

# Baldwin County Commission

Baldwin County Commission  
Regular  
Meeting Minutes  
Tuesday, November 20, 2018  
10:30 AM



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

District 1 – Commissioner James E. Ball  
District 2 – Commissioner Joe Davis, III  
District 3 – Commissioner Billie Jo Underwood  
District 4 – Commissioner Charles F. Gruber

Ronald J. Cink, County Administrator

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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 - Commissioner James E. Ball, Commissioner Joe Davis III, Commissioner BillieJo Underwood, and Commissioner 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 10:32 a.m. and introduced Joey Nunnally, County Engineer, who appeared before the Commission and led the Commission in prayer. After the Pledge of Allegiance led by Commissioner James E. Ball, the Commission transacted the following business to-wit:

## ADOPTION OF MINUTES

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adopt the minutes of the November 6, 2018, Regular meeting and the November 14, 2018, Regular (Organizational) meeting.

The motion passed by the following vote:

**Aye:** 4 - James E. Ball, Joe Davis III, BillieJo Underwood, and Charles F. Gruber

**Nay:** 0

**Absent:** 0

**Abstain:** 0

## **B CONSENT**

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III, to adopt the consent agenda.

The motion passed by the following vote:

**Aye:** 4 - James E. Ball, Joe Davis III, BillieJo Underwood, and Charles F. Gruber  
**Nay:** 0  
**Absent:** 0  
**Abstain:** 0

### **BA ADMINISTRATION**

#### **BA1** Gateswood Volunteer Fire Department 2018 Christmas Parade

[19-0190](#)

Approve the request from Gateswood Volunteer Fire Department to close County Road 112, beginning at 33014 County Road 112 (Gateswood Fire Department), traveling to 32815 County Road 112 (Hamilton Baptist Church), and returning to Gateswood Volunteer Fire Department, on December 8, 2018, from 11:30 a.m. until 11:45 a.m. to hold its Annual Christmas Parade.

The Baldwin County Sheriff's Office will provide the necessary security for the event.

### **BC ARCHIVES AND HISTORY**

#### **BC1** AL 200 Baldwin County Bicentennial Steering Committee - Request for Use of the Baldwin County Coliseum for the Making Alabama: A Bicentennial Traveling Exhibit

[19-0238](#)

In accordance with the Real Estate Lease between Baldwin County, Alabama, and the Baldwin County Cattle and Fair Association, Inc., authorize the Chairman to execute correspondence to Mr. Sonny Hankins, informing the Baldwin County Cattle and Fair Association, Inc. under Baldwin County's exclusive use provision found therein, Baldwin County Commission is allowing the Baldwin County Bicentennial Steering Committee the use of the Baldwin County Coliseum (19477 Fairgrounds Road, Robertsedale, Alabama) from December 3 - 21, 2018, to host the "Making Alabama: A Bicentennial Traveling Exhibit" with the applicable rental fee waived as said event serves the public purposes of benefiting educational, recreational and child advocacy purposes.

#### **BC2** AL 200 Bicentennial and Archives and History Promotional Items

[19-0239](#)

Take the following actions:

- 1) At the request of Baldwin County Archives Director and Local Chairman for the Alabama 200 Bicentennial Steering Committee for Baldwin County, Alabama, authorize the Baldwin County Archives Department to purchase various promotional items (such as Baldwin County and Alabama 200 decals, ink pens, note pads, cups, tapestry throws, erasers, rulers, fans, ID holders, lanyard and t-shirts) for the Alabama 200 Bicentennial; and
- 2) Determine that a public purpose will be served through the dissemination of the promotional items to the general public free-of-charge to promote Baldwin County, Alabama. The promotional items will promote Baldwin County's history and many resources, including, but not limited to, its educational, recreational, industrial, seafood and agricultural industries; further, said increased promotion strengthening the furtherance of potential tourist activity benefiting the county's economy.

**BC3** Loan Agreement Between the City of Bay Minette and Baldwin County Commission for the Use of a Certain City-owned Trailer

[19-0236](#)

Authorize the Chairman to execute the loan agreement between the City of Bay Minette and the Baldwin County Commission for the use of a certain city-owned trailer to be used as an Alabama 200 Bicentennial Float for all 2019 Baldwin County parades. The term of this Agreement shall commence immediately upon the County taking possession of the trailer and shall terminate upon return thereof by the County which shall occur no later than January 31, 2020, or upon written notification thereof received by either party.

**BC4** Professional Services Contract for One (1) Historical Painting of the War of 1812 Battle at Fort Bowyer

[19-0241](#)

Authorize the Chairman to execute a Contract for Professional Services between the Baldwin County Commission and Rick Reeves to produce one (1) historical painting of the War of 1812 Battle at Fort Bowyer. The term of this Contract is for eleven (11) months, commencing on November 20, 2018, and expiring on October 21, 2019, or upon written notification thereof received by either party.

The cost of the painting is \$10,000.00, with \$3,000.00 down, and the remaining \$7,000.00 will be paid when the approval, delivery and installation are complete and delivered to Baldwin County Commission. Baldwin County Commission's cost

will be \$10,000.00.

## **BE BUDGET/PURCHASING**

- BE1** Competitive Bid #WG18-35 - Renovations of the Restrooms in the Baldwin County Satellite Courthouse Located in Foley, Alabama for the Baldwin County Commission [19-0221](#)

Approve Change Order #2 in the amount of \$746.92 with Highland Wake Construction, LLC, for the renovations of the restrooms in the Baldwin County Satellite Courthouse located in Foley, Alabama, and authorize the Chairman to execute the Change Order.

- BE2** Competitive Bid #WG18-39A - Annual Rental of Portable Toilets for the Baldwin County Commission [19-0222](#)

Award Bid #WG18-39A for the Annual Rental of Portable Toilets to A & M Portables, Inc., as per the Award Listing.

- BE3** Competitive Bid #WG18-42 - Provision of Fire Protection Services (Extinguishers) for the Baldwin County Commission [19-0223](#)

Award Bid #WG18-42 to the lowest bidder, Southern Fire & Safety, Inc., for the provision of Fire Protection Services (Extinguishers) as per the Award Listing.

- BE4** Competitive Bid #WG18-43 - Provision of Rental of Solar Powered Portable Message Signs for the Baldwin County Commission [19-0224](#)

Approve the Purchasing Director to re-bid for the provision of rental of solar powered portable message signs and authorize the Chairman/Purchasing Division Commissioner for the Baldwin County Commission to approve any necessary addendums or clarifications if required after the bid is advertised.

- BE5** Competitive Bid #WG18-44 - On-call Fiber Optic Installation and Repair Services for the Baldwin County Commission [19-0225](#)

Award Bid #WG18-44 - On-call Fiber Optic Installation and Repair Services to the lowest bidder, B & L Cable Construction, LLC, as per the Award Listing and authorize the Chairman to execute the Contract. (Contract effective upon the

same date as full execution for twelve (12) months with an option to issue two (2) twelve (12) month renewals).

**BE6**     Competitive Bid #WG19-01 - Annual Generator Preventive Maintenance Services for the Baldwin County Commission     [19-0226](#)

Award Bid #WG19-01 - Annual Generator Preventive Maintenance Services to the lowest bidder, Taylor Power Systems, Inc. as per the Award Listing and authorize the Chairman to execute the Contract. (Contract is effective immediately upon the same date as its full execution for twenty-four (24) months with option to renew for one (1) twelve (12) month period.)

**BE7**     Architectural Services for the Baldwin County Courthouse Courtroom No. 7 Remodel Located in Bay Minette for the Baldwin County Commission     [19-0229](#)

Approve the fee proposal received for architectural services from Adams Stewart Architects, LLC, for the remodel of Courtroom No. 7 in the Baldwin County Courthouse located in Bay Minette, Alabama in the amount of 9% of the cost estimate plus normal reimbursable expenses, and authorize the Chairman to execute the fee proposal.

**BE8**     Rental of One (1) Copy Machine for the Baldwin County Solid Waste Administration Department Located in Summerdale, Alabama     [19-0230](#)

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

Location: Solid Waste Administration Office - Summerdale, AL  
Model: MX-6070V  
Price: \$219.67/month  
Excess Charge/copy: \$0.0054 BW/ \$0.0400 Color

**BE9**     Amendment to Memorandum of Agreement with North Baldwin Utilities for Grant Support Services for the Baldwin County Commission     [19-0228](#)

Approve the Amendment to the Memorandum of Agreement between the Baldwin County Commission and North Baldwin Utilities for Grant Support Services in the

amount of \$25,000.00 plus any out-of-pocket expenses incurred in the performance of the services through September 30, 2019 (the "Initial Term") with an automatic renewal for an additional one (1) year term with the option to cancel with or without cause by either party with thirty (30) days written notice and authorize the Chairman to execute the Amendment to the Memorandum of Agreement.

**BE10** Fiscal Year 2019 Budget Amendment - Commission Vehicle and Vehicle Related Changes

[19-0227](#)

Take the following actions:

- 1) Approve the purchase of one (1) new vehicle off the State of Alabama Contract in the amount of \$39,029.00 for Commission District 3 and authorize the Purchasing Director to issue a Purchase Order with the funding to be from Commission General Contingency; and
- 2) Adopt Resolution #2019-021 amending the Fiscal Year 2019 Budget from the Commission General Contingency for the new vehicle purchase for District 3 and for fuel and maintenance of vehicles for District 2 and 3 Commissioners.

**BJ ELECTED OFFICIALS**

**BJ1** Baldwin County Sheriff's Office Equitable Sharing Agreement, Certification Report for the Department of Justice and the Department of Treasury for Fiscal Year 2017-2018

[19-0256](#)

Take the following actions:

- 1) Approve the Baldwin County Sheriff's Office to submit the Equitable Sharing Agreement and Certification Report for Fiscal Year 2017-2018 to the U.S. Department of Justice detailing the funds received and spent by the Baldwin County Sheriff's Office from federal forfeited cash and property from cases that the Baldwin County Sheriff's Office has participated in during Fiscal Year 2017-2018; and
- 2) Authorize Connie Dudgeon, Director of Finance for the Baldwin County Sheriff's Office, to upload the Agreement to the Department of Justice through their eShare portal.

**BK EMERGENCY MANAGEMENT AGENCY (EMA)**

**19-0243**

1) Approve the annual U.S. Department of the Interior Geological Survey Joint Funding Agreement for Water Resources Investigations between the Baldwin County Commission and the U.S. Geological Survey, U. S. Department of Interior, in the amount of \$22,100.00 to be funded by the Baldwin County Commission. This funding provides for the continued operation of the continuous-record stage gauging stations at Magnolia River at U.S. Highway 98 near Foley, Styx River at County Road 64 near Loxley, and Styx River at Seminole and a continuous-record rain gauge at Fish River near Silverhill; and

## BL ENVIRONMENTAL MANAGEMENT

**19-0231**

**BM FINANCE AND ACCOUNTING**

**19-0237**

BN HIGHWAY

**19-0232**

Approve the Highway Department Stripe Crew to stripe two crosswalks for the Baldwin County Sheriff's Office (BCSO) and Bay Minette Police Department (BMPD) at an estimated cost of \$2,004.30 for labor and equipment.

The BCSO and BMPD will provide materials for the project and be invoiced the actual cost for labor and equipment upon completion of the project.

## **BO JUVENILE DETENTION**

### **BO1 Department of Youth Services (DYS) Part 1 and Part 2 Grant/Subsidy Agreement Fiscal Year 2018-2019**

[19-0246](#)

Take the following actions:

1) Execute the Alabama DYS Part 1 Grant/Subsidy Agreement Fiscal Year 2018-2019, which awards the Baldwin County Regional Juvenile Detention Center (JDC) \$14,000.00 per county for providing six (6) counties at a minimum of one bed per day per county for a total of \$84,000.00 for the following counties:

Baldwin, Choctaw, Clarke, Conecuh, Escambia and Washington; and

2) Execute the Alabama DYS Part 2 Grant/Subsidy Agreement Fiscal Year 2018-2019, which awards the Baldwin County Regional JDC \$69,966.00 for the population of the regional service area. The formula provides \$0.2449789 per person based on the 2010 U.S. Census; and

3) Authorize the Commission Chairman to sign the agreement and any related documents.

### **BO2 Memorandum of Agreement between Baldwin County Commission (Juvenile Detention Center) and the Alabama State Department of Education - Allocation to Provide Educational Services to Students**

[19-0249](#)

Approve the Memorandum of Agreement between the Baldwin County Commission and the Alabama State Department of Education to ensure allocations are being utilized to provide educational services to students by maintaining an accurate daily attendance log. The term of this agreement will be November 1, 2018, through May 31, 2019, and is renewable upon mutual agreement of each party.

## **BP PERSONNEL**



**BP1**    Animal Shelter - Approval of Updated Position Description for Animal Resource Supervisor    [19-0253](#)

Approve the updated position description for Animal Resource Supervisor.

**BP2**    CIS Department - Employment of One (1) Communications Technician III Position    [19-0250](#)

Approve the employment of Charles Rice to fill the open Communications Technician III position (PID #5147) at a grade L-EL (\$20.723 per hour/\$43,103.84 annually) to be effective no sooner than November 26, 2018.

**BP3**    Custodial Department (Bay Minette) - Employment of One (1) Part-Time Custodian Position    [19-0247](#)

Approve the employment of Carolyn Cox to fill the open part-time Custodian position (PID #PT48) at a grade E-EL (\$10.781 per hour) to be effective no sooner than November 26, 2018.

**BP4**    Emergency Management Agency - Employment of One (1) Planning and Grants Coordinator Position    [19-0245](#)

Take the following actions:

1) Approve the employment of Danon Smith to fill the open Planning and Grants Coordinator position (PID #4048) at a grade EC-07 (\$45,000.00 annually) to be effective no sooner than November 26, 2018; and

2) Approve the updated position description for Planning and Grants Coordinator.

**BP5**    Highway Department - Personnel Changes    [19-0244](#)

Take the following actions:

1) Approve the promotion of Mary Booth from the Design Technician II position

(PID #5017) grade J-10 (\$21.956 per hour/\$45,668.48 annually) in the Highway Pre-Construction Department (53600) to fill the open Permit/Subdivision Coordinator position (PID #5431) at a grade EC-07 (\$47,985.00 annually) in the Highway Subdivision Department (53150); and

2) Approve the promotion of Dustin Thweatt from the Engineering Technician II position (PID #4037) grade J-02 (\$18.040 per hour/\$37,523.20 annually) in the Highway Construction Engineering Department (53120) to fill the open Bridge/Project Coordinator position (PID #807) at a grade EC-07 (\$44,476.00 annually).

These actions will be effective no sooner than November 26, 2018.

**BP6** Highway Department (Parks) - Employment of One (1) Operations Support Specialist II Position

[19-0248](#)

Approve the employment of Melissa Hoover to fill the open Operations Support Specialist II position (PID #5430) at a grade H-EL (\$14.246 per hour/\$29,631.68 annually) to be effective no sooner than November 26, 2018.

**BP7** Personnel Department - Appointment of Acting and Interim Personnel Director

[19-0252](#)

Take the following actions:

1) Approve the appointment of Deidra Hanak as the Acting and Interim Personnel Director, effective November 20, 2018, and approve the salary for Deidra Hanak, Acting and Interim Personnel Director, in the amount of \$87,000.00 annually to be effective on date of approval; and

2) Upon appointment of a permanent Personnel Director, recognize Deidra Hanak shall return to her former position of Assistant Personnel Director at same exact compensation for said position that existed prior to acting designation.

**BP8** Solid Waste Department - Personnel Changes

[19-0251](#)

Take the following actions:

1) Approve the employment of David Maki to fill the Solid Waste Driver I position

(PID #526) at a grade H-EL (\$14.246 per hour/\$29,631.68 annually); and

2) Approve the promotion of Stanley Edwards from the part-time Bus Driver position (PID #PT16) grade G-06 (\$15.038 per hour) in the BRATS Department (00143/51935) to fill the open Solid Waste Driver I position (PID #5252) at a grade H-05 (\$16.104 per hour/\$33,496.32 annually) in the Solid Waste Collections Department (00511/54800); and

3) Approve the employment of Samuel Glasgow to fill the Landfill Equipment Operator II position (PID #1049) at a grade H-EL (\$14.246 per hour/\$29,631.68 annually) in the Solid Waste Bio-Solids Department (54205);

4) Approve the promotion of Susan Marino from the Billing Account Specialist I position (PID #1018) grade G-08 (\$15.806 per hour/\$32,876.48 annually) to fill the open Billing Account Specialist II position (PID #5204) at a grade H-07 (\$16.930 per hour/\$35,214.40 annually) in the Solid Waste Collections Administration Department (54801).

These recommendations will be effective no sooner than November 26, 2018.

## **C PRESENTATIONS**

## **D PUBLIC HEARINGS**

### **DQ PLANNING AND ZONING**

#### **DQ1 Case No. Z-18041 - Dorgan Property Rezoning**

**19-0233**

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

Chairman Gruber opened the public hearing at 10:41 a.m. and asked if there is anyone present who wishes to speak.

Mr. Jeff Barnes appeared before the Commission and said he is an adjacent property owner and he represents Mr. William Dorgan, the applicant, on this rezoning request. Mr. Barnes referred to the Site Map and said although three lots are the subject of this application, the group he is involved with have plans to develop three single-family homes on those three RMF-6 lots that face County Road 32. The three lots would complement the development with the houses flanking the commercially developed corner with another three houses, all with comfortably sized width lots. Mr. Barnes said the reason Mr. Dorgan did not request an RMF-6 zoning designation is because that is a denser zoning than the requested RSF-4 designation. It allowed for 6,500 square foot lots with a multi-family six units per acre development, which they opted not to pursue on the acre on County Road 32 because they felt it would not be well received in the community. With the RSF-4 designation, they can primarily achieve the same comparable building/lot width dimensions which, as proposed, are approximately 66

feet wide at the building line versus the 60 feet minimum width that is required under the RSF-4 designation. Surprisingly, there has been a lot of opposition because of the fact that 2,500 square foot lots could be built under the RSF-4 designation. Mr. Barnes said this has been Mr. Dorgan's consistent plan because of sheer mathematics. They do not want 7,500 square foot lots, these are in the 12,500 to 15,500 square foot range. The plan was put together before submitting the application on behalf of Mr. Dorgan. They thought it was a good idea to meet with the Point Clear Property Owners' Association to explain what they were trying to do. Mr. Barnes said he had two meetings with representatives of the Board and both meetings were very well received, everyone liked what they were doing. There is a history of this property and in general because in Point Clear, no one seems to like the B-2, Neighborhood Business District zoning designation. Mr. Barnes said he left the meeting with a clear conscious to recommend Mr. Dorgan sign the application and request the single-family designation. He was surprised when they started to receive opposition. They were willing to take an acre off the table to create the single-family property. Mr. Barnes said other than the sheer density and use of the property, it is advantageous to the community to create something that has a less dense use from a run-off standpoint. He knows this is a very environmentally sensitive area and a B-2 designation would allow for a 60 percent coverage of impervious material on the lot versus 35 percent for the three houses they have. This is a difference of 25,000 feet of coverage versus 14,000 feet they would be subject to under this zoning designation. Mr. Barnes said the opposition will contend that this rezoning request will set precedent and other developers and property owners will seek the same zoning to create multiple 7,500 square foot lots in the community. In his opinion, it will not. He contends that each rezoning case should be valued on its own merit. If there is a precedence to be set, it should be that down-zoning from a commercial zoning to a residential zoning or any other dense to less dense zoning, should be embraced as something that is a positive. He would get it if this was an RSF-1 or RSF-2 zoned property they were seeking to rezone. That is a more intense up-zoning and he does not feel that should be supported, unless there were other factors. Mr. Barnes referred to the Planning District 26 map and said it is approximately 10 miles from the Grand Hotel to Pelican Point. There are approximately 1,000 parcels that are defined along Scenic 98 and County Road 1 and 50 percent of those parcels are already at or below 66 feet in width. Therefore, they are non-conforming to the RSF-1 or RSF-2 designations that they are zoned. He contends that the RSF-4 designation already exists in the area and they are not trying to do anything that is contrary or different from what is there. If the precedent is that down-zoning is good and up-zoning is bad, and the Commissioners agree with that philosophy, there are only about three or four areas that exist with a B-2 designation along that 10-mile stretch. Mr. Barnes said they are taking some off the table, but others have already been developed. He assumes that if one day those that have been developed are down-zoned to residential it would be supported. Mr. Barnes said the three lots on County Road 32 were rezoned to RMF-6 in 2006. It has not created a frenzy of development for high density use that would allow more density than what the applicant is seeking. For the reasons he has stated and in concurrence with staff's recommendation, and the unanimous vote by the Planning (Zoning) Commission, he is asking the Commissioners to support the rezoning request. Mr. Barnes said his engineer, Mr. Scott Hutchinson, can add to his comments.

Commissioner Underwood asked if there is access or does the owner own property adjacent to this property that could be re-subdivided to get the square footage needed to conform to an RSF-2 designation?

Mr. Barnes said yes, this was discussed during the work session. The corner is owned by the property owner as well as his group.

Commissioner Underwood asked if this is something the property owner would consider?

Mr. Barnes said that is not their preference. That is why they are asking for the RSF-4 designation. The site plan shows how this will all work together. They are not bound and contracted to proceed with those three lots on County Road 32. They may have to reconsider what they are going to do with the entire corner.

Commissioner Underwood said when Mr. Barnes first started talking, he mentioned that he did not think this would set a precedent, but he also mentioned the other development that is zoned as RMF-6. Commissioner Underwood said that continually comes up. When Mr. Barnes mentioned the other lots that have less than the RSF-2 square footage designation, he failed to mention they were lots of record. Those lots of record came into during the time this area came under zoning. This is strictly a citizen driven process. Commissioner Underwood said this is not something the County put on the residents. This area is very sensitive about the future of its development; the residents came on board very early in the zoning process of Baldwin County. She feels it is unfair to compare the lots of record unless they were rezoned. She feels it is fair to reference the RMF-6 lots, but that is because rezoning does set precedence in most cases. Occasionally, it may not, but she cannot find any other RSF-4 designated property in the entire district. Commissioner Underwood said she does not necessarily agree with the term "down zoning" in all cases.

Commissioner Davis asked if the lots with the RMF-6 designation have houses on them, to which Mr. Barnes replied "no." Commissioner Davis asked what is the timeline for this to occur? Does it tie in to this request or is it a separate item?

Mr. Barnes said there are agreements in place with builders for those three lots. Those builders are going to improve the other three lots they are discussing today. Assuming that the builders still want to proceed with the three lots without knowing the outcome of the other B-2 zoned property, it could happen quickly. He will have to go back to the drawing board and work with them to collectively see what will need to be done.

Commissioner Davis asked if this request proposal is unsuccessful, can the applicants have two houses on the property instead of three?

Mr. Barnes said they cannot do any houses until the property is down zoned to something residential, because it has a B-2 designation.

Commissioner Davis said an option would be to only have the request provide for two houses; or is that an option?

Mr. Barnes said it would have to be approved by this body. Assuming it would be something that is acceptable to the opposition, they could consider it.

Commissioner Underwood said under the current rules, if the request to rezone the property to RSF-4 was denied, the applicant would not be able to apply for another year.

Mr. Barnes said that is his understanding.

Commissioner Underwood said if another residential zoning like RSF-2 was suggested, rather than re-subdivide the property, how much additional square footage of another parcel would the applicant have to shave off? Sometimes an applicant may wish they received a different re-zoning from the Commission versus a denial.

Mr. Barnes said it is an option, but he would have to get direction from the property owner.

David Conner, County Attorney, said after the public hearing is closed, the Commission does not have to take action on this request today. They can postpone action in order to have additional time to receive information.

Ms. Patricia Hooks appeared before the Commission and said she owns property on County Road 1 and she loves it there. She lives on the bay side and there is development down the road on the other side of County Road 1. Ms. Hooks said if this is approved, the quiet and peace will be gone because there will be more traffic. Her grandchildren will not be able to ride their bikes or walk the road like they can now. She is asking the Commission to think long and hard about changing the zoning.

Mr. Frank Feagin appeared before the Commission and said he lives two miles south of the subject property and he is on the Board of Directors of the Point Clear Property Owners' Association. The Association has approximately 360 members and none of the members support this rezoning request. He understands why the three people in favor of the request support it, but he does not think they are members of the Association. There are a lot of residents there who are not in favor of the RSF-4 designation because of the density issue, but the RSF-2 is fine. A lot of voters in District 26 do not want the RSF-4 zoned property. Mr. Feagin said the three lots with the RSF-4 designation versus the two lots with the RSF-2 designation is all about money; pure and simple, but it sets a precedence. He feels it is in violation of Section F of the Zoning Ordinance 19.6 which talks about the cost of land in an economic consideration should not be a reason for rezoning. If the Commission rezones the property to RSF-4, this is what they will be doing. They will be allowing three lots instead of two; the applicant can make more money with three than two. The residents support an RSF-2 designation which is what they thought it would be when it initially came up. They strongly oppose the RSF-4 designation in all cases. Mr. Feagin thanked the Commissioners and said he knows they will vote the proper way.

Mr. Allan Chason appeared before the Commission and said he is a resident of the

community and he is on the Board of Directors of the Property Owners' Association. As Mr. Feagin said, there are approximately 360 members and as best he can tell they are uniformly opposed to this application. The Association has two meetings a year. There were 100 members at the meeting a month ago when this case was discussed. No one at the meeting spoke in favor of this. The residents of Point Clear are almost uniformly opposed to this rezoning. Mr. Chason said the residents are not here because of one house; that will not kill anyone. Once the RSF-4 designation is introduced into a zoning district, then the County's zoning regulations provide a relevant fact for the Commissioners to consider on other rezonings. Section 19.6 of the County's Zoning Ordinance explains the factors the Commissioners should consider in whether or not to approve rezoning. Mr. Chason said the number one factor on that list is whether the requested change is compatible with the existing development pattern and the zoning of nearby properties. Once the Commissioners approve an RSF-4 designation, other applicants will question why they were not entitled to this request and that will be hard to answer. Most of the property on the east side of Highway 98 is undeveloped. There is more and more development there. The RSF-4 designation allows 7,500-foot lots which is five houses per acre. If a property owner had 20 acres, they would be entitled to build 100 houses. That is high-density by any definition. There is not a development anywhere in District 26 now and they do not want to open the door to start it. The Commissioners have approximately 31 letters of opposition. For more than 25 years, Point Clear has developed as a low-density community. There are no condominiums, other than the hotel and there are no other residential developments other than the single-family, low density homes. There are 1,000 lots in District 26, but a lot of them are smaller than what RSF-1 or RSF-2 would allow. Mr. Chason said the Zoning Ordinance is the way residents want their community to be in the future. It would not accomplish much if property was zoned the way it is now, the Zoning Ordinance would not accomplish much. The Zoning Ordinance is said to be aspirational. When Point Clear was developed 25 years ago, the planners, County and residents agreed the RSF-1 and RSF-2 designations were good for Point Clear because those 1,000 lots are all RSF-1 and RSF-2 zoned. There are no RSF-4 zoned lots anywhere there and they should not be here. Mr. Chason asked the Commissioners to either leave the property like it is or the residents would be happy and not oppose the RSF-2 designation. That would be consistent with the neighborhood. The residents are asking the Commissioners to deny this application.

Mr. Scott Hutchinson appeared before the Commission and said if there is anyone else who wishes to speak, they can do so before him. He would like to speak last.

Ms. Martha Crosby appeared before the Commission and said she lives approximately 1/2 mile from the subject property. She was not going to speak until she heard disparaging things about 50-foot lots on Mobile Bay. She lives on a lot her father purchased in 1954 and she has been there all her life. The original house burned down, and she built a new house. Her sister owns the lot across the street from her and the land behind it is owned by family. Her sister's house is perfectly livable, but the land behind it is wet. No one has figured out a good way to build houses on wetlands. Ms. Crosby said she wanted the Commissioners to know the 50-foot lots are shrinking along the bay, but they are not getting closer to the neighbors. They are losing ground. She feels this request is a bad idea. Ms. Crosby said making two lots out of the

property is livable and she has not thought of the houses being as small as 50-foot.

Mr. Hutchinson appeared before the Commission and said he is with HMR and they are the engineers who represent the applicant. It has been discussed numerous times about the existing lots similarity to the RSF-4 designation. He wants to make it clear that had RSF-4 been an option when this zoning was put into place, there would be RSF-4 lots there. It is a little misleading to say there are no RSF-4 properties in the area and if this is approved the door will be opened. That is not really accurate. Mr. Hutchinson said regarding setting a precedence, if it is set, it would be to go from a B-2 designation to an RSF-4 designation. That is simply down zoning. If someone comes to rezone an RSF-1 or RSF-2 property to RSF-4, the question will not be hard to answer because the Commission would be rezoning a B-2 property to RSF-4. This is indeed a down zoning. He has done this for a long time and he is shocked they are arguing about this. Mr. Hutchinson said there was a comment that this was in violation of the one of the economic rule. Mr. Barnes did not mention economics when he addressed the Commission. Mr. Hutchinson said that was not an appropriate statement to make about their project because they never said anything about an economic reason for asking for the rezoning. He does not feel this is going their way right now and he requests the Commission to table this until the next meeting. He feels they are forced to consider the RSF-2 designation.

Mr. Conner said Chairman Gruber will need to complete the public hearing. If the Commissioners want to take action to postpone a decision until the next meeting they can do that. They can reserve the right to reopen the public hearing at the next meeting to hear additional comments.

Mr. Hutchinson said he will be glad to answer any questions.

There being no further requests to address the Commission, Chairman Gruber closed the public hearing at 11:11 a.m.

Mr. Conner said he recommends the Chairman to announce that the public hearing will be reconvened at the next meeting.

Commissioner Underwood asked if the applicant is willing to consider the RSF-2 designation, could the Commission recommend that now instead of postponing it.

Chairman Gruber said Mr. Hutchinson is requesting it to be postponed in order to go back and talk with his client to see if that is what his client would like to do. Mr. Hutchinson cannot make that decision without consulting his client.

Commissioner Underwood said the Commission can either approve, deny, table the request, or offer an alternative.

Mr. Conner said Mr. Hutchinson is asking for an opportunity to offer other alternatives. Clearly, the Commissioners have the power to do everything Commissioner Underwood just said. Mr. Conner asked if Mr. Hutchinson is asking for the opportunity to offer some alternatives or does he want the Commission to take action today?



Mr. Hutchinson said he would prefer the Commission table the request, not for him to offer other alternatives. He wants to make sure his client is okay with the RSF-2 designation or they may ask the Commission to vote on the RSF-4 request so they will not have to have another public hearing. Mr. Hutchinson said more than likely, they will move the north line a few feet to make an adjustment. If things are not buttoned up on the property being appropriately described, he is sure there will be another lawsuit. He does not want to inconvenience the Commission, but he would rather they table the request until they know exactly what the applicant is asking the Commissioners to vote on.

Commissioner Ball asked if a motion is needed.

Mr. Conner said a motion to table the request until the next meeting is in order, unless Mr. Jackson feels differently.

Commissioner Underwood asked where does the decision lie? Is it with the applicant?

Mr. Conner said at this point in time, because it has gone through the public hearing, it is the Commissioners' discretion as to whether or not to allow the request to be withdrawn, table the request, or take action.

Commissioner Underwood said if an action was made to approve the RSF-2 designation and there were subdivision issues, could that not be taken up with the Planning Commission?

Mr. Conner said certainly, the subdivision approval process would be taken up with the Planning Commission. He thought he heard Mr. Hutchinson say the applicant was considering adding land to the property.

Mr. Hutchinson said if they acquiesced and requested the RSF-2 designation, they would move the north line down slightly because that would be more property than needed. The north line would be reduced slightly. The description of the property before the Commissioners will change slightly and go down.

Mr. Conner asked why would that be?

Mr. Hutchinson said if the property is rezoned as RSF-2, they will not need that much property.

Commissioner Underwood said if Mr. Hutchinson wants to table the request to take it back to the drawing board and reduce the subject property in order to meet the RSF-2 designation and not have any excess square footage; what would the applicants do with the excess square footage? Would they add it to the B-2?

Mr. Hutchinson said it would remain B-2, as it is now.

Chairman Gruber said the north line would move down and the top lot would become

bigger.

Commissioner Davis said this is the first public hearing for the new body and it is one of the more complicated processes the Commissioners will deal with. He would like for the Commission to table the request and give him more time to confer with staff because this is the first public hearing he has been a part of.

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, to table Case No. Z-18041 - Dorgan Property, as it pertains to the rezoning of approximately .95 acres, located in Planning (Zoning) District 26 until the December 3, 2018, Baldwin County Commission regular meeting.

The motion passed by the following vote:

<b>Aye:</b>	4 -	James E. Ball, Joe Davis III, BillieJo Underwood, and Charles F. Gruber
<b>Nay:</b>	0	
<b>Absent:</b>	0	
<b>Abstain:</b>	0	

After the vote, Chairman Gruber said the Commission will re-open the public hearing on December 3, 2018.

Mr. Conner said if Chairman Gruber announced that the Commissioners will re-open the public hearing, that is what they can do.

**DQ2** Case No. Z-18044 - DCF, LLC Property Rezoning

[19-0234](#)

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

Commissioner Davis said regarding the variances involved after this zoning request is dealt with, how would that variance work through the process?

Mr. Jackson said if the rezoning is approved, the applicant would move forward with a variance. The variance would be from the requirement for the minimum area for a planned development. This property and an adjacent parcel owned by the family will be three acres. They are planning to do their family development on the three acres. For a planned residential development, the minimum area is five acres, so the applicant would be asking for a variance from that minimum. The variance would be considered by the Board of Adjustment and that is a one-step approval. It is not something that would come back to the Commission for additional review.

Commissioner Underwood said anytime a rezoning request is made, staff wants to know what they want to do with the property. However, since this involves a variance for a family subdivision, it is really not what they are here for right now.

Mr. Jackson said this is just to determine whether the property should be rezoned from

RSF-1 to RSF-2. The RSF-2 designation does allow a smaller lot size, but in terms of use, it does not materially change anything about the property if the rezoning is approved.

Commissioner Underwood asked is it the end of a request if the Board of Adjustment denies a variance?

Mr. Jackson said the planned development could not move forward. If it was approved, it would not affect the rezoning.

Commissioner Underwood said once the property is rezoned to RSF-2 the property owner could do whatever that designation allows. If it does not fit into the scheme of the RSF-2 designation or requires a variance, that would be down the road.

Chairman Gruber opened the public hearing at 11:23 a.m. and asked if there is anyone present who wishes to speak.

Ms. Tricia Neimeyer said, from the audience, she would prefer to just listen at this point.

Mr. Vernon Hermit appeared before the Commission and said he is fortunate enough to live in an idyllic and classic community in Battles Wharf. Having been raised in Fairhope, he recognizes it as a jewel on the Eastern Shore and he is happy to live there. It has been designated as a historic district and with good reason. It has withstood considerable elements of time versus nature. Mr. Hermit said this plan is to place eight houses on the lot. This would destroy the very essence of the community. Whether it is a single multi-family generational property is subject to interpretation. He has spoken to numerous members of his community who suspect this is a short-term investment vehicle at the community's long-term expense. Mr. Hermit said he respectfully requests the Commissioners to deny this proposal.

Mr. Craig Dyas appeared before the Commission and said he represents DCF, LLC, which is a family entity composed of his mother, him and his six siblings. His mother's family has owned the property since before he was born, and he is 62 years old. He and his siblings have been on the property their entire lives. Mr. Dyas said the Commissioners can understand the heart strings that are attached, his family is in the succession planning parts of their lives and thus, are trying to understand how to deal with this. There are three acres there and he is asking the Commission to change the zoning from an RSF-1 to an RSF-2 on this particular property. The adjacent property they own is also zoned as RSF-2. Mr. Dyas said it is an easy takeaway to look at the zoning map and understand they are surrounded by RSF-1 properties. If the zoning map is expanded a bit, it will show there are also quite a bit of properties zoned as RSF-2. From this point forward, assuming they get their acts together, the family will have to come before various boards of the County and come up with a package they believe will be acceptable to not only the County, but to their neighbors as well. Mr. Dyas said they will do that then. He is asking the Commissioners to rezone the property today in order to take a look at the next step. It is not a monetary, short-term thing. He is quasi-offended that was said, but he does not get offended easily, so he will not take offense. There are two historic houses there now, he restored one in 2004. There is a great history there and he loves history and he loves everything about Battles Wharf. His objective is to do something so more of his family can live there or have

a place there that is in keeping with the neighborhood. Mr. Dyas said some of the RSF-1 properties should be zoned as RSF-2. Many of the lots are nonconforming RSF-1 and RSF-2 properties. Mr. Dyas said he appreciates the Commissioners consideration and he is here to answer any questions.

Ms. Tricia Neimeyer appeared before the Commission and said she owns the adjacent property and she owns and operates a business on the B-2 property. A little over a year ago, the same family strongly opposed her usage for a B-2 business which she was zoned for due to density, parking and noise issues. She appreciates their need and desire to want to maintain the family compound. She does not feel eight houses and a new zoning are required to do that. The family has had the property for over 75 years with the cottage that is at the end of the street they have shared over the years. Ms. Neimeyer said she does not feel the zoning should be changed or the doors opened for variances and other things where the PUD requirement needed is five acres. The Planning Commission denied a variance for a five-inch boardwalk over the property setback where she had an unopposed neighbor. How can a variance grant almost two more acres and 30 feet of safe ingress/egress. Ms. Neimeyer said she was required to remove non-compliant decks that were permitted and authorized through the City of Fairhope. Naively, the contractor and the architect did not understand that Baldwin County still maintained zoning jurisdiction outside of the four corners. That request was denied. She does not see why there is a need to change zoning and move forward. She feels the precedent is inappropriate.

There being no further requests to address the Commission, Chairman Gruber closed the public hearing at 11:31 a.m.

Commissioner Underwood said she is trying to separate the rezoning from the future because the Commission is not the variance board. The Commissioners have not been requested for anything except to look at going from RSF-1 to RSF-2. Commissioner Underwood said she has learned more about Point Clear in the last two weeks than she knew in her life. It is hard to separate this, but the Commissioners are not the variance board.

David Conner, County Attorney, said for the record, whether the Commission grants this rezoning or not, there should be no tacit approval or no indication that the variance would be granted. There should be no indication that any planned development submitted for the property would be granted. Mr. Conner said this is only to determine whether or not the property will be rezoned to RSF-2. If this gets approved, it should not be considered as an approval or a recommendation to the variance board or the Planning Commission regarding those items. They will have to stand on their own merit.

Chairman Gruber said this has nothing to do with the other parts of it; it is strictly for the rezoning.

Commissioner Davis said to Mr. Jackson's knowledge and relative to the PUD and the five acres, has the Commission ever had something like this in a similar setting?

Mr. Jackson said he has been here 16 years and staff has done some unique planned developments. This is not in Point Clear, it is in a different district, but there was a case

where one of the planning districts did not allow mobile home park zonings. There was an applicant with an existing mobile home park who wanted to move some things around and make some improvements. Mr. Jackson said because that applicant did not have the availability of the mobile home park zoning, it had to be done as a PRD and it was less than five acres. Originally, the minimum size for a PRD was three acres, and it was changed at some point to five acres. Staff has seen some variances from that minimum area approved in the past. Typically, when talking about PRD it is usually something really large, for example, the next case the Commissioners will hear has over 400 acres. Mr. Jackson said there have been some small situations where the PRD process was used in order to accomplish something that falls outside of conventional zoning. That is what the Commissioners have here. Mr. Jackson said he has met and talked with the applicant about this property about what the family wanted to accomplish. They looked at different ideas about how to make this happen and ultimately it came down to this. The zoning part was easy because there are RSF-2 zoned properties in the area and throughout Planning District 26. Mr. Jackson said there are other hoops to go through and he hates to bring that up because that is not what the Commissioners are here to talk about. They are not here to talk about variances and PRDs, yet. If the applicant gets the variances and ultimately submits a PRD, the Commissioners will have a chance to look at it. Staff has to have a little information in order to let people know where they are going so that every rezoning the staff has is not viewed as speculation. That is why staff mentioned what the applicant is planning to do. Mr. Jackson said his example with the mobile home park is different, but similar. That case was in 2005, a long time ago.

Commissioner Davis said if this were a five-acre tract, would the Commission even be in this discussion?

Mr. Jackson said he is not sure. The applicants had a certain number of units they wanted to receive, which was eight. With five acres, and a part of it zoned as RSF-1 and the other part zoned as RSF-2, it would probably be okay. They would at least be closer to what they needed.

Commissioner Davis said it is his understanding that this is not about adding eight to what is already there, but reconfiguring and realigning in order to end up with eight, to which Mr. Jackson replied that is correct.

Chairman Gruber said does not want to leave this without making a decision. What will happen if the Commission takes no action?

Mr. Conner said the Commission definitely needs to vote one way or another so there is a record of it. If they decide they need additional information, the Commissioners can table this item until the next meeting just like they did for the previous item. They can bring it back for discussion during a work session if that makes the Commissioners more comfortable. Mr. Conner asked Mr. Jackson when was the variance hearing set, to which Mr. Jackson replied December 10, 2018. Mr. Conner said there will be time to have another Commission meeting before that meeting takes place. The Commission may want to take some action, if possible, prior to that variance hearing, in order for the Board of Adjustment to know what zoning classification it is dealing with at that point in time. Mr. Conner said if the Commissioners want to vote today, they certainly can, or they can table

that item for the work session.

Motion by Commissioner Joe Davis, III, to adopt Resolution #2019-014, which approves Case No. Z-18044, DCF, LLC Property, as it pertains to the rezoning of approximately 2.43 acres, located in Planning (Zoning) District 26, from RSF-1, Single Family District, to RSF-2, Single Family District.

Mr. Conner said since the motion failed, it is deemed denied and no action was taken. If the Commissioners want, they can take a vote to officially deny the request for record purposes.

Chairman Gruber said the Commissioners will either need to vote yes or no.

Commissioner Underwood said this has not been simple considering all of the discussions. The Commissioners have had three rezoning cases during their first meeting and it is a little overwhelming. Although a motion has been made, she would be inclined to table the request.

Mr. Conner said since no action was taken, if Commissioner Davis wants to, he can withdraw his motion and Chairman Gruber can entertain another motion.

Commissioner Davis withdrew his motion.

**DQ2** Case No. Z-18044 - DCF, LLC Property Rezoning

[19-0234](#)

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to table Case No. Z-18044, DCF, LLC Property until the December 3, 2018, Baldwin County Commission regular meeting.

The motion passed by the following vote:

**Aye:** 3 - James E. Ball, BillieJo Underwood, and Charles F. Gruber

**Nay:** 1 - Joe Davis III

**Absent:** 0

**Abstain:** 0

**DQ3** Case No. Z-18046 - The Reserve at Daphne Planned Residential Development (PRD) Site Plan

[19-0235](#)

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

Commissioner Underwood said in the background information given to the Commissioners, it states "on June 19, 2018, the County Commission tabled action on this case so that it could be returned to the Planning Commission, which then considered the revised site plan on July 12, 2017." Should that instead be July 12, 2018?

Mr. Jackson said yes, it should be 2018, that was an oversight.

Commissioner Underwood asked if the school site has been accepted by the Board of Education? Would it be deeded over to them? Is it a private school site?

Mr. Jackson said a representative for the applicant is here and it would probably be better for him to answer the question. Mr. Jackson said originally, the applicant went to the Planning Commission on May 3rd of this year with the original PRD and rezoning requests. The rezoning request was approved on June 19th, but the action on the PRD site plan was tabled and it was returned to Planning Commission because of some changes they wanted to make. Mr. Jackson said that date should read July 12, 2018. The Planning Commission recommended approval during the July 12, 2018, meeting.

Chairman Gruber opened the public hearing at 11:47 a.m. and asked if there is anyone present who wishes to speak.

Mr. Steve Pumphrey with Dewberry Engineers, Inc., appeared before the Commission and said he represents the developer. Originally, with this project, 90 percent of what the Commissioners see had to go to County Road 64 for the only single access. One of the modifications they made was that the developer was able to acquire more property to add to the PUD which now provides a secondary access over to County Road 54. This is the next phase of development and will be submitted shortly. Phase 2 will give them access to County Road 54 as well as the original access on County Road 64. Mr. Pumphrey said the school site was one of those parcels of land they picked up in the new acquisition and it has been offered to the County for a public school site. The developer has several large projects, one here and one that is referred to as the "Golden Triangle" where a school site has been offered. The most recent change is that during Phase 2, the developer decided to do more 60-foot lots instead of 52-foot lots, it is usually opposite when coming to the Commission. The developer did drop 20 lots during this next phase because of the reduction of the lots and increasing the lot sizes. Mr. Pumphrey said this is the modification the developer is talking about. He will be glad to answer any questions.

Commissioner Underwood said there are a lot of lots and she would not be doing her due diligence if she did not ask some questions. There is not much controversy over this request. The Commissioners are coming in on this much later after a lot of discussions have been held in the past. In all fairness, this Commission was not a part of those discussions. Commissioner Underwood asked if traffic studies were done? Will the two proposed entrances suffice?

Mr. Pumphrey said the traffic study was not necessarily done as a part of the PUD itself, but they have been done as a part of the individual phases. For instance, when the existing Phase 1 was done, a traffic study was performed and turn lanes were placed on County Road 64 as a result of that. There will be no new improvements on County Road 64 unless a traffic light is eventually required. As far as the second access and because they are now doing Phase 2, a traffic study was performed and will be presented to the County when the developers submit the subdivision application.

There being no further requests to address the Commission, Chairman Gruber closed the public hearing at 11:51 a.m.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to adopt Resolution #2019-015, which approves Case No. Z-18046 - The Reserve at Daphne Property, as it pertains to the request for Planned Residential Development (PRD) Site Plan Approval for The Reserve at Daphne. Said property consisting of approximately 469 acres and located in Planning (Zoning) Districts Number 15, Number 28 and Number 7.

The motion passed by the following vote:

**Aye:** 4 - James E. Ball, Joe Davis III, BillieJo Underwood, and Charles F. Gruber  
**Nay:** 0  
**Absent:** 0  
**Abstain:** 0

Mr. Jackson thanked the Commissioners for their patience in dealing with these three difficult cases. The timing just worked out that they fell like this. If the Commissioners have questions or concerns, they can call on him anytime.

Chairman Gruber asked if there are any public hearing scheduled for the next public hearing, to which Mr. Jackson replied there is one in addition to the two that were tabled today.

Mr. Jackson said there will be more during the following meeting.

## **E COMMITTEE REPORTS**

### **EA FINANCE/ADMINISTRATION DIVISION**

#### **EA1 Payment of Bills**

**19-0211**

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to pay bills totaling \$2,626,637.13 (two million, six hundred twenty-six thousand, six hundred thirty-seven dollars and thirteen cents).

Of this amount, \$177,497.33 (one hundred seventy-seven thousand, four hundred ninety-seven dollars and thirty-three 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 - James E. Ball, Joe Davis III, BillieJo Underwood, and Charles F. Gruber  
**Nay:** 0  
**Absent:** 0  
**Abstain:** 0



Ron Cink, County Administrator/Budget Director, informed the Commission that the Baldwin County Commission Interim Payments - November 20, 2018, made by the Clerk/Treasurer totaling \$3,647,164.64 (three million, six hundred forty-seven thousand, one hundred sixty-four dollars and sixty-four cents) are a part of the record.

**EB ROAD AND BRIDGE DIVISION**

**F ELECTED OFFICIAL REQUESTS**

**G OTHER STAFF RECOMMENDATIONS**

**H COMMISSIONER REQUESTS**

**HA COMMISSION DISTRICT 1**

**HB COMMISSION DISTRICT 2**

**HC COMMISSION DISTRICT 3**

**HD COMMISSION DISTRICT 4**

**I ADDENDA**

**J ADMINISTRATIVE REPORT**

**K COUNTY ATTORNEY'S REPORT**

David Conner, County Attorney, said he has a couple of items for an executive session that do not require any action. If Chairman Gruber would like, he can conclude the meeting and he will lead the Commissioners into an executive session.

**L ANNOUNCEMENTS**

**M PUBLIC COMMENTS**

**N PRESS QUESTIONS**

**O COMMISSIONER COMMENTS**

Commissioner Ball wished everyone a Happy Thanksgiving and asked that they enjoy their time with their family.

Commissioner Davis asked that everyone give thanks for all they have and for all the great things they will have a chance to accomplish.

Commissioner Underwood thanked everyone for this week. This is the first real Commission

meeting. Commissioner Underwood said she is thankful for this week of "thanks." The Commissioners visited the Panama City area on separate trips. She went yesterday and Baldwin County has a lot to be thankful for. Hurricane Michael could have taken a different path, but it did not. Commissioner Underwood said residents of Baldwin County need to help their neighbors.

Chairman Gruber thanked staff for getting the agenda together. Chairman Gruber thanked the Commissioners and said they will work together and make things happen. He thanked everyone for the opportunity he had to visit Panama City which was on the western side of Hurricane Michael. It looked like ground zero. The west side is usually the calmer side of a hurricane. Chairman Gruber described the aftermath of the hurricane and said the residents there are going through a rough time and he asked everyone to keep them in their prayers. Tyndall Air Force Base took a big hit and at first was not going to reopen. They decided to reopen the Base, but had it not reopened, it would have been another devastating hit to the community.

## **P ADJOURNMENT**

David Conner, County Attorney, requested the Commission adjourn into an executive session to discuss the general reputation and character, physical condition, professional competence, or mental health of individuals, or, subject to the limitations set out herein, to discuss the job performance of certain public employees, to discuss with their attorney the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action and to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. Mr. Conner said he makes the oral declaration that the discussions are appropriate for an executive session. It is anticipated the executive session will last approximately 30 minutes, at which time the Commissioners can adjourn from the executive session.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adjourn into an executive session at 12:00 p.m. for approximately 30 minutes to discuss the general reputation and character, physical condition, professional competence, or mental health of individuals, or, subject to the limitations set out herein, to discuss the job performance of certain public employees, to discuss with their attorney the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action and to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property.

The motion passed by the following vote:

<b>Aye:</b>	4 -	James E. Ball, Joe Davis III, BillieJo Underwood, and Charles F. Gruber
<b>Nay:</b>	0	
<b>Absent:</b>	0	
<b>Abstain:</b>	0	

Chairman Gruber said the Commission will adjourn into an executive session at 12:00 p.m. for

approximately 30 minutes.

Chris Hall