

Baldwin County Commission

Baldwin County Commission Regular
Meeting Minutes
Tuesday, October 15, 2019
8:30 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

Wayne A. Dyess, 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 - Commissioner James E. Ball, Commissioner Joe Davis III, Commissioner BillieJo Underwood, and Commissioner Charles F. Gruber

Absent: 0

Also present were, Wayne Dyess, County Administrator, and David Conner, County Attorney.

The Chairman called the meeting to order at 8:33 a.m. and introduced Reverend Jourdain Thrash, Pastor 3Circle Church, Daphne, Alabama, who appeared before the Commission, and led the Commission in prayer. After the Pledge of Allegiance led by Commissioner Joe Davis, III, the Commission transacted the following business to-wit:

ADOPTION OF MINUTES

August 28, 2019, Special Meeting (Budget Deliberations)

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to approve the minutes of the August 28, 2019, Special Meeting (Budget Deliberations).

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

September 24, 2019, Special Meeting (Special BOE Tax Elections)

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to approve the minutes of the September 24, 2019, Special Meeting (Special BOE Tax

Elections).

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

October 1, 2019, Regular Meeting

Motion by Commissioner BillieJo Underwood, seconded by Joe Davis, III, to approve the minutes of the October 1, 2019, Regular 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

Wayne Dyess, County Administrator, said before the Commissioners, in paper form, are replacement attachments for Item BA2 - Alabama Department of Economic and Community Affairs (ADECA) - Alabama Counts 2020 Census Grant Application for 2020 Census Outreach for Baldwin County and Item BA7 - Renewal of Granicus Subscriptions for Agenda Management Software. Mr. Dyess said staff requests Item BH1 - Vaughn S.A.I.L. Center Lease Agreement, be removed from the Consent Agenda for separate discussion and/or vote.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to approve the consent agenda including the addendum attachments for Items BA2 and Item BA7 and excluding Item BH1.

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 Adoption Partner Agreement between Baldwin County Commission (Animal Shelter) and PetSmart Charities, Inc.

[19-2194](#)

Approve the Chairman and/or Clerk Treasurer to execute an EFT Setup and Notice of Bank Change Form, related to the Commission's previous approval of the Adoption Partner Agreement on October 1, 2019, between the Baldwin County Commission (Animal Shelter) and PetSmart Charities, Inc., for the Baldwin County Animal Shelter to participate in the PetSmart Charities' adoption program.

In addition, authorize the Chairman and Clerk Treasurer to execute any other documents necessary in order to facilitate the County's partnership with PetSmart Charities, Inc.

BA2 *Alabama Department of Economic and Community Affairs (ADECA) -
Alabama Counts 2020 Census Grant Application for 2020 Census
Outreach for Baldwin County

[19-2225](#)

Confirm, ratify, and approve the submission of the Alabama Counts 2020 Census Grant Program application and the execution of related documents to Alabama Department of Economic and Community Affairs (ADECA), requesting grant funds in the amount of \$20,000.00 with up to \$20,000.00 match of either cash or in-kind services. This grant application is in partnership with the Baldwin County Economic Development Alliance (BCEDA) and will be for 2020 Census outreach activities and materials for Baldwin County.

BA3 Baldwin County Intracoastal Waterway (ICW) Boat Launch Project

[19-2190](#)

Make part of the record, the following documentation related to the Purchase and Sale Agreement, originally approved during the October 2, 2018, Baldwin County Commission regular meeting, related to the purchase of approximately 45 acres of property on the Gulf Intracoastal Waterway:

- 1) Fifth Amendment to the Purchase and Sale Agreement, dated October 2, 2019, which amended Section 3.2 of the Agreement, extending the inspection date to October 22, 2019.

BA4 BRATS - Amended Grant Documents for Baldwin Regional Area Transit
System

[19-2203](#)

At the request of Alabama Department of Transportation:

- 1) Approve the amendment of Resolution #2019-100, Local Match Certification, and Application letter for Fiscal Year 2020 - 5311 Grant, originally approved during regularly scheduled Commission meeting on June 18, 2019, Agenda item BM12; and
- 2) Approve the Amended Application letter, Local Match Certification and Local Commitment letter for Fiscal Year 2020 - 5307 Grant, originally approved during Regularly Scheduled Commission meeting on June 18, 2019, Agenda item BM13; and

3) Make the amended document as part of the October 15, 2019, regular meeting record.

BA5 BRATS - Request for Baldwin Regional Area Transit System Transit Service from Daphne Senior Center to Baldwin County Coliseum for the 2019 Senior Expo [19-2205](#)

Retroactively approve the use of one (1) Baldwin Regional Area Transit System (BRATS) bus for transporting approximately twenty (20) individuals to the 2019 Senior Expo in Robertsdale, Alabama on Wednesday, October 9, 2019. The cost of the transportation will be approximately \$284.00 paid for by the City of Daphne.

BA6 BRATS - Request for Baldwin Regional Area Transit System Transit Service from the Fairhope Health and Rehab Facility to the Grimes Fish Nursery in Stapleton, Alabama [19-2204](#)

Approve the use of one (1) Baldwin Regional Area Transit System (BRATS) bus for transporting approximately ten (10) individuals to the Grimes Fish Nursery in Stapleton, Alabama on Saturday, October 19, 2019. The cost of the transportation will be approximately \$316.00 paid for by the Fairhope Health and Rehab Facility.

BA7 *Renewal of Granicus Subscriptions for Agenda Management Software [19-2240](#)

Accept the Granicus Proposal and approve the renewal of the annual Granicus fees and subscriptions for the County's agenda management software, effective October 31, 2019, for a period of three (3) years, ending October 30, 2022. The annual fees and subscriptions for the first year will be in the total amount of \$42,000.00, with a 2.5% uplift in cost in year two, and 5.0% uplift in year three.

BD BUDGET/PURCHASING

BD1 Architectural Services for the Construction of a New Baldwin County Animal Shelter Intake Building Located in Summerdale, Alabama for the Baldwin County Commission [19-2223](#)

Approve the AIA contract for the architectural services with Allred Stolarski Architects, PA for the construction of a new Baldwin County Animal Shelter Intake Building in the amount of 6% of the construction cost plus normal reimbursable expenses and authorize the Chairman to execute the Contract.

BD2 Competitive Bid #WG18-39A - Annual Rental of Portable Toilets for the Baldwin County Commission [19-2206](#)

Extend Competitive Bid WG18-39A - Annual Rental of Portable Toilets to A & M Portables, Inc., for an additional twelve (12) months at the same prices and terms stated in the original bid award on November 20, 2018. The new extension will expire on

November 20, 2020.

BD3 Competitive Bid #WG19-52 - Provision of Onsite Document Scanning/Digital Image and Indexing Conversion Services for the Baldwin County Judge of Probate [19-2207](#)

Award Bid #WG19-52 to the lowest bidder, Business Systems & Consultants, Inc. for the provision of onsite document scanning/digital image and indexing conversion services for the Baldwin County Judge of Probate as follows and authorize the Chairman to execute the Contract.

Total Cost per image per document: \$0.46 per Image
Image Scanner Model: Canon G-1100/Panasonic KV-S8147 or Book Eye Scanner

BD4 Competitive Bid #WG19-53 - Provision of Bituminous Materials for the Baldwin County Commission [19-2208](#)

Award Bid #WG19-53 as per the Award Listings for each category of headings to Mobile Asphalt Co., and Hosea O. Weaver & Sons, Inc., the provision of bituminous materials.

BD5 Competitive Bid #WG19-54 - Provision of Labor and Equipment for Asphalt Placement for the Baldwin County Commission [19-2209](#)

Award Bid #WG19-54 for the provision of labor and equipment for asphalt placement as per the Award Listing to Ammons & Blackmon Construction, LLC, as the Prime Contractor and Mobile Asphalt Co., LLC, as the Secondary Contractor and authorize the Chairman to execute the Contracts.

BD6 Competitive Bid #WG19-55 - Provision of Bag Ice for the Baldwin County Commission [19-2211](#)

Authorize the Purchasing Director to re-bid for the provision of bag ice 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.

BD7 Competitive Bid #WG19-56 - Provision of Closed Top Recycling Roll-off Containers for the Baldwin County Commission [19-2218](#)

Award Bid #WG19-56 to the lowest responsible bidder, Bakers Waste Equipment, Inc. as follows for the provision of closed top recycling roll-off containers:

Make/Model: ROR-30-22 RC
Amount Bid: \$7,769.00 each
Lots of 10: \$77,690.00

Lots of 20 \$155,380.00

BD8 Competitive Bid #WG19-57 - Provision of Alternate Daily Cover Material for the Baldwin County Commission [19-2219](#)

Award Bid #WG19-57 to the lowest bidder, LSC Environmental Products, LLC, for the provision of alternate daily cover material as follows:

Product: VerDac Landfill Cover
Amount Bid: \$15.50 per 50 lb bag
Delivery Time: 14 days

BD9 Competitive Bid #WG20-01 - Provision of Guardrail Installation and Repair on County Right-of-Ways for the Baldwin County Commission [19-2220](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of guardrail installation and repair on County right-of-ways for the Baldwin County Commission; and
- 2) Further, authorize the Chairman/Purchasing Division Commissioner for the Baldwin County Commission to approve any necessary addendums or clarifications if required after the bid is advertised.

BD10 Competitive Bid #WG20-02 - Provision of Charter Transportation Services for the Baldwin County Commission [19-2222](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of charter transportation services for the Baldwin County Commission; and
- 2) Further, authorize the Chairman/Purchasing Division Commissioner for the Baldwin County Commission to approve any necessary addendums or clarifications if required after the bid is advertised.

BD11 Contract for Expanding ArcGIS Online Platform and GIS Database Support Services for the Baldwin County Commission [19-2224](#)

Approve the Contract with Keet Consulting Services, LLC, for Expanding ArcGIS Online Platform and GIS Database Support Services as follows and authorize the Chairman to execute the Contract. (Contract effective for thirty-six (36) months commencing on the same date as full execution.)

Annual Support Cost for Hosting ArcGIS

Year 1: \$24,400.00

Year 2: \$23,400.00

Year 3: \$23,400.00

BD12 Rental of One (1) Copy Machine for the Baldwin County Judge of Probate Elections Division located in Bay Minette, Alabama

[19-2227](#)

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: Judge of Probate, Elections Division - Bay Minette, Alabama

Model: MX-3551

Price: \$123.55/month

Excess Charge/copy: \$0.0072 BW/ \$0.045 Color

BD13 Request for Proposals (RFP) for Developing a Baldwin County Solid Waste Gas-to-Energy Project Located at the Magnolia Sanitary Landfill

[19-2228](#)

Authorize staff to begin negotiations with AEP Renewable Fuels, LLC, so that a final recommendation for award can be made to the Baldwin County Commission for the Baldwin County Solid Waste Landfill Gas-to-Energy project located at the Magnolia Sanitary Landfill.

BD14 Request for Proposals (RFP) for the Development of a Baldwin County Strategic Plan for the Baldwin County Commission

[19-2229](#)

Authorize staff to begin negotiations with Managing Results, LLC, so that a final recommendation for award can be made to the Baldwin County Commission for the development of a new Baldwin County Strategic Plan.

BD15 Alabama Department of Revenue Reciprocal Agreement - Removal and Addition of Individuals

[19-2238](#)

Related to the Alabama Department of Revenue Reciprocal Agreement, take the following actions:

1) Approve the updated list of Commissioners, County officers, and employees who are authorized to discuss tax information relating to the Reciprocal Agreement between the Alabama Department of Revenue and Baldwin County; and

2) Forward the State of Alabama Department of Revenue Nonemployee Confidentiality and Disclosure Statements for Wayne A. Dyess, County Administrator; Adria Cian

Harrison; Clerk/Treasurer; Donna G. Bryars, Senior Accountant; Tracy King, Revenue Clerk I; Terrie Watson, Revenue Clerk II; Susan McCaw, Senior Revenue Clerk; Ashlie Emerson, Senior Revenue Clerk; Samulyn Parker, Revenue Clerk II; and Crystal Rice, Revenue Compliance Officer.

The list below will remove and add the following individuals:

Remove:

Kim Creech, Clerk/Treasurer
Jennifer M. Forsman, Audit Compliance Officer

Add:

Wayne A. Dyess, County Administrator
Adria Cian Harrison, Clerk/Treasurer
Donna G. Bryars, Senior Accountant
Tracy King, Revenue Clerk I
Terrie Watson, Revenue Clerk II
Susan McCaw, Senior Revenue Clerk
Ashlie Emerson, Senior Revenue Clerk
Samulyn Parker, Revenue Clerk II
Crystal Rice, Revenue Compliance Officer

BI ELECTED OFFICIALS

BI1 Fiscal Year 2019-2020 Agreement for Community Traffic Safety Program Grant Participation [19-2233](#)

Approve the Fiscal Year 2019-2020 Agreement for Community Traffic Safety Program (CTSP) Grant Participation for the Baldwin County Sheriff's Office to participate in the Southwest Region's Community Traffic Safety Program for reimbursement of overtime traffic safety enforcement (and other time as approved by Alabama Department of Economic and Community Affairs (ADECA) and/or Southwest Alabama Regional Highway Safety Office (SWARHSO). The term of this contract will be October 1, 2019, through September 15, 2020.

Upon approval of grant(s), funding will be made available to the Baldwin County Sheriff's Office through CORE reporting system by SWARHSO as authorized by ADECA. This Agreement for CTSP Grant Participation is not a notice of grant approval but is required for the Baldwin County Sheriff's Office's receipt of CTSP Grant funds if such become available.

BJ EMERGENCY MANAGEMENT AGENCY (EMA)

BJ1 Fiscal Year 2019 Emergency Management Performance Grant (EMPG) Federal Share Agreement [19-2212](#)

Approve and authorize the Chairman to execute the Cooperative Agreement with the Alabama Emergency Management Agency providing \$65,451.00 in Emergency Management Performance Grant (EMPG) funds (Federal funds passed through the State) to the Baldwin County Emergency Management Agency and any related documents. The period of performance for this grant is October 1, 2018, to September 30, 2019.

BK ENVIRONMENTAL MANAGEMENT

BK1 Baldwin County Solid Waste Uncollectible Residential Accounts [19-2199](#)

Approve the uncollectible residential garbage accounts list for write-offs in the amount of \$234.00.

BL FINANCE AND ACCOUNTING

BL1 Resolution #2020-012 - Authorization for Chairman and Clerk/Treasurer to Sign Bank Documents [19-2221](#)

Adopt Resolution #2020-012, authorizing Chairman, Charles Gruber, and Adria Cian Harrison, Clerk/Treasurer, to sign all necessary bank documents such as bank signature cards, bank resolutions, bank night depository agreements, etc. that must be updated.

BO PERSONNEL

BO1 BRATS Department - Position Changes [19-2210](#)

Take the following actions:

- 1) Abolish the full-time BRATS Driver Supervisor position (PID #343) (grade H range: \$29,631.68 - \$48,642.88 annually); and
- 2) Create a part-time BRATS Driver Supervisor position (PID #TBD) grade H (grade H range: \$14.246 - \$23.386 per hour); and
- 3) Approve the employment of Lenzy Williams to fill the part-time BRATS Driver Supervisor position (PID #TBD) grade H-15 (\$20.659 per hour), with said salary due to experience, to be effective no sooner than November 4, 2019; and
- 4) Approve the position description for BRATS Driver Supervisor (part-time); and
- 5) Approve the updated organizational chart for BRATS.

BO2 Highway Department (Administration) - Employment of One (1) Chief Accountant [19-2213](#)

Approve the employment of Malinda White to fill the Chief Accountant position (PID #364) at a salary grade EC-08 (\$60,000.00 annually) to be effective no sooner than October 21, 2019.

BO3 Highway Department (Parks) - Employment of One (1) Landscape Technician I Position

[19-2214](#)

Take the following actions:

- 1) Approve the employment of Michael Anderson to fill the open Landscape Technician I position (PID #4043) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually); and
- 2) Approve the employment of Randy Williams to fill the open Landscape Technician I position (PID #5138) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually).

These actions will be effective no sooner than October 21, 2019.

BO4 Highway Department (Silverhill) - Employment of Two (2) Laborer Positions

[19-2216](#)

Take the following actions:

- 1) Approve the employment of Devin Sellers to fill the open Laborer position (PID #5491) at a grade E-EL (\$10.781 per hour/\$22,424.48 annually); and
- 2) Approve the employment of Ian Hantz to fill the open Laborer position (PID #927) at a grade E-EL (\$10.781 per hour/\$22,424.48 annually).

These actions will be effective no sooner than October 21, 2019.

BO5 Revenue Commission (Re-Appraisal) - Approval of Position Description for Assistant Administrator of Re-Appraisal

[19-2215](#)

Approve the updated position description for Assistant Administrator of Re-Appraisal.

BO6 Solid Waste Department - Employment of One (1) Solid Waste Technician Position

[19-2217](#)

Take the following actions:

- 1) Approve the employment of Calum Shipp to fill the Solid Waste Technician position (PID #724) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually) to be effective no sooner than October 21, 2019; and

2) Approve the updated position description for Landfill Supervisor.

BH COUNCIL ON AGING

BH1 *Vaughn S.A.I.L. Center Lease Agreement

[19-2242](#)

Wayne Dyess, County Administrator, said David Conner, County Attorney, is developing the agreement for this item. The Vaughn S.A.I.L. Center will be used by the Stockton community for food preparation and other food issues. Staff is currently waiting on one outstanding issue, which Mr. Conner will explain.

Mr. Conner said when this was discussed during the last work session, staff was of the opinion that the site was either one or two acres in size. It turns out, the property is 42 acres in size. Mr. Conner said staff attached a drawing depicting the building, and the area around the building, as approximately an acre of land that would be leased to the community. He has asked the County Highway Department to come up with a legal description or a survey and they will try to do that this week. Mr. Conner said if the Commissioners deem it necessary, he recommends the Commission to approve the Lease Agreement subject to the approval of the legal description by the Chairman and the County Attorney so it can be substituted as part of the original agreement before it is executed.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve and authorize the Chairman to sign a Lease Agreement between the Vaughn S.A.I.L. Center (Domestic Non-Profit Corporation) and the Baldwin County Commission, allowing the use of the county facility located at 55210 Canaan Rd. W, in Stockton, Alabama for the purpose of having a Senior Activities for Independent Living (S.A.I.L.) Center in the Vaughn Community, subject to the approval of the legal description by the Chairman and the County Attorney.

The term ("Term") covered by this Lease Agreement shall be for a period of thirty-six (36) months and shall commence on the 1st day of November, 2019, and shall terminate at 11:59 p.m. Central Time on the 31st day of October, 2022.

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

C PRESENTATIONS

CA GENERAL

CA1 Proclamation - Dysautonomia Awareness Month - October 2019

[19-1975](#)

Ms. Hannah Whitson appeared before the Commission to accept the proclamation as presented by Commissioner Ball on behalf of the Commission.

Wayne Dyess, County Administrator, read the proclamation.

Commissioner Ball invited David Conner, County Attorney, to the podium and said Mr. Conner is also dealing with this in his life.

Ms. Whitson read a prepared statement regarding Dysautonomia and its effects.

Ms. Whitson's mother, Ms. Brandy Robertson, appeared before the Commission and thanked the Commissioners for allowing them to come speak for the third year and bring awareness to Dysautonomia. Ms. Robertson said her family has been very fortunate to have friends in the positions they are in with the County Commission to allow them to speak. In doing this, Ms. Robertson said they have helped numerous families. People have reached out to her who work for the County who either have family members suffering from this, or they are suffering from this. Ms. Robertson said Mr. Conner has been here for the last two years that they have come before the Commissioners. Mr. Conner's wife contacted her regarding their daughter, who was recently diagnosed with Dysautonomia. Ms. Robertson said she will let Mr. Conner share his story.

Mr. Conner appeared before the Commission and said Ms. Whitson and Ms. Robertson did a great job in explaining what this is about. As many people in the world have Dysautonomia, very few people in this country know much about it. A lot of times, a person does not know much about it until it happens to them or someone close to them. It is very important to bring attention to this. Mr. Conner said for the last two years, prior to this happening to his daughter, this proclamation was read and he understood a little about it from listening to people talk. He did not delve into this or understand it completely until his daughter was diagnosed with it at the beginning of this year. Mr. Conner said his daughter started having symptoms as early as October, but became severe after an illness. Mr. Conner said his daughter was diagnosed with Postural Orthostatic Tachycardia Syndrome (POTS) and in her case, her heart rate is not regulated by the nerve and the nerve continues for her to purge her food. Mr. Conner said his daughter experienced Complex Regional Pain Syndrome. This is where the body sends a disproportionate amount of pain to a limb or injury to where it could become very debilitating. Recently, she lost the ability to hold her body weight up. Her legs were affected where she could not feel anything below her knees and could not move her toes or feet. Mr. Conner said his daughter has been going through physical therapy and is now able to walk with the assistance of a walker for a short period of time. She was in a wheelchair in school and had to take homebound programs from February to the end of the school year. Mr. Conner said he thanks God and the Baldwin County Board of Education. The school system and staff stepped up and created a plan where his daughter can come to school as much as she can. A homebound teacher comes by in the afternoons to give her lessons and helps her to stay caught up with State standards. He could not thank Spanish Fort High School and the Baldwin County Board of Education any more than he can today. Mr. Conner said like everyone else, their battle continues. It normally takes between two and six years

to get this diagnosed. There is no magic test for Dysautonomia. It is a test of excluding everything else it could possibly be. When nothing can be found that matches up, then doctors start looking at the neurological system to see what is happening. Mr. Conner said at this point in time, there is no FDA medicine available to treat his daughter's digestive system issue. There are no medications or treatment other than physical therapy to help with his daughter's legs, although her legs are improving. Mr. Conner said there are medications out there, but each form of Dysautonomia is different and manifests itself in different ways. Research, continued understanding and development is critical in order to get individualized special care and treatment for people who suffer from it. Often times, it is overlooked as someone having a psychological problem. Mr. Conner said this is the path that his family and many others are on. He has tried to become more aware of this and would be remiss to say that he believes that prayer has helped his daughter. He believes she has movement in her arms because of prayer. There has been no medication that could help other than a pain pill. Mr. Conner said his daughter was told she has to push through the pain and retrain her brain after the attack on the nervous system. There is no medication that can help his daughter right now. Mr. Conner said just like in the Bible where the woman suffered with an illness for 12 years, that is how he feels right now and he is sure others feel the same way. The first thing a parent wants to do is find relief for their child. It is very stressing as a parent to not be able to fix it. Doctors cannot fix it either, but they are working on it. Mr. Conner said anything he can do to bring focus upon this for research is a great thing. However, there is a great physician and that is his Lord and Savior, Jesus Christ. Not only has he been praying for his daughter Lilly, but the Commissioners have been praying for her as well. They have also all been praying for Ms. Robertson and Ms. Whitson. There are also people all over the County and State who are praying. Mr. Conner said he thanks everyone for their prayers. Based on the information they received from the doctors, there is little that can be done at this point in time. If his daughter is going to be healed and made whole, it will be by Jesus. Mr. Conner thanked the Commissioners for giving him the opportunity to do this along with Ms. Robertson and her daughter and he thanks them for the proclamation.

Commissioner Ball thanked Ms. Whitson and Ms. Robertson for speaking out on this and to Mr. Conner for adding to this. This meeting video loops and there could be someone watching who may be suffering from this and are unaware of it. This meeting could bring awareness to them where they can go to a doctor to start the process. Commissioner Ball said the Commissioners know all about it; they have been with Mr. Conner from the start of it. There have been a lot of group huddles and prayers. Everything the Commissioners do is a team effort and he is happy to pass this proclamation.

Commissioner Davis said people have heard stories that most have not experienced. They have had similar things and lost loved ones either quickly or over an extended period of time. These young people are starting their lives and have an uphill battle. Everyone should pray and pull for them. Commissioner Davis said everyone should have something they are involved in and passionate about. This is the sort of thing that touches his heart, to be able to do something to help someone. Commissioner Davis said he is proud the Commissioners have been able to be helpful to Mr. Conner's

family and Ms. Robertson's family. He said Ms. Whitson will do wonderful things and he is proud of her.

Commissioner Underwood said she is thankful for the opportunity to bring awareness to these types of situations. Until Mr. Conner started going through his journey, she was not aware of this. The Commissioners have prayed and she has cried over this. People are so busy doing other things and are unaware of this until it affects them. If this little snippet of the County Commission meeting helps one person, then it is worth it. She hopes it helps many people. Commissioner Underwood said the Commissioners still have faith that Mr. Conner's daughter and Ms. Whitson will be healed. Ms. Whitson looks perfect, but it is amazing in knowing the struggles she has gone through. Commissioner Underwood thanked Ms. Whitson for her courage in attending today's meeting and standing up for other people.

Chairman Gruber thanked Ms. Whitson and Ms. Robertson for bringing awareness to this. When they first came before the Commission, no one knew what Dysautonomia was. There has been more progress in getting information out on what it is about. Chairman Gruber said sometimes parents need something to help them understand what is going on with their children. It is very heart wrenching to watch a child suffer and know they cannot do anything. Bringing this forward helps a lot of people understand more about it. Chairman Gruber thanked Ms. Whitson, Ms. Robertson and Mr. Conner.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adopt a Proclamation which sets aside the month of October, 2019 as Dysautonomia Awareness Month in Baldwin County, Alabama.

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

CA2 Resolution #2020-009 Commending Ms. Peggy Vanover Barnes for Years of Distinguished Public Service at the Cindy Haber Center, Inc. [19-2239](#)

Ms. Peggy Vanover Barnes appeared before the Commission to accept the resolution as presented by Commissioner Underwood on behalf of the Commission.

Wayne Dyess, County Administrator, read the resolution.

Commissioner Underwood said she is honored to stand here today and commemorate Ms. Barnes for all she has done for the Cindy Haber Center, Inc. She has known Ms. Barnes for a long time and knows what a great leader she is in the community. Commissioner Underwood said it is her honor to stand with Ms. Barnes today.

Ms. Barnes said she wants to leave a picture in everyone's mind about what the Cindy

Haber Center is. Most have seen the Gerber baby advertisement, that is the Cindy Haber Center and the group they work with. The people standing with her today has a heart for the people they help and those people have a heart for the Cindy Haber Center. Ms. Barnes said she has never experienced such complete joy as working with these people. They enjoy life while others take so much, so seriously. Ms. Barnes encouraged everyone to be kind to the clients of the Cindy Haber Center because they will bring blessings and make them feel good inside. She stayed with the Cindy Haber Center for over 20 years because she felt so good about it. The Center has done a lot with not a lot of money, political help is always needed when it comes to the Cindy Haber Center. Ms. Barnes said it is named the Cindy Haber Center because Ms. Haber did all of the work and Ms. Barnes took the credit for it. The State kept changing their name, so they fixed it where it could no longer be changed. Ms. Barnes asked if anyone standing with her wanted to say anything.

Ms. Haber appeared before the Commission and introduced Ms. Dawn Lindsey, Director; Ms. Clara Meyer, Ms. Brenda Williams and Judge William Scully.

Ms. Lindsey appeared before the Commission and said she appreciates Ms. Barnes' willingness to stand up and be ready to assist in any way. She worked with Ms. Haber for almost 20 years and knew anytime Ms. Haber needed assistance, Ms. Barnes was only a phone call away. Ms. Barnes has always been helpful and Ms. Lindsey appreciates all she has done for the agency throughout the years.

Ms. Meyer appeared before the Commission and thanked Ms. Barnes for her years of service and said she has left them with a great board. The Cindy Haber Center is a very dedicated group and they appreciate Ms. Barnes' support.

Ms. Barnes said she thanks the Commissioners and everyone from the bottom of her heart.

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, to adopt Resolution #2020-009 commending Peggy Vanover Barnes upon the occasion of her completion of nearly 20 years of service to the Cindy Haber Center, Inc. (formerly the MR/DD Board, Inc.) as a Member and President of the Board of Directors and her years of distinguished public service.

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

CA3 Proclamation - Chamber of Commerce Week in Baldwin County - October 14-18, 2019

[19-2198](#)

Representatives from the Chambers of Commerce appeared before the Commission

to accept the proclamation as presented by Chairman Gruber on behalf of the Commission.

Wayne Dyess, County Administrator, read the proclamation.

Chairman Gruber thanked the Chambers of Commerce for all they do for Baldwin County. A lot of things would not get accomplished without the Chambers. They are the backbone of the business communities and help in any way they can.

Ms. Ashley Jones Davis, Executive Director of the North Baldwin Chamber of Commerce, appeared before the Commission and thanked the Commissioners for proclaiming this week as Chamber of Commerce Week in Baldwin County. This is the inaugural Chamber Week in the State of Alabama. Ms. Davis said the Governor's Office, the State and the House of Representatives have proclaimed this week as Chamber Week. All week long, chambers across the State will be posting information and telling stories about what they have been involved with. Ms. Davis commented on a book that talks about chambers of commerce throughout America's history. Ms. Davis said she is with the North Baldwin Chamber of Commerce and she thanks the Commissioners.

Ms. Casey Williams, President of the Eastern Shore Chamber of Commerce, appeared before the Commission and said she is delighted to be here and showcase how hard the chambers work for the business community. The chambers convene, share information and work very hard, especially in Baldwin County, on the workforce issues, by connecting education and business needs. The chambers promote the area for tourism and do a lot of different things. People do not realize how hard the chambers work for the communities. Any of the representatives here today would love to share this. Ms. Williams thanked the Commissioners for the recognition and said it is an honor and a privilege to be here.

Mr. Travis Valentine, Vice President of South Baldwin Chamber of Commerce, appeared before the Commission and thanked the Commissioners for this day. Mr. Valentine said the chambers spend a good chunk of their week working hard for the businesses. Having an opportunity to share the work they do with others is a win-win for everyone. Mr. Valentine thanked the Commissioners for allowing them to be here today.

Ms. Gail Quezada, President of Central Baldwin Chamber of Commerce, appeared before the Commission and said everyone summed it up very well. They love their jobs. It is not always the easiest job, but they love making Baldwin County a better place to work and live. They appreciate the Commissioners' support not just for this recognition, but for the support all year long. Ms. Quezada said without the Commissioners, the chambers would not be able to do what they do. Ms. Quezada thanked the Commissioners.

Ms. Davis said Mr. Greg Alexander with the Coastal Alabama Business Chamber had something come up this morning and was unable to attend. He asked that Ms. Davis express his gratitude to the Commissioners, as well.

Chairman Gruber thanked the representatives.

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, to adopt a Proclamation which proclaims October 14-19, 2019, as Chamber of Commerce Week in Baldwin County.

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

After the motion and before the vote, Commissioner Ball thanked the representatives from the Chambers and said it is an honor and a privilege to work with them. A lot of things would not get done without the chambers. He is glad to see the County's Chambers all work together to make sure they do what is best for all of the people of Baldwin County. Commissioner Ball said he commends them for that and it is a privilege to work with them.

Commissioner Davis thanked the representatives from the Chambers and said he personally thanks them for not only what they do, but how they do it. He grew up in a chamber of commerce family in a small town. He thought everyone looked at life the same way, but they do not. Commissioner Davis said that is okay because the chambers make sure what is in the best interest of the citizens, business communities and the future is in the forefront and what drives them every day. He thanks them for that.

Commissioner Underwood thanked the representatives from the Chambers and said they help bring the businesses of the communities together. She loves the annual events and tries to make as many as possible to see all the people in the different communities come together. Without the chambers that would not happen. Anytime new businesses come to town, the chambers showcase them in order for people to know what is going on. Commissioner Underwood said the Chambers' newsletters are very informative, sometimes it is the first time or the only time she gets that information. She is thankful for what the Chambers do for the communities and the County as a whole. Commissioner Underwood said they make Baldwin County a better place to live and she has enjoyed getting to know the Chambers' members.

Chairman Gruber said the Chambers of Commerce help so many businesses with their day-to-day needs. They help businesses to grow and help the County.

CA4 Proclamation - Domestic Violence Awareness Month - October 2019

[19-1992](#)

Ms. Rhyon Ervin, Executive Director of The Lighthouse, appeared before the Commission to accept the proclamation as presented by Commissioner Davis on behalf of the Commission.

Wayne Dyess, County Administrator, read the proclamation.

Ms. Ervin said she brings greetings from The Lighthouse, the board and the staff. Ms. Ervin thanked the Commissioners for proclaiming October as Domestic Violence Awareness Month and for recognizing the impact of domestic violence on the community. She thanks them for joining in The Lighthouse's efforts to inform, educate, increase awareness and call the community to action. Domestic violence is not just a crime against families and individuals, it is a crime against the community and against society. Ms. Ervin said domestic violence impacts jobs, attendance and performance. It impacts schools, student behaviors, attendance and grades. It impacts the safety of neighborhoods and workplaces. Ms. Ervin said it impacts the medical community and law enforcement. One of the most dangerous calls law enforcement responds to is a domestic violence call. The Lighthouse is proud of the Baldwin County District Attorney's Office for the successful prosecution and conviction in the case involving the shooting of Corporal Mike Wallace of the Baldwin County Sheriff's Office. Ms. Ervin said domestic violence must stop. There seems to be a slight uptick in domestic violence in Baldwin County and it must stop. According to the National Coalition Against Domestic Violence, on average, 20 people per minute are assaulted by intimate partners in the United States. The Lighthouse is a group of committed individuals with a great staff who are trained to provide intervention and support to victims and survivors of domestic violence. It is a place of refuge for those fleeing, a place of comfort, resources, crisis intervention, education, advocacy, support and referrals. The Lighthouse touches approximately 800 lives through its various services each year. Ms. Ervin said the number of individuals The Lighthouse has sheltered has nearly doubled from last year. Last year, The Lighthouse sheltered approximately 70 adults. This year, The Lighthouse has sheltered approximately 120 adults and 70 children. The court advocates touch approximately 900 lives in the court system. Victims of domestic violence should not have to navigate that system alone. The Lighthouse provides support groups, a 24-hour crisis line, children's advocacy, and community and prevention education in the schools. Ms. Ervin said The Lighthouse knows that it starts with prevention and the young people. Services, information and education have to be provided to the young people to stop domestic violence in the communities. The Lighthouse's mission is the elimination of family violence and sexual assault in the community through education, intervention, prevention, services and collaboration with the community. Ms. Ervin thanked the Commissioners for joining in The Lighthouse's mission. She invited the Commissioners to join The Lighthouse on October 23rd in Robertsedale for a domestic violence vigil to recognize the survivors and honor the victims who have died as a result of domestic violence in the community.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adopt a Proclamation which proclaims October 2019, as Domestic Violence Awareness Month in Baldwin County, Alabama.

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

Commissioner Underwood said she personally knows domestic violence survivors. She received permission to speak on Keri Green, her assistant. Ms. Green and her son are survivors of domestic abuse and this month means a lot to her. It means a lot to others who are survivors and to the families who have lost loved ones to this. Commissioner Underwood said she has a purple ribbon pin given to her last year. She thanks Ms. Green and others as well as The Lighthouse. Ms. Green has been appointed to the board of The Lighthouse and Ms. Ervin now has a warrior and a survivor who will help others. She hopes The Lighthouse will help empower victims of domestic violence. Commissioner Underwood said she hopes this recognition will help bring awareness and help someone stand up and get help from The Lighthouse if needed.

Commissioner Davis said The Lighthouse represents, in many cases, the last opportunity for someone to get help in that particular area. Everyone should be mindful that, as citizens, there is a responsibility to step in and step up and make sure this is stopped. It will take a total effort by everyone. Commissioner Davis said it is not about minding your brother's business, but it is about taking care of those who may be taken advantage of. Everyone knows this is a tough and sad situation, but it is not an insurmountable situation. He wants everyone to pledge to make it better.

Commissioner Ball thanked Ms. Ervin for bringing this to the Commissioners. He has already put on his purple ribbon that was given to him. This is near and dear to his heart. Commissioner Ball said he commends Ms. Ervin for continuing to bring awareness to the public for this horrific crime. He commends the District Attorney's Office and first responders such as Corporal Mike Wallace for what they do. The Lighthouse gives victims hope that it is not over. The County is lucky to have a program like this that deals with this crime.

Chairman Gruber thanked Ms. Ervin and The Lighthouse for what they do and said no one realizes how rampant this is. It is not just in Baldwin County, it is nationwide. A person should not have to endure abuse in their lives. Life is hard enough without dealing with that. Chairman Gruber said the Commissioners commend The Lighthouse for what they do to help the victims.

D PUBLIC HEARINGS

DP PLANNING AND ZONING

DP1 [Case TA-19001 - Amendments to the Baldwin County Zoning Ordinance, Article 2, Section 2.3.25.3, Local Provisions for Planning District 25](#) [19-2231](#)

Vince Jackson, Planning Director, appeared before the Commission and provided background information on the subject amendments.

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

Mr. Joe Emerson, President of Fort Morgan Civic Association, appeared before the Commission and said his group is a 400-member group of land owners who are in support of the amendments because it will be beneficial to the community and will help preserve the environmental and historic nature of the Fort Morgan Peninsula.

Mr. Greg Strategier appeared before the Commission and said he is a resident of Fort Morgan and is in support of the amendments. The amendments will not affect the growth of the area, it will control the growth.

Ms. Susan Harrell appeared before the Commission and said the Commissioners have the letter she sent on behalf of her family. She and her family are against the proposed amendments.

Ms. Thelma Strong appeared before the Commission and said she is a long-time resident of Fort Morgan and a member of the Fort Morgan Advisory Board. On behalf of the Fort Morgan Advisory Committee and the people of Fort Morgan, she asks the Commissioners to pass the changes.

Mr. Paul Stanton appeared before the Commission and said he brought a copy of the Fort Morgan letter sent to the Commission from Mr. Ernie Church, President of the Fort Morgan Fire Department's Board of Directors. Mr. Stanton read Mr. Church's letter, commented on a recent fire on Fort Morgan and the sizes of houses there. Mr. Stanton asked the Commissioners to help the residents of Fort Morgan.

Ms. Bonnie Lowery appeared before the Commission and said she is here as a voting resident of Fort Morgan. Ms. Lowery said the residents want to protect the one part of the Alabama Gulf Coast that has not been destroyed. She hopes the Commissioners will help them protect Fort Morgan.

Mr. Robert Issacson appeared before the Commission and said he is here on behalf of himself and his partner's, Mr. Mark Reid's widow who could not be here today. Mr. Issacson commented on the limitation on the height of the structures and the number of people in them. Mr. Issacson asked the Commissioners to either delay the vote or allow for a variance.

Commissioner Ball asked what does it matter if someone is limited to a two-story house? Mr. Issacson is asking if there can be a variance. What does he want to build?

Mr. Issacson said he is not building in Baldwin County. He had a couple of hundred acres, but sold it to the Federal government.

Commissioner Ball asked what is the difference between a two-story home and a

half story?

Mr. Issacson said the difference is approximately 1/3 of the value of the property.

Commissioner Ball said would it be safe to say the bigger the house, the more people in it. Houses in the area rent for \$17,000.00 a week. It takes multiple people to pitch in to rent the houses for that amount of money. Mr. Issacson's argument was that a two-story house was unsafe without sprinklers.

Mr. Issacson commented on a two-story building with 56 beds and how unsafe it was.

Commissioner Davis asked how can someone get out of a three-story house that is 35 feet from the ground? He cannot imagine an insurance company covering a four-story building with no fire escape system. He does not understand how this got built and he feels this is the first step in correcting it.

Mr. Issacson said how could a person build a two-story structure without any escapes. Mr. Issacson commented on how the County's Building Code could be modified to include escapes and how sprinklers could be the savior.

Commissioner Ball asked if there was a way to show what a two and a half story structure looks like? He wants the public to see what it looks like.

Wayne Dyess, County Administrator, said he does not believe staff has a picture of a two and a half story structure.

Commissioner Davis commented on the three-story structure and said the top floor is 40 plus feet off the ground because the bottom does not count as a floor.

Mr. Dyess said in the area that has the flood zone, the bottom floor has to be above the minimum base flood elevation. The County's Zoning Ordinance will measure from the base floor up. For example, if there is a maximum height of 35 feet, the maximum height is not measured until the base floor area is reached. Mr. Dyess said many areas are enclosed on the ground floor where parking is. That is allowed by the Building Code as long as they are not bedrooms.

Commissioner Davis said his point is the second floor is not 20 feet off the ground, in the building shown, it is 30 feet. How can someone get down from 30 feet if there is no fire escape or a second route out? He understands that sprinklers have to do with volume and capacity, but he cannot imagine how the structure shown was built.

Mr. Issacson said he cannot imagine building a structure like that with only one escape even if it was sprinkled.

Commissioner Underwood said Mr. Issacson commented on how many people could live in a residential home. She feels that it is overstepping the bounds of a free society to predict how many people can live in a residential home. This is still a free society and most of the households have reduced in size. There is nothing to say how many people can live in a home, if it is someone's residence. There is a difference between a residence and a rental property. Commissioner Underwood said with multi-generational families living in one house, there may be 20 plus people. The definition of a residence is a whole lot different than a rental home. She does not feel the Commissioners can regulate how many people can reside in a residence. That is intrusive to say that 20 people in a home is not a residence. A rental property is different from a residence and the Revenue Commission distinguishes that as well. Taxes are different between a residence and a rental property.

Mr. Issacson commented on friends who lived in a large residence and said it is still a home as long as it is sprinkled.

Commissioner Underwood said Mr. Issacson made the statement that a residence should not have more than 20 people in it.

Mr. Issacson said maybe he misspoke and he apologizes.

Commissioner Underwood said regarding the sprinkler system, there should be some type of legislation for this regardless of how many stories the structure is.

Mr. Issacson said if the Zoning Department wants to define the word "residential" there are several ways to do so.

Commissioner Ball said Mr. Jackson has a picture of what a two and a half story looks like and said it will sleep upwards of 30 to 40 people.

Commissioner Davis asked if there has to be a business license to operate a motel/hotel or rent out the space?

Commissioner Underwood said there has to be a business license for rental property.

Commissioner Davis said staff needs to make sure all of this is happening.

Mr. Issacson said the two-story structure shown is a death trap if there are 20 or 30 people in there with no exit and no sprinklers. The sprinklers are the ultimate solution and not just a limitation to the height.

David Conner, County Attorney, said in the interest of full disclosure, his firm

Blackburn and Conner, P.C. has represented Mr. Mark Reid in the past. He does not feel there is a conflict of interest with this group because the class of people is so large on the peninsula. Mr. Conner said he did not want anyone to say he stayed quiet and wanted to make sure it was on the record.

Mr. Bill Bennett appeared before the Commission and said he has a beach home on Ponce de Leon Court. His family home can sleep 14 people. The structure across the street from his home is not a family home, but a hotel. Mr. Bennett said this structure should be called a hotel instead of a family residence.

There being no further requests to address the Commission, Chairman Gruber closed the public hearing at 10:08 a.m.

Mr. Jackson appeared before the Commission and asked if the Commissioners have specific questions for him.

Chairman Gruber said as a part of the Americans with Disabilities Act (ADA), a turnaround will still be needed for a residential home if a walkway is built. He just found out if a structure is built one floor off the ground, the walkway has to be covered up. The U.S. Fish and Wildlife regulates these, it is a part of its job. Is the County trying to trump the U.S. Fish and Wildlife? The County is not supposed to be any stricter than what the U.S. Fish and Wildlife says. Chairman Gruber asked who will oversee this? It is going to be in the County's Zoning Regulations. The Code Enforcement Officer will have to take care of this from now on.

Commissioner Ball asked if Chairman Gruber is saying if the walkway is one foot over the dune, it will have to be covered up?

Chairman Gruber said if it gets covered up, it cannot be uncovered.

Commissioner Ball asked if this is happening, to which Chairman Gruber replied, there is one now that is completely covered. The U.S. Fish and Wildlife has given the County money to go in and extend the walkways in Morgantown. The County will have to build on top of what is already there.

Mr. Jackson said the dune walkover standards is what started this with the amendments for Fort Morgan. One walkover was built 12 feet tall and presented an obstruction of movements and views on the beach. At that time, staff had nothing to address the dune walkovers. When asked to start looking at it, he first looked at the Cities of Gulf Shores and Orange Beach. They did not have a maximum height. The one foot is the minimum to be above the dunes. The maximum height is proposed to be three feet, but if the Commissioners want, staff can go higher. Mr. Jackson said the feedback staff received from Fort Morgan residents was to have a lower maximum height, but there is a precedent for five or

six feet. He does not feel the Commissioners would want to go higher than that, but five or six feet will be reasonable. Mr. Jackson said he asked Mr. Bill Lynn with U.S. Fish and Wildlife who said he was happy with what was proposed. Staff is not trying to trump what U.S. Fish and Wildlife does, but to supplement it. The Commissioners are the final authority on the zoning text amendments. If there is something they want staff to do differently, they can do that. The Commission can approve the amendments subject to changes being made and staff will make sure it is changed appropriately for the resolution.

Chairman Gruber said he wanted to make sure everyone was aware of the things he mentioned because he found that out yesterday.

Commissioner Underwood said she noticed a tall walkover in Fort Morgan. Can Mr. Jackson speak on the high walkover issue?

Mr. Jackson said that is the one that precipitated this. At the time, there was nothing to regulate it. It came off an upper deck and goes out towards the water. This is what got residents concerned and they contacted staff. This is the part that staff has worked on the longest.

Commissioner Underwood asked if Mr. Jackson knows of any issues the Cities of Gulf Shores and Orange Beach have had with this?

Mr. Jackson said he does not feel there have been any issues with the maximum height. He looked at the Cities' ordinances as well as ordinances from other states. There were a lot of different things that went into this. Mr. Jackson said one thing that is specifically said is it has to start at the ground level. It would not start at a deck, which was the issue that got this started. Staff has attempted to address the concerns expressed and looked at other ordinances. Mr. Jackson said when there is an issue, one of the first things he likes to do is look at what is being done locally. He looked at Gulf Shores and Orange Beach first, some of what they have is included in the amendments and formatted to fit the County's Ordinances. The Cities did not have an issue with the maximum height, so staff had to keep looking further in order to include that information.

Commissioner Underwood said the Cities do not have that, to which Mr. Jackson replied the Cities have the minimum one-foot like staff has proposed, but they do not have a maximum.

Mr. Conner said he did not do a lot of work on the habitable shore issue, that was done by staff, but this is one he has worked on with Mr. Jackson and the Fort Morgan Association's Zoning Board. The issue that arose at the time this particular dune walkover was constructed was the U.S. Fish and Wildlife had a minimum height, but not a maximum height. There were also no rules regarding the length of the pier or walkover beyond the dune. That particular pier appeared

to be in compliance with all applicable regulations. The U.S. Fish and Wildlife was not acting fast enough to address this so the County was charged to come up with some way to bridge the gap over what the U.S. Fish and Wildlife had done in order to effect this quicker. Mr. Conner said because the Commissioners are able to adopt zoning regulations, staff began to look at how it could state a maximum height and whether or not the length of the pier could be addressed. Staff was charged to determine the purpose of the walkover and how to get over the dune. The height was a minimum of one foot because that was the U.S. Fish and Wildlife's standard. Mr. Conner said it did not have a height standard and the question was how high should it be made as a maximum in order to accommodate the purpose of a dune walkover and at the same time not creating a situation where there is nothing but 15 to 20 feet dune walkovers all along the beach. That was a part of the discussion as to what the Commissioners wanted it to look like in the future. Mr. Conner said at that point in time, there was no requirement as it relates to the length of the pier. Since that time, the U. S. Fish and Wildlife has adopted regulations to state the pier length can be no more than 10 feet beyond the vegetative line of the pier or walkover. That has helped some and staff has adopted that same standard in this recommendation. The size and width of the pier was also regulated by the U. S. Fish and Wildlife.

Mr. Jackson said that has a maximum of six for a multi-family and commercial and four for a single-family and two-family.

Mr. Conner said the County adopted that same regulation. The only other thing that is a fluctuation is the height. The U.S. Fish and Wildlife does not have a maximum height, so the Commission is imposing a maximum height. The issue the Commissioners raised is real. Eventually the dune walkovers will be covered up. The only way staff has been informed as to how to address it is to build over the dune. He does not know a way to fix this. Mr. Conner said what staff is doing is balancing part aesthetics and the dangers related to having those types of structures blown down and flying debris. An argument could be made that the higher it is, the better it will be. On the flip side, that could mean more debris going in different areas. Mr. Conner said the height is a decision the Commission will have to make. The protection of the dunes is accomplished by having the walkway where it needs to be above the dunes. It is at the Commissioners discretion to determine how high it goes and what they would like to address.

Mr. Dyess said for clarification, U.S. Fish and Wildlife requires a minimum height of one-foot above the dune. The real issue is putting a cap on the height. Mr. Dyess said he and Commissioner Underwood went to Fort Morgan several months ago and there was one walkover that was very elevated and that is the issue staff is trying to solve that came up a couple of years ago.

Commissioner Underwood asked how high is it, to which Mr. Jackson replied it is approximately 12 to 15 feet.

Mr. Conner said it is not just 12 to 15 feet above the dune. It is out almost to the mean high tide.

Commissioner Underwood said she was down there on another occasion and walked along the shoreline and it is way down. The U.S. Fish and Wildlife has addressed that for the future. This will not be something the County is doing that the U.S. Fish and Wildlife is already doing. Commissioner Underwood asked if there is a height that Chairman Gruber is comfortable with or does he want a height?

Chairman Gruber said three feet is not very much. Once the walkover reaches three-feet, then handrails have to be put on them to be under ADA compliance. In the past, the County has built them four feet off the ground.

Commissioner Underwood said the Commission can impose a restriction even though the U.S. Fish and Wildlife has not due to the fact there is a zoning ordinance available.

Mr. Conner said staff would be reluctant to create a rule or regulation that conflicts with the U.S. Fish and Wildlife. He feels the Commission is okay in using this as a supplement to adopt the U.S. Fish and Wildlife standards so that not only can they enforce this, but the Planning and Zoning Department as well. Mr. Conner said the real debate he is hearing is in regards to the height. That discretion is within the Commissioners to decide because the U.S. Fish and Wildlife has not spoken on that issue. It only has a minimum and not a maximum.

Mr. Jackson said if the U.S. Fish and Wildlife had a maximum height of three feet and the Commissioners wanted to adopt a maximum height of five feet, that may be a problem. He feels as long as what the Commission is doing is supplemental he thinks it is fine. Staff recognizes there is a changing nature to the dunes. That changes things in terms of the maximum height above the dune system. At one point, he had the draft written as five feet, but staff received feedback for a lower height.

Commissioner Underwood asked if the feedback was brought to the Commission's attention from the Building Inspection area or from a citizen?

Mr. Jackson said it came from a citizen.

Commissioner Underwood said the feedback she received asked that it start from the first story. They wanted it to walk off the balcony. Commissioner Underwood asked how high would that be?

Mr. Jackson said that was where the problem came in. It depends on what the

first-floor elevation is.

Commissioner Underwood asked what is a normal first floor elevation?

Commissioner Ball said the garage has to be counted so that is 10 feet.

Commissioner Underwood said the goal is responsible growth. Growth is happening in Baldwin County and the Commissioners are trying to get a grasp on ways to be responsible about it. She sees this along with the work the citizens of Fort Morgan have done as an avenue to try and be responsible with the growth. Commissioner Underwood said she cannot say three or five feet is that huge of a difference, but she does see a difference between three feet and 20 feet.

Mr. Jackson said the Commissioners have heard over and over again about requiring sprinklers. He agrees that it is a good idea, but it is not something that can be addressed through zoning. That is a Building Code issue and staff cannot make it a requirement through the ordinance. Mr. Jackson said he spoke with Mr. Issacson on Friday about some of the ideas about reclassifying some of the structures if they exceeded a certain number of bedrooms. Even then, he is unsure if doing this in zoning is enough. He feels changes in the Building Code will still be needed in order to make the requirement for sprinklers a reality. This is something staff can look at in the future. Mr. Jackson said if this is adopted today, that does not mean staff stops working on it. They will continue to look at things to potentially make it better. The Commissioners saw the picture of the two and a half story. It does not look a whole lot different than a three-story building. The original idea was to reinstate the two and a half habitable story height limit for all Planning Districts. The next amendment coming up does address all of the Planning Districts outside of District 25. The feedback staff received from the Volunteer Fire Department is what swayed them. In terms of the planned developments down there, those are governed by the approved Planned Residential Development (PRD) Site Plan, the information that is included in there. Those heights will always be controlled by what was approved by the PRD. That is a separate issue from what staff is proposing today. In some of the research done, staff looked at some of the older zoned ordinances prior to 1999 when each Planning District had its own zoning ordinance. Staff found language pertaining to height that would have been applicable in Planning District 25 where it talks about properties where base flood elevation would apply. Mr. Jackson said in those cases, prior to 1999, there was a two-story limit. A two-story limit down there is not a completely new concept. It has been in place before, prior to 1999. There was a question about insurance, staff looked into it and the insurance is a non-issue on this. In terms of rebuilding non-conforming structures, that is a high threshold to have to reach. Typically, staff does not find that to be an issue and typically, a homeowner would have a year to rebuild. Mr. Jackson said staff can propose some additional language if that would be something the Commissioners would like to do. Staff does not feel the two-story limit will create that much of a

problem in terms of conformity. There are some things that cannot be addressed through zoning. Staff knows there are a lot of issues down there and have heard discussions about occupancy limits and limits on rentals. People have previously asked him about that. Mr. Jackson said prior to coming to Baldwin County, he worked in a college town and there was an occupancy limit in terms of the way a family was defined. That is difficult to enforce and there can be problems in putting a maximum number as to what a family should be. He does not feel that is an avenue staff wants to proceed down. He feels good and confident about what is drafted. Staff will evaluate it as they work on it and implement it. If staff sees things need to be changed, they will come back to the Commissioners with changes if there are problems. Mr. Jackson said staff has spent a lot of time on this and has received a lot of feedback. Those are all of his comments, but he will be happy to answer any additional questions.

Motion by Commissioner Joe Davis, III, seconded by Commissioner BillieJo Underwood, to adopt Resolution #2020-001, which approves amendments to the text of Amendments to Article 2 of the Baldwin County Zoning Ordinance, Local Provisions for Planning District 25, pertaining to the removal of HDR, High Density Residential District, establishment of a two (2) habitable story maximum height for single family and two family dwellings, establishment of dune walkover requirements and standards, and establishment of Planning and Zoning considerations for Coastal High Hazard Areas and Flood Hazard Areas (Section 2.3.25.3).

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

DP2 Case TA-19002 and Case TA-19003 - Amendments to the Baldwin County Zoning Ordinance, Article 4, Residential Districts, and Article 22, Definitions [19-2232](#)

At this time Commissioner Ball left the Chambers and the meeting and did not participate in any discussion regarding the subject matter.

Vince Jackson, Planning Director, appeared before the Commission and provided background information on the subject amendments.

Chairman Gruber opened the public hearing at 10:32 a.m. and asked if there is anyone present who wishes to speak.

There being no requests to address the Commission, Chairman Gruber closed the public hearing at 10:33 a.m.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III,

to adopt Resolution #2020-002, which approves amendments to the text of Article 4 and Article 22 of the Baldwin County Zoning Ordinance, as these articles pertain to the maximum number of stories for residential structures and the definition of "Half-Story."

The motion passed by the following vote:

Aye: 3 - Joe Davis III, BillieJo Underwood, and Charles F. Gruber

Nay: 0

Absent: 1 - James E. Ball

Abstain: 0

DP3 Case No. Z-19025 - Retirement Systems of Alabama Property Rezoning [19-2230](#)

Vince Jackson, Planning Director, appeared before the Commission and provided background information on the subject matter.

Chairman Gruber opened the public hearing at 10:35 a.m. and asked if there is anyone present who wishes to speak.

There being no requests to address the Commission, Chairman Gruber closed the public hearing at 10:35 a.m.

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

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III, to accept and acknowledge the withdrawal of Case #Z-19025, Retirement Systems of Alabama Property, as it pertains to the rezoning of approximately 1.27 acres, located in Planning (Zoning) District 26, from TR, Tourist Resort District, to HDR, High Density Residential District.

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

DP4 Case No. Z-19037 - Wells Property Rezoning [19-2234](#)

At this time, Commissioner Underwood left the Chambers and the meeting and did not participate in any discussion on the subject matter.

David Conner, County Attorney, said his firm, Blackburn and Conner P.C. has a conflict of issue on this matter. Mr. Brad Hicks, Conflicts Counsel, handled this at the Planning and Zoning Commission level and he will be handling it this morning.

At this time, Mr. Conner left the Chambers and the meeting and did not participate in any discussion on the subject matter.

Linda Lee, Planner, appeared before the Commission and provided background information on the subject property.

Chairman Gruber opened the public hearing at 10:37 a.m. and asked if there is anyone present who wishes to speak.

Mr. Brian Wells, the applicant, appeared before the Commission and said he would appreciate the approval to build another house on the property.

There being no further requests to address the Commission, Chairman Gruber closed the public hearing at 10:38 a.m.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adopt Resolution #2020-004, which approves Case #Z-19037, Wells Property, as it pertains to the rezoning of 1.01 acres, more or less, as located in Planning (Zoning) District 30, from RSF-1, Single Family District, to RSF-3, Single Family District.

The motion passed by the following vote:

Aye: 3 - James E. Ball, Joe Davis III, and Charles F. Gruber

Nay: 0

Absent: 1 - BillieJo Underwood

Abstain: 0

DP5 Case No. Z-19038 - Bankester Family Property Rezoning

[19-2235](#)

Linda Lee, Planner, appeared before the Commission and provided background information on the subject property.

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

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

Ms. Dorothy Smiley appeared before the Commission and said she lives south of the subject property. It is her understanding the businesses along Highway 225 were grandfathered in and there were to be no other businesses there. She would like for the area to remain as the "country." Ms. Smiley asked the Commissioners to not bring a Dollar General into the community.

Ms. Alyssa Carter, a representative of the applicant, the Broadway Group, appeared before the Commission and provided a handout to the Commissioners. Ms. Carter

said they would like to rezone the property to allow for a retail store. They have worked with the Alabama Department of Transportation and the Baldwin County Highway Department to come up with a solution to make the area safe for drivers and shoppers. Ms. Carter commented on the proposed changes the applicant will make upon approval of the rezoning request and said they want to bring a convenience to the area to allow growth.

Commissioner Davis asked if Ms. Carter has a projection on what the work on River Road will cost, to which Ms. Carter replied she does not have that right now. Commissioner Davis asked how far will it be, to which Ms. Carter replied it will be just past the entrance point and the radius of River Road will be widened. Commissioner Davis asked who maintains River Road, to which Ms. Carter replied, the County.

Mr. Bob Broadway, the applicant, appeared before the Commission and said this is a development he is excited about and it is a community that needs to be served. Right now, the residents have to travel approximately 12 miles round trip for any type of grocery needs. This will bring more convenience to the area. Mr. Broadway commented on the area around the property.

Commissioner Underwood asked what is the closest other Dollar General around this location, to which Mr. Broadway replied it is approximately 5.6 miles away. Commissioner Underwood said she heard that from some citizens and she wanted to ask Mr. Broadway.

Mr. Broadway said it is great on a day like today when the Chambers of Commerce are celebrated, the Commissioners are considering approving a new business that will bring jobs to the community.

Commissioner Davis asked Mr. Broadway to share any other projects he has had similar to this that led to additional tenants or businesses being part of a cluster.

Mr. Broadway said his company has had experience with both. There are some areas where not a lot of retail is wanted or can thrive. There are other areas where retail does thrive. The neighborhood growth around this area will need some type of service.

Commissioner Davis said this business will be between two existing facilities, and asked Mr. Broadway to explain why having three this close together will be a good model.

Mr. Broadway said most of the shoppers live nearby and do not get in their car with the aim of driving to the store. Most of the stores are more of a convenience and not a point of destination. The store will not attract people farther away, the shoppers will be in the community.

Commissioner Underwood said she appreciates Dollar General stores in the right place. Mr. Broadway chose a site that he knew would have to be rezoned because it is in a part of the County that was zoned. Mr. Broadway made this request to the Planning and Zoning Department. Commissioner Underwood said sometimes a

person must look at the area they want to put something in. This is a community in an unincorporated part of Baldwin County. This community brought zoning on themselves to protect it from this. Commissioner Underwood said she feels Mr. Broadway should be attentive to the fact the community went out of its way to become zoned. There are plenty of places in Baldwin County where he would not have to seek rezoning. He would just have to abide by the building codes. How does Mr. Broadway feel about the fact he is requesting something for the area the people do not want?

Mr. Broadway said there will always be a vocal minority anytime there is development in an area. These are the people who attend meetings like this, the people who are in favor, do not come out to the meetings. This is to be expected. When he looked at this property, they reached out to and had the support of the County's Planning and Zoning Department. There are some good people in the Planning and Zoning Department who studied this. Mr. Broadway said before he decided to move forward, he wanted to know what they thought about it.

Commissioner Underwood said the Planning and Zoning staff told Mr. Broadway he would probably not get a business reclassification. It is her understanding that under the RR designation what he is asking for will require a further special exception. This is really a backdoor way of getting what he wants. It will put a commercial zoning in the middle of residential properties which is not the right way to zone this area. Commissioner Underwood said that is why she has a little bit of a problem. Mr. Broadway is correct, a lot of times, it is only the applicants who come to the meetings. However, there has been an occasion where there was a room full of people in favor of the rezoning. It is not always the people who do not want it at the meetings. Commissioner Underwood asked why did Mr. Broadway not pursue a business designation?

Mr. Broadway said Ms. Lee told him to do it this way. He was told this would be the best way to do it and he did not want to buck the system.

Commissioner Ball asked if Mr. Broadway knew how the voting body of the Planning and Zoning Commission decided this, to which Mr. Broadway replied "yes." Commissioner Ball asked how did they vote, to which Mr. Broadway replied they voted to deny it.

Mr. Broadway said the Planning and Zoning Commission did not give a reason for the denial. They studied the project and Ms. Lee has gone through great lengths and still supports it.

Commissioner Underwood said the request is to rezone this to RR, but Mr. Broadway is telling the Commissioners ahead of time what he wants to do with the RR designation. What Mr. Broadway wants to do with this designation is not allowed by right. Commissioner Underwood said Mr. Broadway has to seek a special exception. Therefore, she does not agree with the recommendation and he should not have done it in that direction. If the Commission did not know he wanted to place a Dollar General Store there, asking for the RR designation may be reasonable. Commissioner Underwood said she wanted to say this to Mr. Broadway since he was not at the last

meeting.

Mr. Broadway said he takes issue with the fact that Commissioner Underwood stated he tried to take this in the wrong way. He took it the way he was told to take it and he was not trying to be underhanded. Mr. Broadway said he is being very transparent in telling the Commissioners what he wants to do with the property. He could not tell them and do what he wants to do with it.

Commissioner Underwood said she may have misstated that.

Mr. Broadway said the benefit the residents have is if for some reason down the road this business does not exist, for any other business to come back, it would have to come back and see the Commissioners. If the Commission zoned this for commercial, a business would not have to come back.

Commissioner Underwood said if the Commission approved this rezoning as requested to RR, that still does not give Mr. Broadway what he is asking for, he has to have one more step which is not guaranteed. She feels the recommendation for Mr. Broadway to not seek a business classification was a sign that it may not be the right classification for this area.

Mr. Broadway said if the business classification is approved, it will open the doors to all types of businesses that the County would not be able to control.

David Conner, County Attorney, said everyone is concerned about general business zoned in that area. Commissioner Underwood was concerned that the chances of getting a general business zoned in that area are pretty slim. If it was going to happen in the area, staff's recommendation is something that provides protection beyond what the General Business classification would be. If Mr. Broadway went through with the RR process, there would still be another step for the Board of Adjustment to appeal. Mr. Conner said it would not open the door for all the other uses that are allowed by the General Business designation. He feels staff's recommendation to go beyond the General Business designation is a precursor to the concerns that have been expressed regarding this type of business in the area. Since there is a heightened review, it would still have to go through the special exception. That is an indicator of the concern staff has about this particular use even though they have recommended approval.

Chairman Gruber said the special exception is not a given thing. The Planning and Zoning Department tries to help the applicants with their needs. Staff looks at ways to fulfill the applicant's needs and help those who want to do business with an opportunity to look at a way to do it. Chairman Gruber said it does not mean it will happen, but staff is at least giving the applicant the option.

Mr. Broadway said he has been to areas where the planning departments said it would not happen there. However, when the property is on a busy highway, not many people will want to build a home there. That is kind of what the Commission is left with. Mr. Broadway thanked the Commissioners for their time.

Ms. Lynn Harrison appeared before the Commission and said there are currently 251 signatures on a petition left at The Outdoorsman and 129 online signatures, which the Commissioners have copies of. That is a total of 380 signatures on a petition against the rezoning. It is not just a vocal few, it is an organized effort to put this issue out in front of the residents of the area. She has spoken to two people who are in favor of this, everyone else does not support having the area turn into a commercial area. Ms. Harrison asked everyone in attendance to stand up who are in opposition to the rezoning request and said they are a community united against turning this property into a commercial property.

Mr. Steven Johnson appeared before the Commission and said he lives a half mile away from the subject property. He appreciates everyone's viewpoints who have spoken. He is speaking in favor of the rezoning because he would appreciate a retail establishment a short distance away from his home. Mr. Johnson said he wants to make sure it is done right and it does not affect his property value. He does not feel it will drive the traffic up because it is not a destination store. He wants to make sure the intersection is safe and it sounds like there are plans in the works to add a turn lane. He sees this as an added convenience and is in favor of the rezoning. Mr. Johnson said he appreciates the Commissioners' consideration.

Ms. Linda Caldwell appeared before the Commission and said she is a long-time resident of Baldwin County and just recently built her home on Akin Court. She chose Highway 225 because of the peace. She is not against change, change is great. The community is surrounded by Dollar General stores, is there a need for another one?

Commissioner Ball said there is also a Dollar General store in Stockton.

Ms. Veronica Smith appeared before the Commission and said Mr. Broadway stated it was a community that needed to be served. The community is already being served by the other Dollar General stores and The Outdoorsman. There is no new revenue to be generated tax-wise. The community deliberately imposed the zoning on themselves to be in a country atmosphere. Ms. Smith said she would appreciate the Commissioners rejecting this request.

Mr. Howard Franklin appeared before the Commission and said he lives in the Blakeley Oaks development .6 miles south of the subject property. He is the President of the Blakeley Oaks Property Owners' Association. He agrees with the comments from those who are opposed to the request. The area is rural with stores to the north and south and are not far away. The residents live where they are by choice and do not mind making the drive. It will be redundant to have the store close by. He has only heard comments in opposition to this request and he is asking the Commissioners to deny it.

Mr. Chuck Brevitz appeared before the Commission and thanked Commissioner Underwood for bringing up the steps the applicant will have to take in order have a store on that corner. He does not know why the Planning and Zoning staff would set up an unreasonable set of hoops for this. He objects to this because the Planning and Zoning Commission made the recommendation to deny the request and the Planning

and Zoning staff recommended approval. Is this a done deal? Mr. Brevitz said his objection to this particular development involves traffic safety.

Mr. Michael Allen appeared before the Commission and said he is a long-time resident and business owner in the community and heir to the subject property. He is in favor of rezoning the property. The community will need another place to shop and another convenient option.

Ms. Emily Crook appeared before the Commission and said she is in favor of having the store in the community. It will be convenient for most people, especially the elderly.

Ms. Mary Louise Bankester McMillan appeared before the Commission and said she lives in Huntsville, but was born in the house on the subject property. The subject property has been in her family for 105 years. Her family is proud of the property. Today, the property is being used for nefarious purposes. Ms. McMillan said the Bankester property was used by the State to help make Highway 225. She would like to have a store there because it will be very beneficial to the residents there. She has spoken with residents near the subject property and nearly all of them want a store there. Ms. McMillan said a Dollar General store will be very beneficial for the people of the community and it will be very fitting for the property to be used in this manner. It will be a tribute to her grandparents.

Mr. Bob Wills appeared before the Commission and thanked the Commissioners for the opportunity to address this issue. He represents the Bankester heirs relative to this property. He appreciates Ms. McMillan giving the Commissioners a little history of the property. The property along Highway 225 has changed over the years. Zoning went into place 24 years ago in that area. Since it has gone into place, a number of subdivisions have been built there. There has been a major change to the area since the zoning went into place. Mr. Wills said that is a criteria for the Commissioners to consider when making their decision on the rezoning. He appreciates staff's recommendation and the work they did. He knows it is difficult to make decisions like this when numerous people express their personal opinions. Mr. Wills said the Commissioners' charge and responsibility is to follow the directions and dictates of the zoning regulations. Mr. Wills commented on the requirements to approve this request and said that is why the Commissioners have a professional staff to help guide them in those decisions. Ms. Lee presented a number of factors to the Commissioners and recommended approval. Mr. Wills said he understands Commissioner Underwood's comments on how this was presented, but this is the right way to go. If it is approved today, a special exception will have to be submitted that will address the concerns raised by the those in opposition. The Board of Adjustment will have the authority to reject this request if it is not satisfied that it complies with the requirements. A small retail store is what is planned for the property. Mr. Wills said all the applicants are asking for is for the property to be rezoned from RSF-E, Single Family Estate District to RR, Rural District. He respectfully submits that it is appropriate under the Zoning Regulations, it will be a convenience and there is a need. The store will be compatible with the area. Mr. Wills said if this is approved, the Broadway Group will do what is necessary to maintain the character of the area.

Ms. Thelia Kelly appeared before the Commission and said she lives south of the subject property. One point that has not been made is the precedence this will set. If this is approved, what will happen when the next developer wants to place a business on one of the other three corners.

Mr. Joe Kovich appeared before the Commission and said he owns The Outdoorsman. The petition in opposition was brought to his store. His store is located two miles north of the subject property. His heart bleeds for the community because they do not want another Dollar General store. Mr. Kovich asked the Commissioners to listen to the residents who voted them in office. They moved to the area to live in the country.

Ms. Nadine Adams May appeared before the Commission and said she lives one mile north of the subject property. She is in favor of having a Dollar General store there. The community is growing and needs retail establishments there. Ms. May asked the Commissioners to accommodate the residents and allow them to have a Dollar General store.

Ms. Edith Johnson appeared before the Commission and said she lives on Highway 225. She is concerned about the safety, large trucks travel along that highway. She moved to the community to get away from the retail stores. Ms. Johnson said she is against the rezoning request.

Ms. Smiley said she lives on the corner and there is no drug dealing on the corner.

There being no further requests to address the Commission, Chairman Gruber closed the public hearing at 11:59 a.m.

Commissioner Underwood said this is a historic and scenic drive with the Historic Blakeley Park and the Veterans Cemetery in close proximity. The character of the area will be disrupted by a new retail and she does not see this parcel of land lending itself to a rezoning request of this nature.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to deny the approval for Case #Z-19038, Bankester Family Property, as it pertains to the rezoning of 2.72 acres, more or less, as located in Planning (Zoning) District 4.

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

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills

19-2200

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to pay bills totaling \$11,002,675.15 (eleven million, two thousand, six hundred seventy-five dollars and fifteen cents) with the exception of Vendor #112, which is listed in the Baldwin County Accounts Payable Payments - October 15, 2019, for a revised total of \$11,002,259.35.

Of this amount, \$7,294,797.99 (seven million, two hundred ninety-four thousand, seven hundred ninety-seven dollars and ninety-nine cents) is payable to the Baldwin County Board of Education for its portion of the County Sales and Use Tax.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to pay Vendor #112 in the amount of \$415.80.

Vendor #112: Davis, Joseph Lee III

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 1 - Joe Davis III

EA2 Notification of Interim Payments Approved by Clerk/Treasurer as Allowed Under Policy 8.1 [19-2202](#)

Wayne Dyess, County Administrator, informed the Commission that the Baldwin County Commission Interim Payments - October 15, 2019, made by the Clerk/Treasurer totaling \$3,268,776.44 (three million, two hundred sixty-eight thousand, seven hundred seventy-six dollars and forty-four cents) are a part of the record.

EB ROAD AND BRIDGE DIVISION

F ELECTED OFFICIAL REQUESTS

G OTHER STAFF RECOMMENDATIONS

GM HIGHWAY

GM1 2019 High Risk Rural Roads Program for Repair of Unshielded Bridge Ends - Resolution No. 2020-017 and Supplemental Funding Agreement

[19-2192](#)

Frank Lundy, Operations Manager, appeared before the Commission and read the staff recommendation.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to approve and authorize the Chairman to execute Resolution #2020-017 and Supplemental Agreement #1 to the High Risk Rural Roads Program Project (HRRRP) - Installation of Guard Rail and End Anchors Construction Agreement, (approved during the March 19, 2019, regular meeting) between the Baldwin County Commission and the Alabama Department of Transportation which includes additional construction costs of \$84,183.50 with 80% Federal Aid funding (\$67,346.80) and the remaining 20% (\$16,836.70) funded by Baldwin County.

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

GM2 2019 High Risk Rural Roads Program for Unshielded Bridge Ends - Bid Award and Warrant Payable

[19-2181](#)

Frank Lundy, Operations Manager, appeared before the Commission and read the staff recommendation.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to take the following actions:

- 1) Authorize the Chairman to send a letter to the Alabama Department of Transportation (ALDOT) in concurrence of awarding the contract for the 2019 High Risk Rural Roads Program for Unshielded Bridge Ends to C&H Construction Services, LLC; and
- 2) Authorize the Clerk/Treasurer to process an interim check issued to ALDOT for County funds due in the amount of \$35,323.70.

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

Frank Lundy, Operations Manager, appeared before the Commission and said staff received a request for the license agreement for the Thomasson family to clear underbrush and a few small trees to access their property. Mr. Lundy said this is an unopened, non-maintained public right-of-way and was platted to the public in 1847. The surrounding properties have mostly been annexed into the City of Fairhope. This particular right-of-way has not been annexed, it is still in the County. The applicant has to come to the County to request permission to do this work as mentioned. Mr. Lundy said although it is not inside the City of Fairhope, there are some permits and ordinances that do apply and the applicants would have to follow and adhere to if this were to be approved.

Commissioner Davis asked who will pay for the cost of the brush clearing, to which Mr. Lundy replied the applicant, it would be at no cost to the County.

Commissioner Underwood asked if the County would benefit from trying to make decisions on something that affects the City of Fairhope more than it affects the County. This right-of-way is old and because it is not specifically deeded to anyone, the County is the entity that has a say so on this. Commissioner Underwood asked if this should be tabled to see if the City of Fairhope wants to annex this right-of-way in because it affects them more than the County.

Mr. Lundy said he cannot say if this will be a benefit to the County, but the County currently has the authority. The vast majority of the surrounding parcels are in the City of Fairhope. Mr. Lundy said the City of Fairhope has the most at stake with what is going on around the right-of-way. If the Commission chooses, it would be a valid request to see if the City of Fairhope would consider annexing the right-of-way. Before the Commissioners today, it is a County decision. The Commissioners can choose to table the decision today.

Commissioner Underwood said she has some other things, but is unsure if people are interested in those avenues.

Mr. Lundy said he had a conversation with one Fairhope representative and based on that one conversation, this may be something that is open for discussion.

Commissioner Davis said if the license agreement is approved, will it enable the County to continue to discuss with the City of Fairhope to take this, to which Mr. Lundy replied "yes." Commissioner Davis said it would not preclude the Commission to which Mr. Lundy replied that is correct.

Commissioner Ball said as of today, if someone wants to access the rear of the property, they would have to go through the County to cut the grass to get a vehicle there. They cannot go to the City of Fairhope with this request.

Mr. Lundy said as it stands today, that is correct.

Commissioner Underwood said currently, there is access to this property, just not from that side because of the overgrowth of the woods.

Mr. Lundy said that is correct, the majority of the property lies between 3rd Street and U.S. Highway 98.

Commissioner Underwood said she would never want to preclude someone from getting to their property, but that does not seem to be the main issue. A copy of the plat for a planned unit development (PUD) approved by the City of Fairhope in 2017 was provided to the Commissioners. It shows a road that would go in between the existing parcels rather than opening up old platted right-of-ways. In order to do what the permit requests, will there need to be surveys done or does staff know exactly where it is?

Mr. Lundy said in the license agreement, it is required for the applicant to survey the right-of-way so they will know where they are working and that they are in the place where they are supposed to be and is doing what was requested. Mr. Lundy said regarding the PUD, that will be up to the applicant and the City of Fairhope to make sure no City ordinances, approvals or permit requirements will be violated. The County's license agreement has it written that the applicant has to adhere to any other regulations or permits. If the applicant does not adhere to it, then the applicant will be in violation of the County's license agreement.

Commissioner Underwood said the only permission the County can give the applicant is on the County right-of-way. If the applicant wanted to open up something inside of the PUD, it would go through the City of Fairhope, it would not have anything to do with the County.

Commissioner Ball said technically the end of the right-of-way is called 3rd Street. Does anyone access their homes from 3rd Street?

Mr. Lundy said yes, they use 3rd Street to the end of the pavement.

Commissioner Ball said if more houses were built in the undeveloped part, that could be the roadway to their homes.

Mr. Lundy said that could be in violation of what the City of Fairhope has approved.

Commissioner Ball said if there was no PUD, then it would go in line with a driveway into the property.

Mr. Lundy said he would think so. If the PUD was dissolved, it would change what was previously approved by the City of Fairhope. Commissioner Ball's statement would be correct and a logical assessment.

Commissioner Davis said for the applicant to cut this in order to be able to get to the property, it does not preclude or require the County to open that road. It gives the current property owner the opportunity to see what the property looks like from the west side, to which Mr. Lundy replied that is correct. Commissioner Davis said if in fact from

what the County has been told, to go from a 77 occupancy PUD to an approximate number of 17 would be the logical way to look at it and will be an enhancement to the entire neighborhood that has those types of houses on the other side. To him, it is a no-brainer, if the applicant is going to pay for it. Maybe the County should have kept it cut although he is sure there are people to the west of the property that do now want it cut. Commissioner Davis said right now, it is the County's responsibility to cut it and to grant the request.

Commissioner Ball asked if the applicant could place a barrier up so it could be open to the public?

Mr. Lundy said it is an open public right-of-way.

David Conner, County Attorney, said this is a platted right-of-way. It has the nature of being a public right-of-way, but that does not mean the County maintains the public right-of-way. There are public right-of-ways all over the County that have become public in nature by prescription, statutory dedication or common law dedication. Mr. Conner said in this case the right-of-way does exist by plat. The only portion the County has taken to maintain is the paved portion to the north. The Commissioners are not considering the County to undertake this and maintain it, but to allow the property owner to have access to their property. The Commissioners are within their rights to do it and it is up to them to do so. Mr. Conner said the County's position is by granting this license, the County is not undertaking to maintain the property, it is not creating any public rights that do not already exist and it is not blocking the road from someone else who may want to walk along it.

Commissioner Underwood said the reason the applicant wants to access this property is because it is very wooded. Is there a way for the applicant to access this on their own property from the backside?

Mr. Lundy said that is a question for the applicant to answer. What the applicant brought to staff was that he would take a mulcher and mulch the brush and surface vegetation. Mr. Lundy said he is unsure if he can answer this for the applicant.

Chairman Gruber said being that this is within the City of Fairhope and the County does maintain the right-of-way, he feels the City should have some say so over what happens with this right-of-way. There have been instances where the County was asked to do something along a right-of-way, but could not do it because it was platted within a city's jurisdiction. He does not see how the County can do something for property that is within a municipality's boundary. It is no longer in the County's boundary, that was given up when the annexation took place. It is the municipality's responsibility to do what it sees fit. That is what the law states the County has to do.

Mr. Lundy said the right-of-way in question is still under the County's authority, at this point. The surrounding properties were primarily annexed in 1993 and prior to the law changing in 1995. In researching the annexations, these parcels were specifically identified and the right-of-ways were less and accepted. This right-of-way was intentionally not annexed. Mr. Lundy said given this information, the authority to make

this decision falls to the County Commission.

Commissioner Underwood said if this property was annexed today, would the County have allowed the City of Fairhope to annex it in without taking in those streets? It puts the County in the middle of something that affects the City more than it affects the County.

Mr. Lundy said the laws are different today than they were in 1993.

Commissioner Underwood said that would not happen today, to which Mr. Lundy replied "correct."

Mr. Conner said the law changed in 1995. What the law says is prior to 1995, if the County or the municipality was maintaining an area and the city annexed that area, then those parties would continue to maintain the same roads. It did not change the maintenance responsibility. After 1995, the law stated if an area was annexed that included a road and if the County maintained it for a period of one-year prior to the date of annexation, then the City was supposed to take over maintenance of the road. Mr. Conner said if County maintained the road for a minimum of six months and the Municipal Planning Commission had approved the subdivision for that road in its extraterritorial jurisdiction (ETJ), then it would also assume that responsibility. There is also a provision that states once a municipality annexes both sides of the road, the County Commission could request for the road to be annexed into the city and that maintenance responsibility would shift as well by resolution.

Commissioner Underwood said Mr. Conner is saying "roadway," but this is an unopened right-of-way.

Mr. Conner said any of those things would apply. The question is about the maintenance and the right-of-way was never maintained by anyone other than a small portion. It does speak in terms of annexing up to a right-of-way or road. He feels it would be appropriate to consider asking the City of Fairhope to take over the section where the property is annexed on both sides. Mr. Conner said based on the law, Mr. Lundy is right. Prior to 1995 the maintenance responsibility would remain the same. At some point in time, if the Commission asks the City to take it over, it may be a good thing to do since it is annexed on both sides. This would give the City the authority to control and regulate what happens in its area as opposed to the Commission as it relates to this item.

Chairman Gruber said if the Commission approved opening it, it would be a County street within a municipality.

Mr. Conner said there are statutes out there that state before any new roads are constructed or opened, approval has to be given under certain circumstances. He would not go far enough to state those override any public procedures the County may have, but there are things the Commission would need to look at before opening, building or improving a road.

Commissioner Davis asked if there are residences on that road now that are actually in the County?

Commissioner Ball referred to an area of the map shown and said yes, that property is in the County.

Commissioner Davis said the Commission needs to deal with the issue and request at hand. The Commissioners will work with everyone to make it work. To grant this at no cost to the County is a no-brainer to him and the Commission needs to move on it.

Commissioner Ball asked if there are other streets or roadways that run through municipalities that the County maintains, to which Mr. Lundy replied "yes."

Mr. Conner said Commissioner Davis is correct. The real question is not whether the Commission has the authority, but does the Commission want to do this. That is what the Commissioners have to decide.

Mr. Mark Mathias appeared before the Commission and presented a PowerPoint presentation to address questions the Commissioners had about other access routes.

Mr. Frank Barlow appeared before the Commission and said he is a recent resident of the Eastern Shore. He chose Montrose because it is a historic community. Mr. Barlow commented on the PUD approval and said it was platted and agreed to with Fairhope. The agreement with the property owner for the PUD specifically states the green area will stay. It was never intended to open 3rd Street from one end to the other. It was forbidden via the PUD. It seems like the landowner wants to do an end run around the agreement. If the landowner wants to formally abandon the PUD, that is fine, but he should do that first. The City of Fairhope found that extending the curb would have a significant environmental impact on the area and recommended not doing it. The PUD was agreed to based upon the green space along 3rd Street, it was never envisioned for a road to be there. He would welcome the subdivision into the neighborhood. The City of Fairhope has a big stake in this because it approved the PUD, but he does not see the rush. It merits further discussion with the City of Fairhope or the formal withdrawing of the PUD agreement.

Mr. Clifford Keeton Barnes appeared before the Commission and said he lives on 3rd Street. He loves living in the Montrose Historic District. Mr. Barnes showed a slideshow presentation on 3rd Street and said the City of Fairhope approved PUD was known by the neighborhood. Now, the applicant wants to open more streets in Montrose from Scenic 98 to four-lane Highway 98. This will be horrible for Montrose and will not do much positively for anyone. It will be terrible for traffic and safety. The Commissioners are faced with different things coming into play. The residents will complain if the Commission approves what is requested.

Mr. Clay Rankin appeared before the Commission and said he is a lawyer in Fairhope and he lives off Taylor Road. In 2016-2017, he was the lawyer for his property owners' association. The PUD was something that was heavily negotiated with the City of Fairhope, the developer and the property owners. The property owners were

guaranteed that the green space would be left intact. It was a fair compromise for everyone. Now, the applicant wants to whittle away the green space and ultimately open up whatever is built there back to the scenic highway. His grave concern is this is another stepping stone towards violating the PUD. If this happens, then the PUD should be cancelled. Mr. Rankin said if the applicant is going to have the PUD then he needs to perform the conditions agreed to in the PUD.

Mr. Dale Marston appeared before the Commission and said he lives on Graham Street in Montrose. The Highway Department does not maintain roads in Montrose, unless it is near the end of the fiscal year and it has to spend money to keep the budget the same. He has never seen any equipment on Graham Street. He has maintained the right-of-way there. The property on 3rd Street will go along the same route as his street. The moment the applicant starts clearing it is the moment the County will find a place to spend money before the end of the fiscal year. That creates the exact problem everyone here is trying to put a stop to. Mr. Marston said Commissioner Davis is his County Commissioner, but Montrose is the red headed stepchild of the Highway Department. He does not like it because he is tired of taking care of the County's property. He feels the County should buy the property from the landowner, leave it in its current state and move on.

Commissioner Davis said BP money was spent in Birmingham that should have been spent down here. The Commission will work on this to get the bridge from Mobile to Baldwin County. Mr. Marston wants the Commission to not do its job in order to keep the residents from being able to see other properties. He encourages the residents to buy the property, then they could make it into whatever they want it to be.

Commissioner Davis said the Commission's job is to follow the law, be responsible for what it is responsible for and make decisions not based on the numbers, loudness or personal comments, but on something that makes sense. Everyone is in this together and as the County grows it needs to get better. The County is growing in every imaginable place including Montrose.

Commissioner Ball said for the record, what Mr. Marston said was not a true statement. He wants to lay cover for the Highway Department, the County Engineer and Mr. Lundy. Unless Mr. Marston can prove his statements, he is wrong. That is not how the Highway Department works. It does not spend money in September just to throw asphalt wherever it wants to.

Commissioner Davis said there are 1,053 miles of dirt road in the County. The Commission uses every penny it can find to improve places that need improving. The Commissioners' job is to maintain the quality of life and the connectivity with the roads. The County's departments are second to none that deal with a wide spending of tax dollars. If Mr. Marston has a concern about his street, then he needs to tell the Highway Department and they will come fix it.

Ms. Shana Kowal appeared before the Commission and showed a picture of Taylor Street and said it is the face of Montrose. Ms. Kowal read her email sent to the Commissioners and said she wrote the email with the intention of not being here today, but she did not want to be a hypocrite and not attend today's meeting to see it through.

Ms. Kowal said she is here as an advocate for herself, her family and her community. This will be the first step in a series of changes in store for the area. The applicant is trying to manipulate the system to meet his goal. She is not against the idea of development, but she wants it to be honest and she wants good planning in order to maintain the integrity of the community. Ms. Kowal said the community has set up a social media account, will keep the community informed and will allow them a platform to voice their concerns.

Mr. Larry Chason appeared before the Commission and said the Thomassons have worked closely with the neighborhood and have had a keen concern about doing something compatible with the people who live there now. There is no interest to maximize the property. It would be the City of Fairhope or the County's decision to create a cut through on Taylor Street. The property was laid out before Highway 98. There are now 15 parcels on Highway 98 and the Department of Transportation will not allow 15 driveways coming out to Highway 98, 3rd Street is the only street that touches all of the parcels. The family is ready to sell this piece of property and all they want is fairness and to be allowed to do what has been done before. Mr. Chason said there has been a concern about why the County has to get involved in this. The applicant spent approximately one-year coming up with the PUD. The City of Fairhope never asked to annex the right-of-ways. The applicant had it rezoned from R-1 to PUD with the intention of developing it. There were a lot of unknowns as to what the PUD would end up being as far as the City of Fairhope is concerned. Mr. Chason said the applicant is not asking to do anything other than mow the right-of-way in order to stake the lots. The applicant has presented a plan that is reasonable and fair and he personally feels the applicant has the right to ask for what he is asking for. He hopes the Commissioners will not punt this down the road, but will allow the applicant to get busy and get the right-of-way mowed and open so the applicant can go to the next step.

Commissioner Ball asked when the PUD was agreed upon with the City of Fairhope was it in that agreement that the right-of-way would not be opened?

Mr. Chason said no, 3rd Street was never discussed. From meeting with the residents, the Thomassons knew the residents did not have a problem with opening the entrance that lines up to Rock Creek. They needed lots on both sides of the street because they would build 1,400 feet of street. It is difficult to build the PUD street and only get the benefit from one side. If the applicant goes back to the Fairhope Planning Commission to rezone the PUD back to R-1 there will be questions as to whether or not to ask the County or the City to accept it for maintenance.

Commissioner Ball asked when will Mr. Chason make a decision to pull the PUD plan from the City of Fairhope?

Mr. Chason said the Thomassons are not developers, they are landowners who want to sell the property. If they did the PUD before Phase One they would probably spend \$175,000.00 to engineer it. Here, they want to mow it, go in with a surveyor and mark the corners. After they do this, they will probably go back to the City of Fairhope to rezone it to R-1. Mr. Chason said by that time, the Thomasson will have determined whether the County or the City of Fairhope will want to keep the right-of-way.

Commissioner Underwood asked why is an over 2,000 foot-long stretch needed to be cleared?

Mr. Chason said the part that will be cleared is not over 2,000 feet.

Commissioner Underwood said the permit is requesting that.

Mr. Chason said there is no need to clear it all the way to Rock Creek.

Commissioner Underwood asked how long does Mr. Chason need, to which Mr. Chason replied approximately 1,500 feet. Commissioner Underwood said that is still a substantial amount. Would Mr. Chason not want to stake out with a survey and make a swath through there or do one on the backside of the applicant's property?

Mr. Chason said if the Thomassons did what Commissioner Underwood suggests then they would have to go back and re-subdivide the entire tract. The lots of record would have to be disregarded and they would end up trying to do it with lots on both sides of the street. Mr. Chason said he understands the Thomassons want to keep 3rd Street as a buffer. If they put the street there, instead of having one to three acre lots, they will have half acre lots on both sides of the street.

Commissioner Underwood said Mr. Chason does not know if they want to keep the PUD or if this is an exploratory avenue for them.

Mr. Chason said after two years of trying to get someone to want to do the PUD, the likelihood they would go the route of taking 3rd Street as it exists and continuing down would have a 90 percent probability of happening.

Commissioner Underwood said the ultimate goal most likely is to open this up.

Mr. Bill Smith appeared before the Commission and said he lives at the southwest corner of 3rd Street and Adams Street. He is confused as to where the Thomassons want to go. There is an approved PUD. Have they abandoned the PUD or is it still a possibility?

Commissioner Underwood asked if Mr. Smith heard when Mr. Chason said it has been a year and a half and the Thomassons are unsure if they are going forward with the PUD.

Mr. Chason said yes, the PUD is still a possibility.

Commissioner Underwood said the PUD is still a possibility, but there is an overwhelming probability that the Thomassons may go another route.

Mr. Smith said the layout originally met the City of Fairhope's R-1 designation, but they decided to go with the PUD and the residents of Montrose agreed with it. His main sticking point is the opening of right-of-ways. Mr. Smith said the City issued the PUD

and the residents agreed with it based on having no access except off Highway 98. Now, the Thomassons are coming in through a "backdoor" to have an access off 3rd Street. Mr. Smith said he does not see how the Commission can do this without at least addressing the City of Fairhope to see what its feelings are on it. He is unsure what to believe in this situation.

Ms. Debbie Quinn appeared before the Commission and commented on the three-ring binder of pictures she handed out to the Commissioners. Ms. Quinn said the residents just want the Thomassons to be good neighbors and uphold their end of the PUD. She thanked the Commission staff and said they have been very nice. When this property was annexed in 1993, no one thought of the road. The neighborhood just wanted to get zoning back. Ms. Quinn said the residents appreciate anything the Commission can do for them.

Mr. Paul Klutes appeared before the Commission and said Mr. Chason said he envisioned 3rd Street to be extended for driveway access. The Commission would not be approving a walking trail today. It would be for driveway access. Mr. Klutes referenced the May 18, 2017, meeting and said Mr. Chason's comments about the right-of-ways not being buffers was incorrect also. The owners said they listened to the residents and the right-of-ways were included with the buffer on the back of the PUD agreement. Mr. Klutes said it is shown that way on the map.

Commissioner Davis said he wants to move this forward and he knows it is contentious in many areas and he understands about wanting to keep a buffer. Unfortunately, that buffer lands in the County's lap and the Commissioners have to deal with it. If the residents would want to acquire it, the Commissioners would be willing to listen. Commissioner Davis said that would make it tougher for the Thomassons to deal with it.

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, to approve the request and authorize the Chairman to execute License Agreement #19013 permitting Burgess A. Thomasson Jr. and Thomasson Trust A, U/A DTD 2-24-75, Trustees A. Daniel Thomasson and Leigh Thomasson Brown, to clear underbrush and a few small trees on 3rd Street, from end of pavement south 2,106 feet, to access their properties and place markers at the western boundaries of the lots. (This agreement is only valid for clearing to access the property. The term of this agreement shall commence on the date of full execution. License for Installation shall terminate at 11:59 p.m. on February 28, 2020. License for Maintenance shall be indefinite according to the terms of the agreement.)

Commissioner Davis asked for a roll call vote.

The motion failed by the following vote:

Aye: 2 - James E. Ball, and Joe Davis III
Nay: 2 - BillieJo Underwood, and Charles F. Gruber
Absent: 0

Abstain: 0

After the motion and before the vote, Chairman Gruber said this lies within the city limits of Fairhope. It is within its zoning area and the County has nothing to do with the zoning. The Commission ended up with a strip of property that was deeded to the County. Chairman Gruber said just because the City of Fairhope chose not to annex this right-of-way in, does not make it right. He is not for the County getting into the City's business just like he does not want them telling the County want to do with its right-of-way.

H COMMISSIONER REQUESTS

I ADDENDA

J ADMINISTRATIVE REPORT

K COUNTY ATTORNEY'S REPORT

David Conner, County Attorney, said he has an item for an executive session. The executive session should last for approximately 15 minutes. There will be no action for the Commission to take, the Commissioners can adjourn the meeting from the executive session.

Mr. Conner said this will be his last meeting as County Attorney. He thanked the Commissioners for the opportunity to serve them and the previous Commissions. It has been a privilege and an honor. He has enjoyed every moment of it. Mr. Conner said he thanks the Commissioners and wishes them the best.

L ANNOUNCEMENTS

M PUBLIC COMMENTS

N PRESS QUESTIONS

O COMMISSIONER COMMENTS

Commissioner Davis said he was boastful about the Commissioners finishing the meetings in a quick pace, but he wants to point out that it is now 1:32 p.m. and the meeting is still not finished.

P ADJOURNMENT

David Conner, County Attorney, recommended the Commission enter into an executive session to discuss the general reputation and character, physical condition, professional competence, or mental health of individuals, or, subject to the limitations set out herein, to discuss the job performance of certain public employees, 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 is appropriate for an

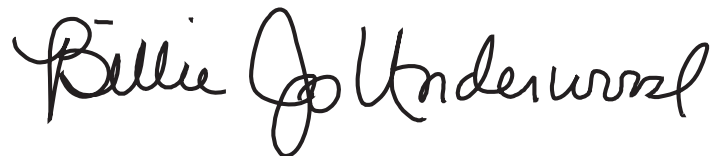
executive session. It is anticipated the executive session will last approximately 15 minutes and if the Commissioners desire, they can adjourn the meeting from the executive session.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to adjourn into an executive session at 1:33 p.m. for approximately 15 minutes, to discuss the general reputation and character, physical condition, professional competence, or mental health of individuals, or, subject to the limitations set out herein, to discuss the job performance of certain public employees, 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:

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

Chairman Gruber said the October 15, 2019, Baldwin County Commission meeting will adjourn into an executive session at 1:33 pm.

A handwritten signature in black ink that reads "Billie Jo Underwood". The signature is written in a cursive, flowing style.