00 non-conveyable; \$224.00 non-conveyable)
- 17) Cindy Haber Center, Inc. (\$30,000.00)

18) Baldwin County Soil and Water Conservation District (\$75,500.00)

19) Bay Minette Rotary Club (\$500.00)

20) Gulf Coast Resource Conservation and Development Council (\$3,250.00)

The term, respectively, of each Agreement shall commence October 1, 2018, and expire September 30, 2019, and may be terminated per the parameters as set forth therein, respectively.

BE2 Competitive Bid #WG18-36- Provision of Fiber Optic **18-0956**
Network-Maintenance and Locates for the Baldwin County Commission

Award Bid #WG18-36 to the lowest bidder, Two-Way Communications, Inc., d/b/a 2-Way, Inc. as per the Award Listing for the Provision of Fiber Optic Network-Maintenance and Locates and authorize the Chairman to execute the Contract. (Contract is effective immediately upon the same date as its full execution for twelve (12) months.)

BE3	<u>Contract Extension for Professional Services to Support IBM I Servers (AS400) for the Baldwin County Commission</u>	<u>18-0960</u>
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Extend the Professional Services Contract with David Pimperl for consulting services to assist with the system administration and support of the County's IBM I Servers (AS400), at a cost of \$85.00 per hour, not to exceed 15 hours per month, for an additional twelve (12) months at the same terms and conditions as stated in the original Contract award on October 3, 2017. The Contract extension will expire on October 3, 2019.

BE4	<u>Contract Extension for Expanding ArcGIS Online Platform and GIS Database Support Services for the Baldwin County Commission</u>	<u>18-0961</u>
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Extend the Consulting Services Contract with Keet Consulting Services, LLC, for Expanding ArcGIS Online Platform and GIS Database Support Services for an additional twelve (12) months at the same prices and terms stated in the original Contract dated October 19, 2016. (The new Contract term will expire on October 19, 2019.)

BE5	<u>Maintenance Agreement for HVAC Chiller Services for Various Baldwin County Buildings</u>	<u>18-0958</u>
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Approve and authorize the Chairman to execute the Maintenance Agreement on the Chillers with Trane U. S. Inc., d/b/a Trane, for three (3) years, agreement to commence upon full execution, for the Baldwin County Central Annex and Central Annex II located in Robertsedale; Baldwin County Courthouse and Revenue Commission Building located in Bay Minette; the Foley Satellite Courthouse and the Fairhope Satellite Courthouse as follows:

Contract Year	Annual Amount-All Sites	Amount Payment	Terms
Year 1	\$17,635.89	\$4,408.97	Quarterly
Year 2	\$18,164.97	\$4,541.24	Quarterly
Year 3	\$18,709.92	\$4,677.48	Quarterly

BE6 Renovation of the Baldwin County Fairhope Satellite Courthouse

[18-0962](#)

Authorize the Purchasing Director to issue Purchase Orders for materials to renovate the 2nd floor of the Fairhope Satellite Courthouse for the State Senate Legislative Delegation Office space and authorize Building Maintenance to do the work for an estimated cost not to exceed \$30,000.00 with funding to be from the Commission Contingency Fund (51990.5290).

BE7 Rental of One (1) Copy Machine for the Baldwin County Legislative Delegation Office Located in Bay Minette, Alabama

[18-0957](#)

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 bid for thirty-six (36) months effective the date of execution as follows:

Location: Baldwin County Legislative Delegation Office, Bay Minette, AL
 Model: MX-2630N
 Price: \$97.06/month
 Excess Charge/copy: \$0.0079/BW and \$0.045/Color

BE8 Request for Proposals (RFP) for Internet and Telecommunications Services for the Baldwin County Commission

[18-0959](#)

Approve the Request for Proposals (RFP) for Internet and Telecommunications Services and authorize the Purchasing Director to advertise the RFP.

BI COUNCIL ON AGING

- BI1** Alabama Department of Public Health Permits to Operate and Declaration of Business Ownership Structure for Loxley and Vaughn S.A.I.L. Centers [18-0965](#)

Authorize the Chairman to execute Alabama Department of Public Health Applications for Permits to Operate and Declaration of Business Ownership Structure forms for the Loxley and Vaughn S.A.I.L. Centers.

- BI2** *Fiscal Year 2018-2019 Title III Older Americans Act Contract with South Alabama Regional Planning Commission (SARPC) [18-0964](#)

Take the following actions:

- 1) Approve the Fiscal Year 2017-2018 Contract for Services under the Title III Older Americans Act (Contract #302-AAA-2019 with a beginning date of October 1, 2018, and an ending date of September 30, 2019) with SARPC, which allocates \$112,998.00 in federal funds and \$13,500.00 in State funds (totaling \$126,498.00), to the Council on Aging for operating expenses related to providing services for older individuals throughout Baldwin County; and
- 2) Authorize the Chairman to sign the Contract for Services and any related documents.

BJ ELECTED OFFICIALS

- BJ1** Memorandum of Understanding - School Resource Officer (SRO) Programs at Baldwin County Public Schools [18-1000](#)

Approve the Memorandum of Understanding between the Baldwin County Commission, Baldwin County Sheriff's Office, Baldwin County Public Schools (Baldwin County Board of Education) and certain municipalities/police departments in Baldwin County, Alabama, which outlines the purpose, goals, objectives and procedures for the administration of the School Resource Officer Program within each respective municipality.

This Memorandum of Understanding shall be effective as of August 15, 2018, and shall remain in effect for a period of two (2) years from the effective date, unless any party elects to terminate the MOU by giving one hundred eighty (180) days written notice of such termination to the other parties. This Memorandum of Understanding shall be reviewed annually and may be amended by the written agreement of the parties.

BJ2 Law Enforcement Services for the Town of Magnolia Springs

[18-0982](#)

Approve the Contract for Law Enforcement Services between the Baldwin County Commission, the Town of Magnolia Springs and the Baldwin County Sheriff's Office for the provision of law enforcement protection to the Town of Magnolia Springs. The Contract will commence October 1, 2018, and terminate September 30, 2019, with the option to renew for another twelve (12) months.

BJ3 Tri-Party Intergovernmental Service Agreement for Housing of Prisoners at the Baldwin County Corrections Center for the City of Bay Minette

[18-0980](#)

Approve the Tri-Party Intergovernmental Service Agreement with the City of Bay Minette, Baldwin County Sheriff's Office and the Baldwin County Commission for the housing of the City of Bay Minette inmates at the Baldwin County Corrections Center. The Agreement will commence on October 1, 2018, and terminate on September 30, 2019, or upon written notification of termination by either party within the required sixty (60) days.

BJ4 Tri-Party Intergovernmental Service Agreement for Housing of Prisoners at the Baldwin County Corrections Center for the Town of Loxley

[18-0981](#)

Approve the Tri-Party Intergovernmental Service Agreement between the Town of Loxley, Baldwin County Sheriff's Office and the Baldwin County Commission for the housing of the Town of Loxley inmates at the Baldwin County Corrections Center. The Agreement will commence on October 1, 2018, and terminate September 30, 2019, or upon written notification of termination by either party within the required sixty (60) day period.

BL **ENVIRONMENTAL MANAGEMENT**

BL1 Baldwin County Solid Waste Uncollectible Residential Accounts

[18-0996](#)

Approve the uncollectible residential garbage accounts list for write-offs in the amount of \$501.00.

BM **FINANCE AND ACCOUNTING**

BM1 Baldwin County Commission Employee Accounts Receivable

[18-0979](#)

Approve the write off for the uncollectible employee balances in the amount of \$3,797.54 from the following funds:

Fund 00001 - \$1,372.15
Fund 00103 - \$182.03
Fund 00105 - \$375.89
Fund 00107 - (\$105.35)
Fund 00111 - \$721.61
Fund 00120 - \$774.05
Fund 00143 - (\$21.22)
Fund 00144 - \$35.24
Fund 00510 - \$133.56
Fund 00511 - \$329.58

BN HIGHWAY

BN1 Case No. S-18034 Turnberry Crossing - Phase 2

18-0992

Take the following actions:

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

Street Name	Length	Maint. Area	Asphalt Width	Curbing
Kudu Ave.	276.57	300	20	Yes
Eiland Dr.	943.00	300	20	Yes
Impala Dr.	259.91	300	20	Yes

2) Approve the Subdivision Roadway and Drainage Improvement Acceptance Agreement and accept the Surety Document from Fidelity and Deposit Company of Maryland on behalf of Ammons and Blackmon Construction, LLC in the amount of \$98,775.73 to guarantee the workmanship and materials as shown on the approved Final and "As-Built" construction plans.

BN2 County Information Management System User License Agreement with Diversified Computer Services

18-0998

Approve the County Information Management System (CIMS) Software License Agreement with Diversified Computer Services, LLC which is specifically designed to capture and manage Baldwin County Highway Department data. (The term of this Agreement shall commence October 1, 2018, and continue until September 30, 2019, with the understanding this Agreement is subject to earlier termination as provided within the Agreement).

- BN3** Eastern Shore Metropolitan Planning Organization - Americans with Disabilities Act of 1990 and Section 504 - Public Right of Way Barrier Analysis and Transition Plan Amendments [18-0984](#)

Adopt Resolution #2018-119 and approve the amended Public Right of Way Barrier Analysis and Transition Plan, which ensures compliance with the Americans with Disabilities Act of 1990 (ADA) and Section 504, to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities.

- BN4** Intergovernmental Service Agreement with the City of Spanish Fort for Brush Mowing of Certain Roads in Spanish Fort City Limits [18-0995](#)

Approve the Intergovernmental Service Agreement between Baldwin County Commission and the City of Spanish Fort for Area 100 Maintenance Crews to brush mow the following roads inside the corporate limits of the City of Spanish Fort:

Spanish Oaks Drive West
Walling Road
Stanton Road
Driftwood Lane
Spanish Lane
Huckleberry Lane

The City of Spanish Fort will be billed quarterly for the actual cost of the work performed.

(The term of this agreement shall be for twenty-four months from the date of full execution of both parties and may be terminated as set forth therein.)

- BN6** Revision to the Extraterritorial Jurisdiction Agreement for the City of Foley [18-0993](#)

Adopt Resolution #2018-120 which approves the revised Agreement between the Baldwin County Commission, the City of Foley and the Planning Commission of the City of Foley concerning the exercise of extraterritorial planning jurisdiction authority over subdivisions.

- BN7** Speed Limits on Various Roads [18-0997](#)

Take the following actions:

1) Establish speed limits on the following roads:

Ammons Road Ext (from Ammons Road to McKinley Road) - 25 MPH
McKinley Road (from Ammons Road Ext to Hill View Drive) - 25 MPH
Neumann Drive (from Leiterman Road to 0.58 miles south) - 35 MPH
Neumann Drive (from 0.58 miles south to end of maintenance) - 25 MPH
Fackler Road (from County Road 49 to end of maintenance) - 25 MPH
County Road 62 S (from US Highway 90 and Glass and Spivey Road) - 35 MPH
Glass and Spivey Road (from County Road 62 S to Murphy Lane) - 25 MPH
Melvin Johnson Road (from Spring Road North to end of maintenance) - 25 MPH
Heidelbrook Loop (off of Buzbee Road) - 15 MPH
Silas Holmes Road (from County Road 39 to end of maintenance) - 25 MPH
Grove Lane (from Jaycee Road to end of maintenance) - 20 MPH
Pecan Lane (from Jaycee Road to end of maintenance) - 20 MPH
Sunrise Drive (from Jaycee Road to end of maintenance) - 25 MPH
Pine Grove Road Ext S. (from Pine Grove Road to Pine Grove Road Ext E.) - 25 MPH
Cardinal Drive (from Jones Road Ext to North Lake Drive) - 25 MPH
North Lake Drive (from Cardinal Drive to end of maintenance) - 25 MPH
South Lake Drive (from Cardinal Drive to end of maintenance) - 25 MPH
Joe Carter Road (from Whitehouse Fork Road to end of maintenance) - 25 MPH

2) Adjust the speed limits on the following roads:

River Place (from County Rd 8 to end of maintenance): Raise from 15 MPH to 20 MPH
Ammons Road (from US Hwy 31 to Ammons Rd Ext): Lower from 45 MPH to 35 MPH

BP PERSONNEL

BP1 Personnel - Budget Changes for Fiscal Year 2018-2019

18-0983

Take the following actions:

PROBATE OFFICE (51300)

1) Create a License Revenue Officer I position (#TBD) (grade G range: \$26,971.36 - \$44,231.20 annually); and

2) Approve the updated organizational chart for the Probate Office.

REVENUE COMMISSION (51810)

- 1) Create a Personal Property Appraiser Trainee position (#TBD) (grade G range: \$26,971.36 - \$44,231.20 annually); and
- 2) Create a Personal Property Appraiser I position (#TBD) (grade H range: \$29,631.68 - \$48,642.88 annually); and
- 3) Approve the updated position descriptions for: Property Appraiser Trainee, Property Appraiser I, and Administrator of Personal Property; and
- 4) Approve the updated organizational chart for the Revenue Commission/Personal Property.

JUVENILE DETENTION CENTER (52610)

- 1) Create a Chief Administrative Assistant position (#TBD) (grade I range: \$32,508.32 - \$53,239.68 annually); and
- 2) Promote Dana Graham from the Office Manager position (#1074) grade G-20 (\$21.265 per hour/\$44,231.20 annually) to fill the Chief Administrative Assistant position (#TBD) at a grade I-15 (\$22.626 per hour/\$47,062.08 annually); and
- 3) Abolish the Office Manager position (#1074); and
- 4) Approve the position descriptions for the Chief Administrative Assistant; and
- 5) Approve the updated organizational chart for the Juvenile Detention Center.

PERSONNEL DEPARTMENT (51962)

- 1) Create a Workers Comp Coordinator (#TBD) (grade J range: \$35,726.08 - \$58,489.60 annually); and
- 2) Promote Andrea Crenshaw from the Personnel/Safety Technician position (#5280) grade G-08 (\$15.806 per hour/\$32,876.48 annually) to the Workers Comp Coordinator (#TBD) at a grade J-EL (\$17.176 per hour/\$35,726.08 annually); and
- 3) Abolish the Personnel/Safety Technician position (#5280); and
- 4) Create an Administrative Support Specialist II position #TBD) (grade H range: \$29,631.68 - \$48,642.88 annually); and
- 4) Approve the position descriptions for: Administrative Support Specialist II, Workers Comp Coordinator, Risk Manager, Personnel Director and Assistant Personnel Director; and

5) Approve the updated organizational chart for the Personnel Department.

CIS DEPARTMENT (51965)

- 1) Create a Physical Security Administrator position (#TBD) (EC-08 range: \$53,372 - \$84,542 annually); and
- 2) Promote Will Nix from the Communications Technician III position (#5147) grade L-08 (\$25.251 per hour/\$52,522.08 annually) to the Physical Security Administrator position (#TBD) at a grade EC-08 (\$55,148.18 annually); and
- 3) Create a Knowledgebase and Multi-Media Coordinator position (#TBD) (grade J range: \$35,726.08 - \$58,489.60 annually); and
- 4) Abolish the Communications Technician II position (#2086); and
- 5) Abolish the Radio Systems Administrator position (#5319); and
- 6) Approve the position descriptions for: Physical Security Administrator, Knowledgebase and Multi-Media Coordinator, Customer Relationship Manager, and Information Systems Manager; and
- 7) Approve the updated organizational chart for the CIS Department.

SOLID WASTE DEPARTMENT (54801 AND 54800)

- 1) Create an Assistant Customer Service Manager position (#TBD) (grade I range: \$32,508.32 - \$53,239.68 annually) in the Solid Waste Collections Administration Department (54801); and
- 2) Create two (2) Solid Waste Driver I positions (#TBD) (grade H range: \$29,631.68 - \$48,642.88 annually); and
- 3) Create one (1) Solid Waste Driver II position (#TBD) (grade I range: \$32,508.32 - \$53,239.68 annually); and
- 4) Abolish three (3) Solid Waste Technician positions (#TBD) upon promotion into Solid Waste Driver I and II positions; and
- 5) Approve the position descriptions for Billing Account Specialist I, Billing Account Specialist II, Assistant Customer Service Manager, Customer Service Manager, and Office Assistant III - Solid Waste positions; and
- 6) Approve the updated organizational chart for the Solid Waste Department.

SALES, USE, AND LICENSE TAX DEPARTMENT (51750)

- 1) Create a Senior Revenue Clerk position (#TBD) (grade I range: \$32,508.32 - \$53,239.68 annually); and
- 2) Promote Ashlie Emerson from the Revenue Clerk II position (#5207) grade H-06 (\$16.503 per hour/\$34,326.24 annually) to the Senior Revenue Clerk position (#TBD) at a grade I-05 (\$17.70 per hour/\$36,809.76 annually); and
- 3) Promote Crystal Rice from the Revenue Clerk I position (#3081) grade G-09 (\$16.195 per hour/\$33,685.00 annually) to fill the Revenue Clerk II position (#5207) at a grade H-08 (\$17.35 per hour/\$36,096.32 annually); and
- 4) Abolish the Revenue Clerk I position (#3081); and
- 5) Create an Audit Compliance Officer (#TBD) (EC-07 range: \$44,476.00 - \$70,450.00 annually); and
- 6) Create a part-time Deputy License Inspector position (#TBD) (grade J range: \$17.176 - \$28.120 per hour); and
- 7) Approve the updated organizational chart for the Sales, Use, and License Tax Department.

COMMISSION ADMINISTRATION (51125)

- 1) Create an Administrative Support Specialist I position (#TBD) (grade G range: \$26,971.36 - \$44,231.20 annually); and
- 2) Approve the updated organizational chart for Commission Administration.

ANIMAL SHELTER/CONTROL (55410)

- 1) Create an Animal Resource Supervisor position (#TBD) (grade I range: \$32,508.32 - \$53,239.68 annually); and
- 2) Approve position descriptions for Animal Control Officer, Animal Control Technician, Animal Placement Specialist, Animal Resource Supervisor, County Humane Officer, Kennel Technician, Office Manager, Senior Animal Control Officer, Senior Animal Control Technician; and
- 3) Approve the updated organizational chart for the Animal Shelter/Control Department.

BAY MINETTE CUSTODIAL DEPARTMENT (51996)

- 1) Create a part-time Custodian (#TBD) (grade E range: \$10.781 - \$17.661 per hour); and
- 2) Approve the updated organizational chart for Budgeting and Purchasing

Department.

CORONER (52400)

- 1) Create an Administrative Support Specialist I position (#TBD) (grade G range: \$26,971.36 - \$44,231.20 annually); and
- 2) Approve the position description for the Administrative Support Specialist I and Administrative Support Specialist III; and
- 3) Approve the updated organizational chart for the Coroner's Office.

BUILDING MAINTENANCE (51995)

- 1) Create a part-time Office Assistant III (#TBD) (grade E range: \$10.781 - \$17.661 per hour); and
- 2) Approve the position descriptions for the part-time Office Assistant III and Facilities Maintenance Coordinator; and
- 3) Approve the updated organizational chart for Building Maintenance.

COUNCIL ON AGING (56200)

- 1) Create a part-time Program Support Specialist (#TBD) (grade E range: \$10.781 - \$17.661 per hour); and
- 2) Promote Yolanda Parnell from the part-time SAINTS Driver (#PT22) grade D-04 (\$10.852 per hour) to the part-time Program Support Specialist (#TBD) at a grade E-03 (\$11.609 per hour); and
- 3) Abolish the part-time SAINTS Driver (#PT22); and
- 4) Approve the position descriptions for the part-time Program Support Specialist and Council on Aging Coordinator; and
- 5) Approve the updated organizational chart for Council on Aging.

HIGHWAY DEPARTMENT

- 1) Create an Administrative Support Specialist IV position (#TBD) (grade J range: \$35,726.08 - \$58,489.60 annually) in the Highway Administration Department (53100); and
- 2) Promote Lisa Sangster from the Chief Administrative Assistant position (#5019) grade I-11 (\$20.499 per hour/\$42,637.92 annually) to fill the Administrative Support Specialist IV position (#TBD) at a grade J-10 (\$21.956 per hour/\$45,668.48 annually); and

- 3) Abolish the Chief Administrative Assistant position (#5019); and
- 4) Create a Right-of-Way Technician II position (#TBD) (grade J range: \$35,726.08 - \$58,489.60 annually) in the Highway Pre-Construction Department (53600); and
- 5) Promote Gayle Pierce from the Right-of-Way Technician I position (#4076) grade H-11 (\$18.697 per hour/\$38,889.76 annually) to fill the Right-of-Way Technician II position (#TBD) at a grade J-06 (\$19.907 per hour/\$41,406.56 annually); and
- 6) Abolish the Right-of-Way Technician I position (#4076); and
- 7) Create an Operations Support Specialist II position (#TBD) (grade H range: \$29,631.68 - \$48,642.88 annually) in the Parks Department (57200P); and
- 8) Create an Permit/Subdivision Coordinator position (#TBD) (EC-07 range: \$44,476.00 - \$70,450.00 annually) in the Highway Subdivision Department (53150); and
- 9) Re-title the Permit/Subdivision Manager (#4050) to Construction Development Manager; and
- 10) Create an Engineer Technician I position (#TBD) (grade H range: \$29,631.68 - \$48,642.88 annually) in the Highway Maintenance Department (53130); and
- 11) Abolish the part-time Bridge Inspector position (#PT36) in the Highway Construction Engineering Department (53120); and
- 12) Abolish the ROW Coordinator/Highway Administrator position (#1026) in the Highway Right-of-Way Department (53101); and
- 13) Approve a \$5,470.40 increase in pay for the MPO Coordinator; and
- 14) Approve a title change for the Engineering Technician II (#5018) to Right-of-Way Technician II, in the Highway Pre-Construction Department (53600); and
- 15) Create three (3) vacant, unfunded Laborer positions in the Bay Minette Highway Department (53111); and
- 16) Create four (4) vacant, unfunded Laborer positions in the Silverhill Highway Department (53112); and
- 17) Create two (2) vacant, unfunded Laborer positions in the Foley Highway

Department (53113); and

18) Create two (2) Operator Technician I positions (#TBD) (grade G range: \$26,971.36 - \$44,231.20 annually) in the Foley Highway Department (53113); and

19) Approve the cost center change of the Geospatial Operations Manager (#5409), GIS Coordinator (#813), and Survey Manager (#1099) from Highway Pre-Construction (53600) to Highway Geospatial (53151); and

20) Approve the cost center change of the Traffic Operations Manager (#5174), Traffic Control Technician IV (#5382 and #5383), Traffic Control Technician III (#914, #842, #393, #2093), Traffic Control Technician II (#5173, #5172, #5384, #503), and Laborer (#4047) from Highway Maintenance (53130) to Traffic Operations (53135); and

21) Approve the cost center change of the Right-of-Way Technician III (#5169), Right-of-Way Technician II (#4076 and #5018), Right-of-Way Technician I (#3016 and #3046), and Office Manager - Highway Option (#5012) from Highway Right-of-Way (53101) to Highway Pre-Construction (53600); and

22) Re-title the Design Engineer position (#2077) to Pre-Construction Manager; and

23) Approve the position descriptions for: Administrative Support Specialist IV, Bridge/Project Coordinator, Construction Development Manager, Construction Manager, Design Technician I, Design Technician II, Design Technician III, Engineering Technician I (Construction), Engineering Technician II (Construction), Engineering Technician III (Construction), Engineering Technician I (Permits), Engineering Technician II (Permits), Engineering Technician III (Permits), Geospatial Operations Manager, GIS Coordinator, Laborer (Stripe Crew), Office Administrator (Permits), Office Manager - Highway Option, Operations Support Specialist II (Parks), Operator Technician I (BBE-Paving), Operator Technician II (BBE-Paving), Operator Technician III (BBE-Paving), Operator Technician IV (BBE-Paving), Permit/Subdivision Coordinator, Pre-Construction Manager, Right-of-Way Technician I, Right-of-Way Technician II, Right-of-Way Technician III, Survey Manager, Traffic Control Technician IV(Signal and Stripe Options), Traffic Control Technician III (Sign and Stripe Options), Traffic Control Technician II (Sign and Stripe Options), and Traffic Operations Manager; and

24) Approve the updated organizational chart for the Highway Department.

BALDWIN REGIONAL AREA TRANSIT SYSTEM (BRATS) (51935)

1) Abolish three (3) part-time Bus Drivers (#PT12, PT13, PT15); and

2) Approve the updated organizational chart for BRATS.

Take the following actions:

- 1) Adopt Resolution #2018-121 appointing Ken Strong as Baldwin County Safety Coordinator (Risk Manager) in order to meet the guidelines as outlined in the Association of County Commissions of Alabama Safety Incentive Discount Program; and
- 2) Authorize the Chairman of the Baldwin County Commission to sign the Safety Incentive Discount Program Application.

BP4 Solid Waste Department (Magnolia Landfill) - Promotion of Employee into Landfill Equipment Operator III Position

[18-0951](#)

Approve the promotion of Roy Kelley from the Landfill Equipment Operator II position (PID #1049) grade H-04 (\$15.722 per hour/\$32,701.76 annually) to fill the open Landfill Equipment Operator III position (PID #1050) at a grade I-03 (\$16.834 per hour/\$35,014.72 annually) to be effective no sooner than October 1, 2018.

BN5 *License Agreement #18021 - Unopened Right-of-Way on Cypress Avenue

[18-0991](#)

Ron Cink, County Administrator/Budget Director, asked if staff is still in negotiation with the agreement.

Motion by Commissioner Tucker Dorsey, seconded by Commissioner Chris Elliott, to approve License Agreement #18021 permitting Candese Olan to clear approximately 480' x 30' of underbrush and a few small trees less than 8" in diameter, to install a 24" HDPE drive pipe and to construct a driveway to access the property off Cypress Avenue. The driveway will be maintained by the licensee for the portion of right-of-way that is not County maintained.

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 and prior to the vote, Commissioner Dorsey asked Joey Nunnally, County Engineer, if there is something major with this change in the agreement?

Mr. Nunnally appeared before the Commission and said it was a last minute change received this morning. The husband wanted his name to be on the signature page along with his wife. There is no major change at all.

BP2 *Baldwin County Employee Health and Wellness Incentive Program

18-0972

Motion by Commissioner Chris Elliott, seconded by Commissioner Tucker Dorsey to approve the original Baldwin County Employee Health and Wellness Incentives Program Policy.

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 and prior to the vote, Commissioner Elliott said he has some questions for the Personnel Director. He received this at the last minute this morning and wants to check the nature of the changes.

Andrea Roberson, Personnel Director, appeared before the Commission and said she spoke with the Human Resources Director with the Sheriff's Office. Both were concerned about trying to make the spouses come to the wellness coaching. It can be offered to the spouses, but the County cannot make them attend the coaching. It would be hard to make spouses take time off from work to attend a 15 minute coaching session.

Commissioner Dorsey said the County cannot make the employees do anything, but there is a financial incentive for the employees to participate in it. It reduces the medical costs of the plan long-term. Will spouses be offered the same financial incentive with the insurance costs?

Ms. Roberson said for 2019, employees will be on the biometric and will receive a decrease. Whatever is done with the wellness coaching in 2019 will go to the 2020 incentive. Ms. Roberson said if employees attend all of the coaching sessions, they will get the incentive for 2020. If they do not attend, then the insurance will go up \$30.00.

Commissioner Dorsey asked if that will be for everyone, to which Ms. Roberson replied yes, but the spouses were removed. Ms. Roberson said the spouses can be added back on.

Commissioner Dorsey said he would think that the County would want the spouses to be incentivized to participate. The ultimate goal is to make people healthy. If they are healthy, it is less of a cost to the health insurance plan.

Ms. Roberson said it can be added back like it originally was.

Commissioner Dorsey said the County is not making anyone, but if they come, it should be included in the incentive package. The Commission wants its employees and their families to be healthier, bottom line.

Commissioner Elliott said the impact of the plan is the same as it would be for an employee. He would not carve spouses out as a special one way or another. His question is, does the item in the agenda packet, not the replacement item, still list the employee?

Ms. Roberson said in the item in the agenda packet has the employee and spouse. The replacement item does not have the spouse.

Commissioner Dorsey asked if that was the only change in the replacement, to which Ms. Roberson replied "yes."

Commissioner Elliott said to clarify the record, his motion was to approve Item BP2 as in the original agenda packet and not in the replacement item.

Commissioner Dorsey said he will confirm that as his second.

Ms. Roberson said if the employees do not come, they will have the additional \$30.00 cost for insurance in 2020.

After the vote, Chairman Burt said he noticed there was an item from the Solid Waste Department where the Director was going to get up and speak.

Ron Cink, County Administrator/Budget Director, said that item is under Other Staff Recommendations.

C PRESENTATIONS

CA GENERAL

CA1 Adoption of the Baldwin County Fiscal Year 2018 - 2019 Budget

[18-0977](#)

Ron Cink, County Administrator/Budget Director, appeared before the Commission to present the Baldwin County 2019 Fiscal Year Budget.

Chairman Burt said Baldwin Regional Area Transit System (BRATS) transportation routes have previously been included in this. Those routes had to be advertised and brought before the Commission because they are providing a governmental service. He understood from the Budget Deliberations that the educational routes were not in this budget.

Mr. Cink said that is correct. The amount of funding from the General Fund to BRATS is \$750,000.00. Also, BRATS recognizes that there are several part-time and full-time positions that will have to be addressed to meet that \$750,000.00 subsidy level.

Chairman Burt said he is unsure how many of the educational routes BRATS provides a service for. Chairman Burt said there are rumors going around and he wants everyone to know for certain what the Commission is doing with the adoption of this budget. A number of people have contacted him about this and some are in attendance today. The answer he gave everyone was that the Commission reduced some of the projects BRATS brought to the Budget Deliberation. What BRATS asked for would have been a balanced budget. Chairman Burt said it was decided to reduce the educational routes for whatever purposes. That would cause a RIF or layoffs for part-time employees and stop some routes. He wants everyone to know what the Commissioners are talking about and what they have gone through. His understanding is the new Commission, that will take over six weeks from today, will organize themselves and could amend the budget at that time. The Commission has done this in the past. Chairman Burt said there have been articles and social media posts about this. The Commission needs to come together and let people know what is going on for sure. Out of \$180 million budget, this is a very small percentage.

Joey Nunnally, County Engineer, appeared before the Commission and said during the work sessions for the Budget Deliberations, BRATS first presented a shortfall of \$1 million that the General Fund would have to kick in. From a service standpoint, this would have kept the routes intact. BRATS recently lost the ARC routes and ridership dwindled a bit with the economy doing well. The Commissioners asked BRATS to come back with a different proposal. Mr. Nunnally said the Commission chose not to fund the department at \$1 million and staff was asked to look at the demand response routes only and come back with a different proposal. The budget amount was set at \$500,000.00 as a ballpark figure. Mr. Nunnally said he presented the \$500,000.00, \$750,000.00 and \$1 million shortfall plans to the Commissioners to give them an option on what type of services they wanted to provide. The Commissioners chose to move forward with the \$750,000.00 plan. This plan removed some of the educational and work routes. This is how the educational routes kind of fell out of the service plan. Mr. Nunnally said the grants received from the Federal Transit Authority (FTA) to operate BRATS are geared more towards helping people on dialysis and people with cancer treatments who cannot get back and forth to doctors' appointments and those type things. When staff looked at having to prioritize the people BRATS would serve in the County, staff chose to keep those routes intact and let the educational routes fall out.

Chairman Burt said he wanted the public to know that the educational routes services will be discontinued. He has looked at signed agreements between BRATS and other schools. That service is suppose to continue through May 2019. Chairman Burt said there is a 30-day notification required to cancel the agreements. The Commission needs to do this today in order to let the schools know they have 30 days before the service ends. He is not aware of staff doing this as of yet. To have had the educational routes continue, they would have had to been in the budget. Chairman Burt said he wanted everything out. The budget is ready for the Commission to move forward with it. He will support whatever the majority wants. It will be a unanimous decision.

Mr. Cink said there are two actions required on the Commissioners' part. The first

recommendation is to adopt Resolution #2018-117 which deals with the Constitutional Amendments 750 and 772. These are the appropriations related to the economic development. These appropriations have been advertised. The second recommendation is to adopt the Budget Resolution #2018-118.

Commissioner Dorsey said during the last work session the \$500,000.00, \$750,000.00 and \$1 million budgets were discussed, the \$1 million was hard to swallow because the annual amount would increase for the Commission to supplement the BRATS system by approximately \$160,000.00 and BRATS lost a contract that was approximately \$200,000.00. There was no reason to supplement more and take less revenue. Commissioner Dorsey said six weeks ago, the Commissioners challenged the BRATS department to come up with an alternative for what it would take to run BRATS and reduce that burden to the County Commission in supplements. In 2010, it was approximately a \$600,000.00 supplement. The amounts have been creeping up every year; things cost more and gas prices have gone up. The County also went up on its fare box a few years ago. Commissioner Dorsey said the Commission runs an efficient government in all of its departments and it does a good job of it. The Commissioners did not demand the school routes be shut down; that was not the offer. The challenge was to figure out the costs for the educational routes. If the schools are willing to pay the costs for the routes, then BRATS can run the service. It is additional revenue to BRATS and the revenue is used to pay the expenses to run the service. Commissioner Dorsey said the schools can be charged the cost to run the routes. The County has the infrastructure, buses and equipment to run the routes. No one said no, the Commission is just not supplementing the costs to run the BRATS service for more than \$750,000.00 this year. It is staff's challenge to figure out how to make this happen. Whatever the costs are to get children to school, the schools need to pay it. Commissioner Dorsey said he does not feel the Commission should supplement private school children getting to school; that is not what the Commission does. Transportation issues for education is a public school issue. The Commission's job is not to do private schools. If BRATS wants to run the educational routes and if it helps the schools, then staff should figure out what it costs and charge the schools to do it. If BRATS receives more revenue, it can be used for the department. The County makes money from the festivals. It is a benefit back to BRATS and helps to supplement other things. The Commission is challenging BRATS to be efficient with how it operates its business. He is unwilling to supplement private school transportation. The schools and parents should pay for it; that is a part of the service. The County has the infrastructure and buses to do it. One of the problems he has with the private school routes is he was told that there were "agreements." However, the contracts are not online. Commissioner Dorsey said any agreements the County Commission has should be online so that they are easy to find. The citizens of Baldwin County are paying for this entire operation and they need to know what the money is spent on. It needs to be very transparent and the agreements and contracts need to be online. The County needs to be consistent with its transparency and how it manages its government. He will be glad to run the private school routes, the schools just need to pay it and staff needs to figure out the costs. Commissioner Dorsey said no one said "no." The Commissioners said "yes," just figure it out. He does not know how this is any more clearer and he does not feel it is impossible. There have been some complaints. There was a route to St. Pauls School and the driver had to pull over on the Causeway and ask the students how

to get to the school. Commissioner Dorsey said Bayside School now has someone riding on the buses because drivers are screaming at the children, are running late and unsure as to where to go. That is not a level of professionalism the County needs or will have. Staff needs to do better than this; it is not acceptable. Commissioner Dorsey asked if staff can do better and figure out how to make this happen, to which Mr. Nunnally replied "yes."

Chairman Burt asked if this budget the Commission will approve today include the educational routes, to which Mr. Nunnally replied that is correct.

Commissioner Elliott said that is not correct. Commissioner Elliott asked if educational routes are specifically line item anywhere in the budget, to which Mr. Nunnally replied "no," they are not. Commissioner Elliott asked if the educational routes are specifically excluded from the budget anywhere, to which Mr. Nunnally replied "no." Commissioner Elliott said to say that this budget does or does not include educational routes is inaccurate and that is correct.

Commissioner Dorsey said this should be about math and not politics. It is an easy operation.

Chairman Burt said he agrees, to which Commissioner Dorsey replied, no he does not. Chairman Burt said the individual he spoke with was surprised. That individual was willing to pay more, sign new agreements and pay it. Chairman Burt asked for copies of the agreement which Mr. Nunnally sent to him. Chairman Burt said when he cannot find something, he asks someone who knows where it is. That was the only thing he wanted to make clear. He has heard that if this budget is adopted it will not include any educational routes in it. They can be included if the price goes up.

Mr. Nunnally said when staff and routes are downsized or cut, the demand response is unknown. What Commissioner Elliott said is true; staff does not have a specific route in the budget. Staff has a budget to fit the routes inside of. To say the educational routes were cut out or that they are in there are not true and accurate statements, at this point. Staff has a budget and what is done with that budget will be up to them to make it work, with the Commission's approval, to serve the needs of the citizens of the County. Mr. Nunnally said the budget has been cut and staff has been challenged by the Commissioners to make it work. He agrees with the challenge and he is up for it; staff is going to do it.

Commissioner Gruber said during the last work session the discussion regarding the \$500,000.00 versus the \$750,000.00, it was said for the County to fund BRATS at the \$750,000.00 level and there were things that had to be done to make it work. If the budget is approved, BRATS will end up with less money than it asked for and there are things BRATS will have to do to make this work.

Commissioner Dorsey said if the revenue is increased, more services can be provided. The educational routes and the festivals should easily pay for themselves. There are a lot of parameters involved in the educational routes, staff just has to figure out the cost for those routes.

Commissioner Elliott said there are other ways. The overhead can be decreased, the efficiency of the operation can be increased, the equipment used, etc. There are many ways to save money, it is not just increasing revenue every year. The Commissioners were challenged by Pastor Jim Batchelor to avoid complacency and that is exactly what the Commission is doing with this budget.

Motion by Commissioner Tucker Dorsey, seconded by Vice Chairman Charles F. Gruber, as it relates to the Baldwin County Fiscal Year 2018-2019 Budget, adopt Resolution #2018-117, which, pursuant to Amendment No. 750 and Amendment No. 772 to the Constitution of Alabama 1901 and related to the promotion of local economic and industrial development, provides for respective determinations by the Baldwin County Commission that a variety of expenditures of public funds, as relates to a myriad of appropriations authorized by the Baldwin County Fiscal Year 2018-2019 Budget, will respectively, serve valid and sufficient public purposes.

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

Motion by Commissioner Tucker Dorsey, seconded by Vice Chairman Charles F. Gruber, as it relates to the Baldwin County Fiscal Year 2018-2019 Budget, adopt Resolution #2018-118 of the Baldwin County Commission which adopts the Baldwin County Fiscal Year 2018-2019 Budget.

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

Commissioner Dorsey thanked Mr. Cink, Christie Davis, Senior Budget Accountant, and Deidra Hanak, Assistant Personnel Director, for their work with employees' issues regarding the budget.

D PUBLIC HEARINGS

DA ADMINISTRATION

DA1 *Case No. LV-18007 - Alcohol License Application for Bill ES, LLC d/b/a Old 27 Grill (One-time Special Event - Baldwin Humane Society Hound Dog Music Festival)

[18-0944](#)

Commissioner Dorsey said he understands there is a little challenge with the proof of publication.

Mr. William Stitt, the applicant, appeared before the Commission and said he handed the proof of publication to staff this morning.

Commissioner Elliott said while staff is checking on this, will Mr. Stitt tell the Commissioners about the Baldwin Humane Society Hound Dog Music Festival.

Mr. Stitt said this is the second event. The goal is to raise money to help the animals struggling in the community. This is just a bunch of people getting together to have a music festival at the barn and chapel areas about four miles outside of Fairhope. There has been a request for a trained, full bar with beer, wine and liquor. Mr. Stitt said this required him to get a special events license. He is helping the Baldwin Humane Society by taking on this burden and allowing the organization to focus on what it does.

Chairman Burt opened the public hearing at 9:15 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 9:15 a.m.

Motion by Commissioner Chris Elliott, seconded by Vice Chairman Charles F. Gruber, to consider the 140 - Special Events Retail (7 days or less) license application for Bill ES, LLC d/b/a Old 27 Grill (One-time Special Event - Baldwin Humane Society Hound Dog Music Festival on September 29, 2018) located at 19437 County Road 9, Silverhill, Alabama 36576, and approve the issuance of said license by the Alabama Alcoholic Beverage Control (ABC) Board.

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

DQ PLANNING AND ZONING

DQ1 Case No. Z-18034 - Wise Property Rezoning

[18-0967](#)

Celena Boykin, 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 Vice Chairman Charles F. Gruber, seconded by Commissioner Tucker Dorsey, to adopt Resolution #2018-108, which approves Case No. Z-18034, Wise Property, as it pertains to the rezoning of 11.89 acres, more or less, as located in Planning (Zoning) District 15, from B-2, Neighborhood Business District, to M-1, Light Industrial District and B-4, Major Commercial 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

DQ2 *Case No. Z-18035 - Stout Property Rezoning

[18-0974](#)

Vince Jackson, Planning Director, appeared before the Commission provided the staff report for 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.

Ms. Denise Stout appeared before the Commission and said she does not feel she needs to speak. Mr. Jackson and his staff have done a lot for her and she appreciates everything. She wants everyone to understand how much she appreciates the effort that has gone into this request. Ms. Stout said the bottom line is she wants to preserve this building and this spot in downtown Lillian. She did not want it to go by the wayside when the previous owner sold it. She has been a part of the community since 1971 and her husband has been there his entire life. Ms. Stout said she wants to make sure everyone understands that with the Commission's consent, they are opening a place where the older generation can go and still get \$1.00 coffee and where they do not have to spend money to visit with their families and friends. She is never going to make a \$1 million, but she wants to make sure she can preserve what she is capable of doing. Ms. Stout said she cannot work; her husband takes care of her and pays the bills. This is all about the community, the community is really important to her and her husband. Since they have had the home occupancy, people stop by every day. She has 700 signatures on a petition in favor of the request. She wanted to make sure the Commissioners knew that in her little town of 1,292 registered voters, she has 700 signatures and a letter from her neighbor who looks directly at the bakery every day. She has a huge outpouring of support. Ms. Stout thanked everyone involved and said the community needs this bakery.

Commissioner Dorsey said people come for zoning requests all the time. Sometimes

they are big and people say "no" to them; however, Ms. Stout has an outpouring of support for her project. It is refreshing to see her attitude towards the community and the community's attitude towards having her there. Commissioner Dorsey said Ms. Stout might make a \$1 million over there because everyone loves what she is doing.

Ms. Stout said she appreciates Commissioner Dorsey's comments and thanked the Commissioners for their time.

Chairman Burt said he imagines all the viewers who may watch will appreciate it.

There being no further requests to address the Commission, Chairman Burt closed the public hearing at 9:24 a.m.

After motion, before vote, Commissioner Dorsey provided directions to the subject property.

Commissioner Elliott said Ms. Stout is very popular and may give Mr. William Stitt, with Bill ES, LLC a run for his money.

Commissioner Gruber said the residents of the Lillian community are looking forward to this moment. Everyone he has talked with loves it. Commissioner Gruber said Ms. Stout is very creative with her cakes and does a fantastic job.

Motion by Vice Chairman Charles F. Gruber, seconded by Commissioner Tucker Dorsey, to adopt Resolution #2018-109 which approves Case No. Z-18035, Stout Property, as it pertains to the rezoning of approximately .12 acres located in Planning (Zoning) District 22, from RSF-1, Single Family District, to LB, Limited Business 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

DQ3 Case No. Z-18036 - Boykin Property Rezoning

[18-0966](#)

DJ Hart, Planning Technician, appeared before the Commission and provided the staff report on the subject property.

Chairman Burt opened the public hearing at 9:28 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 9:28 a.m.

Motion by Vice Chairman Charles F. Gruber, seconded by Commissioner Tucker

Dorsey, to adopt Resolution #2018-110, which approves Case No. Z-18036 - Boykin Property Rezoning, as it pertains to the rezoning of 3.4 acres, more or less, as located in Planning (Zoning) District 4, from OR, Outdoor Recreation District, to RSF-2, 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

DQ4 Case No. Z-18037 - Lazzari Property Rezoning

[18-0975](#)

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

Chairman Burt opened the public hearing at 9:30 a.m. and asked if there is anyone present who wishes to speak.

Ms. Carol McKnight appeared before the Commission and said she contacted someone in the Planning and Zoning Office who agreed to share her comments with the Planning and Zoning Commission. According to what she read in the meeting minutes, her issues were not brought up. Ms. McKnight said she is concerned about the growth in this part of the world. The Belforest area is rapidly growing. There are issues with traffic and therefore safety. There is a proposed Belforest school which is a half mile east of the subject property. A little further down the road is The Reserve at Daphne which had proposed additional acreage to that subdivision. Access to some of the 600 units would be from County Road 54 West. There is currently access from County 64 just west of Fish River. Ms. McKnight said the Bertolla Farm is in progress and will have access from Austin Road which is a half mile west of the subject property. The St. Augustine Subdivision which is on County Road 64 West has a recently approved ongoing addition and it will have access on County Road 54 West, north of County Road 64. There is a pending commercial offer on 17 acres at Highway 181 and County Road 64 which is a half mile west of the subject property. The Bertolla development has access to County Road 54 West, a mile south of the proposed property. There is a lot of traffic in this area. Ms. McKnight said recently, a double blinking yellow light was installed at this intersection which does not slow traffic and it does not help people get on to County Road 64 from that intersection. There is an existing single blinking light at Austin/Rigby Road and County Road 64 which is where she is. This does not do anything to help with the traffic issue. Ms. McKnight said there was a serious wreck there recently where a car ended up in a corner of her property where she normally cuts and trims bushes. She will no longer do this for fear of her life. The speed limit from Loxley maintains at 55 MPH. Somewhere between Rigsby/Austin Road on County Road 64 it drops to 45 MPH and then to 35 MPH. Ms. McKnight said in the last week or so, a 25 MPH flashing school zone sign was placed to accommodate the school which is located within a church at the corner of County Road 64 and Austin Road. Ms. McKnight said there is a lot going on in that area that she

feels needs to be addressed regarding putting a major commercial property there with all of the influx of traffic. The traffic already backs up 3/4 of a mile or more in the morning which goes nearly to the subject property. There are a lot of issues she feels needs to be addressed as part of this package. Ms. McKnight said it is her understanding that the Commissioners do not address this or drainage until after the zoning has been changed. It seems like an awkward situation. Ms. McKnight thanked the Commissioners.

Ms. Louisa Toler appeared before the Commission and said she is the property owner to the north of this property across County Road 64. This property is in the neighborhood to the east of homes that have been there since the 1950's and 1960's. There is one resident who has lived there for 70 years. There is a long established residential area there to the east at both corners of County Road 64 and County Road 54. To the south there are residential homes there that are in the \$300,000.00 - \$400,000.00 category of residences. Ms. Toler said there are major concerns about traffic and major drainage issues that have not been addressed. However, her concern lies with the fact that the aquifer which provides the water service for the Belforest Water System runs directly under this project. The Belforest Water System has a well that is just a few hundred feet to the south of this property on County Road 54 West. There is a well, water tank and a lot of storage for equipment there for the workmen to operate from there. Her information about the aquifer comes from someone who has served for years on the Belforest Water Board and is well aware of where the aquifer is. The residents do not need gas pumps and gas storage tanks on top of the water source for the Belforest community which serves several thousand customers there. Ms. Toler said she is making these concerns to the Commissioners now. If this is rezoned to a B-3 or B-4 designation, the Commissioners are allowing a gas station or convenience store to come in with their gas pumps and gasoline storage tanks in this environmentally sensitive area for the water system. The Commissioners need to keep in mind that there is no stop light or turn lanes there. As it is, it is a disaster waiting to happen in more ways than one. Ms. Toler said she is asking the Commissioners to consider this as they make their decision. Ms. Toler thanked the Commissioners.

There being no further requests to address the Commission, Chairman Burt closed the public hearing at 9:39 a.m.

Motion by Commissioner Tucker Dorsey, seconded by Commissioner Chris Elliott, to adopt Resolution #2018-111 which approves Case No. Z-18037 - Lazzari Property, as it pertains to the rezoning of approximately 8.7 acres located in Planning (Zoning) District 15, from RSF-E, Residential Single Family Estate District, to B-4, Major Commercial 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

After the motion, before the vote, Commissioner Dorsey asked if Joey Nunnally, County Engineer, would come forward and explain some of his traffic improvements for that area, namely the roundabout. This is obviously a busy street. The morning traffic is rough in that area. There have been a few major accidents, the former County Engineer's daughter had a major accident at Rigsby Road and County Road 64, as well. The Commissioners are completely aware of the situation.

Mr. Nunnally appeared before the Commission and said staff started looking at trying to get another roundabout placed at County Road 64 and Austin Road. Like Commissioner Dorsey said, the traffic volume is pretty heavy. The roundabout will help that a lot. The Highway Department has had good luck with reducing the accident rates at other locations where the roundabouts have been installed and the traffic flows are doing well at those locations. Mr. Nunnally said staff came up with a preliminary cost estimate and asked that it be placed on the visionary list at the Eastern Shore Metropolitan Planning Organization (MPO). This falls inside the MPO's boundaries. Staff will bring this before the Eastern Shore Council to fund it. Currently, the estimate for the roundabout itself will be around \$2 million. Staff would also like to include some widening of County Road 64 to a three-lane highway down to the location of the proposed new school.

Commissioner Dorsey asked if a light can be placed at the school, to which Mr. Nunnally replied staff can look at that as well.

Ms. Carol McKnight said she could not hear everything Mr. Nunnally was saying.

Mr. Nunnally explained what he said about the roundabout at County Road 64 and Austin Road.

Ms. McKnight said in the context to the roundabout, she has seen survey flags in her front yard and in adjacent properties. She talked to several people at the Highway Department who told her that was because the deteriorating caution light support structure would be replaced. No one mentioned a roundabout. Ms. McKnight said she is unsure if the Commissioners are aware of what goes on at that corner, but there are several drainage and water lines and sewer tanks. There is a lot of stuff underground in the neighborhood that would make it more difficult. On the next corner, the land is flat with nothing underground that would interfere with that type of construction. In this area there are a lot of underground stuff that will have to be dealt with.

Chairman Burt said he is sure Mr. Nunnally estimated those factors into his cost estimate. Chairman Burt thanked Ms. McKnight for her comments and concerns.

Ms. McKnight said she has personal concerns about the entire community. There is just so much activity.

DQ5 Case No. Z-18039 - Osburn Property Rezoning

[18-0976](#)

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

Chairman Burt opened the public hearing at 9:48 a.m. and asked if there is anyone present who wishes to speak.

Mr. Jeff Barnes appeared before the Commission and said he is a commercial real estate broker with Sterling Properties. He can speak to the use and give a little more detail of what is going on, but there are others here. Mr. Barnes said Ms. Mallory White is here and she represents the owner of the property. He is representing a client and friend who has the property under contract to improve it with a medical facility. Mr. Barnes' client is a local chiropractor that does not need the B-3 zoning for his own purpose, but he has a complementary use that he wants to have at the site as well. It is a fitness studio that offers one-on-one training and athletic conditioning. They complement each other now. Per the current zoning classification, the fitness studio component needs a B-3 zoning classification. The fitness studio is not a large facility, the architect is here and can speak more on that. Mr. Barnes said the fitness studio is approximately 3,500 square feet. It is not like a 20,000 square foot big box, 24-hour gym; it would have a low intensity use. Coincidentally, his client's contract is contingent upon the rezoning simply because that is what he wants to incorporate on the site. Mr. Barnes said the applicant had applied for this rezoning prior to his client making an offer on the property just because of some things Ms. White can share with the Commissioners about the other uses and history with the activities. This project would happen immediately. The proposed purchaser has already engaged an architect, created plans and this would start immediately upon getting the permits. Mr. Barnes said he wanted to voice his support of the rezoning.

Ms. Rebecca Dunn Bryant, appeared before the Commission and said she is the architect for Eastern Shore Chiropractic and Sports Clinic. She believes everyone is here to voice their support so they do not need to take much of the Commissioners' time. Ms. Bryant gave the Commissioners the schematic site plan to give them a sense of the proposed uses for the site. Ms. Bryant said the site will have medical health centered businesses. Once the proposed businesses are built, they will be built out. There are 43 proposed parking spaces and that is what is required. The site will be heavily landscaped. The use that requires the zoning change is less like a gym and more like a studio. There will be one-on-one training and a space where athletes can train on a lawn in a landscaped area fronting Highway 98. This will be an attractive facility and a benefit to the community. Ms. Bryant said everyone is here to answer any questions. They do not need to take any more of the Commissioners' time if it is not necessary.

Chairman Burt said if anyone wants the opportunity to speak, they are welcomed to speak.

Mr. Paul Davis, Baldwin County President of TCB Coastal Banking, appeared before the Commission and said he is here to speak on the integrity of the owner of the proposed property who will be buying and developing it. The owner has been a business owner in the Fairhope/Eastern Shore area for nine years. Mr. Davis said the owner has established a well known business, he has great character and has depended on a lot of residents in this area. The owner wants to move on and build his own place and Mr. Davis knows this will be a very project for the area and he feels it is well needed. Mr. Davis said he just wanted to speak on the owners' behalf.

Mr. Larry Smith appeared before the Commission and said he is the Civil Engineer for the project. He is here to answer any questions on the drainage and access.

Ms. Mallory White appeared before the Commission and said this property has been under contract before with other buyers who were interested. However, because it was zoned as B-2, either offers were not made or deals fell through. With this project the purchasers are making, it will help the community. It is great to have chiropractic services there. All of the businesses around the subject property are zoned either B-3 or B-4 Ms. White said with the subject property zoned as B-2, it does not make sense. She hopes the Commissioners will vote to rezone the property to B-3.

There being no further requests to address the Commission, Chairman Burt closed the public hearing at 9:55 a.m.

Motion by Commissioner Chris Elliott, seconded by Vice Chairman Charles Gruber, to adopt Resolution No. 2018-112 which approves Case No. Z-18039 - Osburn Property as it pertains to the rezoning of approximately 1.02 acres located in Planning (Zoning) District 16, from B-2, Neighborhood Business District, to B-3, General Business 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

13045 County Road 64 Property

[18-1025](#)

Commissioner Dorsey asked if he can bring a similar situation to the previous zoning request before the Commission. There is a previously zoned case that has come up again to make a closing happen. The address is 13045 County Road 64, the Stapleton Property. Commissioner Dorsey said the owner has been operating a commercial business there for longer than zoning has been in place in Baldwin County. When zoning was implemented in that region, the Commission placed an automatic blanket agricultural zoning classification on the owner's property. Commissioner Dorsey said when new regions are zoned, the Commission needs to be consistent with what is already there. It has historically not been great with that in the past. Commissioner Dorsey said Mr. Stapleton has made the application and it is not Mr. Stapleton's fault that the County was responsible for not having it zoned.

Motion by Commissioner Tucker Dorsey, seconded by Commissioner Chris Elliott, to waive the zoning fee for the Stapleton property located at 13045 County Road 64 and expedite this as quickly as possible while following the law to make sure the County does what it has to do to make the zoning change and facilitate the closing.

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 and before the vote, Vince Jackson, Planning Director, said the property was zoned on August 1, 2006, but the business was there for at least 12 years prior to the zoning. He cannot say why it was given a rural agricultural designation since there were already commercial businesses there. Mr. Jackson said it most likely should have been zoned as commercial. This application will rectify that situation. It will still go through the process, through the Planning and Zoning Commission and back to the County Commission for a final vote. This action is the consideration to waive the \$500.00 fee due to the fact that the issue was not the fault of the property owner. Staff looked at the original maps drawn up and RA was the designation granted in 2006.

Chairman Burt asked if this motion will speed up the process for the individual, to which Mr. Jackson replied "yes." Chairman Burt asked if it will be just for that property or for others, to which Mr. Jackson replied, it will be just for this property.

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills

18-0901

Motion by Commissioner Tucker Dorsey, seconded by Commissioner Chris Elliott, to pay bills totaling \$2,425,409.07 (two million, four hundred twenty-five thousand, four hundred nine dollars and seven cents) with the exception of Vendor 102, which is listed in the Baldwin County Accounts Payable Payments - September 18, 2018, for a revised total of \$2,425,091.88.

Of this amount, \$103,851.37 (one hundred three thousand, eight hundred fifty-one dollars and thirty-seven 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

Motion by Commissioner Chris Elliott, seconded by Vice Chairman Charles F. Gruber, to approve Vendor 102 in the amount of \$317.19.

Vendor #102: Dorsey, Jasper T. \$317.19

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 1 - Tucker Dorsey

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

[18-0902](#)

Ron Cink, County Administrator/Budget Director, informed the Commission that the Baldwin County Commission Interim Payments - September 18, 2018, made by the Clerk/Treasurer totaling \$3,038,873.26 (three million, thirty-eight thousand, eight hundred seventy-three dollars and twenty-six cents) are a part of the record.

EB ROAD AND BRIDGE DIVISION

F ELECTED OFFICIAL REQUESTS

G OTHER STAFF RECOMMENDATIONS

GL ENVIRONMENTAL MANAGEMENT

GL1 Baldwin County Solid Waste Department's Holiday Hours

[18-0988](#)

Chairman Burt asked if Terri Graham, Development and Environmental Director, requested this item to be pulled?

Ron Cink, County Administrator/Budget Director, said Ms. Graham did not have any heartburn on this item. If the Commission approved the hours, she would come back at a later date and give a presentation for the citizens, if this meets the Commission's wishes.

Motion by Vice Chairman Charles F. Gruber, seconded by Commissioner Tucker Dorsey, to approve the Baldwin County Solid Waste Holiday Schedule for the Garbage Collection and Landfill Operating Hours as follows:

Garbage Collection Holiday Schedule

Thanksgiving Holiday - Thursday, November 22, 2018 - CLOSED - Garbage

Collection will not run

Day After Thanksgiving - Friday, November 23, 2018 - Thursday Garbage Routes will be Picked up

Christmas Week

* Monday, December 24, 2018 - Regular Garbage Pickup

* Tuesday, December 25, 2018 - CLOSED - Garbage Collection will not run

* Wednesday, December 26, 2018 - Tuesday Garbage Routes will be picked up

* Thursday, December 27, 2018 - Wednesday Garbage Routes will be picked up

* Friday, December 28, 2018 - Thursday Garbage Routes will be picked up

New Year's Holiday - Tuesday, January 1, 2019 - Regular Garbage pickup

Landfill Holiday Schedule

Thanksgiving Holiday - Thursday, November 22, 2018 - ALL LANDFILLS ARE CLOSED

Day After Thanksgiving - Friday, November 23, 2018 - OPEN - Magnolia Landfill & Bay Minette Transfer Station - CLOSED - MacBride Landfill

Christmas Holiday - Tuesday, December 25, 2018 - ALL LANDFILLS ARE CLOSED

New Year's Holiday - Tuesday, January 1, 2019 - OPEN - Magnolia Landfill & Bay Minette Transfer Station - CLOSED - MacBride Landfill

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, Commissioner Dorsey provided the holiday schedule for garbage collection and the Landfills operating hours.

GN HIGHWAY

GN1 Case No. VAC-18-2 - Vacation of a Portion of Brinks Willis Road at the Foley Beach Express

[18-0990](#)

At this time, Commissioner Dorsey left the Chambers and the meeting and did not participate in any discussion regarding Agenda Item GN1.

David Conner, County Attorney, said he has a conflict of interest and will not participate in any discussion regarding item GN1. At this time, Mr. Conner left the Chambers and the meeting.

Joey Nunnally, County Engineer, appeared before the Commission and said there is a little unfinished business staff needs to take care of. This was discussed during a previous Commission meeting and a public hearing was held. There was no quorum for the Commissioners to vote on this at the time. Mr. Nunnally said the Commission decided to table any action and bring it back before the Commission to take a vote. This action will vacate a 30 foot right-of-way that should have been vacated back in the early 2000's when the Foley Beach Express was built. This strip of property was supposed to be vacated according to the tri-party agreement. Mr. Nunnally said when the property was vacated, this 30 foot strip was left out. Staff is coming back now to dot its "I's" and cross its "T's" to make this happen. Mr. Nunnally said the motion needs to be to either approve or deny the vacation.

Chairman Burt asked if there was a public hearing, to which Mr. Nunnally replied yes, all of that has been done.

Motion by Commissioner Chris Elliott, seconded by Vice Chairman Charles F. Gruber, to adopt Resolution No. 2018-083, which approves the vacation of a portion of Brinks Willis Road at the Foley Beach Express, per the request and recommendation of the County Engineer, in accordance with Section 23-4-2 of the Code of Alabama.

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.

GN2 Intergovernmental Service Agreement with the City of Daphne to Repair and Repave a Road Section of Persimmon Drive

[18-0994](#)

Motion by Commissioner Tucker Dorsey, seconded by Vice Chairman Charles F. Gruber, to approve an Intergovernmental Service Agreement between Baldwin County and the City of Daphne to repair and repave a road section of Persimmon Drive inside Daphne City Limits for an estimated cost of \$2,917.40 for labor and equipment.

The City of Daphne will be invoiced the actual cost of labor and equipment upon

completion of the project. (This agreement shall be effective upon full execution and terminate after twelve (12) months, unless terminated by either party upon the delivery of a thirty (30) day notice of termination.)

The City of Daphne will provide materials for the project.

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 Commission did receive a check from the City of Daphne. It was hand delivered by a Daphne City Councilmember.

Commissioner Gruber said the County has also been paid.

Joey Nunnally, County Engineer, appeared before the Commission and said the City of Daphne cut two checks for the County, one for this work and one for the past.

At this time, David Conner, County Attorney, returned to the Chambers and the meeting.

H COMMISSIONER REQUESTS

HA COMMISSION DISTRICT 1

HB COMMISSION DISTRICT 2

HC COMMISSION DISTRICT 3

HD COMMISSION DISTRICT 4

I ADDENDA

IA1 Kane County, Utah v. United States Case Nos. 17-739C and 17-1991C (Consolidated), United States Court of Federal Claims - Class Action Lawsuit regarding Payment in Lieu of Taxes Act (PILT)

[18-1003](#)

Ron Cink, County Administrator/Budget Director, said this item deals with a class action lawsuit regarding payment in lieu of taxes.

Motion by Vice Chairman Charles F. Gruber, seconded by Commissioner Chris Elliott, to confirm and ratify the submission of a Class Action Opt-In Notice Form, on September 14, 2018, for the Baldwin County Commission, Baldwin County, Alabama, to participate in the Kane County, Utah v. United States Case Nos. 17-739C and

17-1991C (Consolidated) Lawsuit in the United States Court of Federal Claims, for the purpose of recovering Payment in Lieu of Taxes Act (PILT) underpayments from the federal government for fiscal years 2015 - 2017.

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

J ADMINISTRATIVE REPORT

K COUNTY ATTORNEY'S REPORT

David Conner, County Attorney, said he has no report at this time. However, Mr. Brad Hicks, Conflicts Counsel, has a document for the Commissioners to review. Mr. Hicks has not made it in yet. Mr. Conner said he has sent a text message to Mr. Hicks; when he responds, Mr. Conner will let the Commissioners know.

Commissioner Elliott said Mr. Hicks responded and he is on the way. Commissioner Elliott is expecting the document to be here very soon.

Mr. Conner said the Commission may want to complete the rest of the agenda and give Mr. Hicks time to appear and make his presentation to the Commissioners.

L ANNOUNCEMENTS

M PUBLIC COMMENTS

N PRESS QUESTIONS

Cliff McCollum with Gulf Coast Newspapers, appeared before the Commission and he has a clarity question on the budget regarding the Baldwin Regional Area Transit System (BRATS) department. Mr. McCollum asked if the educational routes are both alive and dead? Will Joey Nunnally, County Engineer, know if the routes are feasible when he gets into the budget?

Mr. Nunnally appeared before the Commission and said the Commission has approved the budget for BRATS. That budget will have a certain number of service miles. Staff will look to see if the educational routes can be included within those service miles. Staff will go back and look at the fees charged for the educational routes and make sure they are accurate. If those fees can offset some of the shortfalls, then the educational routes will be added back in. Mr. Nunnally said the routes are both alive and dead.

O COMMISSIONER COMMENTS

Commissioner Gruber said he appreciates staff's hard work in creating this year's budget. It was

a lengthy endeavor and there were hurdles to cross. The Commissioners have come to an agreement on next year's budget. As a Commissioner for the upcoming term, he will do all he can to live within the County's budget means. The Commission will do some things to help BRATS. Commissioner Gruber said he wanted that to be known.

Chairman Burt said he has a total of six more weeks of meetings and he appreciates the opportunity to have served. The people of the County made the choice that it was time for him to end his service. That has worked out well for him. Chairman Burt said he reinstated his pharmacy license and has been offered a job. However, he does not want to go back to work full-time. Pharmacy was his love and the Lord has made it possible for him to move back to it. Chairman Burt said he will be looking for work in home-owned pharmacies and not the big box pharmacies. He is looking forward to the days ahead and to life. Chairman Burt wished Commissioner-elect James Ball all the best and said they ran a good, clean campaign. This is what they agreed to prior to the start of their campaigns. Chairman Burt said may the Lord bless and keep Commissioner-elect Ball and help him in his task to serve the people of Baldwin County. Ms. Billie Jo Underwood is also present today and he has good things to say about her. Chairman Burt said he and Commissioner Dorsey are the only two Commissioners who did not win their re-election campaigns. He wishes Ms. Underwood and Councilman Joe Davis the best. Councilman Davis is currently serving on the City of Daphne's Council and was kind enough to bring a nice sized check to the Commission this morning. Chairman Burt said the Commission appreciates what Councilman Davis has already done. He is looking forward to the days ahead where there will be a new Chairman of the Commission. The rumor is Commissioner Gruber will be the first Chairman. It is a rewarding and challenging opportunity to serve the public. Chairman Burt thanked the citizens for the opportunity to have served all of the years he has served. The Commission has done a lot of good things during those times, but it was always "we" and not "I." Chairman Burt said he did not get anything done. He was a part of a majority on the Commission; whether it was four out of the seven, or three out of the four. He will still be here until November 13th; however, this body cannot meet again or take any action after the November 6th General Election. The Commissioners are forbidden to do this, but they will leave office on the 13th. Chairman Burt asked if David Conner, County Attorney, had any kind words to say. The people in Washington, DC and Montgomery are fighting, but the Commission has tried to keep it civil in Baldwin County. Chairman Burt said he feels the Commissioners have done a good job of it.

Mr. Conner said he agrees with Chairman Burt, and he appreciates the Commissioners' service; they do a great job. Mr. Conner said he spoke with Mr. Brad Hicks, Conflicts Counsel with Stone Crosby. Mr. Conner has a conflict of interest on the item Mr. Hicks is representing the County on. It is a proposed Contract of Purchase and Sale. It is Mr. Conner's understanding that Mr. Hicks has been expecting a signed contract back all morning, but he is still waiting on that document. Mr. Conner said in his conversation with Mr. Hicks a few moments ago, Mr. Hicks said he is on his way to the meeting now, but he has not yet received the signed document. The only options the Commissioners have are to recess for a period of time in order to see if that document does come in or wait to take action on this at their next meeting.

Chairman Burt asked if the Commissioners will need to take an action at the next meeting, to which Mr. Conner replied the Commissioners have the option give Mr. Hicks a little more time to see if that document comes in while Mr. Hicks is traveling to the meeting. Chairman Burt can recess the meeting and reconvene in 30 to 45 minutes. If the Commissioners do not want to do

that, the only other option is they have would be to take up the item at the next Commission meeting. Mr. Conner said the Commissioners need to discuss the timing of this because he is not involved in it or understands the time frame for them. If it suits the Commissioners, they will recess the meeting. Chairman Burt asked if Mr. Hicks gave Mr. Conner any idea of whether he is in Montgomery and on his way?

Mr. Conner said Mr. Hicks is on his way from Daphne. He has been waiting all morning to receive the document he was promised. Mr. Hicks has not received it, but he is in his car coming this way and will have the document emailed to him if it comes. The question again is a timing issue. Mr. Hicks has been expecting this all morning. Chairman Burt can recess the meeting to see if the document comes or wait until the next meeting to take action. It is up to the Commissioners.

Chairman Burt asked if there was anything pressing about taking action today, to which Mr. Conner replied he cannot answer that question because he has not been involved in the negotiations.

Mr. Conner said he does not know what the timing issues are.

Chairman Burt asked if the Commissioners have any comments as to what Mr. Hicks is expecting.

Commissioner Dorsey said it is on the boat ramp and asked if Mr. Hicks has been told he is getting a signed document?

Mr. Conner said that was his understanding from the emails he saw this morning. Mr. Hicks was talking about the timing and said he would be on his way and was expecting the agreement at any moment.

Chairman Burt said he will recess the meeting and reconvene when Mr. Hicks comes.

Mr. Conner asked if Chairman Burt will give a time certain like 45 minutes? That will give Mr. Hicks time to transfer and print out the documents. Mr. Conner said the Chairman can also recess the meeting for 30 minutes and come back to see if Mr. Hicks has made it at that time, but he would need to recess for a time certain.

Chairman Burt said he will recess the meeting for not more than 40 minutes. If Mr. Hicks is not here in 40 minutes, the Commission will reconvene.

Chairman Burt recessed the meeting at 10:20 a.m.

Executive Session

[18-1026](#)

Mr. Brad Hicks, Conflicts Counsel with Stone Crosby, appeared before the Commission and said he recommended the Commission enter into an executive session under the Open Meetings Act for the purpose of discussing the consideration that the Commission is willing to pay for the purchase of property.

Commissioner Gruber asked how long will the executive session last, to which Mr. Hicks replied 15 to 20 minutes.

Motion by Vice Chairman Charles F. Gruber, seconded by Commissioner Chris Elliott, to enter into an executive session at 11:13 a.m. for approximately 20 minutes under the Open Meetings Act for the purpose of discussing the consideration that the Commission is willing to pay for the purchase of property.

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

The meeting reconvened at 11:12 a.m.

P ADJOURNMENT

Motion by Vice Chairman Charles F. Gruber, seconded by Commissioner Chris Elliott, to adjourn the September 18, 2018, Baldwin County Commission meeting at 11:33 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 18, 2018, Baldwin County Commission meeting is adjourned at 11:33 a.m.