

PROCEEDINGS HELD BEFORE THE

BALDWIN COUNTY COMMISSION

(Work Session)

Tuesday, January 22, 2019

The following proceedings were held on this the 22nd day of January, 2019, at the Baldwin County Central Annex, Conference Room, 22251 Palmer Street, Robertsdale, Alabama, before Susan C. Andrews, Certified Court Reporter Number 287.

## A P P E A R A N C E

## COUNTY COMMISSIONERS PRESENT:

Charles F. (Skip) Gruber, Chairman

Billie Jo Underwood

Joe Davis, III

James E. (Jeb) Ball

## ALSO PRESENT:

Ron Cink, Budget Director, Budget/Purchasing

Department

Kim Creech, Clerk/Treasurer, Finance/Accounting

Department

Vince Jackson, Planning Director, Planning

Department

Celena Boykin, Planner, Planning and Zoning

Department

Kelly Childress, Council on Aging Coordinator

Brian Peacock, Director, CIS Department

Lisa Sangster, Administrative Support Specialist IV,

Highway Department

Brian Pierce, Coroner

Jessie Peacock, Acting and Interim EMA Director,

Emergency Management Agency

Terri Graham, Director, Environmental Management

(Solid Waste) Department

Deidra Hanak, Acting and Interim Director, Personnel

Department

**APPEARANCES (cont.)****ALSO PRESENT (Cont.):**

Michael McRaney

Maranda Turner

Robert Ratcliff

Jordan Collins

Rusty Waltman

Steve Jones

Richard Chatham

Jim Ransom

Brian Armstrong

Steve Jones

Allen Wade

Grant Rish

Cliff McCollum, Gulf Coast Media

**VIA VIDEOCONFERENCE:**

Wanda Gautney, Purchasing Director,

Budget/Purchasing Department

Felisha Anderson, Director, Archives and History

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## P R O C E E D I N G S

WELCOME, INVOCATION AND PLEDGE OF ALLEGIANCE

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

Good morning, everyone. Welcome to the July [sic] the 22nd work session of the Baldwin County Commission. At this time I've asked Commissioner Ball to lead us in the invocation and Commissioner Underwood in the Pledge.

(Commissioner Jeb Ball led in prayer.)

(The Pledge of Allegiance was recited.)

B-1 - COMPETITIVE BID #WG19-10 - PURCHASE OF FOUR (4) NEW POLICE  
RESPONDER VEHICLES FOR THE BALDWIN COUNTY SHERIFF'S OFFICE

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

All right.

MR. RON CINK: Good morning, Mr. Chairman, Commissioners. First up is Budget/Purchasing, Ms. Wanda Gautney.

MS. WANDA GAUTNEY: Good morning. The first item I have is Competitive Bid WG19-10, purchase of four (4) new police responder vehicles.

This is to award bid to Moyer Ford Sales, Inc., for the purchase of the vehicles in the amount thirty-five thousand, five hundred ninety-nine dollars (\$35,599) each for total a hundred and forty-two thousand, three hundred ninety-six dollars (\$142,396).

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:



1 Consent?

2 COMMISSIONER JAMES E. (JEB) BALL: Consent.

3 COMMISSIONER BILLIE JO UNDERWOOD: Consent.

4 COMMISSIONER JOE DAVIS, III: Consent.

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

6 All right. Consent.

7  
8 **B-2 - COMPETITIVE BID #WG19-13 - PROVISION OF POLICE VEHICLE**  
9 **EQUIPMENT (BRAKE ROTORS/PADS) FOR THE BALDWIN COUNTY COMMISSION**

10 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

11 Next.

12 MS. WANDA GAUTNEY: Item is Competitive Bid  
13 WG19-13, provisions of police vehicle equipment. That's  
14 brakes, rotors, pads. This is an annual bid just to  
15 place on the agenda for approval.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

17 Consent?

18 COMMISSIONER JAMES E. (JEB) BALL: Consent.

19 COMMISSIONER BILLIE JO UNDERWOOD: Consent.

20 COMMISSIONER JOE DAVIS, III: Consent.

21  
22 **B-3 - COMPETITIVE BID #WG19-14 - PROVISION OF MOTORGRADER BLADES**  
23 **FOR THE BALDWIN COUNTY COMMISSION**

24 MS. WANDA GAUTNEY: Next item is Competitive  
25 Bid WG19-14, provisions of motorgrader blades. This is  
26 to award the bid lowest bidder, Thompson Tractor Company,  
27 Inc., as per attached award listing for the motorgrader  
28 blades.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
2 Consent?

3 COMMISSIONER JAMES E. (JEB) BALL: Consent.

4 COMMISSIONER BILLIE JO UNDERWOOD: Consent.

5 COMMISSIONER JOE DAVIS, III: Consent.

6

7 **B-4 - COMPETITIVE BID #WG19-15 - PROVISION OF TREE REMOVAL AND**

8 **DISPOSAL SERVICES FOR THE BALDWIN COUNTY COMMISSION**

9 MS. WANDA GAUTNEY: Next item is Competitive  
10 Bid WG19-15, provisions of tree removal and disposal  
11 services. This is to award the bid to Asplundh Tree  
12 Expert, LLC as per the attached award listing.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 Consent?

15 COMMISSIONER JAMES E. (JEB) BALL: Consent.

16 COMMISSIONER BILLIE JO UNDERWOOD: Consent.

17 COMMISSIONER JOE DAVIS, III: Consent.

18

19 **B-5 - COMPETITIVE BID #WG19-16 - PROVISION OF ROADWAY PIPE FOR**

20 **THE BALDWIN COUNTY COMMISSION**

21 MS. WANDA GAUTNEY: Next item is Competitive  
22 Bid WG19-16, provisions of roadway pipe. This is to  
23 award the bid lowest bidders, Alabama Pipe and Supply  
24 Company, Inc.; Evans & Company, Inc.; Fortiline Water  
25 Works as per the attached award listing.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 Consent?

28 COMMISSIONER JAMES E. (JEB) BALL: Consent.

COMMISSIONER BILLIE JO UNDERWOOD: Consent.

COMMISSIONER JOE DAVIS, III: Consent.

**B-6 - COMPETITIVE BID #WG19-22 - PROVISION OF UNIFORMS FOR THE  
BALDWIN COUNTY SHERIFF'S OFFICE AND CORRECTIONS CENTER**

MS. WANDA GAUTNEY: Next item is Competitive Bid WG19-22, provisions of uniforms for the Baldwin County Sheriff's Office and Corrections Center. This is an annual and it's just to place on the agenda for approval.

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
Consent?

COMMISSIONER JAMES E. (JEB) BALL: Consent.

COMMISSIONER BILLIE JO UNDERWOOD: Consent.

COMMISSIONER JOE DAVIS, III: Consent.

**B-7 - COMPETITIVE BID #WG19-23 - PROVISION OF OFF-SITE PRINTING,  
MAILING AND AUTOMATED MANAGEMENT OF THE QUARTERLY STATEMENTS/LATE  
NOTICES FOR BALDWIN COUNTY SOLID WASTE COLLECTIONS**

MS. WANDA GAUTNEY: Next item is Competitive Bid WG19-22, provisions of offsite printing, mailing, and automated management of quarterly statement and late notices for the Baldwin County Solid Waste Collections. This is an annual bid, and it's just to place on the agenda for approval.

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
Consent?

COMMISSIONER JAMES E. (JEB) BALL: Consent.

COMMISSIONER BILLIE JO UNDERWOOD: Consent.

COMMISSIONER JOE DAVIS, III: Consent.

**B-8 - COMPETITIVE BID #WG18-35 - RENOVATIONS OF THE RESTROOMS IN  
THE BALDWIN COUNTY SATELLITE COURTHOUSE LOCATED IN FOLEY, ALABAMA  
FOR THE BALDWIN COUNTY COMMISSION**

MS. WANDA GAUTNEY: The last item is  
Competitive Bid WG18-35, renovations of the restrooms at  
the Baldwin County Satellite Courthouse located in Foley.

This is to approve Change Order Number 3 in the  
amount of one thousand, two hundred thirty-three dollars  
(\$1,233) with Highland Wake Construction, LLC, and  
authorize the Chairman to execute the change order.

The change order is for relocating piping under two  
sinks to fall inline with the sink drains and to relocate  
two water heaters to be accessible from the drop ceilings  
in the restrooms located in the court section of the  
Foley Courthouse.

COMMISSIONER BILLIE JO UNDERWOOD: I have a --  
I just have a question.

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
Okay.

COMMISSIONER BILLIE JO UNDERWOOD: That's been  
going on for a while. Is it just --

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
Yeah. They're have to do just -- they can't do them all  
at one time --

COMMISSIONER BILLIE JO UNDERWOOD: Because they

1 don't really know how much it --

2 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

3 Well --

4 COMMISSIONER BILLIE JO UNDERWOOD: Is it normal  
5 for it to continue to do this?

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

7 Well, they ran into some problems when they were  
8 replacing the pipes underneath the concrete. They had to  
9 bust it out and put all new traps in, then they had to  
10 re-plumb them and everything else, so --

11 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

12 Because it's in a remodel kind of --

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

14 Yeah.

15 COMMISSIONER BILLIE JO UNDERWOOD: --

16 situation, that's unusual.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

18 Yeah, yeah.

19 COMMISSIONER BILLIE JO UNDERWOOD: Okay. All  
20 right. I just question --

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

22 Because it was -- it was stuff that was --

23 COMMISSIONER BILLIE JO UNDERWOOD: Okay. All  
24 right.

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

26 Okay.

27 COMMISSIONER JAMES E. (JEB) BALL: Consent.

28 COMMISSIONER BILLIE JO UNDERWOOD: Consent.

1 MS. WANDA GAUTNEY: And that's all I have.

2 Thank you.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

4 Okay. All right.

5

6 **B-9 - BALDWIN COUNTY SOIL AND WATER CONSERVATION DISTRICT -**  
7 **FISCAL YEAR 2018 APPROPRIATION FOR THE WATERSHED COORDINATOR**

8 **POSITION**

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

10 B-9.

11 MR. RON CINK: The next item, Mr. Chairman, is  
12 mine. Baldwin County Soil and Water Conservation  
13 District. In Fiscal Year 18, there was an appropriation  
14 that the Commission agreed to in the budget, but there  
15 was a contingency placed upon that appropriation, that  
16 the Soil and Water Conservation District solicit and  
17 receive funds from other support in the funding of a  
18 Watershed Coordinator.

19 They have finally received all the funding from the  
20 other supplemental folks on this. In the meantime, this  
21 agreement has expired. So I need to know what you guys  
22 want to do with that.

23 Again, the money was budgeted in '18. And it does  
24 reside in fund balance. But it's at -- at -- at the  
25 discretion of the Commission, if they want to appropriate  
26 this amount to the Soil and Water Conservation District  
27 as well as soliciting legal guidance on whether we need  
28 to do an appropriation agreement or what other legal

1 document we need to do with this.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

3 Okay. Commissioners?

4 COMMISSIONER BILLIE JO UNDERWOOD: I would like  
5 to continue that.

6 COMMISSIONER JOE DAVIS, III: How much was  
7 that?

8 MR. RON CINK: Forty-one thousand, five hundred  
9 (\$41,500).

10 COMMISSIONER BILLIE JO UNDERWOOD: If they've  
11 done -- I mean, I tried to read through this stuff. I  
12 talked to some of the people from some of the cities. I  
13 just want to make sure I understand that this is for the  
14 areas that don't already have a --

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 Well, this was -- Basically, from what we were told, this  
17 would be from everybody. You know, they'll look at all  
18 environmental like stuff, you know.

19 COMMISSIONER BILLIE JO UNDERWOOD: But some --  
20 some places -- is it like maybe Foley has their own.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 Yeah, but that's -- they're still participating.

23 COMMISSIONER BILLIE JO UNDERWOOD: Right.

24 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
25 Yeah, yeah.

26 COMMISSIONER BILLIE JO UNDERWOOD: But this  
27 would be our portion?

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 Yeah.

2 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

4 Yeah.

5 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

7 And what's -- what's happening, there's funding that  
8 comes down for these projects. And there's projects that  
9 happen. And they want to, you know -- this person is  
10 going to run the funding and keep --

11 COMMISSIONER BILLIE JO UNDERWOOD: Right.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP)

13 GRUBER: -- it going so the -- so that these projects are  
14 not just dreamed about but --

15 COMMISSIONER BILLIE JO UNDERWOOD: And they  
16 don't ever happen.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

18 Yep.

19 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

21 You know, it just fulfills the requirements, you know, to  
22 make sure that it happens.

23 COMMISSIONER BILLIE JO UNDERWOOD: Okay. I'm  
24 okay with Consent on that.

25 COMMISSIONER JAMES E. (JEB) BALL: Ron, did you  
26 say they did provide the documentation in support for  
27 funding from other sources? It says that the last  
28 Finance Chair said that they -- he withheld it because



1 they did not provide documentation to support adequate  
2 funding from other sources.

3 MR. RON CINK: I thought they had a letter in  
4 here regarding that.

5 COMMISSIONER BILLIE JO UNDERWOOD: It was  
6 several letters from different entities.

7 COMMISSIONER JAMES E. (JEB) BALL: I'm good  
8 with it, Mr. Chairman.

9 MR. RON CINK: The question now I have is for  
10 Legal Counsel.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
12 Yeah. Okay.

13 MR. RON CINK: Do we need a new appropriation  
14 agreement?

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 I think we do.

17 MR. RON CINK: Because the original one --

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
19 Yeah.

20 MR. RON CINK: -- has expired, datewise.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 Yes.

23 MR. RON CINK: Okay.

24 ATTORNEY DAVID CONNER: Either a new one or  
25 amend that one to extend the deadline of the payment's  
26 timing.

27 COMMISSIONER JOE DAVIS, III: So this money was  
28 encumbered, but it did have a deadline to it.

1 Oftentimes, encumbrances may be almost open-ended, so --

2 MR. RON CINK: The agreement -- the agreement,  
3 yes, sir. The agreement had a deadline on it. So if it  
4 pleases the Commission, we'll generate a new  
5 appropriation agreement with new dates on it and put it  
6 on the agenda for your consideration then.

7 COMMISSIONER JOE DAVIS, III: Yeah. I'm good  
8 with that.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
10 All right. Okay. So that probably won't be on the  
11 agenda by Tuesday, by next week, will it?

12 MR. RON CINK: Oh, absolutely.

13 COMMISSIONER JAMES E. (JEB) BALL: We don't --

14 MR. RON CINK: Week after.

15 COMMISSIONER JAMES E. (JEB) BALL: We don't  
16 have a meeting next week.

17 MR. RON CINK: Week after.

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
19 I meant, week after.

20 MR. RON CINK: Yes, sir.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 Okay.

23 COMMISSIONER JOE DAVIS, III: Next regular  
24 meeting.

25 MR. RON CINK: I think we've got enough --

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 All right.

28 MR. RON CINK: -- time to get it on there.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

2 Good.

3 MR. RON CINK: Yes, sir.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

5 All right.

6 MR. RON CINK: Okay.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

8 Next.

9

10 **C-1 - CITY OF DAPHNE - CORTE ROAD AND AUSTIN ROAD IMPROVEMENTS -**

11 **FISCAL YEAR 2017-2018 BUDGET APPROPRIATION**

12 MR. RON CINK: Next item is Highway.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

14 Joey.

15 MR. JOEY NUNNALLY: Good morning. Item C-1 is  
16 going to be an item for just discussion, if we can get it  
17 to come up.

18 Okay. This is going to be City of Daphne, Corte  
19 Road and Austin Road improvements. And I just kind of  
20 wanted to go through a little brief -- a little briefing,  
21 I guess, on where -- how we got to this point.

22 This particular section of road runs between County  
23 Road 13 and -- and 181. It's about one-point -- it's a  
24 little over a mile. I'll get up so I can point a little  
25 better.

26 So -- so this is -- this is Corte Road's alignment  
27 here. This is County Road 13. And this is 181. And  
28 this little section over here is Austin Road. And it's

1 just got a realignment going on.

2 So since November of 2016, this road has been  
3 discussed at numerous work sessions, I think a Road and  
4 Bridge, some budget deliberations meetings, and -- and  
5 also a Commission meeting on August the 7th.

6 The City of Daphne approached us back in November of  
7 2016 to -- to try to enter into an agreement with us to  
8 pave this road. This is currently a dirt road, and they  
9 wanted it paved.

10 There's some developments going in, in this area.  
11 We have an existing development here. There's lots of  
12 widening and stuff going on, on 181. Traffic volume is  
13 picking up. 13 is now paved. It's a good east/west  
14 corridor.

15 Daphne wanted to -- to -- to pave it, but it's in  
16 the County. So they've asked us to work together on it.  
17 The developer actually kicked in some money to the City  
18 of Daphne to get the road paved up to -- to about where  
19 the curve is there.

20 The -- the -- the City of Daphne actually asked the  
21 County for -- for help in four different areas. One was  
22 to help use our expertise in acquiring the right-of-way  
23 in this section. The other was to help donate labor and  
24 equipment to base the road out; okay?

25 They were supposed to supply all the materials. We  
26 were going to supply the labor and equipment. The third  
27 one was transfer of maintenance, and then the forth would  
28 be let them maintain it from here on out.

1        So, oh, I'm sorry. The forth one would be the two  
2        hundred thousand dollar (\$200,000) financial assistance  
3        that they wanted the County to give to the City to help  
4        do the project.

5        Through all the deliberations and discussions that  
6        happened, just to cut through all the chase, three of  
7        those four were approved. Y'all approved -- the  
8        Commission approved us to help with acquisition, approved  
9        the equipment and labor to get the road based out, and  
10       approved to transfer the maintenance through a quit claim  
11       deed. But the two hundred thousand dollar (\$200,000)  
12       financial assistance failed to pass at the Commission  
13       meeting.

14       During the budget, two hundred thousand dollars  
15       (\$200,000) was set aside for this project. But when --  
16       when it came time for a vote to transfer the money, it  
17       did not pass. So the two hundred thousand dollars  
18       (\$200,000) -- Ron, correct me if I'm wrong. The two  
19       hundred thousand dollars (\$200,000) is still sitting in  
20       the budget.

21       MR. RON CINK: No, not sitting in the budget.  
22       It's sitting in fund balance now.

23       MR. JOEY NUNNALLY: Fund balance. I'm sorry.  
24       Fund balance. So -- so I think the City of Daphne is now  
25       asking some questions, what -- what -- what to do with  
26       that two hundred thousand (\$200,000). Is it still  
27       available? Is there a point in time they can go back and  
28       ask for this money?

1 The City of Daphne has put together a set of plans,  
2 let the project out, and the project is now under  
3 construction and being done. I did reach out to the City  
4 of Daphne to try to get an update on that, because  
5 they're -- they're running with that project now. I  
6 didn't get any information back for this meeting, so I  
7 apologize.

8 But that's kind of where we're at now. Kim, do you  
9 have anything to add? There was -- there was a time in  
10 which the right-of-way reimbursements were not coming in,  
11 in a timely manner. That all got resolved. They have  
12 fully paid us for all the right-of-way expense that --  
13 that -- that we expended on this project.

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
15 Joey, now, are they -- the whole thing is under  
16 construction at this point?

17 COMMISSIONER JOE DAVIS, III: Yes.

18 MR. JOEY NUNNALLY: Is Austin Road also --

19 COMMISSIONER JOE DAVIS, III: Austin Road, the  
20 cut-through. If you could show people where Austin Road  
21 currently goes and then the transition and what will  
22 happen at the intersection.

23 MR. JOEY NUNNALLY: So -- so this is --

24 COMMISSIONER JOE DAVIS, III: Currently.

25 MR. JOEY NUNNALLY: -- this right here is  
26 current -- current Austin Road. This -- this is the new  
27 alignment to -- to line it up as an intersection here.  
28 So I -- I know they're working on this currently.

1 COMMISSIONER JOE DAVIS, III: Yes.

2 MR. JOEY NUNNALLY: This is actually, I think,  
3 in the plan set.

4 COMMISSIONER JOE DAVIS, III: Well, they're --  
5 they're actually going to work --

6 MR. JOEY NUNNALLY: In here as well?

7 COMMISSIONER JOE DAVIS, III: Right. With --  
8 with utilities and such as that.

9 MR. JOEY NUNNALLY: Okay.

10 COMMISSIONER JOE DAVIS, III: Yeah.

11 Mr. Chairman, if I could. Let me comment along the lines  
12 of apologizing, as former City Council Member of Daphne,  
13 not apologizing being a former City Council Member, but  
14 apologizing for the way our City handled delaying some  
15 expenditures. We got that taken care of.

16 This project is as good an example of collaboration  
17 as I've ever seen. Because we've got State money, we've  
18 got Federal money, we have County money, we have City  
19 money, and we have the developer also involved.

20 So being able to move this forward, the two hundred  
21 thousand (\$200,00), if y'all will recall, at one point  
22 our leadership from Daphne suggested applying the two  
23 hundred thousand (\$200,000) to the amount of the  
24 acquisition and the like.

25 Then Commissioner Burt pointed out that how do we  
26 know the road is going to be finished, didn't want to do  
27 that. And I agree with him. And I was a sitting member  
28 of the council at the time.

1 But now we've got all that cleared up. And what  
2 would be helpful -- And the City is not dunning us for  
3 the money. They're just asking me where does it stand.

4 And I said, well, where does the project stand?  
5 Let's get our timelines together. And if we need the  
6 County to readdress the two hundred thousand (\$200,000),  
7 I'll certainly bring that up, and hope that we will.

8 But it's about timing. But this is as good an  
9 example of all the players that are involved and that can  
10 be benefit --

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
12 Yep.

13 COMMISSIONER JOE DAVIS, III: Y'all also  
14 remember you've got 181 being expanded. That's two lane  
15 right now, but it will be four lanes, may or may not be  
16 some -- it may not be a roundabout, but it's going to be  
17 an interesting intersection there to move traffic both  
18 north and south and east and west.

19 So I would hope that -- that if there is something  
20 that I'm not aware of, that we could move forward with  
21 the continuation of commitment of the two hundred  
22 thousand (\$200,000). And if we need a benchmark as to  
23 when we provide that in terms of the completion of the  
24 project, I think the City would understand, and would  
25 have to.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 Any questions?

28 (No response.)



1 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

2 I'd just like to say, you know, when -- when we all  
3 started this, you know, so it doesn't look like we're  
4 giving this money to the City, that is a County Road.

5 MR. JOEY NUNNALLY: That's correct.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

7 And, you know, money was going to be used for our portion  
8 of it. Once it's completed, then it will go back -- it  
9 will become a city street --

10 COMMISSIONER JOE DAVIS, III: That's right.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP)

12 GRUBER: -- from Austin, the whole thing, if I'm not  
13 mistaken; right?

14 (No response.)

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

16 The whole thing?

17 MR. JOEY NUNNALLY: Yes.

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

19 Everything will be within in the confines of the City of  
20 Daphne.

21 MR. JOEY NUNNALLY: That's correct. And we  
22 have a resolution that's both signed by the previous  
23 Commission and the City Council at the time, or the Mayor  
24 at the time --

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

26 Yeah.

27 MR. JOEY NUNNALLY: -- stating that they  
28 accepted that -- that -- that once the project is done,

1 they would accept that for maintenance.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

3 I don't want it to look like we're just giving money to a  
4 City for something. If it's -- Because it is -- it is a  
5 City -- it is also a County project as well. And, like I  
6 say, the money is there, right, Ron, in the fund balance?

7 MR. RON CINK: Sure.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

9 The money is in the fund balance.

10 MR. RON CINK: Yeah. The money resides in the  
11 fund balance. I did not budget it -- we did not -- the  
12 Commission -- The previous Commission did not budget it,  
13 because it was rejected --

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

15 Okay.

16 MR. RON CINK: -- before, under the -- at a  
17 regular meeting. So but from the budget point of view,  
18 that money then converted over into fund balance and is  
19 residing there.

20 MS. KIM CREECH: Yeah. Any unspent -- any  
21 unspent money is going to, at the end of the year,  
22 rollover in --

23 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

24 Fund balance.

25 MS. KIM CREECH: -- fund balance.

26 COMMISSIONER JOE DAVIS, III: Yeah.

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

28 Now, would we have to re-budget that mid -- mid --

1 midterm?

2 MR. RON CINK: Yes, sir. If you guys -- if the  
3 Commission so desires to appropriate this money, we will  
4 accompany this act with a budget amendment.

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
6 Okay. All right.

7 COMMISSIONER JOE DAVIS, III: Mr. Chairman, if  
8 I could, let me point out -- Whoops. There goes my  
9 badge.

10 Okay. Out Austin Road, you've got County property  
11 here. And then there is a new intersection that  
12 ultimately will have several hundred houses. That's what  
13 triggered everybody to get their heads together and  
14 figure out a better way to access 181, and it not just  
15 have a whole bunch of residential bumping into the same  
16 place. And it also allows more movement there.

17 Originally, Austin Road was where it is. But once  
18 you add nine hundred (900) more houses, the people in  
19 Austin up here were concerned about getting in and out,  
20 and rightly so. So the new configuration should be much  
21 improved, not only for the existing housing, but future  
22 housing as well.

23 MR. JOEY NUNNALLY: And this is Bellaton.

24 COMMISSIONER JOE DAVIS, III: Yes, sir.

25 MR. JOEY NUNNALLY: And there -- there's going  
26 to be an entrance --

27 COMMISSIONER JOE DAVIS, III: That's right.

28 MR. JOEY NUNNALLY: -- onto Corte Road from --

1 from this subdivision as well. So it takes a lot of the  
2 traffic off that.

3 COMMISSIONER JOE DAVIS, III: That's right.  
4 It's about people movement, particularly in the peak  
5 hours of the day.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
7 All right. Well, what do y'all want to do?

8 COMMISSIONER JOE DAVIS, III: Do we need a  
9 motion, Mr. Chairman?

10 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
11 No. We just need --

12 COMMISSIONER JOE DAVIS, III: Okay. Just --

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 We just need --

15 COMMISSIONER JOE DAVIS, III: -- checking.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP)  
17 GRUBER: -- direction.

18 COMMISSIONER BILLIE JO UNDERWOOD: Just put it  
19 on -- just put it on the agenda or Consent agenda?

20 MR. RON CINK: You want to staff to generate an  
21 agenda item for --

22 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
23 Yes, please.

24 MR. RON CINK: -- your consideration?

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
26 Yeah. Okay. All right.

27 MR. RON CINK: Other staff or Consent?

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 Let's do it Other Staff in case there's any more --

2 COMMISSIONER BILLIE JO UNDERWOOD: Discussion  
3 from the public or anybody.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP)

5 GRUBER: -- question about it.

6 COMMISSIONER JOE DAVIS, III: Details.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

8 We can --

9 COMMISSIONER JOE DAVIS, III: Yeah.

10 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

11 We can talk about it.

12 COMMISSIONER JOE DAVIS, III: Right.

13 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

14 COMMISSIONER JOE DAVIS, III: I agree. Thank  
15 you.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

17 All right.

18

19 **C-2 - INTERGOVERNMENTAL SERVICE AGREEMENT WITH THE CITY OF**  
20 **FAIRHOPE FOR THE CONSTRUCTION OF A ROUNDABOUT AT TWIN BEECH ROAD**  
21 **AND COUNTY ROAD 13**

22 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

23 Next.

24 MR. JOEY NUNNALLY: C-2 is going to be an  
25 intergovernmental service agreement with the City of  
26 Fairhope for the construction of a roundabout at Twin  
27 Beech Road and County Road 13.

28 The staff recommendation would be to approve the

1 intergovernmental service agreement with the City of  
2 Fairhope for the construction of this roundabout at Twin  
3 Beech Road.

4 Back in August the 21st of 2018, we'd gotten  
5 notified, and Commission accepted a grant from ALDOT  
6 called the Highway Safety Improvement Program.

7 We had submitted for this grand through ALDOT to put  
8 this roundabout here. They -- they have awarded us that  
9 grant in the amount of a little over two million dollars  
10 (\$2,000,000). So we're in the process of trying to get  
11 that thing designed, move utilities, and -- and get this  
12 thing going.

13 The City of Fairhope actually maintained County Road  
14 13. The County maintains County Road 44 or Twin Beech  
15 Road. So this intergovernmental service agreement is  
16 basically just kind of making sure that everybody -- that  
17 the City of Fairhope knows what its responsibilities are,  
18 and the County knows what their responsibilities are, and  
19 who is going to do what at the end.

20 In the end, the City of Fairhope will put up  
21 lighting and landscape and maintain this particular  
22 roundabout, just like they did the other two at 48 and  
23 Gayfer. So it will be almost the identical agreement.

24 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
25 All right. And the cost estimate of two million  
26 (\$2,000,000), that's coming from Federal? Is that  
27 Federal money, or we've got to pay that out of ours, or  
28 is that MPO money?

1 MR. JOEY NUNNALLY: The two million dollars  
2 (\$2,000,000) is a grant --

3 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
4 Okay.

5 MR. JOEY NUNNALLY: -- through ALDOT. So ALDOT  
6 will be letting the project. We do not have to float  
7 that.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
9 Okay.

10 MR. JOEY NUNNALLY: They're -- they'll be  
11 letting this project. We'll be what we call an LPA.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
13 Uh-huh. (Indicates affirmatively.)

14 MR. JOEY NUNNALLY: We won't -- Wanda won't be  
15 letting this project. This will go through ALDOT.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 Go through ALDOT.

18 MR. JOEY NUNNALLY: So ALDOT will float that  
19 money. Now, we -- it is a ninety/ten (90%/10%).

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 Uh-huh. (Indicates affirmatively.)

22 MR. JOEY NUNNALLY: Ninety percent (90%) is Fed  
23 and ten percent (10%) is match --

24 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
25 Okay.

26 MR. JOEY NUNNALLY: -- which is really good.  
27 We do --

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 Okay.

2 MR. JOEY NUNNALLY: -- have to come up with the  
3 ten percent (10%) match.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
5 Could that be considered by the MPO also to fund that,  
6 maybe, that ten percent (10%)?

7 MR. JOEY NUNNALLY: That's a good question.  
8 I'll look into that. I'm not sure if the HSIP will  
9 allow --

10 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
11 Okay.

12 MR. JOEY NUNNALLY: -- Federal dollars as  
13 matching, but I'll ask.

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
15 Yeah. You've got two Federal agencies here. Yeah.  
16 Okay. All right.

17 MR. RON CINK: Mr. Chairman.

18 When do you anticipate spending this money? When do  
19 you -- when is the cash outlay on the match?

20 MR. JOEY NUNNALLY: On the match?

21 MR. RON CINK: (Indicates affirmatively.)

22 MR. JOEY NUNNALLY: It's probably going to be  
23 after next fiscal year.

24 MR. RON CINK: Okay. I'm just making notes for  
25 next budget. Thank you.

26 COMMISSIONER JOE DAVIS, III: We do have a MPO  
27 meeting tomorrow, I believe, where we can at least touch  
28 around the fringes and see.



1 MR. JOEY NUNNALLY: Okay. I'll see if I can  
2 get an answer at tomorrow's meeting.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
4 Okay.

5 COMMISSIONER JOE DAVIS, III, III: Good.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
7 Consent all right then?

8 COMMISSIONER JAMES E. (JEB) BALL: Consent on  
9 this.

10 COMMISSIONER BILLIE JO UNDERWOOD: (Indicates  
11 affirmatively.)

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
13 Okay. Next.

14

15 **C-3 - RESOLUTION #2019-040 AND INTERGOVERNMENTAL SERVICE**  
16 **AGREEMENT WITH THE CITY OF FAIRHOPE FOR THE MAINTENANCE OF**  
17 **PORTIONS OF KIRKMAN LANE, KIRKMAN LANE NORTH AND TAYLOR STREET**

18 MR. JOEY NUNNALLY: Item C-3 is going to be a  
19 resolution and intergovernmental service agreement also  
20 with the City of Fairhope for the maintenance of portions  
21 Kirkman Lane, Kirkman Lane North, and Taylor Street.

22 These three roads are actually on our resurfacing  
23 list that's been approved. So we're going to be  
24 resurfacing these roads in the near future.

25 As you can see, the -- the areas that are shaded in  
26 pink or purple is the city limits. We currently maintain  
27 those. They've never been handed over to the City.

28 So once we resurface these roads, this is a formal

1 resolution with the City of Daphne [sic] to hand these  
2 sections of roads back over the to City of Fairhope,  
3 since they have adopted these into their corporate  
4 limits.

5 So this is Kirkman Lane and Kirkman Lane North. And  
6 the next slide shows Taylor Street completely inside the  
7 city limits as well.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
9 Okay. Consent?

10 COMMISSIONER JAMES E. (JEB) BALL: I consent.

11 COMMISSIONER BILLIE JO UNDERWOOD: (Indicates  
12 affirmatively.)

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 All right.

15 MR. JOEY NUNNALLY: That's all for me.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 That's all? Okay.

18

19 **D-1 - ALABAMA DEPARTMENT OF REVENUE RECIPROCAL AGREEMENT -**

20 **REMOVAL AND ADDITION OF INDIVIDUALS**

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 All right. Next.

23 MS. KIM CREECH: Commissioners, Item D-1, this  
24 is an administrative task we have to do. We have an  
25 agreement with the State Department of revenue to share  
26 taxpayer information. And we -- this agenda is to update  
27 list of the people that share information. When you call  
28 the State, you're on a list to be able to for them to

1 share information.

2 And the new Commissioners will need to sign a  
3 nonemployee and disclosure statement. And that makes  
4 ability if you needed to call the State Department of  
5 Revenue to get information on a taxpayer, it gives you  
6 authority. But you have to sign an agreement about  
7 confidentiality.

8 Do y'all have any questions on that?

9 COMMISSIONER BILLIE JO UNDERWOOD: No.

10 COMMISSIONER JAMES E. (JEB) BALL: Consent.

11 COMMISSIONER BILLIE JO UNDERWOOD: Consent.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

13 Okay.

14

15 **E-1 - BALDWIN COUNTY COMMISSION POLICY 7.4 - SOLID WASTE LANDFILL**

16 **TIPPING FEES AND COMMERCIAL ACCOUNT LATE FEES**

17 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

18 Next.

19 MS. TERRI GRAHAM: All right. Good morning,  
20 Commissioners. The first item I have is E-1. And this  
21 is to discuss the tipping fees and commercial account  
22 late fee policy.

23 And my recommendation during the budget  
24 deliberations this year was to abolish the cubic yard  
25 rate discounted option that we had been offering to the  
26 commercial roll-off customers.

27 I know there is a lot of people here that want to  
28 talk to you guys about that. But my recommendation would

1 remain the same.

2 I just -- we offered that rate in 2011, after oil  
3 spill, to help these guys out. They -- business was bad  
4 back then. The -- the decrease in the rate has served  
5 its purpose. I don't think that the building in Baldwin  
6 County is hurting.

7 And if we were to have a storm event, our stated  
8 gate rate for cubic yard during a storm event is four  
9 dollars and fifty cents (\$4.50), which would be what we  
10 expect all the Municipalities and CrowderGulf and  
11 everybody else to pay.

12 You know, that -- those are my reasons for wanting  
13 to do away with the rate, put everybody back on the same  
14 level playing field. At the time that -- We did decrease  
15 the tonnage rate, too. We went from twenty dollars (\$20)  
16 a ton to eighteen (\$18) dollars a ton. You know, still  
17 offering that eighteen dollars (\$18) a ton to everyone.

18 But if you guys want to hear what they have to say,  
19 and I can follow back up, but that -- that is my  
20 recommendation.

21 ATTORNEY DAVID CONNER: And, Mr. Chairman,  
22 there is a component of this that I think is appropriate  
23 for discussion in executive session.

24 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
25 Okay.

26 ATTORNEY DAVID CONNER: So at some point in  
27 time, I do have some executive session items. And that  
28 is one item --

1 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

2 Okay.

3 ATTORNEY DAVID CONNER: -- I'd like to discuss  
4 with you-all --

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

6 Okay.

7 ATTORNEY DAVID CONNER: -- when the timing  
8 works out right.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

10 Oh, okay. All right. But we -- basically we can have  
11 our -- go ahead and get our discussion over with the  
12 public, and then --

13 ATTORNEY DAVID CONNER: Yeah.

14 MS. KIM CREECH: And I've been involved with  
15 several FEMA audits. And so I just wanted to point out  
16 when FEMA comes to do an audit, they're going to look at  
17 your lowest published rates.

18 And so that is -- that is concerning to me of, you  
19 know, if we go through a storm like the audits that I  
20 went through with Ivan, Katrina, and Dennis, you know,  
21 that's what they go back and look at, the current -- your  
22 lowest rate.

23 And so that is something for y'all to really  
24 consider, if you're having two rates, FEMA is going to go  
25 back to your lowest rate.

26 COMMISSIONER BILLIE JO UNDERWOOD: Is there any  
27 negotiation on that with FEMA?

28 MS. KIM CREECH: (Indicates negatively.)

1 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
2 No. They go by what is published. We went through  
3 lawsuits and everything else, you know, to get to that  
4 point, you know.

5 COMMISSIONER BILLIE JO UNDERWOOD: Just a  
6 question.

7 MS. KIM CREECH: No, no. It's a good --

8 COMMISSION MEMBER BILLIE JO UNDERWOOD: It's  
9 been --

10 MS. KIM CREECH: It's a good question.

11 COMMISSIONER BILLIE JO UNDERWOOD: It's been  
12 brought to me that you -- that especially some of coastal  
13 cities have said that they have had to go back time and  
14 time again with FEMA over certain things, and they have  
15 negotiated rates. And so I don't know.

16 MS. KIM CREECH: And so our -- And the --

17 COMMISSIONER BILLIE JO UNDERWOOD: I hear you  
18 say no, and then I hear them say they have, so --

19 ATTORNEY DAVID CONNER: I would just say as  
20 a -- I would say, as a practical matter, there's always  
21 an opportunity to negotiate with them. But because it's  
22 a reimbursement program, they control the money upfront.

23 COMMISSION MEMBER BILLIE JO UNDERWOOD: I  
24 understand that.

25 ATTORNEY DAVID CONNER: They only pay what they  
26 agree to. And then the last time I think you-all were  
27 involved in this discussion, how long was that timeframe  
28 that y'all were involved? It was significant period of

1 time.

2 MS. KIM CREECH: Yeah. I mean, that was about  
3 in 2008, '09, when we went to Washington. And, I mean,  
4 it was -- in the audit was questionable that we should  
5 have burned material outside of the gate instead of we  
6 brought it over the gate. We had to really justify our  
7 rates.

8 ATTORNEY DAVID CONNER: That was '08 and '09  
9 for Hurricane Ivan.

10 MS. KIM CREECH: Ivan, yeah. And we had really  
11 to have just the reasonable [sic] of our rates and  
12 bringing it across the scales, you know, into the -- the  
13 landfill.

14 So it was a lot. I mean, the part is we really had  
15 to fight for the rate we currently had to say that was a  
16 reasonable rate. So you could -- you'll go into that,  
17 that --

18 COMMISSIONER BILLIE JO UNDERWOOD: Is our rate  
19 reasonable?

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 At that time, it was. And we -- we proved that it was,  
22 you know -- what we were -- what we were changing was  
23 proper.

24 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
26 And that's why -- that's how we -- we won it. But this  
27 is -- it was at the -- I think, it was at the four dollar  
28 (\$4) rate then or something, whatever it was. I can't

1 remember what --

2 MS. KIM CREECH: You have to prove that --

3 COMMISSION CHAIRMAN CHARLES F. (SKIP)

4 GRUBER: -- it was, five dollars (\$5).

5 MS. KIM CREECH: -- your postclosure --

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

7 Five dollars (\$5), it was five dollars (\$5).

8 MS. KIM CREECH: -- your postclosure, it's  
9 covering your postclosure cost. You have to prove that  
10 anything -- the -- the scales, once you go past that  
11 scales [sic], that that rate is going to cover the cost  
12 of your operation of your landfill, even -- even your  
13 postclosure cost. So that's what trying to make your  
14 rate, to make sure your rate is covering those costs.

15 COMMISSIONER BILLIE JO UNDERWOOD: Okay. I  
16 just -- before we get into discussion from participants  
17 who have showed up to talk, I was trying to read the  
18 minutes from the 2011 --

19 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
20 Uh-huh. (Indicates affirmatively.)

21 COMMISSION MEMBER BILLIE JO UNDERWOOD: --  
22 meeting. And it -- it sounded like to me, from the brief  
23 amount that -- I just got these when I got here. It hit  
24 me this morning at eight o'clock, when I was driving up  
25 here, that maybe I should have looked at those.

26 There's been a lot going on the last few weeks.  
27 But, anyhow, the discussion that came from the then  
28 director of the landfill was that a lot of this business



1 was going out of the county because of our rates were so  
2 high.

3 And so just looking back at that, how can -- I don't  
4 know where they were going, because I didn't get that  
5 far. But it was like -- from the little bit that I read,  
6 it was five hundred dollars (\$500) to dump here and only  
7 like a hundred and twenty-five (\$125) to dump somewhere  
8 else.

9 MR. RUSTY WALTER: Right.

10 COMMISSIONER BILLIE JO UNDERWOOD: Okay. So  
11 I'm sitting here going, how can that be? How can someone  
12 outside the county afford to do that? And then that's  
13 why I was asking the reasonableness of our -- I don't  
14 even know if we're at the point right now where that I  
15 have enough information to move with a decision on this.

16 I know we tabled it once before. I was on the phone  
17 until ten o'clock last night with some people talking  
18 about this. And this is a big decision --

19 MS. KIM CREECH: Uh-huh. (Indicates  
20 affirmatively.)

21 COMMISSIONER BILLIE JO UNDERWOOD -- that it  
22 doesn't seem fair to me other people are having to pay  
23 it. Why can there be such a big difference in hauling it  
24 somewhere else? Is that still the case? Can you still  
25 haul outside of the county for that kind of rate?

26 I'm not sure we have enough information today, data,  
27 unless somebody has that and can pull it up for me. Of  
28 course, I know we have a meeting next Tuesday, if we

1 decide --

2 COMMISSIONER JAMES E. (JEB) BALL: Two weeks.

3 COMMISSION MEMBER BILLIE JO UNDERWOOD: That's  
4 all --

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
6 Two weeks.

7 COMMISSION MEMBER BILLIE JO UNDERWOOD: Oh, two  
8 weeks. Excuse me. Two weeks.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
10 Yeah.

11 COMMISSIONER JOE DAVIS, III: Mr. Chairman.

12 COMMISSIONER BILLIE JO UNDERWOOD: Excuse me.  
13 Fifth Tuesday.

14 COMMISSIONER JOE DAVIS, III: Mr. Chairman if I  
15 could.

16 And this is just maybe from a layman's perspective.  
17 When does FEMA get involved in rate changes? Do we  
18 notify them of rate changes, or do they wait until the  
19 audit?

20 It's real easy to second guess and follow behind  
21 something. If you've got to call the game as it happens,  
22 you see it right then. If you wait until the game is  
23 over and go back and watch the film, you might do it a  
24 little differently.

25 I'm a layman in this part of things. But it seem  
26 that if we felt justified in changing the rate, then all  
27 we have to do, based on the audit -- And I've dealt with  
28 a few audits over my career as well.

1 And sometimes auditors comes in with an objective.  
2 Sometimes they come in with a clear, open mind. Either  
3 way, if you're doing it right or doing it the way you  
4 think it's right, then you shouldn't be concerned about  
5 what they, quote, find.

6 Now, did they have a finding, or are they  
7 criticizing our rate? The fact that we've got two rates,  
8 how long was that second rate to last? Did we say?  
9 Because --

10 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
11 Uh-huh. (Indicates affirmatively.)

12 COMMISSION MEMBER BILLIE JO UNDERWOOD: There  
13 was --

14 COMMISSIONER JOE DAVIS, III: -- at the time we  
15 didn't know how long --

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 Six months.

18 COMMISSIONER BILLIE JO UNDERWOOD: This was --

19 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
20 Six months.

21 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- a  
22 six-month period. But I guess why was it extended?

23 COMMISSIONER JOE DAVIS, III: How was it  
24 extended?

25 COMMISSIONER BILLIE JO UNDERWOOD: How was it  
26 extended?

27 COMMISSIONER JOE DAVIS, III: Should it have  
28 been extended?

1 COMMISSIONER BILLIE JO UNDERWOOD: Right.

2 COMMISSIONER JOE DAVIS, III: Was it legal to  
3 extend? I mean, these are the kind of questions --

4 COMMISSIONER BILLIE JO UNDERWOOD: It's just --

5 COMMISSIONER JOE DAVIS, III: -- that you have  
6 to --

7 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- so  
8 much that's happened --

9 COMMISSIONER JOE DAVIS, III: Oh, yeah.

10 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- in  
11 the last eight or nine years, whatever --

12 COMMISSIONER JOE DAVIS, III: Oh, sure.

13 COMMISSIONER BILLIE JO UNDERWOOD: -- this was  
14 going on.

15 COMMISSIONER JOE DAVIS, III: Oh, sure.

16 COMMISSION MEMBER BILLIE JO UNDERWOOD: And  
17 I -- I want to make sure how -- My data and my facts, I  
18 know y'all are getting tired of me saying that.

19 COMMISSIONER TUCKER DORSEY: I'm the same way.  
20 I'm the same way.

21 COMMISSIONER BILLIE JO UNDERWOOD: It's just my  
22 analytical nature.

23 COMMISSIONER JOE DAVIS, III: And I'm not about  
24 pleasing somebody sitting in Atlanta or Washington or  
25 someplace like that, that feels like they've justified  
26 their compensation. I'm concerned about how our people  
27 on the ground and the people on the frontline and the  
28 people that have to deal with this stuff --

1 COMMISSIONER BILLIE JO UNDERWOOD: Well, I can  
2 see a gut instinct of, okay, if everybody else is paying  
3 the higher rate, and they come through -- I understand  
4 that there's two hundred (200) and something customers.  
5 This only represents a small fraction of the customers,  
6 but it's forty percent (40%) of the business. Well, I  
7 don't know why there's such a big difference between --

8 COMMISSIONER JOE DAVIS, III: Yeah.

9 COMMISSIONER BILLIE JO UNDERWOOD: -- what  
10 these guys were paying and what these guys were paying.  
11 Because even if you're -- the other sixty percent (60%),  
12 that's not fair to them, either.

13 COMMISSIONER JOE DAVIS, III: That's right.

14 COMMISSIONER BILLIE JO UNDERWOOD: So is the --  
15 is the higher rate fair? That's really where I'm at. I  
16 don't know -- I understand the operation.

17 Maybe, Terri, you do you have and input on that now?

18 MS. TERRI GRAHAM: Um --

19 COMMISSIONER BILLIE JO UNDERWOOD: Other  
20 than -- I know -- okay. Go ahead.

21 MS. TERRI GRAHAM: So I did reach out to the  
22 landfills across the bay -- That was the question you had  
23 before -- to see what their rates were. And they are  
24 three dollars (\$3), three twenty-five (\$3.25) and three  
25 fifty (\$3.50). Now, if they're getting volume discounts  
26 or something like that, I don't -- I don't know. So two  
27 seventy-five (\$2.75) is lower --

28 COMMISSIONER BILLIE JO UNDERWOOD: Lower

1 than --

2 MS. TERRI GRAHAM: -- than --

3 COMMISSIONER BILLIE JO UNDERWOOD: Currently.

4 MS. TERRI GRAHAM: -- what they -- currently.

5 COMMISSION MEMBER BILLIE JO UNDERWOOD: And  
6 there's no contract incentives, like what we threw out in  
7 2011?

8 MS. TERRI GRAHAM: Right.

9 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

10 MS. TERRI GRAHAM: Now, as far as the -- the  
11 cost, it is low. It is a little bit. What it's costing  
12 us to do, two seventy-five (\$2.75) is not -- is not  
13 really covering that.

14 COMMISSIONER BILLIE JO UNDERWOOD: Okay. That  
15 was another question. I didn't want to get into a  
16 situation like with BRATS where we were not -- We won't  
17 go there -- but, you know, where we were footing part of  
18 the bill for something that the customer should have  
19 about footing, the taxpayers to be paying for a portion  
20 of that.

21 So I'm just kind of rocking on. That's a huge gap  
22 between what everyone is paying, what the contracts --  
23 that we need to figure out where the best price is for  
24 everybody, instead of it just saying, we're just going up  
25 on everybody, and we're scared to death of FEMA.

26 That's not how life I like to live. But I want to  
27 have a justification for it. But if you guys have  
28 anymore questions, or if there's people here from the

1 public that would like to speak.

2 MS. KIM CREECH: I -- I can try to answer the  
3 question. FEMA -- FEMA is going to look, when it comes  
4 to an audit, after the fact. It's after the fact. And  
5 what needs to happen is one rate, not that you, you  
6 know -- if you're going to post a lower rate -- you --  
7 you need to have one rate. Because they are going to go  
8 and look at the -- the lower rate. So that would be --

9 COMMISSIONER BILLIE JO UNDERWOOD: So that  
10 question is badder [sic] than if we find --

11 MS. KIM CREECH: Yeah.

12 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

13 COMMISSIONER JOE DAVIS, III: Mr. Chairman --

14 COMMISSIONER BILLIE JO UNDERWOOD: Either the  
15 higher rate or somewhere in between.

16 COMMISSIONER JOE DAVIS, III: -- if I could.

17 We had a rate. Then we had an emergency situation,  
18 and we created a second one. Then it was for six months.  
19 And for whatever reason, we didn't address that question.  
20 Now, are we talking about raising this rate, or --  
21 because there are two different rates.

22 I'm about options. I want to know what the County's  
23 options are. And, more importantly, I want to know what  
24 the options are for the people that deal with this on a  
25 day-to-day basis.

26 What are their options? What are our options as a  
27 County? And then that's the way, to me, you get  
28 consistency and agreement about where to move forward.

1 ATTORNEY DAVID CONNER: And I can help you on  
2 that.

3 COMMISSIONER JOE DAVIS, III: All right.

4 ATTORNEY DAVID CONNER: Correct me if I'm  
5 wrong. The setting of the rate is the discretion of the  
6 County Commission. You decide what the rate is, based on  
7 information that you're provided.

8 And so if you determine that all rates should be  
9 lowered, based on the information that you have, that's  
10 your discretion. If you determine they should be raised  
11 or in the middle, that's also in your discretion. It's  
12 your authority. And --

13 COMMISSIONER JOE DAVIS, III: Part --  
14 Mr. Chairman, if I could.

15 Part of our option is to know how was this original  
16 rate in place? What was it based on? It's just like a  
17 gallon of gas or a postage stamp or a quart of milk. The  
18 price varies over time. And you need to have it  
19 contemporary, but not trying to chase something that's  
20 out in the future somewhere.

21 ATTORNEY DAVID CONNER: And the two -- the two  
22 inquiries that FEMA would look at that she's touched on  
23 is, one, whatever rate you set, is it reasonable? They  
24 would come back in and do research.

25 COMMISSIONER JOE DAVIS, III: You've got to  
26 justify it.

27 ATTORNEY DAVID CONNER: And the second one is  
28 they're going to want to know why you're not giving them



1 the lowest published rate. So those are the two kind of  
2 things you need to look at. But the ultimate decision of  
3 that is you-all.

4 COMMISSIONER JOE DAVIS, III: Okay.

5 COMMISSIONER BILLIE JO UNDERWOOD: So they  
6 would question a four fifty (\$4.50) rate, regardless of  
7 who's paying it, you know, if that's our one established  
8 rate.

9 Did you have any idea on anything other than just  
10 raising it all to four fifty (\$4.50)?

11 MS. TERRI GRAHAM: I -- the reason I said  
12 abolish the cubic yard rate altogether is because four  
13 fifty (\$4.50) is too much for them to pay. It -- it --  
14 it would have cost them more.

15 So when I looked at -- And I actually looked at  
16 every customer, what they would have -- if they had paid  
17 four fifty (\$4.50) versus eighteen dollars (\$18) a ton,  
18 it was going to be cheaper for them across the board to  
19 pay eighteen dollars (\$18) a ton.

20 That's why I said the only time we would have four  
21 fifty (\$4.50) would be in that storm event, because I  
22 didn't -- I didn't think they would take that option,  
23 because it would have been more expensive for them, based  
24 on what they actually weighed.

25 Because, right now, when they come into the  
26 landfill, they're still having to weigh. Our permits are  
27 by the ton. So every truck that comes in, they are  
28 weighed. So I know -- I know what they're -- I know what

1 they would have paid us by the ton. And that's why I  
2 said no -- no yardage rate unless it was during a storm  
3 event.

4 COMMISSIONER BILLIE JO UNDERWOOD: Is there a  
5 way that we can see that information of how you  
6 calculated that to show --

7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
8 Yeah. We can get -- you can get that information, yeah,  
9 because it's all in --

10 COMMISSIONER BILLIE JO UNDERWOOD: I honestly  
11 feel like that we're in a situation right now that we  
12 just don't have quite enough information. But I -- I --  
13 we've got people here, so --

14 COMMISSIONER JOE DAVIS, III: That's what I'm  
15 interested in hearing, is --

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 Well --

18 COMMISSIONER JOE DAVIS, III: -- people dealing  
19 with this every day.

20 COMMISSION MEMBER BILLIE JO UNDERWOOD: Yeah.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 If you go back to 2011, you'll see where they -- the  
23 Solid Waste took money out of its pocket and reallocated  
24 fifty-five thousand dollars (\$55,000) from --

25 COMMISSIONER BILLIE JO UNDERWOOD: Fifty-five  
26 thousand (\$55,000).

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
28 Yeah. So, I mean, I don't think it's been -- have y'all

1 still been reallocating that money? I don't think so.

2 MS. TERRI GRAHAM: No.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

4 No. So, you know --

5 COMMISSIONER BILLIE JO UNDERWOOD: Business is  
6 a little better now.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

8 It is. It is. It is what it is. I mean, you know, you  
9 see where it was being allocated to make up for that loss  
10 for the -- for the landfill. Because this money came out  
11 of the Solid Waste fund.

12 MS. TERRI GRAHAM: This came out of fund  
13 balance.

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
15 Fund balance.

16 MS. TERRI GRAHAM: And I think it's just  
17 looking at it different -- at it differently. We don't  
18 separate the garbage versus the C and D. It's all one  
19 bucket.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 All one bucket.

22 MS. TERRI GRAHAM: But I did want to --  
23 Commissioner Davis asked about the dates.

24 COMMISSIONER JOE DAVIS, III: Uh-huh.  
25 (Indicates affirmatively.)

26 MS. TERRI GRAHAM: So they approved it in  
27 October of 2011. We revisited it in March of 2012 to  
28 extend it. And we extended it until September of that

1 year. And on 9/4/12, they took the option to extend it  
2 again. And then during the budget, they took -- in 9 of  
3 2012, they did it for a year that time.

4 So then at the budget deliberations for that year,  
5 on September of 2013, we made it part of the rate, rate  
6 schedule. And in the minutes it says until the  
7 Commission decides to do something different.

8 So that's how it transpired over time. I just  
9 wanted to answer that question.

10 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
11 Okay. I know we've got all these folks here. Any of  
12 y'all want to start? Anybody want to start off  
13 discussing it?

14 (An audience member indicates.)

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 All right. Please state your name so the reporter knows  
17 who you are.

18 MR. MICHAEL MCRANEY: Michael McRaney. I'm the  
19 owner of Big Red Container. Appreciate the opportunity  
20 to speak.

21 I hear everything, you know, that's being said.  
22 And, again, I want to thank you for what you said about  
23 let's worry about us.

24 But the key to this, the key to this is that we  
25 can't go to a per-ton, because I can't quote my customer.  
26 My customer can't budget based on an unknown. If he has  
27 a flat rate, regardless of whether you choose to go up a  
28 little bit -- We -- we could probably accept that, if

1 that be the case.

2 But the fact remains is I -- I just went through  
3 yesterday, and every ticket that I've gone across the  
4 scales this month, over eighty (80) tickets so far this  
5 month, probably sixty (60%) to seventy percent (70%) of  
6 those are below eighteen (\$18) a ton.

7 So I'm paying you more -- One ticket I was paying  
8 fifty-five dollars (\$55) a ton. Another one I may be  
9 paying a little less. The balance -- the average is  
10 there at our rate now.

11 If you choose to go up a quarter (\$.25) or fifty  
12 cents (\$0.50) or whatever, we could possible live with  
13 that. But the bottom line is our customer cannot work  
14 off an unknown.

15 Homebuilders, I've got a flat rate for my customers.  
16 Well, all of a sudden, you know, they have a container  
17 that weighs twenty (20) tons, and I've got to charge that  
18 them that difference. I can't eat it.

19 It's not going to work. The bottom line is common  
20 sense. The contractors can't absorb that unknown going  
21 into every job. It's going to be accounting nightmare  
22 for all of us. It -- it just -- Again, we can't operate.  
23 I can't quote anybody if they call me on the phone. I  
24 can't quote them. I have no idea what it's going to  
25 weigh.

26 Most of our loads, like I said, y'all are making  
27 money at the current two seventy-five (\$2.75) on sixty  
28 (60%), seventy percent (70%) of my tickets. I can show

1 you.

2 That's fine. I can accept that, because it does  
3 balance out. But, again, we've got so have a flat rate  
4 so that we can operate, the contractors know what to  
5 expect.

6 And that's really our argument. It's hard for me to  
7 believe that -- you know, I know what I paid the Baldwin  
8 County Landfill last year, just me. And there's a lot of  
9 people in this room that paid probably more than I did.

10 It's just hard to justify this large of an increase  
11 overall for us to be able to function. And, like I said,  
12 I've run the numbers. I -- I know. And it's -- I'm  
13 paying much more on some tickets, which is fine.

14 But we've got to have a flat rate. I've got to know  
15 what my cost is, period. If I don't, I'm -- I'm --  
16 I'm -- I mean, I'm in trouble. And our customers are not  
17 going to know how to do it. And I will be glad to answer  
18 any questions based on that.

19 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
20 Commissioners?

21 COMMISSIONER BILLIE JO UNDERWOOD: Well, you  
22 said you could answer questions. If -- if you were not  
23 hauling to Baldwin County, would you haul to Mobile?

24 MR. MICHAEL MCRANEY: Absolutely. To make a  
25 living?

26 COMMISSION MEMBER BILLIE JO UNDERWOOD: But I'm  
27 just saying --

28 MR. MICHAEL MCRANEY: Yes, ma'am.

1 COMMISSIONER BILLIE JO UNDERWOOD: -- the  
2 rates, she said they were three dollars (\$3) or  
3 something. So it's more --

4 MR. MICHAEL MCRANEY: Well --

5 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- to  
6 take it to Mobile?

7 MR. MICHAEL MCRANEY: -- trust me. I can  
8 negotiate with those guys. If I start hauling directly  
9 to them, I can get a deal.

10 My point is we're a local Baldwin County company  
11 trying to survive, make a living. Yes, the  
12 homebuilder -- If you think about this segment of the  
13 market right now, it's huge. It's probably the number  
14 one economic boost in this county right now is  
15 homebuilders and what's going on around it, construction.  
16 But if I have to try to make a living based on what y'all  
17 change, of course, I'll go to Mobile.

18 COMMISSIONER BILLIE JO UNDERWOOD: I'm just  
19 trying to get information.

20 MR. MICHAEL MCRANEY: I understand. But if I  
21 have to, that's my point. I don't want to be forced to  
22 do that. That is going to be a nightmare itself. But if  
23 we have to do that, again --

24 COMMISSIONER BILLIE JO UNDERWOOD: You would.

25 MR. MICHAEL MCRANEY: -- I would. I would  
26 consider it. I would have to.

27 COMMISSIONER BILLIE JO UNDERWOOD: Thank you.

28 MR. MICHAEL MCRANEY: Yes, ma'am.

1 MR. BRIAN ARMSTRONG: I'm Brian Armstrong. I'm  
2 the third Vice-President of the Baldwin County  
3 Homebuilders Association. And I just wanted to let y'all  
4 know we're, you know, not for increasing these guys'  
5 prices. We depend on them to provide us a service. It  
6 passes on to all to consumers here.

7 So if we raise the taxes, basically, if we raise  
8 taxes on those guys and on the community, it's going to  
9 have a bad effect, you know, for us to be able to  
10 estimate the houses.

11 Prices are going up. We've got to have consistent  
12 pricing so that we know exactly what we can put in our  
13 budgets for the customers.

14 So one question I have is how much money is the dump  
15 losing? Is it not being profitable? Is there a reason  
16 that we have to go up on the prices? Thank you.

17 MR. GRANT RISH: Grant Rish with 68 Ventures  
18 and Truland Homes. I'll be short. You know, we need a  
19 flat rate for us. There's no way for us to budget at  
20 all. And it's an accounting nightmare for us to change,  
21 going away from the flat -- flat rate.

22 MR. RUSTY WALTMAN: Rusty Waltman, Alabama  
23 Container. You know, I had just a discussion with Ed in  
24 August. And it wasn't about money, he said. It was  
25 about making an equal playing field for the people doing  
26 demolitions.

27 Well, if you look at people coming in here doing  
28 demolitions, they don't dump every day. You see them



1 once a year, maybe two or three times a year. We dump  
2 every day.

3 And this helps us, a cubic yard, like he was saying  
4 and Mike was saying, so we can quote our customers. And  
5 if it's not about money, I'm in the same boat as Michael.  
6 You know, we have to consider making a living.

7 We might have to take it somewhere else. We don't  
8 want to. But, again, you know, if it's not about money,  
9 why are we doing it? Because I'm like Michael. I bring  
10 in a lot more light loads than heavier load. And, Terri,  
11 that's what she's saying.

12 COMMISSIONER BILLIE JO UNDERWOOD: Thank you.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 Okay.

15 MR. ALLEN WADE: I'm Allen Wade with West  
16 Waste. I agree with those other guys. I basically do  
17 the same things they do.

18 There is no way anybody in this room if you called  
19 on the phone and called my office and said, look, I need  
20 to get a thirty (30) yard container delivered to my  
21 house -- Let's say COD customers. Let's not say, for  
22 instance, Truland or Horton or any of these guys.

23 You've got to see it across the board. Even a COD  
24 customer, anybody that comes in, that's called you up on  
25 the phone and said, I need to get a thirty (30) yard  
26 delivered dump -- dumpster delivered to my house, we, any  
27 of us, cannot quote a price without knowing a certain  
28 yardage price.

1       You can't -- you can't quote a price over the  
2       telephone on a project. You've got to have a set fee so  
3       you know what to quote. There is no way to quote it.  
4       There's no way in the world to price it, so you need a  
5       set rate. And I'm like these guys. I haul way more  
6       light loads than I do heavy loads.

7               MR. ROBERT RADCLIFF: I'm Bobby with Benchmark  
8       Homes. I've been listening. I've never been here  
9       before. But so far I've heard that we've done this since  
10      2009, and y'all have been redoing it. It's going through  
11      FEMA and everything else.

12             I don't hear where it's broke. I don't see where  
13      the system is broke. I don't see where the dump is  
14      losing money. I don't see why we're doing this just to  
15      be doing it for FEMA if we're not having any trouble with  
16      FEMA. It sounds like we're running scared from FEMA.  
17      Since 2009, there hasn't been an issue with FEMA that  
18      anyone has said; is that correct?

19             MS. TERRI GRAHAM: We haven't --

20             MR. ROBERT RADCLIFF: Have we had an issue with  
21      FEMA?

22             MS. TERRI GRAHAM: So in that time, any -- any  
23      FEMA event we've had, Baldwin County Solid Waste, we've  
24      handled it ourselves. And we ran everything across the  
25      scale, so the yardage didn't come into play.

26             MR. ROBERT RADCLIFF: So we're not really  
27      worried about FEMA at this point in time. We just  
28      looking for the future that we might be have to be

1 worried about FEMA.

2 ATTORNEY DAVID CONNER: Just -- just so the  
3 discussion is in the right place, I mean, we're -- Mexico  
4 Beach, Panama City, all of those are dealing with those  
5 issues now. We've just been blessed by God that we  
6 haven't had a hurricane like Hurricane Ivan since 2004.

7 What's got to be in place is the proper procedures  
8 for when that storm does happen. And that's what they're  
9 trying to address and make sure whatever we're doing is  
10 in compliance.

11 So when the storm hits, we're not trying to back up,  
12 change rate, tell FEMA why we're changing rates now, why  
13 the rate was good then, but it's not good now. Because  
14 then it looks like on it's -- on the surface that we're  
15 trying to stick it to the Government by raising rates.  
16 So they're just trying to get everything straight and  
17 right, whether it's raising it or lower it or whatever  
18 this is.

19 MR. ROBERT RADCLIFF: But right now, the dump  
20 is not losing any money; is that correct?

21 MS. TERRI GRAHAM: No, sir.

22 MR. ROBERT RADCLIFF: And if we were hit with  
23 FEMA -- I mean, with a hurricane or whatever, would we be  
24 losing any money taking in what we're taking in at the  
25 present rate?

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 Yes.

28 MR. ROBERT RADCLIFF: And do we have a value on

1 that or an estimate based on some other information?

2 MS. TERRI GRAHAM: I think the question is --  
3 is -- is the landfill okay with the rate that we have  
4 established. And you've got to understand that the  
5 garbage customers are in that, too.

6 So is it that the garbage is kind of making up for  
7 what we're not charging on the C and D? And that's kind  
8 are where -- where we're at.

9 MR. ROBERT RADCLIFF: Okay. Next question:  
10 Right now we're -- we're doing fine. We -- you implement  
11 it. You go up on your prices. Where does that money go  
12 for the difference?

13 Because you're going to be making a profit now.  
14 We're over what you're doing now until we get hit by a  
15 hurricane. So where is that additional income to the  
16 dump going to be going?

17 MS. TERRI GRAHAM: It would go to the fund  
18 balance.

19 MR. ROBERT RADCLIFF: And stay there until  
20 something bad happens; is that correct?

21 MS. KIM CREECH: Well, it -- it replenishes the  
22 equipment.

23 MR. ROBERT RADCLIFF: You've already got all  
24 that with what you're doing now if you're not operating  
25 at a loss.

26 COMMISSIONER BILLIE JO UNDERWOOD: It stays --  
27 it stays at the landfill. It doesn't go anywhere in the  
28 County.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

2 It can't go anywhere else.

3 COMMISSION MEMBER BILLIE JO UNDERWOOD: It  
4 can't go. It can't go. And they don't receive money  
5 from the rest of the County, either. It's a proprietary  
6 type government function, kind of different than any  
7 other -- it's not like Highway or --

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
9 It's about like y'all. It's about like y'all's business.  
10 It's stays --

11 COMMISSION MEMBER BILLIE JO UNDERWOOD: It's  
12 more like a --

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 All that money stays at that -- at that facility. The  
15 County Commission cannot spend any of that money on  
16 anything else other than the landfill for cover or  
17 whatever, you know, if we have to buy material.

18 All that money stays in. It's proprietary. It's  
19 just like a private business, expect it's, you know --  
20 it's managed by the County.

21 MR. ROBERT RADCLIFF: But, now, all things  
22 being said, everything is paying for itself without an  
23 increase?

24 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
25 As far as I know, yes.

26 MS. TERRI GRAHAM: Yes, it is paying for  
27 itself, but there are, you know, pollution insurance and  
28 things like that. We -- we are self-insured for those

1 type situations.

2 MR. ROBERT RADCLIFF: So, once again,  
3 everything's good right now. We're preparing for the  
4 future and worried about the FEMA situation in a  
5 hurricane. We don't know where that's coming from, but  
6 we want to go up on our rate, just like any other  
7 business would, and have a cash flow difference, a  
8 savings for a bad day; is that correct?

9 ATTORNEY DAVID CONNER: I want to add one more  
10 component to that to make sure everybody's on the same  
11 page. Because a component of that rate and where that  
12 money goes is not to buy the gas in the trucks today, to  
13 bring it across to pay for salaries.

14 It's also for monitoring and closing those  
15 facilities in the future, wrapping them up, well  
16 monitoring, all of those things that will go into  
17 perpetuity once those particular landfills are closed.

18 And we have some of those that are closed now that  
19 continue now, that continue to monitor that are not  
20 generating money. And so some component of that is --  
21 has to be for future costs to address those closures and  
22 openings and things.

23 So I don't want to -- Yes, you're right. All of  
24 those things -- And the Commission is right. The profit  
25 needs to be looked at or just covering costs and expenses  
26 where you are. But you don't need to oversimplify what  
27 that cost is. It's more than just filling the gas and  
28 the trucks today and covering that in.

1 MR. ROBERT RADCLIFF: Okay.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

3 And that -- it was one other thing, too, that I think,  
4 you know, not looking at -- we have a contract for our  
5 debris removal. And it's stated at a price of, what,  
6 four-something a cubic yard?

7 MS. TERRI GRAHAM: Four fifty (\$4.50) a yard.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
9 Four fifty (\$4.50) a cubic yard, so that's what the  
10 County has to pay. Like if you were hauling it, that's  
11 what we'd have to pay you. But then you turn around, and  
12 you're paying two seventy-five (\$2.75) to dump it there.

13 MR. RUSTY WALTMAN: If we're hauling --

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
15 If you're -- if you're hauling for -- for -- for FEMA --

16 MR. RUSTY WALTMAN: We don't -- you won't --

17 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
18 But I'm -- but I'm saying we still have to pay that  
19 contractor four dollars and fifty cents (\$4.50) to bring  
20 it there.

21 MR. RUSTY WALTMAN: Uh-huh. (Indicates  
22 affirmatively.)

23 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
24 And we're going to get back from the Federal Government  
25 two dollars and seventy-five cents (\$2.75). That's  
26 what -- that's what the rate is going to be.

27 That's what we're going to -- We're having to pay  
28 for it out of this end, and this much is what's -- you

1 know, we're going on receive back.

2 That will be a -- there will be a loss there. And  
3 that's what we were just trying to protect in the future  
4 of something happening.

5 Because we seen what happened in Mexico Beach and  
6 Panama City when we went down there. When I went down  
7 there, they had removed over six million (6,000,000)  
8 cubic yard of debris.

9 MR. ROBERT RADCLIFF: And the Federal  
10 Government assisted in that; correct?

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
12 Huh?

13 MR. ROBERT RADCLIFF: And the Federal  
14 Government assisted in that, per my understanding --

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 Well, I don't think they assisted.

17 MR. ROBERT RADCLIFF: -- it was not all on the  
18 County.

19 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
20 When it comes in that -- Yes, it is. When it comes into  
21 that landfill, yes, that's the part it pays. Yes, they  
22 pay a certain part, but, you know, it still -- the County  
23 still has to write a check for every load for that, when  
24 they pay that contractor.

25 MR. RUSTY WALTMAN: If I'm hauling for FEMA, I  
26 don't charge it on my account. I'm --

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
28 But --



1 MR. RUSTY WALTMAN: -- hauling for the  
2 contractor.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
4 But, still --

5 MR. RUSTY WALTMAN: So can you not --

6 MR. GRANT RISH: Can you not get that rate with  
7 FEMA?

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
9 No, no.

10 MR. GRANT RISH: Gulf County is not negotiating  
11 that rate right now?

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
13 With FEMA?

14 MR. GRANT RISH: Yeah.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 No. You can't. It's -- it's what we charge our  
17 customers, that's the rate they go by.

18 MR. ROBERT RADCLIFF: One more question. So  
19 how much are we putting away every year now that we're  
20 breaking even for that rainy day fund?

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 I don't --

23 MR. ROBERT RADCLIFF: Is there an amount?

24 MS. TERRI GRAHAM: There's closure and  
25 postclosure. It's based on the -- what goes into the  
26 line cell for that year. So I think last year it was two  
27 seventy-five. I'm not exactly sure. I mean, I could --  
28 I could get it for you. We do an agenda item. The

1 Commission takes action on that. And then we also -- we  
2 have another liability accrual that we do, too.

3 MR. ROBERT RADCLIFF: So that's been accruing  
4 since 2009?

5 MS. TERRI GRAHAM: Well, it's based -- that's  
6 a -- that's language in the code section where you have  
7 to account for so much. And that's -- we don't control  
8 that. You have to so much -- you have to maintain the  
9 landfill for thirty (30) years after -- after it's  
10 closed. So, I mean, that's -- that's kind of set. So  
11 it's just based off what our tonnage is for that year.

12 MR. RUSTY WALTMAN: And the other thing, you  
13 know, where else can we go dump, unless we take it out of  
14 the county? Because y'all -- it's -- the only place  
15 we've got in Baldwin County is Baldwin County Solid  
16 Waste. There is no privatized. In Mobile, there's five  
17 or six privatized C and D pits in Mobile.

18 AN AUDIENCE MEMBER: How much is currently in  
19 the Solid Waste fund?

20 THE COURT REPORTER: I don't know who he is. I  
21 don't know your name.

22 MR. RICHARD CHATHAM: Richard Chatham.

23 THE COURT REPORTER: Thank you.

24 MS. TERRI GRAHAM: I'll have to pull that up.  
25 I don't know what the number is today.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 Well, I think what we're trying -- trying to look at is  
28 establishing a rate for everyone. I mean, it's, you

1 know -- I think we've got -- how many -- how many's under  
2 this contract right now? Eighteen (18)?

3 MS. TERRI GRAHAM: Ten (10).

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
5 Ten (10)?

6 MS. TERRI GRAHAM: Ten (10).

7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
8 Ten (10). And we've got a lot of other customers that  
9 pay a different rate. We just want to make sure that  
10 we're all paying -- that we're all going to do the same  
11 thing.

12 If we're going to do one, we've got to do them all.  
13 We're not going to start separating this out, you know,  
14 because if it's good for y'all, the rate's good for  
15 y'all, it needs to be good for everybody else, I mean --

16 MR. RUSTY WALTMAN: Cubic yard --

17 MR. MICHAEL MCRANEY: What's the consideration  
18 of us being forty (40%) to fifty percent (50%) of the  
19 revenue?

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 Well, there's that other forty percent (40%) that they're  
22 bringing in also. And, I mean, you're going to take --

23 MR. MICHAEL MCRANEY: The public --

24 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
25 Huh?

26 MR. MICHAEL MCRANEY: A lot of that is public.  
27 They show up once or twice a year.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 But it's still -- we still -- we have to establish a  
2 rate. That's --

3 MR. MICHAEL MCRANEY: Why can't there still be  
4 a contract for --

5 MR. RUSTY WALTMAN: Commercial.

6 MR. MICHAEL MCRANEY: -- businesses, the  
7 commercial that are, you know, providing forty (40%) to  
8 fifty percent (50%) of the income? That's just --

9 MR. ROBERT RADCLIFF: That's real business, the  
10 guy that's doing it out of his house is going to pay the  
11 same thing that I'm buying a million (1,000,000) yards a  
12 year or whatever that is.

13 MR. MICHAEL MCRANEY: Exactly.

14 MR. CLIFF MCCOLLUM: Mr. Chairman, may I ask a  
15 question?

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 Yes.

18 MR. CLIFF MCCOLLUM: This rate started in 2011.  
19 What did y'all do before this rate was started? Was  
20 there a --

21 MR. ROBERT RADCLIFF: It was twenty dollars  
22 (\$20) a ton.

23 MR. CLIFF MCCOLLUM: Twenty dollars (\$20) a  
24 ton.

25 MR. ROBERT RADCLIFF: And that's why it was  
26 going out of the county. Because we couldn't afford it.

27 MR. MICHAEL MCRANEY: We were going to Mobile.

28 MR. CLIFF MCCOLLUM: So how did y'all budget --

1 One of your complaints was -- How -- how did y'all budget  
2 that before, when y'all had to quote bids to people when  
3 y'all were doing stuff?

4 MR. MICHAEL MCRANEY: Well --

5 MR. RUSTY WALTMAN: This is one of the  
6 customers right here. What would you do if you got to a  
7 bill for eleven hundred dollars (\$1,000) per container?  
8 That's what you -- some of these builders would be  
9 looking at.

10 MR. BRIAN ARMSTRONG: When you operate a  
11 business, I mean, you -- everybody's got their premium  
12 customers. They all get better rates. If I build fifty  
13 (50) houses a year, I'm going to get a better rate than  
14 the guy that builds five (5) houses a year.

15 So just for the landfill purposes, that's -- they  
16 should be giving them a better rate. They're the premium  
17 customers that pay on time. They get the best rate.

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
19 Okay. Anyone else?

20 COMMISSIONER JOE DAVIS, III: Mr. Chairman, if  
21 I could.

22 It sounds like either we have a target of what we  
23 need in reserve, or if we don't have a target, we ought  
24 to look at what we have in reserve and see if appears to  
25 be sufficient going forward.

26 And the numbers, to me, are about determining --  
27 you've got -- we all had a chance to go over and watch  
28 them take in nine truckloads in Mexico Beach and convert

1 it to four, reducing the volume. It was -- it was quite  
2 an eye opening experience.

3 But those of you that are making your living doing  
4 this day to day in our fast growth, both commercial and  
5 residential, I think we owe it to you to show you how we  
6 stand in Solid Waste, why we think we may need to build  
7 out our reserves, or we need to look and see if we need  
8 to build out reserves.

9 I'm not in a position right now, based on what I  
10 know about this, to feel comfortable in -- I'd like to  
11 know where we are, where we're going, and who gets  
12 involved in getting us there.

13 And us making it hard on y'all to do your business  
14 is not what's it's about. We need to all be working  
15 toward on this. I need some more hard information, not  
16 just opinions, not just thoughts, not just what-ifs.

17 But how -- how much reserves have we had over the  
18 last five or six years? Why do we think we need more? I  
19 mean, we've all -- Just like it's your house. You've got  
20 to plan on your air conditioning going out. You've got  
21 to plan on our roof needing replacing.

22 I'm talking to the choir here. I've got -- In order  
23 for me to make a decision about rates, other than leaving  
24 them right where they are, is I've got to see why we feel  
25 like we need more money, either now or into the future,  
26 and what is it based on. Thank you.

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
28 Okay.

1 COMMISSIONER BILLIE JO UNDERWOOD: I feel like  
2 that we need more information. And I'm sorry that it's  
3 got to this point, and I don't have that information.

4 There was a lot going on between when this was  
5 brought to us a couple months -- a month and a half ago  
6 and now. All of us, I think, can -- can attest to the --  
7 If nothing else, it's hard to get information --  
8 Yesterday was a holiday. So there was no staff here, you  
9 know.

10 COMMISSIONER JOE DAVIS, III: Sure.

11 COMMISSION MEMBER BILLIE JO UNDERWOOD: Not  
12 trying throw off any blame, but we pretty much don't know  
13 everything that's going to be on the agenda until pretty  
14 much Friday afternoon. Everybody goes home. There's  
15 nobody here on Saturday, Sunday, and Monday. It's a  
16 little hard.

17 So I hate to keep tabling something, but I really  
18 feel like this is something -- And I will do my part  
19 between now -- If we determine to do something of that  
20 nature, I will do my part in getting to the bottom.

21 Numbers are my thing. That's what I do for a  
22 living. And that's why it's not sitting well with me, is  
23 because, yeah, I understand the concerns about FEMA and  
24 possibly bankrupting the County in the future. That's a  
25 concern. But at the same time, something's not right  
26 with this whole thing until I get some concrete  
27 information in front of me. And if I can't get that  
28 concrete information in front of me, I cannot make a

1 conscious decision.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

3 Okay.

4 MS. KIM CREECH: I will answer --

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

6 Anybody else?

7 MS. KIM CREECH: -- the -- the fund -- the fund  
8 balance the question that he asked for: Sixteen, five  
9 (\$16,500,000), sixteen million, five hundred  
10 (\$16,500,000).

11 COMMISSIONER JOE DAVIS, III: In the staff's  
12 opinion, is that sufficient for now? Is it sufficient  
13 three years from now? See, we need to have a plan on how  
14 all this is happening.

15 If we were a stagnant community, it would be a  
16 little easy for even me to figure it out. We're not a  
17 stagnant community. You guys know that as well as  
18 anybody.

19 So the plan has got to not just be about this budget  
20 year or even next budget year. It's got to be into the  
21 future. And that's where I need to have some -- some  
22 hard data. And I'm kind of old school. I like to touch  
23 it.

24 COMMISSIONER BILLIE JO UNDERWOOD: I don't care  
25 if it's on the computer or a piece of paper. I've just  
26 got to have it.

27 COMMISSIONER JOE DAVIS, III: But I -- I need  
28 to see the numbers. And I may want to sit around in the



1 morning drinking coffee, looking at them, or whatever.

2 And, from that, I'll try not to take too long in drawing  
3 an opinion. But I also want to talk to some of you guys  
4 and get y'all's thoughts, too.

5 MR. RUSTY WALTMAN: All right.

6 COMMISSIONER BILLIE JO UNDERWOOD: Yes, please.  
7 That would be nice. Because I don't know who the ten  
8 (10) people are, other than the few people who have stood  
9 up and identified your names in here.

10 COMMISSIONER JOE DAVIS, III: Right. And I  
11 know of organizations, and I know of a few individuals.  
12 But, hey, we're all in this together. As we grow and get  
13 better, let's get better, and let's make it better for  
14 everybody.

15 Sounds like I'm running, doesn't it?

16 MR. RUSTY WALTMAN: That's good. Appreciate  
17 it.

18 MR. MICHAEL MCRANEY: Of the -- of the ten  
19 (10), how many are here?

20 (Audience members indicate.)

21 MR. MICHAEL MCRANEY: I'm just curious. Five  
22 (5) out of the ten (10). I'm just curious.

23 COMMISSIONER BILLIE JO UNDERWOOD: Half are  
24 here. I think I've been contacted by a couple others  
25 that may not be here.

26 MR. MICHAEL MCRANEY: Yeah. I know one that  
27 would have been here.

28 MR. GRANT RISH: One final thing on behalf of

1 Truland, if I may. You know, if -- if the -- the  
2 landfill has to go up -- We don't want to see it,  
3 obviously, go up a quarter (\$.25), but if it's got to go  
4 up a quarter (\$.25) or fifty cents (\$.50) -- I mean, you  
5 can look at the numbers, and you can figure that out.  
6 That's one thing. But and we'll adjust our budget. But  
7 going away from the flat fee, there's no way we have a  
8 clue on what to do or how --

9 MR. RUSTY WALTMAN: It's just like --

10 MR. GRANT RISH: -- to budget.

11 MR. RUSTY WALTMAN: -- us. If we've got a flat  
12 rate and somebody calls, we can quote them price. But if  
13 it's on the ton and we go out there and deliver them a  
14 can -- Take the elderly couple. We pick it up, and it  
15 weighs ten tons, okay, well, they've got the haul rate  
16 plus disposal. We try to collect our money. Well, we  
17 can't pay that. So we've already eaten it, because we've  
18 already dumped it.

19 MR. ALLEN WADE: Yeah. What's going to happen  
20 is you've going to have customers that are going to come  
21 out here, and you deliver stuff. They're not going to be  
22 expecting this cost, and we're going -- instead of being  
23 here, we're going to be up at the courthouse trying to  
24 collect our money.

25 MR. RUSTY WALTMAN: Right.

26 MR. MICHAEL MCRANEY: They're not going to  
27 understand.

28 MR. ALLEN WADE: You know, they're just not

1 going to understand that. You know, you've got to  
2 have -- regardless of what you do with the rates, you're  
3 going to have to have flat rates to be able to budget.  
4 That way Truland can budget, Horton can budget, all these  
5 homebuilders --

6 MR. RUSTY WALTMAN: Adams can budget.

7 MR. ALLEN WADE: Adams can budget, you know.

8 And, I mean, because there's just no other way to do it  
9 to where you can budget.

10 MR. GRANT RISH: I mean, we've got some smaller  
11 contractors that's --

12 MR. STEVE JONES: I'm a smaller contractor.  
13 I'm Steve Jones, Steve Jones Contractor. And this -- I  
14 build ten (10), twelve (12) houses a year. And there's  
15 no way I can go to the customer and tell her or him that  
16 you've got an eleven hundred dollar (\$1,100) dump bill.

17 When I budget out what I budget out for each house,  
18 I've got to be able to tell them a certain amount that  
19 it's going to cost. Because it takes me three or four  
20 containers to build one medium-sized house. For a large  
21 house, it's going to take more than that. And I've got  
22 to be able to put the numbers to that.

23 MR. RUSTY WALTMAN: Right.

24 MS. TERRI GRAHAM: I just want to say one  
25 thing. I appreciate everybody in here. I appreciate  
26 your business. I appreciate your passion for what you do  
27 and for coming today.

28 I'm not trying to -- to hurt any of you guys. I

1 know that's -- probably it's me. I was really looking  
2 out for what I felt is best for Baldwin County Solid  
3 Waste, best for the Baldwin County Commission.

4 Whatever agreement that they decide, I'm -- I'm  
5 good -- I'm good with that. I mean, it's ultimately  
6 their decision. But I -- I do appreciate you. I  
7 appreciate you coming today, you know.

8 And I want y'all to keep coming back. It's not  
9 about that. So it wasn't -- it wasn't to make y'all mad.  
10 But I do hope that we can come -- get a better direction  
11 to move forward. Because I think right now we're just --  
12 we've got too many -- too many loose ends untied.

13 MR. RUSTY WALTMAN: Well, I appreciate it.  
14 But, you know, this was a -- in August, it was trying --  
15 And nobody could give us information why. Now we've come  
16 back now, and it's over a FEMA deal. It just sounds like  
17 another tactic to raise it.

18 COMMISSIONER BILLIE JO UNDERWOOD: It was over  
19 FEMA. When we came into office, we were hit it this. It  
20 was --

21 MR. RUSTY WALTMAN: See, they had it --

22 COMMISSION MEMBER BILLIE JO UNDERWOOD: They  
23 kicked the can --

24 MR. RUSTY WALTMAN: The old Commission had  
25 it --

26 COMMISSION MEMBER BILLIE JO UNDERWOOD: They  
27 kicked the can --

28 MR. RUSTY WALTMAN: -- before y'all had it.

1 COMMISSIONER BILLIE JO UNDERWOOD: -- down the  
2 road to us. And we were new. And they put us in there.  
3 And let me tell you, there's butterflies going on in this  
4 stomach. And I'm sure the others --

5 COMMISSIONER JOE DAVIS, III: Sure.

6 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- can  
7 say the same thing. You know, we've been on the campaign  
8 trail a year and a half, and then, boom --

9 MR. RUSTY WALTMAN: I understand.

10 COMMISSIONER BILLIE JO UNDERWOOD: -- we're hit  
11 with this. And we were told it was a FEMA thing then.  
12 And so it was just too much --

13 MR. RUSTY WALTMAN: Yeah, but in August, it  
14 wasn't.

15 COMMISSIONER BILLIE JO UNDERWOOD: I think I  
16 talked to you on the phone.

17 MR. RUSTY WALTMAN: Yes, ma'am. Me and --

18 COMMISSION MEMBER BILLIE JO UNDERWOOD: I've  
19 never --

20 MR. RUSTY WALTMAN: -- you talked.

21 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- met  
22 you before, but I think I talked to you.

23 MR. RUSTY WALTMAN: I talked to Mr. Davis, too.

24 COMMISSIONER BILLIE JO UNDERWOOD: And so the  
25 biggest thing --

26 MR. RUSTY WALTMAN: Talked to Mr. Ball, too.

27 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- is  
28 that we did push it off. I don't think we pushed it off

1 on purpose. It was so we could get more information.  
2 But you would not believe what we've been through in the  
3 last eight weeks.

4 MR. RUSTY WALTMAN: Oh, I can imagine.

5 COMMISSIONER BILLIE JO UNDERWOOD: And so I  
6 will commit, though, to getting to the bottom of this.  
7 And I don want it to drag on, because --

8 COMMISSIONER JOE DAVIS, III: No.

9 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- I've  
10 got to move on. But we had contracts, you know -- I'm  
11 giving you all kinds of excuses right now. I hate  
12 excuses. But that's just the way it is. But I think  
13 that -- I think we're at a consensus now that we need  
14 more information. I would like some of y'all's  
15 information, if you got cards or anything that we  
16 could --

17 COMMISSIONER JOE DAVIS, III: Sure.

18 MR. RUSTY WALTMAN: Sure.

19 COMMISSIONER BILLIE JO UNDERWOOD: So we know  
20 exactly who you are. We're easy to find. They done put  
21 us on the website. So --

22 COMMISSIONER JOE DAVIS, III: That's right.  
23 That's right.

24 COMMISSIONER BILLIE JO UNDERWOOD: -- contact  
25 me. I get e-mails and calls all day long. That's  
26 what --

27 COMMISSIONER JOE DAVIS, III: I thought --

28 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- I

1 signed up for.

2 COMMISSIONER JOE DAVIS, III: I thought  
3 drinking out of one firehose was a lot of fun, but we've  
4 got three or four firehoses. But we can handle it. We  
5 can handle it.

6 MR. RUSTY WALTMAN: See, that's the only thing,  
7 though. In August, it was trying -- and they couldn't  
8 tell us why. But, now, again, it puts a nasty taste in  
9 our mouth. Now it's a FEMA deal. And I understand,  
10 but --

11 MS. TERRI GRAHAM: I reached out --

12 MR. RUSTY WALTMAN: -- from my understanding,  
13 from FEMA, once you negotiate a price, they're going  
14 to -- they can't take people's commercial rates, lower  
15 prices.

16 MS. KIM CREECH: They can take money away from  
17 you. Yes, they can.

18 MS. TERRI GRAHAM: I did reach out to -- When  
19 we were having this meeting, not only did we send the  
20 letter, I did call. I called and I left messages with  
21 several of you guys, several of the ten (10) that have  
22 the -- that are on the rate, on the cubic yard rate. And  
23 not everybody chose to call me back. But I wanted to  
24 talk to everyone about it. And so, you know, so I did.  
25 I did try to call and talk about it.

26 MR. RUSTY WALTMAN: The message I got, it said,  
27 if you need to call me, call me. And after I read the  
28 e-mail, I didn't feel like I needed to call you, because

1 the e-mail doesn't say anything about FEMA.

2 MS. TERRI GRAHAM: Well, I sent you a letter,  
3 we sent you an e-mail, and --

4 MR. RUSTY WALTMAN: I've got --

5 MS. TERRI GRAHAM: -- I called and left a  
6 message.

7 MR. RUSTY WALTMAN: -- the letter right now.

8 COMMISSIONER JOE DAVIS, III: Mr. Chairman, if  
9 we could. If we get a chance to do our homework, and the  
10 staff provides us with hard data, whether in that style  
11 or this style --

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
13 Okay.

14 COMMISSIONER JOE DAVIS, III: -- we want to  
15 move forward on this. I thought I heard someone say the  
16 existing method with adjustment in rate would be  
17 understandable. But I think not only --

18 MR. RUSTY WALTMAN: True.

19 COMMISSIONER JOE DAVIS, III: Is that true?

20 MR. RUSTY WALTMAN: True.

21 COMMISSIONER JOE DAVIS, III: But not only is  
22 it about y'all agreeing with that rate, the four of us  
23 need to agree with the rate. And we need to make sure  
24 that we are providing Terri with what she needs.

25 I mean, which when you fill up this landfill and  
26 then move over here, we still have costs involved with  
27 that. And that's not something that we can opt out of.

28 So let's get all our facts on table. And it's not



1 about throwing rocks at the Commission. Four years from  
2 now, we may do similar things. But right now we want to  
3 get our information. We want to talk to the people that  
4 are involved.

5 And we want to make sure that Terri feels good, Kim  
6 and others on the staff, that we're in a financial  
7 position that moves us forward with this huge growth that  
8 we're all experiencing. And we need to enjoy it. Thank  
9 you.

10 MR. RUSTY WALTMAN: How much -- Let me ask you  
11 this: How much landfill time do we have, or landfill  
12 space, in years?

13 MS. TERRI GRAHAM: MacBride, we're looking --  
14 we just actually had survey done just recently. And it's  
15 about thirteen (13) to fifteen (15) years.

16 MR. RUSTY WALTMAN: Okay.

17 MS. TERRI GRAHAM: And that's decreased greatly  
18 since we did our Solid Waste Management Plan. So we  
19 don't have a lot of space there. Magnolia, obviously, we  
20 have a great deal more. And it's different for C and D  
21 versus the --

22 MR. RUSTY WALTMAN: What about Eastfork?

23 MS. TERRI GRAHAM: It's not operational right  
24 now.

25 MR. ED FOX: The current rate is pretty good.

26 COMMISSIONER BILLIE JO UNDERWOOD: I don't even  
27 know what you're talking about.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 And it was -- it was -- it as losing money.

2 MR. RUSTY WALTMAN: At the time, yeah. But I  
3 wonder if it was opened now, would it lose money.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
5 I don't know. It's hard to say. I mean, but at that  
6 time, it was -- it was -- it was going in the hole bad.

7 MS. TERRI GRAHAM: Sucking wind out there.

8 MR. RUSTY WALTMAN: But now would it lose  
9 money? Because you've got enough building now in the  
10 Summerdale/Seminole area, Robertsdale, Elberta, Perdido  
11 Beach, Lillian.

12 MR. BRIAN ARMSTRONG: And the high school in  
13 Elberta, the market over there has increased. I've got  
14 like six houses over there. So, I mean, it's --

15 MR. RUSTY WALTMAN: They don't want to hear  
16 that.

17 MR. BRIAN ARMSTRONG: Since I'm here, I might  
18 as well say that. We're hauling debris from Lillian all  
19 the way over to Magnolia Springs.

20 MR. RUSTY WALTMAN: That's right. A two-hour  
21 trip.

22 COMMISSIONER BILLIE JO UNDERWOOD: Better than  
23 Mobile.

24 COMMISSIONER JOE DAVIS, III: That's right.

25 MR. GRANT RISH: Depends on the rate.

26 MR. ALLEN WADE: We can combine it and haul it  
27 to Mobile if we have to.

28 COMMISSIONER JAMES E. (JEB) BALL: I've got one

1 question.

2 MR. RUSTY WALTMAN: Okay.

3 COMMISSIONER JAMES E. (JEB) BALL: And I'm  
4 going to direct it -- I don't know who --

5 COMMISSIONER BILLIE JO UNDERWOOD: Are y'all  
6 hauling --

7 COMMISSIONER JAMES E. (JEB) BALL: I just want  
8 to ask a question. Mr. Chairman, I've got -- I haven't  
9 said anything during this whole thing. I just want to  
10 ask one question.

11 I built a house, I think, back in 1997, Benchmark  
12 Home, as a matter of fact. And what was going on then,  
13 you had a container sitting out in our yard. And they  
14 filled it up with the construction debris.

15 In 1998 and '99, and 2000, and 2001, and 2002, all  
16 those years, how was the debris paid for --

17 MS. TERRI GRAHAM: We charged by --

18 COMMISSIONER JAMES E. (JEB) BALL: -- or  
19 calculated?

20 MS. TERRI GRAHAM: We charged by the ton.

21 COMMISSIONER JAMES E. (JEB) BALL: By the ton.  
22 How did y'all factor that in at the time to homeowner's  
23 budget and y'all's budget and all that stuff?

24 MR. ALLEN WADE: (Indicating.)

25 COMMISSIONER JAMES E. (JEB) BALL: Yes, sir.

26 MR. ALLEN WADE: We hauled most of it to Mobile  
27 and paid yardage prices for it.

28 COMMISSIONER JAMES E. (JEB) BALL: Okay. So

1 from -- from the time you started building houses until  
2 2011, you hauled most you your staff to Mobile?

3 COMMISSIONER BILLIE JO UNDERWOOD: Out of the  
4 county?

5 MR. ALLEN WADE: Out of the county.

6 COMMISSION MEMBER BILLIE JO UNDERWOOD: Do  
7 y'all haul to Pensacola?

8 MR. RUSTY WALTMAN: No.

9 COMMISSIONER BILLIE JO UNDERWOOD: Are you  
10 allowed? Are you allowed?

11 MR. ALLEN WADE: That's across state lines.  
12 We're not permitted.

13 COMMISSIONER BILLIE JO UNDERWOOD: So if you  
14 don't haul it -- if you didn't haul it to Baldwin County  
15 Solid Waste, where did you haul it, other than Mobile?

16 MR. RUSTY WALTMAN: Mobile.

17 MR. ALLEN WADE: Mobile.

18 COMMISSIONER BILLIE JO UNDERWOOD: Nowhere  
19 else?

20 MR. RUSTY WALTMAN: Huh-uh. (Indicates  
21 negatively.)

22 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.  
23 And they're controlled by private?

24 MR. ALLEN WADE: Private.

25 COMMISSIONER BILLIE JO UNDERWOOD: Okay. Hey,  
26 I've learned so much in the past few minutes and last few  
27 months. Grateful.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 All right.

2 COMMISSION MEMBER BILLIE JO UNDERWOOD: Still  
3 learning.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
5 Consent? Is there any more discussion on this?

6 (No response.)

7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
8 If not, this will be tabled until we can get more  
9 information on this and come back later --

10 COMMISSIONER BILLIE JO UNDERWOOD: Please.  
11 Please.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP)  
13 GRUBER: -- at a later day. Okay.

14 MR. RUSTY WALTMAN: Thank you.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 Anybody want to say anything else?

17 COMMISSIONER JAMES E. (JEB) BALL: While it's  
18 tabled, these guys are still good to pay what --

19 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
20 Oh, yeah. Oh, yeah. It's not changing nothing until we  
21 make that decision.

22 COMMISSIONER BILLIE JO UNDERWOOD: I will try  
23 to come up with questions I have and send them to you.

24 MR. RUSTY WALTMAN: I will leave my phone  
25 number with you. You can talk to me.

26 COMMISSIONER BILLIE JO UNDERWOOD: My assistant  
27 is out front.

28 MR. ALLEN WADE: Thank y'all for listening.

1 COMMISSIONER JAMES E. (JEB) BALL: Thanks for  
2 y'all coming.

3 MR. ALLEN WADE: Y'all have good day.

4 MR. RUSTY WALTMAN: Thank y'all.

5 COMMISSIONER BILLIE JO UNDERWOOD: Thank you.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
7 Thank you.

8 MR. BRIAN ARMSTRONG: Thank y'all.

9  
10 **E-2 - J.M. WOOD AUCTION COMPANY, INC. - EQUIPMENT AUCTION LIST**

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
12 All right. Okay. All right. Next we'll go to Item E-2.

13 MS. TERRI GRAHAM: Okay. Item E-2 is the Solid  
14 Waste equipment list for the J. M. Wood auction March 19,  
15 through 22. These were the items that we had put in the  
16 budget to -- to sell.

17 COMMISSIONER BILLIE JO UNDERWOOD: Consent.

18 COMMISSIONER JAMES E. (JEB) BALL: Consent.

19 COMMISSIONER JOE DAVIS, III: Consent.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 Consent.

22  
23 **E-3 - MANDATORY GARBAGE FEES - LOW INCOME EXEMPTION APPLICATIONS**

24 **2018**

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
26 All right.

27 MS. TERRI GRAHAM: Item E-3 is the low income  
28 exemption applications for the forth quarter. Just as a

1 reminder, low income have to apply for every six months,  
2 and Social Security is once a year. So the forth  
3 quarter, we had approve thirty-two (32) and deny ten  
4 (10).

5 COMMISSIONER JAMES E. (JEB) BALL: Consent.

6 COMMISSIONER BILLIE JO UNDERWOOD: Consent.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

8 Okay. Terri, on this --

9 MS. TERRI GRAHAM: Yes, sir.

10 COMMISSION CHAIRMAN CHARLES F. (SKIP)

11 GRUBER: -- is there any way you can given us a rundown on  
12 what it's costing the County to give this service to  
13 individuals? I mean, this is -- this is a -- you know,  
14 it's a loss.

15 COMMISSIONER JOE DAVIS, III: Sure.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

17 And, you know, with that, with low income, the Social  
18 Security, and all these other ones that we have, if we  
19 could have some numbers to show you what exactly is  
20 being --

21 COMMISSIONER JAMES E. (JEB) BALL: Lost.

22 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

23 It's a loss, because, you know --

24 MR. MATTHEW BROWN: Yeah.

25 COMMISSIONER BILLIE JO UNDERWOOD: What benefit  
26 are we actually giving them?

27 COMMISSIONER JOE DAVIS, III: We're providing a  
28 benefit --

1 COMMISSION MEMBER BILLIE JO UNDERWOOD: Yeah.

2 COMMISSIONER JOE DAVIS, III: -- at other  
3 people's cost.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
5 Yeah.

6 COMMISSIONER JOE DAVIS, III: These people  
7 can't afford it.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
9 Well, I mean, this is -- this is something we have to go  
10 by. It's mandatory by -- by law.

11 COMMISSIONER JOE DAVIS, III: Sure.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
13 You know, it would be good for the public to know what --  
14 this is what we have to lay out also. I mean, if it was  
15 something, you know --

16 MS. TERRI GRAHAM: I'll start putting that in  
17 the staff recommendation.

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
19 Okay.

20 MS. TERRI GRAHAM: In the background.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 That would be great. Thank you.

23 COMMISSIONER JOE DAVIS, III: That is data that  
24 would be very helpful when we're talking to any of our  
25 constituents.

26 COMMISSIONER JAMES E. (JEB) BALL: So this  
27 would be for both of these?

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:



1 Yeah.

2 MS. TERRI GRAHAM: And we did make a change  
3 with -- just talking with Anu a little bit and not making  
4 the list actually public --

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
6 No.

7 MS. TERRI GRAHAM: -- making it confidential.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
9 Yeah. It should --

10 MS. TERRI GRAHAM: We've made --

11 COMMISSION CHAIRMAN CHARLES F. (SKIP)  
12 GRUBER: -- be confidential.

13 MS. TERRI GRAHAM: -- it public for years and  
14 years, but just --

15 COMMISSIONER JAMES E. (JEB) BALL: Should we go  
16 Other Staff on that?

17 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
18 No.

19 COMMISSIONER JAMES E. (JEB) BALL: Is Consent  
20 fine on those?

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 Yeah, yeah.

23 MR. RON CINK: Out of courtesy.

24 MS. TERRI GRAHAM: Out of courtesy.

25 COMMISSIONER BILLIE JO UNDERWOOD: Is it  
26 confidential information, or is it courtesy?

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
28 Courtesy.

1 COMMISSION MEMBER BILLIE JO UNDERWOOD: So it's  
2 not like sales tax information or that kind of stuff, or  
3 bad accounts?

4 MS. TERRI GRAHAM: It was just a courtesy.

5 COMMISSIONER BILLIE JO UNDERWOOD: It's a  
6 courtesy. So I did have a question about one of on the  
7 next list, the Social Security. So is that something I  
8 can ask?

9 MS. TERRI GRAHAM: Yes. Yes.

10 COMMISSIONER BILLIE JO UNDERWOOD: Okay. Go  
11 ahead.

12 MS. TERRI GRAHAM: Okay.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 All right.

15

16 **E-4 - MANDATORY GARBAGE FEES - SOCIAL SECURITY EXEMPTION**

17 **APPLICATIONS 2018**

18 MS. TERRI GRAHAM: So the Item E-4 is for the  
19 Social Security exemption applications for the forth  
20 quarter. So this is --

21

22 (Commissioner James E. (Jeb) Ball left the Baldwin County  
23 Commission Work.)

24

25 MS. TERRI GRAHAM: -- this is very large  
26 number, but this is our annual process. So this is  
27 everybody that we've actually got in prior to doing the  
28 agenda. So this one is approve two hundred and

1 ninety-three (293) and deny fifty-three (53).

2 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

3 Yeah.

4 MS. TERRI GRAHAM: And I'll get them to add  
5 those dollar figures to the -- to the background.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

7 Okay. Sounds good. Y'all want Consent on that one also?

8 COMMISSIONER JAMES E. (JEB) BALL: Yeah.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

10 Okay.

11 COMMISSIONER JOE DAVIS, III: Question on our  
12 application. Do we ask for people's full Social Security  
13 number on that application?

14 MS. TERRI GRAHAM: There is -- there is a place  
15 for the full Social Security number, yes.

16 COMMISSIONER JOE DAVIS, III: Could we  
17 accomplish the same thing with the last four digits of  
18 their Social Security number?

19 MS. TERRI GRAHAM: Um, so --

20 ATTORNEY DAVID CONNER: I will --

21 COMMISSIONER JOE DAVIS, III: Aren't we trying  
22 to identify the person? We're not trying to do a  
23 transaction for them.

24 I have a -- I have a problem with giving anybody my  
25 personal complete Social Security number. And I've found  
26 that if you do the last four digits -- Now, let me tell  
27 you something. You've probably got a lot of people with  
28 your name. I can't tell you how Joe Davises there are.

1 So, obviously, they need a way to know which Joe Davis.  
2 But they don't need my entire Social Security number to  
3 get it.

4 It might make it easier to get it, but then that  
5 also exposes us to the opportunity of screwing up.  
6 Excuse my language.

7 MS. KIM CREECH: Well, we do ask for other  
8 information.

9 COMMISSIONER JOE DAVIS, III: Do we have to, or  
10 do we choose to?

11 COMMISSIONER BILLIE JO UNDERWOOD: I -- I think  
12 that, from my experience -- And this is from -- not being  
13 elected, is that people who fall into like this category  
14 bring a copy of like their income, which is usually their  
15 SSA 1099 Form, which has their Social Security number. A  
16 lot of these people are on Social Security disability or  
17 VA or different things like that.

18 So are we on the Social Security one, or are we  
19 on --

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 Yeah, we're on Social Security.

22 COMMISSIONER BILLIE JO UNDERWOOD: We are?  
23 Okay. Well, I do have a question about Item Number 2.  
24 Hang on. Why is a Municipality listed as approval?

25 MS. TERRI GRAHAM: It is --

26 COMMISSION MEMBER BILLIE JO UNDERWOOD: 273, it  
27 says Town of Summerdale.

28 MS. TERRI GRAHAM: It's a customer within. So

1 we group bill the Town of Summerdale.

2 COMMISSIONER BILLIE JO UNDERWOOD: Because they  
3 bill --

4 MS. TERRI GRAHAM: I bill the Town --

5 COMMISSION MEMBER BILLIE JO UNDERWOOD: Oh,  
6 okay.

7 MS. TERRI GRAHAM: -- for that, so it's going  
8 to be one of their --

9 COMMISSIONER BILLIE JO UNDERWOOD: I had to  
10 ask, because there was no other municipality on there.

11 MS. TERRI GRAHAM: But you know what? I will  
12 fix that for the meeting and -- and put the actual  
13 person's name.

14 COMMISSIONER BILLIE JO UNDERWOOD: Because that  
15 doesn't really sound right.

16 MS. TERRI GRAHAM: It does look funny.

17 COMMISSION MEMBER BILLIE JO UNDERWOOD: It  
18 sounds like you're exempting them for Social Security at  
19 the town hall.

20 MS. TERRI GRAHAM: Sorry about that.

21 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

22 MS. TERRI GRAHAM: I didn't catch that.

23 MS. KIM CREECH: And back to the -- the Social  
24 Security, every customer -- every customer, we get their  
25 Social Security number. So for every customer, so if  
26 they -- Solid Waste [sic] does not pay their bill, and  
27 we -- we keep trying to go after them, we have their --  
28 we have to have that full Social Security number, because

1 we do submit to the State Department of Revenue. And  
2 we're able to capture part of their --

3 COMMISSION MEMBER BILLIE JO UNDERWOOD: Tax  
4 return.

5 MS. KIM CREECH: -- tax refund. So that --  
6 that's -- that's part -- that's part of it. And we --  
7 when somebody files for Social Security, this is when --  
8 I was doing this and put a lot of stuff in place. Now  
9 Terri -- Terri does it.

10 But we look at bank statements. We look and we do  
11 find people that apply and say, I have Social Security,  
12 but you'll find a retirement check coming from RSA, or  
13 it'll be something small, but that, you know -- that --  
14 any other income is going to reject them. And that's  
15 ones you're probably seeing on the rejection list.

16 COMMISSIONER BILLIE JO UNDERWOOD: That's fine.  
17 I -- I'm not -- I'm not questioning that. I was just  
18 like that looked weird to have.

19 MS. TERRI GRAHAM: Commissioner Davis.

20 COMMISSIONER JOE DAVIS, III: Yes, ma'am.

21 MS. TERRI GRAHAM: It's a State form that we  
22 use for the --

23 COMMISSIONER JOE DAVIS, III: Okay.

24 MS. TERRI GRAHAM: It's an ADPH form that they  
25 submit. And so if -- if a customer didn't put their full  
26 Social Security number, that's not -- that's not a  
27 requirement that they give it to me. I probably already  
28 have it.

1 ATTORNEY DAVID CONNER: But in addressing what  
2 I hear you say, for protection of information, we need to  
3 make sure our procedures and processes are in place so  
4 that those don't become compromised in some way.

5 COMMISSIONER JOE DAVIS, III: That's right.

6 ATTORNEY DAVID CONNER: And if we are  
7 subsequently reporting those to other agencies, which I  
8 know you do, they need to be redacted either in whole or  
9 in part to protect as much as we can those things. So it  
10 might be worth a review, just to make sure how we're  
11 handling that.

12 COMMISSIONER JOE DAVIS, III: That's right.

13 ATTORNEY DAVID CONNER: I think that's your  
14 concern.

15 COMMISSIONER JOE DAVIS, III: That's exactly  
16 right.

17 MS. KIM CREECH: And what we submit to the  
18 State Department of Revenue is a secure website that we  
19 are submitting a table, a table of data that is  
20 submitted. It has to be in a certain format, in a table  
21 of data that's submitted to the Department of Revenue.

22 COMMISSIONER JOE DAVIS, III: Well, those  
23 departments are going through the same dialog and -- and  
24 process.

25 MS. KIM CREECH: Uh-huh. (Indicates  
26 affirmatively.)

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
28 Okay. All right.

1 COMMISSIONER JOE DAVIS, III: Thank you.

2

3 **G-1 - CASE NO. Z-19003 - GLEAVES PROPERTY REZONING**

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

5 Next, which is Planning and Zoning.

6 MR. RON CINK: Yes, sir.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

8 Terri, you don't have anything else, do you, Terri?

9 MS. TERRI GRAHAM: That's it.

10 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

11 Okay.

12 MS. TERRI GRAHAM: I hope.

13 COMMISSIONER JOE DAVIS, III: You lead in time

14 consumed right now, but you had a lot of help. Sorry.

15 MS. CELENA BOYKIN: This is a request to  
16 re-zone five (5) acres. Subject property is currently  
17 RSF-E, which is Estate Residential. And the applicant is  
18 asking that it be re-zone to RR in order for it to be  
19 consistent with existing use.

20 On the property, there's mini-storage, boat and RV  
21 storage, and also a residential home. The subject  
22 property is located on the east side Buzbee Road in  
23 Planning District 10.

24 Here is -- you can see the subject property is  
25 surrounded -- to the north is the City of Spanish Fort.  
26 To the south is quite a bit of RA. And across the road  
27 is some residential. Here's an aerial of the property.

28 The applicant has this storage building and RV and



1 boat storage before Planning District 10 became zoned.

2 So that's why she's coming back and asking for RR.

3 Her husband has passed away. She can't keep up with  
4 it. She wants to sell it. In order to do that, she  
5 wants it to be consistent with the zoning and be  
6 conforming. So she's asking for the RR. And then she  
7 will have to go back to the Board of Adjustment and ask  
8 for a special exception to have the storage by right.

9 And here are some pictures. You can see it already  
10 has a good buffer around the subject property. That's  
11 the home that's on there, and then the bottom is the boat  
12 and RV storage.

13 There's some pictures of adjacent property. She did  
14 say the subdivision to the north that's adjacent to her  
15 property, many of those use her storage for their boats  
16 and RV's.

17 The Planning Commission recommended approval, and  
18 staff also recommends approval.

19 COMMISSIONER JAMES E. (JEB) BALL: Consent on  
20 that one.

21 COMMISSIONER BILLIE JO UNDERWOOD: That goes to  
22 a public hearing.

23 MR. RON CINK: Public hearing.

24 COMMISSIONER JAMES E. (JEB) BALL: That's  
25 right.

26 COMMISSIONER JOE DAVIS, III: That's a public  
27 hearing.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 That's a -- that'll be a public hearing.

2  
3 **G-2 - PLANNING AND ZONING DEPARTMENT ORDINANCES, POLICIES AND**  
4 **PROCEDURES**

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

6 Okay.

7 MR. RON CINK: Mr. Chairman, on the next item,  
8 can we wait until the end on it?

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

10 Yes, please, yeah.

11  
12 **H-1 - PUBLIC HEARING FOR FARE AND SERVICE CHANGES FOR BALDWIN**  
13 **REGIONAL AREA TRANSIT SYSTEM**

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

15 All right. Next, Joey.

16 MR. JOEY NUNNALLY: Okay. This is the public  
17 hearing, okay -- Sorry. H-1 is going the public hearing  
18 for fair and service changes for Baldwin Regional Area  
19 Transit System.

20 These were, you know -- previously been discussed  
21 about going up on the fare for the Fairhope hub to  
22 Bienville, Daphne Library to Bienville, Spanish Fort  
23 connection to Bienville, and the additional fare levels  
24 over fifty (50) miles and over sixty (60) miles, and, of  
25 course, deleting the Northlinc routes, and a couple of  
26 the Baylinc routes.

27 So in order to meet Federal guidelines, the FTA  
28 money, we've got to do a public hearing on those changes.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

2 All right.

3 MR. JOEY NUNNALLY: Just FYI, I know you've  
4 been getting a lot of phone call on the schools, changing  
5 the school routes. And those folks will probably show up  
6 as well.

7 COMMISSIONER JOE DAVIS, III: Sure.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
9 Yeah. Okay. All right. So that will be a public  
10 hearing.

11 MR. JOEY NUNNALLY: Yes.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
13 Okay.

14

15

16 **J-1 - ALABAMA 200 BICENTENNIAL AND ARCHIVES PUBLIC OUTREACH**

17 **EVENTS FOR 2019**

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
19 Next.

20 MR. RON CINK: Next item, Mr. Chairman, is from  
21 Archives. This is an agenda item for information and  
22 also includes the cost of these outreach items and --  
23 that is the Archives Department is participating in on  
24 your behalf throughout the community.

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
26 Any questions on this?

27 COMMISSIONER JAMES E. (JEB) BALL: Consent.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 And this is -- all this is budgeted and everything else?

2 The cost and everything is budgeted?

3 MR. RON CINK: Yes, sir. It's -- it's --

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

5 It's in our budget.

6 MR. RON CINK: That is to let you guys know,  
7 you know, what's going on with Archives.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

9 Felisha, you got anything?

10 MS. FELISHA ANDERSON: Good morning.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

12 Good morning.

13 COMMISSIONER JOE DAVIS, III: Good morning.

14 MS. FELISHA ANDERSON: Good morning. I'm  
15 great. How are you?

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

17 All right.

18 COMMISSIONER BILLIE JO UNDERWOOD: Good.

19 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

20 You got --

21 MS. FELISHA ANDERSON: You got any questions --

22 COMMISSION CHAIRMAN CHARLES F. (SKIP)

23 GRUBER: -- anything --

24 MS. FELISHA ANDERSON: -- for me?

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

26 You got --

27 MS. FELISHA ANDERSON: No, sir.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 You want to add anything to this?

2 MS. FELISHA ANDERSON: No, sir. Ron covered it  
3 all. 2019 is the culmination of the Alabama 200  
4 celebration. And we just wanted to go ahead to get  
5 approval from the onset to start planning all these  
6 yearlong events.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
8 Yeah. Because they're coming right around the corner,  
9 ain't they?

10 COMMISSIONER JOE DAVIS, III: They are.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
12 Yeah.

13 MS. FELISHA ANDERSON: Yes, sir.

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
15 Okay. All right.

16 COMMISSIONER BILLIE JO UNDERWOOD: Will there  
17 be any more added to this, or is this it? Because  
18 there's a big gap in the summer with nothing going on.

19 MS. FELISHA ANDERSON: There -- we have twelve  
20 (12) municipalities that are local committees that are  
21 working with us on the celebration. And so there will be  
22 other events going on around the county that's not  
23 directly under the umbrella of the Baldwin County  
24 Commission.

25 COMMISSIONER BILLIE JO UNDERWOOD: Okay.  
26 Thanks. That helps.

27 MS. FELISHA ANDERSON: You're welcome.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 Okay. All right Consent?

2 COMMISSIONER JAMES E. (JEB) BALL: Yes.

3 COMMISSION MEMBER BILLIE JO UNDERWOOD:

4 Consent.

5 COMMISSIONER JOE DAVIS, III: Consent.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

7 All right.

8

9 **M-1 - CREATION OF FIRE DEPARTMENT IDENTIFICATION CARDS**

10 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

11 Next.

12 MR. RON CINK: Mr. Peacock.

13 MR. JESSIE PEACOCK: Good morning,

14 Commissioners.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

16 Good morning.

17 MR. JESSIE PEACOCK: Basically I just wanted to  
18 come before y'all today and seek a little bit of  
19 guidance. I want -- have talked -- reached out to the  
20 Fire Chiefs Association, -- A couple Commissioners were  
21 there -- looking at making a countywide fire department  
22 ID.

23 If -- if you guys are dead set against it, we won't  
24 do it, just get y'all's opinion, because there will be a  
25 little bit of cost if you want to. And look the  
26 discussions with y'all how you want to move forward, look  
27 at opening up a budget line item -- line item for  
28 Emergency Management to foot the bill for this, or if we

1 want to look at the possibility of charging --

2 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

3 A fee.

4 MR. JESSIE PEACOCK: -- the cost of the card  
5 back to the fire departments. Ms. Kim has given me some  
6 guidance and wisdom on this. So if y'all have a  
7 financial question, I'd have to reach out to her.

8 Wayne has printed us up a couple. He was in -- they  
9 won't look like this. These are strictly laminated.  
10 They going to be on the hard card stock.

11 When it was brought up at the Fire Chiefs  
12 Association, there was several people -- several  
13 departments approached me after the meeting, seemed to be  
14 very interested.

15 Some of the fire department ID cards now are just a  
16 folded piece of paper in a pouch. Some are very  
17 elaborate and looks good.

18 But after we all went down to Panama City, looking  
19 at that, thinking how in the world are we going to  
20 organize people in Baldwin County, I thought it would be  
21 a decent idea. And the ones that I've spoken with that  
22 have given me feedback thinks it would be a good idea as  
23 well.

24 We would not be the credentialing agent. All we're  
25 doing is providing the service to the department or  
26 printing up an ID, but keeping that ID uniform to the  
27 members of the department in Baldwin County.

28 Thoughts or suggestions from y'all?

1 COMMISSIONER BILLIE JO UNDERWOOD: I have a  
2 question.

3 MR. JESSIE PEACOCK: Yes, ma'am.

4 COMMISSIONER BILLIE JO UNDERWOOD: I was at  
5 this meeting, and I was sitting next to a volunteer  
6 fireman from Foley. And they had a very nice laminated  
7 card, but there was an expiration date on it.

8 MR. JESSIE PEACOCK: Yes, ma'am.

9 COMMISSION MEMBER BILLIE JO UNDERWOOD: I think  
10 it maybe expires every December or something like that.  
11 I'm not sure. His did. This happened to be January  
12 the 3rd. He was like, oh, my card is expired.

13 So would this be like something that would -- that  
14 would expire and have to be reissued? And if it's an  
15 inexpensive card, just one that could be printed. I  
16 don't know if you can even buy a little machine where you  
17 can print them inhouse.

18 I know a lot of banks and people like that and  
19 libraries, they print cards right inhouse. Is that --

20 MR. JESSIE PEACOCK: We have --

21 COMMISSION MEMBER BILLIE JO UNDERWOOD: You  
22 already have all that?

23 MR. JESSIE PEACOCK: That is what brought this  
24 up. There is a print machine in one of the front  
25 offices.

26 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

27 MR. JESSIE PEACOCK: And I was wondering what  
28 were we doing with it. And we weren't doing anything



1 with it. I reached out to CIS. And Brian's hooked me up  
2 with Casey. I have prices on that so I can give you an  
3 estimated --

4 COMMISSIONER BILLIE JO UNDERWOOD: I was just  
5 thinking that, you know, without an expiration date, you  
6 may have people out there --

7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
8 That's not --

9 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- that  
10 aren't being -- that aren't being monitored and show up  
11 that really aren't supposed to be who they're supposed to  
12 be. So that was just a thought about an expiration date.  
13 Other than that, I don't -- I -- I think it's a great  
14 idea.

15 MR. JESSIE PEACOCK: That's my name, but that's  
16 not my picture on that card.

17 COMMISSIONER BILLIE JO UNDERWOOD: I didn't  
18 think it looked like you.

19 MR. JESSIE PEACOCK: Wayne likes playing mean  
20 and cruel jokes.

21 MS. KIM CREECH: You can change the color of  
22 some sort so that if you want to know if it's a current  
23 year. I think that's what we do with -- with some of the  
24 beach passes during storms. It's a different color,  
25 different year, if that's something, just to be able to  
26 be uniform, different type of card, but --

27 COMMISSIONER BILLIE JO UNDERWOOD: I think  
28 nothing like a date, though, printed on --

1 MR. JESSIE PEACOCK: It would be --

2 COMMISSIONER BILLIE JO UNDERWOOD: -- helps.

3 MR. JESSIE PEACOCK: It would be -- First, back  
4 to your original question, if y'all want the numbers, I  
5 do -- but we do have the printing machine. We do have  
6 the program. It --

7 COMMISSIONER BILLIE JO UNDERWOOD: Supplies.

8 MR. JESSIE PEACOCK: Beginning stages, Wayne  
9 has been working with it right now. He's got to figure  
10 out how to transfer these pictures to this program off of  
11 his -- his program and what that capabilities of that  
12 program -- they're very limited to the --

13 MR. BRIAN PEACOCK: Guard card.

14 MR. JESSIE PEACOCK: -- smart card -- thank  
15 you -- the magic card, I believe --

16 MR. BRIAN PEACOCK: Guard card.

17 MR. JESSIE PEACOCK: Guard card. So we're  
18 working on that. I was going to get a lot of the --  
19 after getting approval, guys, from y'all, I was going to  
20 present to the Fire Chiefs Association meeting again and  
21 maybe get a small committee of those guys, because we  
22 want some type of identifying marker.

23 We talked about -- we talked about the County seal,  
24 but I don't think we want to do that. But the Fire  
25 Chiefs Association has an emblem from their department.

26 And it is -- it's the outline of the County, BCCA, I  
27 believe it is, to place that on their card, so that's the  
28 identify marker of Baldwin County Fire Chiefs Association

1 emblem along with the date, and also seeking guidance  
2 from them. Because, like I said, several of them  
3 approached me after the meeting and brought it up.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
5 Well, how would you go -- I mean, you would have to set a  
6 time where all the folks would come around to the EMA and  
7 produce these cards. Because you've got to have a  
8 picture. So, I mean, they would have to --

9 COMMISSIONER JAMES E. (JEB) BALL: You could  
10 knock out -- you could knock out eighty percent (80%) of  
11 them in a volunteer fire chiefs meeting.

12 MR. JESSIE PEACOCK: I've been going to the  
13 individual house meetings, each fire department's  
14 meeting, not just the association. Again, the numbers  
15 that we're looking at is around a thousand (1,000) of  
16 them.

17 The count we have, Probate gives out tags. Wayne  
18 was able to get a number, nine hundred forty (940)  
19 members, active members right now in Baldwin County.  
20 That will be a little bit of a challenge. I am working  
21 on that.

22 There is the app on the phones that people can take  
23 a passport photo and e-mail it. This is going to be, you  
24 know -- I'm asking to do this. It's going to be a chore  
25 for us. This is not just something -- but it's also  
26 going to be a benefit for the County.

27 But that's -- that's the option we're looking at  
28 now, Commissioner Ball, is -- is the app, having them

1 send the picture and group them. And we start off with  
2 Station 70 to start off with in Bay Minette or Station --  
3 Rosinton, and just to station by station.

4 We'll have to converse with that chief or deputy  
5 chief. Okay. You have twelve (12) members and set times  
6 up. And, again --

7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
8 We can do that. Okay.

9 MR. JESSIE PEACOCK: And, again, this is the  
10 first in a long process that I'm not even sure is  
11 possible. I'm just making sure that --

12 COMMISSIONER BILLIE JO UNDERWOOD: Just as long  
13 as there's some safeguards in place, that if they do send  
14 stuff in electronically, that it's that person, you know,  
15 and that kind of stuff.

16 MR. JESSIE PEACOCK: Yes, ma'am.

17 MS. KIM CREECH: And -- and I think the  
18 question, financially, is do y'all want to include that  
19 in his budget? I suggested to him a five dollar (\$5)  
20 charge per card for the time and the supplies, you know,  
21 to cover our cost, or is that something that y'all, as a  
22 Commission, want to cover those costs?

23 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
24 You need to know --

25 COMMISSION MEMBER BILLIE JO UNDERWOOD: We need  
26 to know how much --

27 COMMISSION CHAIRMAN CHARLES F. (SKIP)  
28 GRUBER: -- what the cost is.

1 MR. JESSIE PEACOCK: Right now, the cost of one  
2 thousand (1,000) ID cards -- I'll use the round number,  
3 one thousand (1,000) -- it going to be ninety-seven  
4 dollars and thirty-eight cents (\$97.38). The print  
5 ribbon, Casey estimated times four -- we've since had to  
6 revamp that to times eight -- is six hundred forty-two  
7 dollars and eighty-eight cents (\$642.88) for a total of  
8 seven hundred eighty dollars and twenty-six cents  
9 (\$780.26), so roughly a thousand dollars (\$1,000) a year,  
10 if it lasts on the card stock.

11 Some of the issues with the County ID's -- Brian may  
12 can connect me if I'm wrong. It may be your department.  
13 They will rub off and fade if you don't laminate them.

14 MR. BRIAN PEACOCK: Depending on how they're  
15 carried.

16 MR. JESSIE PEACOCK: I don't want -- I really  
17 don't want to laminate them because one of the issues  
18 that was brought to me, people -- the ones asked me if --  
19 if you create these cards, please make it where it will  
20 fit in you wallet.

21 So if we go with the year, redoing them every year,  
22 once we get it established, it will go -- it'll be a  
23 whole lot easier. The first initial step is going to be  
24 hard. After that, it should be a whole lot simpler. But  
25 it's still going to be about roughly a dollar (\$1) a card  
26 cost without lamination.

27 COMMISSIONER JAMES E. (JEB) BALL: I thought,  
28 Jessie, when we talked about this, I thought we were

1 using it for an emergency-style scenario, like Mexico  
2 Beach, of some situation where you are going to have  
3 everybody engaged. So these guys do not need to have  
4 these present every day; right?

5 MR. JESSIE PEACOCK: Um.

6 COMMISSIONER JAMES E. (JEB) BALL: Well,  
7 it's -- it's not -- we already know they're firemen.  
8 They've got a helmet and a suit on.

9 MR. JESSIE PEACOCK: In -- in my opinion -- I  
10 apologize if I misled you. That's going to be the -- the  
11 main purpose is to help that.

12 But, no, it will be -- they -- they do use them on a  
13 daily basis and have their ID's. A lot of them use their  
14 cards. It's a two-part identification. So when they  
15 check in, when they report in one of those -- A lot of  
16 them use a metal tag system to hang in the truck. It's a  
17 safety thing they use when they go to a fire. One stays  
18 in the truck, one --

19 COMMISSIONER BILLIE JO UNDERWOOD: So do you  
20 think it would be a problem charging a very nominal fee  
21 like maybe two dollars (\$2) a card? Do you think the  
22 firemen would --

23 MR. JESSIE PEACOCK: I don't --

24 COMMISSION MEMBER BILLIE JO UNDERWOOD: Do you  
25 think they would like --

26 MR. JESSIE PEACOCK: I don't think so. I'd  
27 like --

28 COMMISSION MEMBER BILLIE JO UNDERWOOD: It

1 would be mutiny?

2 MR. JESSIE PEACOCK: -- to bring it before them  
3 because I know some of them are outsourcing right now to  
4 private agencies that make these cards at --

5 COMMISSIONER BILLIE JO UNDERWOOD: Could you  
6 check on that?

7 MR. JESSIE PEACOCK: -- ten dollars (\$10) a  
8 card or so.

9 COMMISSIONER JOE DAVIS, III: Sure.

10 COMMISSIONER BILLIE JO UNDERWOOD: I would  
11 really just want to cover our cost. I really don't want  
12 to make, you know --

13 MR. JESSIE PEACOCK: And that was the main  
14 reason for bringing it up before --

15 COMMISSIONER BILLIE JO UNDERWOOD: That would  
16 be my -- that would be my concern, you know, would be  
17 just kind of covering our costs on this.

18 COMMISSIONER JAMES E. (JEB) BALL: We'll table  
19 this.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 Okay.

22 COMMISSIONER JOE DAVIS, III: Well, another  
23 thing that we could look at doing, on the various  
24 organizations that I've participated in, the  
25 organization, their volunteer fire department pays it and  
26 collects it from them. We collect it from them.

27 Why don't we get a sponsor? And for not a huge ad,  
28 not a McDonald's golden arches, necessarily, but you

1 could have a place that said Regions or it could say  
2 McDonald's.

3 And that gives them a chance to get their name out.  
4 And also gives them a chance to pay for all this stuff.  
5 And that's something to consider. Because there's a lot  
6 of organizations that do that. And the cost is real. So  
7 you've got to figure out who's going to participate in  
8 it.

9 MS. KIM CREECH: Yeah, but it's hard for the  
10 County Commission to solicit for that.

11 COMMISSIONER JOE DAVIS, III: That doesn't mean  
12 we can't. And that doesn't mean we can't make it happen  
13 that way. Convenient and easy is not in my vocabulary.

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
15 Okay.

16 MR. JESSIE PEACOCK: Again, correct me if I'm  
17 wrong. This is just -- I just wanted y'all's opinion,  
18 no -- no action taken on this. I just wanting to  
19 really --

20 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

21 MR. JESSIE PEACOCK: So you want me to reach  
22 out to the Fire Chiefs Association --

23 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
24 Yeah.

25 COMMISSIONER BILLIE JO UNDERWOOD: Just get a  
26 feel.

27 MR. JESSIE PEACOCK: Start -- start moving  
28 forward? Again, it's just a thought. Now, it's moving



1 into --

2 COMMISSIONER BILLIE JO UNDERWOOD: If you could  
3 get them some more concrete numbers of what it actually  
4 might end up costing? That way you can tell them that  
5 you'll do the work for it, but just cover the material  
6 cost, or just kind of --

7 MR. JESSIE PEACOCK: Right.

8 COMMISSION MEMBER BILLIE JO UNDERWOOD: I don't  
9 know. That's just my thoughts. That doesn't mean that's  
10 what everyone else thinks.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
12 Yeah. Okay. All right. Well, we'll table this until  
13 you can get further information back, you know, and what  
14 the Fire Chiefs Association would like to do. And so --

15 MR. JESSIE PEACOCK: And then I will continue  
16 moving forward with it. And I'll bring you more  
17 information back as we get it and --

18 COMMISSIONER BILLIE JO UNDERWOOD: Thank you.

19 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
20 Okay. All right. Thank you.

21

22 **O-1 - SALES, USE, AND LICENSE TAX DEPARTMENT - POSITION CHANGE**

23 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
24 All right. Next.

25 MS. DEIDRA HANAK: Next we have -- Sorry. I'm  
26 on the wrong side.

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
28 That's all right.

1 MS. DEIDRA HANAK: -- a request from Kim  
2 Creech, in the Sales, Use, and License Tax Department.  
3 Currently they have a vacated Deputy License Inspector II  
4 position, and she would actually like to downgrade that  
5 position to a Revenue Compliance Officer position to help  
6 better meet the needs -- better meet the needs of her  
7 department. And she can help explain.

8 MS. KIM CREECH: I had a person vacant that  
9 position. And that person in this position truly was  
10 being a collector for us, would actually go in the field  
11 and collect returned checks, collection on sales -- sales  
12 tax.

13 And so I just want to change the title and make the  
14 job description how we were really utilizing that person.  
15 That person was actually a License Inspector that was  
16 doing License Inspector and coordinating with our Sales  
17 Tax Coordinator for collection of past due accounts.

18 What I was doing is just changing title. And that  
19 person had been there for many years so was at a higher  
20 grade. So I just want to see if I can get somebody to  
21 fill that position at a lower grade, just trying to  
22 save -- save some money.

23 COMMISSIONER JAMES E. (JEB) BALL: I consent,  
24 Mr. Chairman.

25 COMMISSIONER BILLIE JO UNDERWOOD: Consent.

26 COMMISSIONER JOE DAVIS, III: Consent.

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
28 All right. Consent it will be then.

**Q-1 - ACCEPTANCE OF A DONATION - ORIGINAL PAINTING BY MR. DEAN  
MOSHER OF THE 1813 MASSACRE AT FORT MIMS FROM THE BALDWIN COUNTY  
LEGISLATIVE DELEGATION TO THE BALDWIN COUNTY COMMISSION**

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

All right. Next.

MR. RON CINK: Next. Mr. Chairman, is acceptance of a donation, original painting by Mr. Dean Mosher of the 1813 Massacre at Fort Mims from the Baldwin County Legislative Delegation to the Baldwin County Commission.

There's several items in there, but the Legislative Delegation wishes to donate that painting, original painting, to the Commission to basically store, insure, and care for.

COMMISSIONER JAMES E. (JEB) BALL: I consent, Mr. Chairman.

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER: All right. And that will -- there will be -- it'll be presented where this will be housed at, or it will -- or will it move around from time to time?

MR. RON CINK: That's at the discretion of the Commission. I mean, we --

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER: Okay.

MR. RON CINK: But it would eventually be in Archives.

Felisha.

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 Hey, Felisha.

2 MS. FELISHA ANDERSON: Hi. There are two other  
3 paintings that the Commission has purchased, The Battle  
4 of Fort Blakeley and also Fort Morgan.

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
6 Uh-huh. (Indicates affirmatively.)

7 MS. FELISHA ANDERSON: So this will be the  
8 third painting.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
10 Okay.

11 MS. FELISHA ANDERSON: The plan is for these  
12 portraits to circulate through all of the Commission  
13 courthouses with the ending -- we want to place them at  
14 each of these sites.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 Okay. Okay.

17 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
19 Okay. I know, because the -- I know the safe and  
20 everything, you know, was supposed to be on tour. It  
21 still hasn't been to Foley yet. You know, it's still --

22 MS. FELISHA ANDERSON: Correct.

23 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
24 Yeah.

25 MS. FELISHA ANDERSON: And it's still in  
26 Robertsdale, and --

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
28 It's been everywhere but Foley.

1 MS. FELISHA ANDERSON: It is drawing a lot  
2 attention of Robertsdale. But it will make its way to  
3 Foley.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
5 Okay.

6 MS. FELISHA ANDERSON: But the Fort Mims  
7 painting will hang in the Bay Minette Courthouse --

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
9 Uh-huh. (Indicates affirmatively.)

10 MS. FELISHA ANDERSON: -- and Fort Morgan will  
11 be in Foley, and the Historic Blakeley, we will hang that  
12 the the Fairhope Courthouse.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 Okay.

15 MS. FELISHA ANDERSON: And they will rotate  
16 them out. And once they make all of the -- reach all of  
17 its locations, we plan to place those at each of the  
18 sites.

19 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
20 Okay. All right. All right. Well, then Consent fine  
21 with that?

22 COMMISSIONER JAMES E. (JEB) BALL: Yes.

23 COMMISSIONER BILLIE JO UNDERWOOD: Consent.

24 COMMISSIONER JOE DAVIS, III: Mr. Chairman, who  
25 handles our insurance conditioning for all of that? I  
26 mean, you have two now. Now you've added three. Is  
27 there going to be additional --

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 It'll be --

2 COMMISSIONER JOE DAVIS, III: -- costs? And  
3 moving things of value around has to have a whole series  
4 of safety nets there. I'm sure we have something in --  
5 in the plan.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
7 It's handled through our --

8 MS. KIM CREECH: And we just add it to ACCA  
9 general insurance and property. And it's all handled  
10 through them. And it would just be an added item.

11 COMMISSIONER JOE DAVIS, III: Okay.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
13 It's just another item that's added to our insurance.

14 COMMISSIONER JOE DAVIS, III: Somebody from  
15 ACCA comes down and helps us determine how to move them  
16 around and --

17 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
18 No, no, no.

19 COMMISSIONER JOE DAVIS, III: -- how to --

20 MS. KIM CREECH: No.

21 COMMISSIONER JOE DAVIS, III: We do that?

22 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
23 We do that.

24 COMMISSIONER BILLIE JO UNDERWOOD: We do that.

25 COMMISSIONER JOE DAVIS, III: Okay. I just --

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 Now, I think they will help Felisha --

28 COMMISSIONER JOE DAVIS, III: -- want to make

1 sure we've got ourselves covered with insurance. Because  
2 if this thing cost fifty thousand (\$50,000) to paint, is  
3 it appraised at that? I guess that's a starting point.  
4 The other two paintings have value as well. And --

5 COMMISSIONER BILLIE JO UNDERWOOD: I think it's  
6 just like anything else with insurance, you just aren't  
7 negligent, you know, if you have claims, as long as it's  
8 not --

9 COMMISSIONER JOE DAVIS, III: But if ACCA  
10 doesn't have an agent down here and somebody responsible,  
11 then Sonny Brasfield is going to blow smoke and all --

12 COMMISSIONER BILLIE JO UNDERWOOD: Oh, you  
13 missed it all last week.

14 COMMISSIONER JOE DAVIS, III: And I'd say that  
15 if Sonny was here.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 Well, Felisha usually helps -- does some of this --  
18 coordinates this, right? Have you move this stuff?

19 MS. FELISHA ANDERSON: I actually travel --  
20 Anytime we transport anything around the county, I am  
21 personally there. We use our maintenance team. I am --  
22 there are only a few of those employees that -- that are  
23 in the position to handle those. We handle those with  
24 proper care.

25 COMMISSIONER JOE DAVIS, III: My suggestion,  
26 having been in the insurance business at various phases,  
27 is to document any of those transfers so --

28 MS. FELISHA ANDERSON: Yes, sir.

1 COMMISSIONER JOE DAVIS, III: -- you've got a  
2 report. Hopefully you never have to refer to it. But  
3 when you start filing claims with a local, it's bad  
4 enough. But when you start filing claims somewhere else,  
5 it's a nightmare.

6 MS. FELISHA ANDERSON: Yes, sir. I do have --

7 COMMISSIONER JOE DAVIS, III: We don't move  
8 them a lot. But as we move them and make any  
9 notations -- And I'm being a little paranoid about it,  
10 but I've seen organizations get burned by not having --

11 MS. FELISHA ANDERSON: Yes, sir. I -- I do  
12 have a log of the space. I have a log of each time  
13 they're moved, the date, and the people --

14 COMMISSIONER JOE DAVIS, III: Very good.

15 MS. FELISHA ANDERSON: -- that are actually  
16 handling it.

17 COMMISSIONER JOE DAVIS, III: I didn't think we  
18 didn't, but felt compelled to bring it up and talk about  
19 it. Thank you.

20 MS. FELISHA ANDERSON: You're welcome.

21 ATTORNEY DAVID CONNER: And furthering  
22 Commissioner Davis' comment, because of the value and the  
23 unique nature of that, we also probably ought to look to  
24 see if we have to require a specific indorsement --

25 COMMISSION MEMBER BILLIE JO UNDERWOOD: A  
26 rider.

27 ATTORNEY DAVID CONNER: -- to cover that  
28 particular thing as to cost. Because, for example, you



1 can only insure so much money, jewelry can only be a  
2 certain much. Since it's a specific thing, we might need  
3 to look to see if we need a special endorsement.

4 COMMISSIONER BILLIE JO UNDERWOOD: I agree.

5 ATTORNEY DAVID CONNER: Look at that.

6 MS. KIM CREECH: And -- and we have our  
7 artwork, china, there's a flag out -- I think the flag is  
8 still out there.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
10 Uh-huh. (Indicates affirmatively.)

11 MS. KIM CREECH: There's -- there's certain  
12 pieces that we have those insured separately.

13 MR. RON CINK: Uh-huh. (Indicates  
14 affirmatively.)

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 Yeah.

17 COMMISSIONER BILLIE JO UNDERWOOD: So this --

18 MS. KIM CREECH: It's not --

19 COMMISSION MEMBER BILLIE JO UNDERWOOD: --  
20 would probably be --

21 MS. KIM CREECH: -- like --

22 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- a  
23 separate --

24 MS. KIM CREECH: -- this is like regular  
25 content.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 Right.

28 MS. KIM CREECH: This is --

1 COMMISSIONER BILLIE JO UNDERWOOD: Can you  
2 check on that --

3 MS. KIM CREECH: Yeah.

4 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- just  
5 to make sure, so we can be at ease about it.

6 MS. KIM CREECH: Because we have to --

7 COMMISSIONER BILLIE JO UNDERWOOD: Not until  
8 something happens does it matter.

9 COMMISSIONER JOE DAVIS, III: That's right.  
10 You've got to anticipate --

11 MR. JOEY NUNNALLY: Kind of like FEMA.

12 COMMISSIONER BILLIE JO UNDERWOOD: Like when my  
13 barn got burglarized and they stole the four-wheeler, it  
14 wasn't covered.

15 MS. KIM CREECH: Yeah. Pieces like this and  
16 artwork and china and, you know, historical stuff, we  
17 have a separate line item that that is for, that is  
18 insured separately.

19 It is separate from the content of the building that  
20 has a -- you know, a separate content, that may be a  
21 million dollars (\$1,000,000) of content. This is -- this  
22 is line item separate.

23 COMMISSION MEMBER BILLIE JO UNDERWOOD: Well, I  
24 think that was one of the main concerns of -- of the  
25 Legislative Delegation, of us taking it over, so it would  
26 be -- what's the right word -- taken care of. Okay. So  
27 just -- if we could just get a little assurance on that,  
28 that it has been added, not just an assumption.

1 MS. KIM CREECH: Yes.

2 COMMISSION MEMBER BILLIE JO UNDERWOOD: Thank  
3 you.

4 MS. KIM CREECH: I've got it on the list.

5 COMMISSIONER BILLIE JO UNDERWOOD: Okay. All  
6 right.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
8 All right.

9

10 **Q-2 - ACKNOWLEDGMENT OF TAX ABATEMENT - THE FAIRHOPE BREWING**

11 **COMPANY, LLC**

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
13 Next.

14 MR. RON CINK: Acknowledgement of tax  
15 abatement, the Fairhope Brewing Company.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 Okay. Consent?

18 COMMISSION MEMBER BILLIE JO UNDERWOOD:  
19 Consent.

20 COMMISSIONER JOE DAVIS, III: Consent.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 Consent.

23

24 **Q-3 - LILLIAN RECREATIONAL CENTER, INC. LEASE AGREEMENT**

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
26 Next.

27 MR. RON CINK: Next item is Lillian  
28 Recreational Center lease agreement. This lease actually

1 expires in June. The Chairman and I met with Reverend  
2 Whitehurst. And the Chairman asked that we move it up,  
3 move the renewal up to February.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
5 Yeah.

6 MR. RON CINK: Funds are budgeted in Fiscal  
7 Year 19.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
9 Okay. Consent?

10 COMMISSIONER JOE DAVIS, III: Consent.

11 COMMISSION MEMBER BILLIE JO UNDERWOOD: Uh-huh.  
12 (Indicates affirmatively.)  
13

14 **Q-4 - CONSIDERATION FOR RESCHEDULING THE BALDWIN COUNTY**

15 **COMMISSION REGULAR MEETING IN MARCH 2019**

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 All right. Next.

18 MR. RON CINK: We need to move a meeting on Fat  
19 Tuesday. It's a holiday.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 Consent?

22 COMMISSIONER BILLIE JO UNDERWOOD: Consent.

23 COMMISSIONER JOE DAVIS, III: Will we get that  
24 schedule for the next four years? Double check and make  
25 sure. I got a string of e-mails getting all the meetings  
26 in for my term in office.

27 COMMISSIONER JAMES E. (JEB) BALL: Just turn  
28 that off. It's not that interesting.

**Q-5 - COUNSEL FOR THE BALDWIN COUNTY COMMISSION (COUNTY ATTORNEY)****- CONSIDERATIONS RELATED TO CONTRACT FOR SERVICES**

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

All right. Next.

MR. RON CINK: You want to move that -- do you want to move this --

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

Yes. Let's move it to the -- the next to the -- to the end.

**Q-1 - ACCEPTANCE OF A DONATION - ORIGINAL PAINTING BY MR. DEAN MOSHER OF THE 1813 MASSACRE AT FORT MIMS FROM THE BALDWIN COUNTY LEGISLATIVE DELEGATION TO THE BALDWIN COUNTY COMMISSION****(REVISITED)**

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

All right. Next one.

COMMISSIONER JAMES E. (JEB) BALL: Hey, Mr. Chairman.

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

Yes.

COMMISSIONER JAMES E. (JEB) BALL: Can I ask, on Q-1, what did we decide to go? Is that --

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

Q-1, it's -- it's --

COMMISSIONER JAMES E. (JEB) BALL: -- Other

Staff or are we good with it?

COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

It's going on Consent.

1 COMMISSIONER JAMES E. (JEB) BALL: Okay.

2 Making sure.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

4 All right.

5 ATTORNEY DAVID CONNER: Mr. Chairman, if I may.

6 On Q-1, we probably also need to get -- And Ron has  
7 mentioned this, and I followed up with the Legislative  
8 Delegation, Commissioner -- Senator Elliott --

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

10 Uh-huh. (Indicates affirmatively.)

11 ATTORNEY DAVID CONNER: -- and also spoke  
12 briefly with Randy Davis, who was involved in that.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

14 Yeah.

15 ATTORNEY DAVID CONNER: They have not received  
16 any type of transfer documents. There was no contract,  
17 per se, other than verbally. So I'm going to prepare, as  
18 part of this, a transfer from Dean Mosher signed by the  
19 Legislative Delegation as well as I believe it's Tourism  
20 that conveys all rights and interest in the property,  
21 including intellectual property rights and those kind of  
22 things, just so we can make sure we're clear --

23 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

24 Okay.

25 ATTORNEY DAVID CONNER: -- that you-all have  
26 that ownership, reproduction rights, all those kind of  
27 things.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 Do you think --

2 ATTORNEY DAVID CONNER: So we'll add that to  
3 the agenda item.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
5 Okay. Do you think -- but we'll have it before the next  
6 meeting?

7 ATTORNEY DAVID CONNER: I'll have the form  
8 before the next meeting. Now, whether or not it's all  
9 signed by everybody --

10 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
11 Okay.

12 ATTORNEY DAVID CONNER: -- I couldn't tell you  
13 that. But that would be what I suggest that y'all all  
14 look for.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 All right. If we don't have it --

17 MR. RON CINK: We may pull it then --

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
19 Yeah.

20 MR. RON CINK: -- if we don't have it.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 If we don't have all the stuff, then we may -- it may get  
23 pulled until the next meeting so --

24 ATTORNEY DAVID CONNER: The most important  
25 person to get signed off on is Mr. Mosher.

26 MR. RON CINK: Right.

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
28 Yeah. We've got to get those signatures before we --

1 before we sign off on it.

2 COMMISSIONER JOE DAVIS, III: Where is the  
3 painting right now?

4 MR. RON CINK: I'm not sure.

5 COMMISSIONER BILLIE JO UNDERWOOD: It was at  
6 Eastern Shore Art Center.

7 MR. CLIFF MCCOLLUM: Yeah. I think it's still  
8 at the Eastern Shore --

9 MR. RON CINK: Yeah.

10 MR. CLIFF MCCOLLUM: -- Art Center --

11 COMMISSION MEMBER BILLIE JO UNDERWOOD: Uh-huh.  
12 (Indicates affirmatively.)

13 MR. CLIFF MCCOLLUM: -- on display.

14 COMMISSION MEMBER BILLIE JO UNDERWOOD: Uh-huh.  
15 (Indicates affirmatively.)

16 MR. CLIFF MCCOLLUM: They had it for like a --

17 COMMISSION MEMBER BILLIE JO UNDERWOOD: They're  
18 doing a whole --

19 MR. CLIFF MCCOLLUM: -- a month or something.

20 COMMISSION MEMBER BILLIE JO UNDERWOOD: --  
21 Alabama theme in there.

22 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
23 Okay.

24 COMMISSION MEMBER BILLIE JO UNDERWOOD: It's  
25 really neat, if you haven't been.

26 COMMISSIONER JOE DAVIS, III: So it's ours yet,  
27 or it's not ours yet?

28 COMMISSIONER BILLIE JO UNDERWOOD: It will be.



1 COMMISSIONER JOE DAVIS, III: So it's the  
2 Legislative Delegation's right now?

3 ATTORNEY DAVID CONNER: And Tourism.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
5 Yeah.

6 COMMISSIONER BILLIE JO UNDERWOOD: They paid  
7 fifty/fifty (50%/50%) for it, I believe twenty-five  
8 (\$25,000) and twenty-five (\$25,000).

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
10 Okay. All right.

11

12 **Q-6 - BALDWIN COUNTY DEPUTY CORONERS' PAY**

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 Next.

15 MR. RON CINK: Next item is Baldwin County  
16 Deputy Coroners' pay. And I think he had to go.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
18 He might have had to leave.

19 COMMISSIONER BILLIE JO UNDERWOOD: That's bad  
20 when he has to leave.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 He got the call earlier.

23 MS. KIM CREECH: Well, in the law --

24 MR. RON CINK: Yeah.

25 MS. KIM CREECH: -- the County Commission has  
26 to approve of pay of Deputy Coroners.

27 COMMISSIONER BILLIE JO UNDERWOOD: Is -- is  
28 what he asking -- I'm trying to make sure I understand

1 what he's asking, is to have the discretion to pay  
2 between seven fifty (\$750) and twelve fifty (\$1,250) per  
3 month, and it's currently a thousand (\$1,000); is that  
4 right?

5 MS. KIM CREECH: But I would think you would  
6 need to set that pay.

7 COMMISSIONER BILLIE JO UNDERWOOD: That's what  
8 I was wondering is that --

9 MR. RON CINK: Yeah.

10 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- is  
11 he asking for --

12 COMMISSIONER JOE DAVIS, III: Is he asking for  
13 us to expand --

14 COMMISSION MEMBER BILLIE JO UNDERWOOD: Is he  
15 asking --

16 COMMISSIONER JOE DAVIS, III: -- the range --

17 COMMISSIONER BILLIE JO UNDERWOOD: -- for a  
18 range or --

19 COMMISSIONER JOE DAVIS, III: -- or asking for  
20 a specific?

21 COMMISSION MEMBER BILLIE JO UNDERWOOD: --  
22 asking for a specific, because --

23 MS. KIM CREECH: He -- he pays -- he pays --  
24 You have to set the pay, and then the coroner pays and  
25 then sends a monthly reimbursement. And we reimburse him  
26 his cost. And my staff goes and looks at what y'all have  
27 agreed to pay to verify --

28 COMMISSIONER JOE DAVIS, III: To make sure.

1 MS. KIM CREECH: -- to make sure that it is the  
2 correct pay.

3 ATTORNEY DAVID CONNER: Is that -- is that paid  
4 from the general fund, or is that paid from fees and  
5 expenses through the local act and what he collects?

6 MS. KIM CREECH: No. It's -- it's through --

7 MR. RON CINK: General fund.

8 MS. KIM CREECH: -- the general fund, but he  
9 has to pay first. He pays, and he's asking us for  
10 reimbursement. And the reimbursement comes from the  
11 general fund.

12 MR. RON CINK: Right.

13 COMMISSIONER BILLIE JO UNDERWOOD: Well, he's  
14 asking for a range, number two on his --

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 You have -- he has --

17 MS. KIM CREECH: We need --

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
19 But we have the discretion to pay between seven fifty  
20 (\$750) and twelve hundred (\$1,200) per month.

21 MS. KIM CREECH: He had the --

22 COMMISSIONER BILLIE JO UNDERWOOD: Because he  
23 said based on --

24 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
25 Merit --

26 COMMISSION MEMBER BILLIE JO UNDERWOOD: --  
27 merit and days worked.

28 ATTORNEY DAVID CONNER: The statute says

1 that -- 11-5-34, that the Coroner is authorized to  
2 appoint Deputy Coroners, but it has to be with the prior  
3 approval of the County Commission.

4 So you need to know who those people are. And they  
5 have to have your prior approval. The last part of the  
6 statute says:

7 *No compensation shall be paid to a Deputy*  
8 *Coroner without approval of a majority of the*  
9 *membership of the County Commission.*

10 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

11 ATTORNEY DAVID CONNER: So you have to approve  
12 that amount.

13 MR. RON CINK: Right.

14 ATTORNEY DAVID CONNER: I don't think the  
15 statute necessarily contemplates a range in this  
16 circumstance.

17 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

18 ATTORNEY DAVID CONNER: I think y'all have to  
19 approve what this number is.

20 MS. KIM CREECH: Yeah. You have to approve the  
21 person and the amount.

22 COMMISSIONER JAMES E. (JEB) BALL: So does Doc  
23 Pierce need to come back and tell us what he needs?

24 MR. RON CINK: (Indicates affirmatively.)

25 MS. KIM CREECH: (Indicates affirmatively.)

26 ATTORNEY DAVID CONNER: And the one thing that  
27 the local legislative act doesn't specifically state, the  
28 Coroner's compensation, by state law, is paid by fees

1 that are collected.

2 According to an Attorney General's opinion and  
3 practice, the only way that a Coroner gets additional  
4 salary supplement is by local legislative act.

5 MR. RON CINK: Right.

6 ATTORNEY DAVID CONNER: We have one for Baldwin  
7 County that says how that is calculated and determined.  
8 What is a little empty here is who pays for the Deputy  
9 Coroners and where that money comes from, general fund,  
10 et cetera.

11 It does come from the general fund. I would suggest  
12 that there's some amendments that y'all are talking about  
13 doing for the Coroner to address some concerns, that when  
14 we go back and ask for those amendments, that we make it  
15 clear in the local act that the County Commission can pay  
16 for those Deputy Coroners, just to remove that question  
17 and assumption, if that makes sense.

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
19 Okay. All right. So we want to just get with Brian to  
20 give us those numbers. I know he's waiting on that to  
21 get -- so he can pay his folks. If we can get that  
22 before we do the thing, and y'all will be able to see it,  
23 what this is.

24 MR. RON CINK: Yeah, I will -- I'll get with  
25 the Coroner, and we'll -- we'll flesh out this agenda  
26 item for your consideration.

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
28 Is that all right with y'all?

1 COMMISSIONER JAMES E. (JEB) BALL: Sure.

2 COMMISSIONER JOE DAVIS, III: Question, though.  
3 Have we had an Assistant Coroner before?

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
5 Oh, yes. Oh, yes.

6 COMMISSIONER JOE DAVIS, III: And what were  
7 they paid?

8 MS. KIM CREECH: It's right at a thousand  
9 (\$1,000).

10 MR. RON CINK: Yeah.

11 COMMISSIONER JOE DAVIS, III: Okay. This ain't  
12 a new mousetrap.

13 MR. RON CINK: No, no.

14 COMMISSIONER JOE DAVIS, III: Okay.

15 MR. RON CINK: But the thing that makes this  
16 very, very clunky is the fact that the Coroner has to cut  
17 a 1099.

18 COMMISSIONER BILLIE JO UNDERWOOD: It just  
19 doesn't make sense to me.

20 COMMISSIONER JOE DAVIS, III: Yeah, it seems to  
21 go against --

22 MR. RON CINK: I agree --

23 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
24 It's a --

25 MR. RON CINK: -- a hundred percent (100%).

26 COMMISSION CHAIRMAN CHARLES F. (SKIP)  
27 GRUBER: -- state law.

28 MR. RON CINK: In part of your conversation

1 with the local Legislative Delegation --

2 COMMISSIONER JOE DAVIS, III: Could address --

3 MR. RON CINK: -- if you guys could address  
4 that. We do have an example. Shelby County has a  
5 historical act that really works well for -- for them.

6 I've discussed with their -- Dr. Pierce has  
7 discussed their local act with their Coroner, and I've  
8 discussed it through their administrative staff as well.  
9 And it seems to work very, very well. So we would like  
10 to table that. And we'll get that information.

11 ATTORNEY DAVID CONNER: Short of the  
12 legislative act allowing them to be Baldwin County  
13 employees, we're going to continue to 1099.

14 MR. RON CINK: It's got --

15 COMMISSIONER BILLIE JO UNDERWOOD: It has to be  
16 1099.

17 MR. RON CINK: We've got to follow the statute  
18 right now.

19 COMMISSIONER BILLIE JO UNDERWOOD: It has to be  
20 a 1099 for now, but -- Okay.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 Yeah.

23 MR. RON CINK: Yeah. We have to follow the  
24 statute --

25 COMMISSIONER BILLIE JO UNDERWOOD: Yeah, I -- I  
26 understand.

27 MR. RON CINK: -- as it stands right now.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 All right. You want that on Other Staff then?

2 COMMISSIONER BILLIE JO UNDERWOOD: I think so.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

4 Okay. Other Staff then.

5

6 **Q-7 - DISCUSSION REGARDING SALARIES FOR APPOINTED CONTRACT**

7 **EMPLOYEES - COUNTY ADMINISTRATOR, PERSONNEL DIRECTOR AND**

8 **EMERGENCY MANAGEMENT AGENCY DIRECTOR POSITIONS**

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

10 All right. Next.

11 MR. RON CINK: Next item is the discussion  
12 regarding salaries for appointed contract employees; the  
13 County Administrator, Personnel Director, and EMA  
14 Director positions.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

16 Okay.

17 COMMISSIONER BILLIE JO UNDERWOOD: Are we going  
18 to do like we did before?

19 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

20 Well, we can put it on -- we can put it on the  
21 whiteboard.

22 COMMISSION MEMBER BILLIE JO UNDERWOOD: The  
23 whiteboard?

24 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

25 Yeah.

26 COMMISSIONER BILLIE JO UNDERWOOD: You did such  
27 a good job before.

28 MR. JOEY NUNNALLY: I'm jumping up.



1 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

2 Joey's the whiteboard operator.

3 MR. JOEY NUNNALLY: I can handle that.

4 COMMISSIONER JOE DAVIS, III: Be Vanna White.

5 Be Vanna.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

7 Be Vanna, yeah. One more line.

8 MR. JOEY NUNNALLY: One more.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

10 Okay.

11 MR. JOEY NUNNALLY: Which one first?

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

13 Just start at the top with the County Administrator.

14 COMMISSIONER JAMES E. (JEB) BALL: We're doing  
15 ranges here, Joey, so there'll be two prices.

16 MR. JOEY NUNNALLY: Two prices?

17 COMMISSIONER JAMES E. (JEB) BALL: There'll be  
18 a range.

19 MR. JOEY NUNNALLY: Okay.

20 COMMISSIONER JAMES E. (JEB) BALL: Because  
21 we're going to be advertising a salary range.

22 COMMISSIONER JOE DAVIS, III: Top and bottom.

23 COMMISSIONER BILLIE JO UNDERWOOD: I've already  
24 got my numbers. I'll give them all to you.

25 COMMISSIONER JAMES E. (JEB) BALL: No, you  
26 can't. I'm always the first one up. I got mine for the  
27 County Administrator set from ninety-five (\$95,000) to  
28 one thirty-five (\$135,000).

1 COMMISSIONER JOE DAVIS, III: I have mine from  
2 one twenty-five (\$125,000) to one thirty-eight  
3 (\$138,000).

4 COMMISSIONER BILLIE JO UNDERWOOD: One twenty  
5 (\$120,000) to one thirty-five (\$135,000).

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
7 A hundred (\$100,000) to one twenty-five (\$125,000).

8 COMMISSIONER BILLIE JO UNDERWOOD: Now, you do  
9 that little --

10 COMMISSIONER JOE DAVIS, III: Oh, yeah, with --  
11 with two numbers, it's kind of -- but we can split up to  
12 two numbers. We can throw out the high and the low on  
13 the minimum. We can throw out the high and the low on  
14 the max, and then look and see what we've got.

15 MS. KIM CREECH: You -- you could leave your  
16 low to your max.

17 COMMISSIONER JAMES E. (JEB) BALL: We could go  
18 from ninety-five (95,000) to one thirty-five (\$135,000).

19 MR. JOEY NUNNALLY: Yeah, you could do that.

20 COMMISSIONER JAMES E. (JEB) BALL: And that  
21 covers everybody's --

22 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
23 It's going to be based -- it's going to be based on the  
24 person's --

25 COMMISSIONER BILLIE JO UNDERWOOD: It is.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP)  
27 GRUBER: -- criteria.

28 COMMISSIONER BILLIE JO UNDERWOOD: It is.

1 COMMISSIONER JOE DAVIS, III: I don't want  
2 ninety-five (\$95,000) to prevent somebody that --

3 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
4 Well, I will let y'all know now that Mobile is doing the  
5 same thing we're doing now.

6 COMMISSIONER JOE DAVIS, III: Exactly.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
8 And their's -- their Administrator is over two hundred  
9 and something thousand dollars (\$200,000).

10 COMMISSIONER JOE DAVIS, III: Absolutely.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
12 So, I mean, you're going to look at -- these are -- these  
13 are being posted at the same time.

14 COMMISSIONER JOE DAVIS, III: That's right.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 So, you know, just --

17 COMMISSIONER JOE DAVIS, III: I'm not  
18 disagreeing --

19 COMMISSIONER JAMES E. (JEB) BALL: Well, let's  
20 do --

21 COMMISSIONER JOE DAVIS, III -- my colleague's  
22 number, but --

23 COMMISSIONER JAMES E. (JEB) BALL: Let's do --

24 COMMISSIONER JOE DAVIS, III: -- I don't want  
25 to leave anyone out based on what they see as a number.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 Well, you know, from ninety-five (\$95,000) to one  
28 thirty-five (\$135,000) is fine, if you want to do that,

1 you know. That's the highest or just about the highest  
2 and -- and the lowest. So that's a good --

3 COMMISSIONER BILLIE JO UNDERWOOD: Then --

4 COMMISSION CHAIRMAN CHARLES F. (SKIP)

5 GRUBER: -- number to start out. And, you know, it  
6 doesn't mean that, you know --

7 COMMISSIONER JOE DAVIS, III: It looks like one  
8 thirty-five (\$135,000) is kind of the magic mid right  
9 now, three out of four.

10 MR. JOEY NUNNALLY: When you're posting these,  
11 is there like a cutoff, like a hundred (\$100,000) and  
12 above? Does that throw you into a different category?

13 MS. DEIDRA HANAK: No. I can type in anything,  
14 all of the above.

15 MR. JOEY NUNNALLY: I mean, when somebody's  
16 searching.

17 COMMISSIONER JOE DAVIS, III: Yeah.

18 MR. JOEY NUNNALLY: If they search for a  
19 hundred (\$100,000) and above, is that going to leave  
20 out --

21 COMMISSIONER JOE DAVIS, III: Sure it would.

22 COMMISSIONER JAMES E. (JEB) BALL: All right.  
23 Let's go with --

24 MS. DEIDRA HANAK: They don't search it by  
25 that, though, on the job posting.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 Yeah, they don't on the -- it's just --

28 COMMISSIONER JOE DAVIS, III: Wait, now. Who

1 doesn't search it that way? The people that we're going  
2 after may be making a hundred (\$100,000) right now.

3 MS. DEIDRA HANAK: Right. But when you're  
4 searching for a job on our website --

5 COMMISSIONER JAMES E. (JEB) BALL: It's just  
6 going to show --

7 MS. DEIDRA HANAK: -- it's not by salary.

8 COMMISSIONER JOE DAVIS, III: I'm more  
9 interested in the candidates that are out there --

10 COMMISSIONER JAMES E. (JEB) BALL: Right.

11 COMMISSIONER JOE DAVIS, III: -- potentially  
12 and what they're going to look for and what kind of  
13 opportunities -- The low number is the first number they  
14 look at, I think, having talked to a number of them in  
15 the corporate world.

16 COMMISSIONER JAMES E. (JEB) BALL: So let's  
17 go -- you want to go with Chairman Gruber's one hundred  
18 (\$100,000) to one thirty-five (\$135,000), or do you want  
19 to do --

20 COMMISSIONER BILLIE JO UNDERWOOD: I think that  
21 sounds good, one hundred (\$100,000) to one thirty-five  
22 (\$135,000).

23 COMMISSIONER JOE DAVIS, III: Right. Because  
24 we'd have wording to give us some wiggle room based --  
25 and then it would be determined --

26 COMMISSION MEMBER BILLIE JO UNDERWOOD: Based  
27 on --

28 COMMISSIONER JOE DAVIS, III: -- based on

1 experience and qualifications and all that stuff.

2 COMMISSIONER BILLIE JO UNDERWOOD: And I -- and  
3 I think that I wanted to be sure that we put a good  
4 description in there of why our Administrator -- And I  
5 think I stated that, because it's a little different  
6 being an Administrator in other counties, obviously.

7 COMMISSIONER JOE DAVIS, III: Sure. Well, part  
8 of the reason I did one twenty-five (\$125,000), which I'm  
9 sure may seem a little high, but that's above what we'll  
10 be paying our Budget Director and the person that would  
11 step in when that person is out of pocket or something.  
12 So --

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 Okay.

15 COMMISSIONER JOE DAVIS, III: So we're going to  
16 go a hundred (\$100,000) and then one thirty-five  
17 (\$135,000).

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
19 All right. Next.

20 COMMISSIONER JAMES E. (JEB) BALL: Which  
21 person?

22 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
23 You're first. You said you wanted to go first.

24 COMMISSIONER JAMES E. (JEB) BALL: I know. The  
25 next one, you want to do Personnel or --

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 Yeah. It's personnel, yeah. It's going by how it's  
28 listed on the thing here.

1 MR. JOEY NUNNALLY: Is that how you spell it?

2 COMMISSIONER JOE DAVIS, III: D-E-R-D-I-R --

3 MR. RON CINK: Anu would get on you.

4 COMMISSIONER JAMES E. (JEB) BALL: My range  
5 generally is -- I put -- I put my range as seventy-five  
6 (\$75,000) to one ten (\$110,000). Oh, no. Excuse me.  
7 Yeah. Seventy-five (\$75,000) to one ten (\$110,000).

8 COMMISSIONER JOE DAVIS, III: I've got mine  
9 eighty-nine (89,000) to ninety-seven (\$97,000).

10 COMMISSIONER BILLIE JO UNDERWOOD: He's always  
11 got odd numbers.

12 COMMISSIONER JOE DAVIS, III: Hey, I'm just an  
13 odd kind of guy.

14 MR. CLIFF McCOLLUM: At least he didn't bring  
15 it down to like a penny that time.

16 COMMISSIONER BILLIE JO UNDERWOOD: Yes. That's  
17 true. Eighty-five (\$85,000) to one hundred (\$100,000).

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
19 Eighty-seven (87,000) to one twenty (\$120,000).

20 MR. JOEY NUNNALLY: One twenty (\$120,000)?

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 One twenty (\$120,000).

23 COMMISSIONER JOE DAVIS, III: Let's see. Based  
24 on that crazy formula I used on some others, eighty-seven  
25 (87,000) would be our minimum, and high/low --

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 One ten (\$110,000).

28 COMMISSIONER JOE DAVIS, III: -- one ten

1 (\$110,000) the max, or one-oh-five (\$105,000), if you  
2 averaged the two in the middle, yeah.

3 COMMISSIONER BILLIE JO UNDERWOOD: Eighty-five  
4 (\$85,000) to one-oh-five (\$105,000).

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
6 How much?

7 COMMISSIONER BILLIE JO UNDERWOOD: Eighty-five  
8 (\$85,000) to one-oh-five (\$105,000). It's not exactly  
9 Joe's method. It's just my suggestion.

10 COMMISSIONER JOE DAVIS, III: And, here again,  
11 this is a range. This is not -- Yeah, I would be all  
12 right with that.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 Eighty-five (\$85,000) to one-oh-one (\$101,000)?

15 COMMISSIONER BILLIE JO UNDERWOOD: One-oh-five  
16 (\$105,000).

17 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
18 One-oh-five (\$105,000). Okay.

19 MR. JOEY NUNNALLY: (\$85,000) to one-oh-five  
20 (\$105,000)?

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 All right. Next is the EMA.

23 COMMISSIONER BILLIE JO UNDERWOOD: Oh, that was  
24 Personnel. Oh, wait a minute.

25 COMMISSIONER JOE DAVIS, III: Did you give us  
26 the wrong numbers?

27 COMMISSIONER BILLIE JO UNDERWOOD: Yeah. I  
28 gave you my EMA number. Start over. I mean, not start



1 over, but --

2 MR. JOEY NUNNALLY: Well, we can --

3 COMMISSION MEMBER BILLIE JO UNDERWOOD: I  
4 thought you said --

5 MR. JOEY NUNNALLY: -- start over.

6 COMMISSION MEMBER BILLIE JO UNDERWOOD: I mean,  
7 like -- I meant, like --

8 COMMISSIONER JOE DAVIS, III: Look at it again?

9 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.  
10 Mine, the Personnel was ninety (\$90,000) to one-oh-five  
11 (\$105,000).

12 COMMISSIONER JAMES E. (JEB) BALL: So we're  
13 right there.

14 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.  
15 So still about right there.

16 COMMISSIONER JOE DAVIS, III: Back to  
17 one-oh-five (\$105,000), yeah.

18 COMMISSION MEMBER BILLIE JO UNDERWOOD: That's  
19 still good. Okay.

20 MR. JOEY NUNNALLY: All right.

21 COMMISSIONER BILLIE JO UNDERWOOD: I was going,  
22 um, wait a minute.

23 MR. JOEY NUNNALLY: All right.

24 COMMISSION MEMBER BILLIE JO UNDERWOOD: Maybe I  
25 should have turned around earlier.

26 COMMISSIONER JAMES E. (JEB) BALL: I've got  
27 seventy-five (\$75,000) to one hundred (\$100,000).

28 COMMISSIONER JOE DAVIS, III: I've got

1 eighty-eight (\$88,000) to ninety-five (\$95,000).

2 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

3 Mine was ninety (\$90,000) to one hundred (\$100,000).

4 MR. JOEY NUNNALLY: Ninety (\$90,000) to a  
5 hundred (\$100,000)?

6 MR. CLIFF MCCOLLUM: The Price is Right.

7 COMMISSIONER JOE DAVIS, III: I'm going on the  
8 high/low side.

9 COMMISSIONER JAMES E. (JEB) BALL: You must  
10 have been in a high-altitude situation.

11 COMMISSIONER JOE DAVIS, III: Thirty-seven  
12 thousand (37,000). My ears still aren't right.

13 COMMISSIONER BILLIE JO UNDERWOOD: Still  
14 popping?

15 COMMISSIONER JOE DAVIS, III: That's my excuse  
16 today anyway.

17 ATTORNEY DAVID CONNER: Fifty-seven cents  
18 (\$0.57).

19 COMMISSIONER JOE DAVIS, III: All right. Throw  
20 out the high, throw out the low, so we're looking at --

21 COMMISSION MEMBER JEB BALL: So we're looking  
22 at eighty-five (\$85,000) to one hundred (\$100,000), it  
23 looks like.

24 COMMISSIONER BILLIE JO UNDERWOOD: Bingo.

25 COMMISSIONER JAMES E. (JEB) BALL: All right.  
26 Something like that. That encompasses all of them,  
27 except mine, which is good.

28 COMMISSIONER JOE DAVIS, III: Well, the hundred

1 (\$100,000) -- Yeah, that will work.

2 MR. JOEY NUNNALLY: So eighty-five (\$85,000) to  
3 one hundred (\$100,000)?

4 COMMISSIONER JAMES E. (JEB) BALL: Easy-peasy.

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
6 Okay.

7 COMMISSION MEMBER JEB BALL: So that's --

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
9 That's what we will publish and put out and --

10 COMMISSIONER JAMES E. (JEB) BALL: So, Ron,  
11 this won't actually be an agenda item. We just --

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
13 No.

14 COMMISSIONER JAMES E. (JEB) BALL: -- go ahead  
15 and publish those so she can list those jobs.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 You can go ahead and publish them.

18 MS. DEIDRA HANAK: I have sent out the posting  
19 for y'all to review and make changes as needed. So did  
20 anyone have any changes to make?

21 COMMISSIONER BILLIE JO UNDERWOOD: I just  
22 wanted to add like an introduction on like -- on like a  
23 couple of the positions, like -- It's to make sure we  
24 explain in -- how our county is governed a little bit.

25 But here is something. I'll just read it. Like  
26 Personnel Director, this is -- this is just an  
27 introduction and then what you have; okay.

28 *Baldwin County, Alabama is a coastal county*

1           *located on the Northern Gulf Coast between*  
2           *Mobile, Alabama and Pensacola, Florida. The*  
3           *2018 estimated population is approximately*  
4           *212 --*

5           I don't know if that number is exactly right.

6           *-- 212,000. The county is the fastest growing*  
7           *county in Alabama and contains the eighth*  
8           *fastest growing metropolitan area in the*  
9           *nation.*

10           *The county has abundance in diverse*  
11           *natural resources from the white, sandy beaches*  
12           *on the coast to the bay breezes along Perdido*  
13           *Bay, sunset views along Mobile Bay, rolling*  
14           *fields in Central Baldwin, and many rivers and*  
15           *creeks filled with wildlife in North Baldwin*  
16           *County county.*

17           *With a positive economic climate coupled*  
18           *with a superior quality of life, Baldwin County*  
19           *is the best place to live along the Gulf Coast.*

20           *The county is governed by a four-member*  
21           *County Commission elected at large every four*  
22           *years. Personnel Director position is an*  
23           *appointed position reporting directly to the*  
24           *Baldwin County Commission through an employment*  
25           *contract.*

26           *The successful candidate must have a high*  
27           *level of integrity, professionalism, and strong*  
28           *leadership. They must also be a critical*

1           *thinker with the ability to make second --*  
2           *sound -- decisions through identifying and*  
3           *understanding complex problems and concepts*  
4           *using strategic and innovative methods to solve*  
5           *problems.*

6           And then add what you already had. Now, on the EMA,  
7 I won't read the first paragraph, because it's the same.  
8 The second is -- starts out with:

9           *The county is governed by a four-member County*  
10          *Commission elected at large every four years.*  
11          *The Emergency Management Director position is*  
12          *an appointed position reporting directly to the*  
13          *Baldwin County Commission through an employment*  
14          *contract.*

15          It's basically the same thing, but it says:  
16          *The county's coastal location makes it*  
17          *susceptible to many natural disasters, with*  
18          *tropical storms and hurricanes being the most*  
19          *frequent disaster the county faces. Experience*  
20          *in hurricane preparedness and response is very*  
21          *desirable and a critical component of this*  
22          *position.*

23          So I'm also working on one for the Administrator,  
24 but I thought that was so important, through my  
25 research -- You guys that have been here. You've been  
26 here, you done that, you know how it works.

27          Everybody else doesn't know how it works. And I  
28 don't want to get somebody -- I don't want to get

1 somebody here in here thinking -- or even making the trip  
2 here, if it takes that, not understanding that -- they  
3 may be Administrator somewhere and be king of the -- king  
4 of the hill. And it ain't going to be that way here,  
5 particularly with the organizational structure. That  
6 might be a little --

7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

8 And I think it's --

9 COMMISSION MEMBER BILLIE JO UNDERWOOD: --

10 extreme example that I just used there, but --

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

12 I think it also in there -- it needs to also state it's  
13 for a -- it's a four-year contract.

14 COMMISSIONER JOE DAVIS, III: Yeah, I --

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

16 I mean --

17 COMMISSION MEMBER BILLIE JO UNDERWOOD: That's  
18 true.

19 COMMISSIONER JOE DAVIS, III: -- was going to  
20 say, the first time you read something, I didn't pick up  
21 that being --

22 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

23 It needs to be --

24 COMMISSIONER JOE DAVIS, III: -- four years.

25 COMMISSIONER BILLIE JO UNDERWOOD: I can make a  
26 copy of this and let y'all read it.

27 COMMISSIONER JOE DAVIS, III: It sounded good.

28 The only thing -- I'm like the Chairman. I didn't pick

1 up it being -- it didn't say it was a one-year contract,  
2 but it also didn't say it was a four-year. So we need to  
3 make sure of that.

4 COMMISSIONER BILLIE JO UNDERWOOD: Okay.  
5 Because it says it's a contracted position. So we need  
6 to understand that it is a four-year contracted position,  
7 maybe, that runs concurrently with the -- that you report  
8 directly to the elected officials is stated in there.

9 So I just want to be clear to these people who are  
10 applying. I don't know. Because it's been a while since  
11 there's been any of these types of interviews. I don't  
12 really know what to go by.

13 I think that's why the guidance has been requested.  
14 And so I've been trying to seek guidance on my own and  
15 hope that you guys -- Look, by no means am I trying to  
16 push my viewpoints on anyone else.

17 COMMISSIONER JOE DAVIS, III: No, no.

18 COMMISSION MEMBER BILLIE JO UNDERWOOD: I'm  
19 trying to add to this. And I -- I can give you a copy of  
20 this.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 If you want to do that.

23 COMMISSIONER BILLIE JO UNDERWOOD: But I want  
24 to add -- I've got maybe the second paragraph for  
25 Administrator. I can follow that up with you by  
26 tomorrow --

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
28 Okay. That'll be fine.

1 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- if  
2 that's okay.

3 COMMISSIONER JOE DAVIS, III: One of the things  
4 that I would involve in an interviewing process is that I  
5 would ask each applicant to tell me what approach that --  
6 how did they find out about the job, and what approach  
7 did you take in learning about us, and give them a chance  
8 to tell us how did they did it and what they think of the  
9 opportunity.

10 ATTORNEY DAVID CONNER: I think -- I think  
11 adding what you're doing there is an interesting thing.  
12 I think there's a perception or can be a perception --  
13 maybe you hire somebody from out of state. Who knows  
14 where this person comes from?

15 But there may be a perception of Baldwin County  
16 having two hundred and twelve thousand (212,00) people  
17 compared to an area that has six million (6,000,000)  
18 people around it, say, outside of Atlanta somewhere, that  
19 somehow or other we're rural and maybe we're not as  
20 complex as other places would be. But because of your  
21 location to the gulf, because of our location on the  
22 interstate, I-10 --

23 COMMISSIONER JOE DAVIS, III: Mobile.

24 ATTORNEY DAVID CONNER: -- Mobile metropolitan  
25 area, this is not a rural county in the -- in the type of  
26 business and issues that you-all encounter. And so  
27 someone needs to do their homework before they come here.  
28 And letting them read something like that probably perks



1 their ears a little bit.

2 COMMISSIONER BILLIE JO UNDERWOOD: I think so.

3 COMMISSIONER JOE DAVIS, III: Sure.

4 COMMISSION MEMBER BILLIE JO UNDERWOOD: And,  
5 you know, I'm just --

6 MS. KIM CREECH: And may be something to add  
7 that the interviews are public. Because, I mean, like  
8 when I interviewed, there's a court reporter there.  
9 There were, you know, citizens there. There was one  
10 citizen there.

11 COMMISSIONER BILLIE JO UNDERWOOD: Yes.

12 MS. KIM CREECH: And that's important for  
13 somebody that applies that may not want anybody to know,  
14 but a court reporter, or the news media may write an  
15 article about a person.

16 So that's important, that if you don't want your  
17 previous -- if you don't want your current employer to  
18 know, it's not going a -- it's public. It's going to be  
19 out there in public, just like a superintendant for the  
20 school board. That was all over the media.

21 Not necessarily a Personnel Director's position is  
22 going to be in the media, but it's good for somebody  
23 applying.

24 MR. CLIFF MCCOLLUM: It will be.

25 COMMISSIONER JOE DAVIS, III: Sure it will.  
26 Sure it will.

27 COMMISSIONER JAMES E. (JEB) BALL: Sure.

28 MR. CLIFF MCCOLLUM: I'm speaking for this

1 media.

2 MS. KIM CREECH: And maybe the number of  
3 employees that the County has -- I don't know if it's  
4 important, but --

5 COMMISSIONER BILLIE JO UNDERWOOD: Well, that's  
6 why -- Because of the Open Meetings Act and all that,  
7 that's why I haven't really discussed it with anyone  
8 else, because I wasn't sure how much we could --

9 COMMISSIONER JOE DAVIS, III: Sure.

10 COMMISSION MEMBER BILLIE JO UNDERWOOD: And  
11 after going to class last week, I determined I don't want  
12 to go to jail.

13 COMMISSIONER JAMES E. (JEB) BALL: Draw the  
14 lips shut.

15 COMMISSIONER BILLIE JO UNDERWOOD: A line of  
16 demarcation. From here forward, we will follow every  
17 single rule, not that we weren't trying to, it's just  
18 that you don't know.

19 ATTORNEY DAVID CONNER: You're doing good.

20 COMMISSIONER BILLIE JO UNDERWOOD: But, I mean,  
21 I don't know what method of disseminating that is proper.  
22 I do have -- I do need to work on the second paragraph  
23 for the Administrator. Pretty much the first paragraph  
24 is the same for both. But you have some interesting  
25 points to add to these. So would you -- is this -- I  
26 mean, is this just information that we're --

27 ATTORNEY DAVID CONNER: I think -- I think  
28 sending information to Personnel, County Administrator,

1 even me, if you want me to take a look at it as well, is  
2 perfectly fine, allowing other Commissioners to see it.

3 What you cannot do or should not do is engage in  
4 discussions back and forth, making suggestions to each  
5 other. Just send your suggestions to us. Let us  
6 incorporate those suggestions and send it out.

7 COMMISSIONER BILLIE JO UNDERWOOD: Send the  
8 suggestions --

9 ATTORNEY DAVID CONNER: And I feel good,  
10 because Cliff is nodding his head over there.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

12 COMMISSIONER BILLIE JO UNDERWOOD: Send the  
13 suggestion to you and Deidra or --

14 ATTORNEY DAVID CONNER: That's right.

15 COMMISSIONER BILLIE JO UNDERWOOD: -- you and  
16 Ron?

17 COMMISSIONER JAMES E. (JEB) BALL: All the  
18 Commissioners.

19 COMMISSIONER JOE DAVIS, III: Yeah. Let them  
20 route it to us.

21 MR. CLIFF MCCOLLUM: You can send them to me if  
22 you want.

23 COMMISSIONER BILLIE JO UNDERWOOD: Okay. So  
24 what I need to know is like tonight, before I get to type  
25 this up, send it to David, Ron --

26 MR. RON CINK: And Deidra.

27 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- and  
28 Deidra?

1 MR. RON CINK: Yeah.

2 ATTORNEY DAVID CONNER: Deidra -- I -- I --  
3 This is what I think the procedure should be. Deidra  
4 would incorporate the changes into her draft document.

5 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

6 ATTORNEY DAVID CONNER: Then she will circulate  
7 it to everybody for any further comments, any other  
8 Commissioners have anything.

9 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

10 ATTORNEY DAVID CONNER: So we've assembled it.  
11 Send it out to you-all to look at. If you have any  
12 further comments, let us know.

13 COMMISSIONER BILLIE JO UNDERWOOD: Okay.  
14 Sorry. I would add this today, before today, but I've  
15 already mentioned earlier in the meeting, due the  
16 schedule conflicts with the weekend and the holiday.  
17 So that's what I will do then, if that's okay. And  
18 if there's anything else that you guys have mentioned  
19 that you want to add to this, I guess send it to those  
20 three.

21 ATTORNEY DAVID CONNER: And that's -- that's  
22 completely --

23 COMMISSIONER BILLIE JO UNDERWOOD: And then  
24 she'll send it out to the Commission.

25 ATTORNEY DAVID CONNER: That's completely  
26 consistent with the motion that you-all made at meeting,  
27 was that you wanted to come to this work session and have  
28 a discussion. And then if you have comments or

1 suggestions regarding the posting itself, that those  
2 would be sent to you back and forth and y'all would have  
3 that. So that's consistent.

4 COMMISSIONER JAMES E. (JEB) BALL: I think  
5 we'll need to wrap it up --

6 ATTORNEY DAVID CONNER: Exactly.

7 COMMISSIONER JAMES E. (JEB) BALL: -- today or  
8 tonight or whatever. These jobs need to be posted  
9 tomorrow.

10 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

11 COMMISSIONER JAMES E. (JEB) BALL: I mean, they  
12 need to be posted tomorrow.

13 COMMISSION MEMBER BILLIE JO UNDERWOOD: All  
14 right. Well, I'll --

15 COMMISSIONER JAMES E. (JEB) BALL: We need to  
16 start interviewing.

17 COMMISSIONER BILLIE JO UNDERWOOD: Well, I can  
18 get the first two now.

19 COMMISSIONER JAMES E. (JEB) BALL: Yeah, I  
20 think those are -- I think those are fine.

21 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

22 COMMISSIONER JAMES E. (JEB) BALL: Just make  
23 sure --

24 COMMISSION MEMBER BILLIE JO UNDERWOOD: I'll  
25 get Keri --

26 COMMISSIONER JAMES E. (JEB) BALL: -- they've  
27 got that --

28 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- to

1 make a copy --

2 COMMISSIONER JAMES E. (JEB) BALL: -- that  
3 four-year contract thing in there.

4 COMMISSIONER BILLIE JO UNDERWOOD: I don't need  
5 a copy. I've already got a copy.

6 COMMISSIONER JAMES E. (JEB) BALL: And then,  
7 Deidra, before you post them, you'll just send us --

8 MS. DEIDRA HANAK: Yes.

9 COMMISSIONER JAMES E. (JEB) BALL: All right.

10 COMMISSIONER BILLIE JO UNDERWOOD: Okay. And  
11 if there are any typos, you know.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
13 Okay. All right. Is that all for that then?

14 COMMISSION MEMBER BILLIE JO UNDERWOOD:  
15 (Indicates affirmatively.)

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 Okay.

18

19 **Q-8 - BALDWIN COUNTY COMMISSION POLICY #2.9 - OFFICIAL AND**  
20 **EMPLOYEE COUNTY OWNED CAR POLICY**

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 Next is the Q-8.

23 MR. RON CINK: Yes, sir. The take-home vehicle  
24 policy. It's actually more than take home. It's the  
25 County vehicle policy.

26 There's been some discussion amongst the  
27 Commissioners regarding changing this policy. And I've  
28 sent -- I know I've sent Commissioner Underwood a good

1 bit of Attorney General's opinions. And I'll be glad to  
2 forward those on to you.

3 There is -- there is Ethics Commission opinions  
4 associated with this one as well. I think the biggest  
5 thing that I heard out of the Commissioners is probably  
6 the second sentence: Individuals who are -- who are  
7 issued a County car shall not use the assigned vehicle  
8 for personal use.

9 This is some discussion associated what is known  
10 de minimis use; and that being the ability to stop on  
11 the -- to and from destinations as well as some  
12 discussions about allowing a spouse to ride with a County  
13 employee.

14 We addressed some of that through the insurance. So  
15 I will be glad to answer any of your questions or  
16 comments regarding what you folks want to do with this.

17 ATTORNEY DAVID CONNER: Commissioners, there's  
18 basically three Attorney General's opinions that we were  
19 able to find. One related to the Coroner's use of a  
20 vehicle. I believe it was Perry County Commission,  
21 allowing him to use the vehicle to go to a personal job  
22 in another county.

23 And because he was on call and it was necessary that  
24 he have this job, the Attorney General basically said  
25 that's more of an Ethics Commission decision and a  
26 decision of Perry County Commission as to the validity of  
27 the public purpose in doing that.

28 So they found -- And then the Ethics Commission

1 issued an order saying that as long as there was a  
2 written policy or agreement that was regulated, that the  
3 County Commission could approve of that authority of that  
4 minimum public personal use of that vehicle to -- because  
5 of the benefit and purpose of having the vehicle and not  
6 having to go back and change.

7 There was also a case involving Wilcox County School  
8 Board where Wilcox County School Board was taken over by  
9 the State. They hired a Superintendant that lived over  
10 in Opp, Alabama.

11 And they authorized him to drive his business  
12 vehicle, County vehicle, back and forth to Opp, Alabama,  
13 and to take care of issues while he was in route and  
14 those kind of things.

15 Once we got back to Opp and was made available to  
16 his own personal vehicle, however, he had to use his own  
17 once he got there.

18 Another example had to do with -- Let's see --  
19 Generally, there's one other one, generally the same -- a  
20 Water Board employee being able to go --

21 MR. RON CINK: Drop the kids off.

22 ATTORNEY DAVID CONNER: -- drop the kids off at  
23 school. All of these, however, were basically in route,  
24 de minimis use, as Ron mentioned the word, minimal use  
25 incidental to what's happening, those kind of things.

26 And so as Ron stated, in the Commission policy that  
27 you have, the language is clear. It cannot be used for  
28 personal use, period. So there would need to be a



1 revision of this to allow for what level of personal use  
2 you would allow to be done.

3 Certainly, County Commissioners, being salaried, and  
4 employees are different. It's one thing for an employee  
5 to use a personal -- to use a vehicle for personal use  
6 while driving back and forth home.

7 When they're actually on their job duties and  
8 they're being paid by the hour, it's different, of  
9 course, in the salaried employee, because you can't use  
10 your hourly time to do personal business, either.

11 So there's several checks that will have to be made  
12 as it relates to that. But you would need to amend the  
13 policy to allow for that type of personal use.

14 And then you-all also asked me to a prepare an  
15 Attorney General's and Ethics Opinion request as it  
16 relates to that. So I'm going to pass this around to  
17 you. I prepared one for the Attorney General, to send to  
18 the Attorney General, one to appear for the Ethics  
19 Commission.

20 And tried to cover the items that I think we  
21 discussed that you wanted to have questions for. So if  
22 we could take just a moment and read one of these  
23 letters, because they are basically the same. And if I  
24 haven't covered the scenarios, then tell me what other  
25 scenarios you would like to cover.

26 So I would suggest that we look at the item going to  
27 the Ethics Commission. That would be the one to Tom  
28 Albritton. This would be the one to Tom Albritton.

1 Mr. Chairman, with your permission, I'll just read  
2 through that together to make sure we've covered the  
3 scenario; if not, we can add. It says:

4 Dear Thomas, I'm writing this letter as County  
5 Attorney for Baldwin County on behalf of the  
6 Baldwin County Commission.

7 The purpose of this letter is to request  
8 an opinion on issues related to the use of  
9 County-owned vehicles by Baldwin County  
10 officials and employees.

11 First, Baldwin County Commissioners are  
12 available to receive calls and requests for  
13 their services related to official duties at  
14 all times. And Commissioners perform work at  
15 Commission offices, travel around the county,  
16 and attend numerous meetings, conferences and  
17 events related to the performance of their  
18 official duties.

19 Baldwin County is a very large county, and  
20 Commissioners and employees must often commute  
21 fairly significant distances while attending  
22 the County business.

23 In order to provide needed transportation,  
24 Commissioners may be assigned County-owned  
25 vehicles, which are used for official business,  
26 and the vehicles may be taken home.

27 Due to time constraints and the  
28 requirements of their official duties, it is

1 sometimes necessary for Commissioners to take  
2 care of personal business while traveling on  
3 official business as opposed to returning home  
4 to obtain a personal vehicle.

5 For example, at least one Baldwin County  
6 Commissioner owns property where he runs a  
7 business, his personal business, which is on  
8 the general route between the regular meeting  
9 place in Bay Minette, Alabama and his  
10 residence, which is some distance away given  
11 the size of Baldwin County.

12 Under the circumstances, in order to  
13 minimize travel time and lost productivity, a  
14 Commissioner needs to be able to attend to  
15 personal business while in route on County  
16 business or traveling to and from home as  
17 opposed to taking the time and expense to drive  
18 to his or her residence and obtain a personal  
19 vehicle to attend to personal business.

20 Additional, there are County officers and  
21 employees who are assigned a County vehicle to  
22 perform their official duties. And it would  
23 minimize travel time and lost productivity if  
24 those officials and employees could use such  
25 vehicles to make interim personal stops or  
26 attend to personal business so long as those  
27 stops are on the general route of travel on  
28 County business or travel or from the office

1                   *and the employee's personal residence.*

2           Am I on track so far? Is there anything we need to  
3 address in that paragraph?

4                                   (No response.)

5           ATTORNEY DAVID CONNER: All right.

6                   *Second, there are some Baldwin County employees*  
7                   *whose duties may require them to travel to*  
8                   *different parts of county to perform their job*  
9                   *duties.*

10                   *Baldwin County has offices in several*  
11                   *locations throughout the county with some of*  
12                   *those locations being miles apart. Some*  
13                   *employees may live in one part of the county*  
14                   *and work in another. And on certain days their*  
15                   *duties will require them to travel to an*  
16                   *entirely different part of the county.*

17                   *Some employees' residences my lie between*  
18                   *his or her assigned County office and the*  
19                   *location where the employee may be required to*  
20                   *work for the day, requiring the employee to*  
21                   *drive to the employee's permanent office, pick*  
22                   *up a County vehicle, and then backtrack to the*  
23                   *assigned job site for the day.*

24                   *Baldwin County desires to minimize the*  
25                   *excessive employee travel and lost productivity*  
26                   *by allowing certain employees to drive*  
27                   *County-owned vehicles to and from their*  
28                   *residence when deemed necessary.*

1 The next section is actually a statement of the  
2 ethics rules in Section 36-25A that says:

3 *No public official or public employee shall use*  
4 *or cause to be used for his or her official*  
5 *position or obtain personal gain for him or*  
6 *herself or a family member.*

7 And then it says:

8 *Personal gain is achieved when a public*  
9 *official converts to personal use the object of*  
10 *such personal gain.*

11 So that's the reason for asking the ethics question,  
12 to make sure it's clear. Number C has the use of  
13 equipment.

14 *No public official or employee shall use or*  
15 *cause to be used equipment, facilities, time,*  
16 *materials, human labor, or other public*  
17 *property under his or her discretion or control*  
18 *for the private benefits or private benefit of*  
19 *the public official, public employee, or any*  
20 *other person or principal campaign committee as*  
21 *defined which will materially affect his or her*  
22 *financial interest.*

23 I don't think anything that we're talking about is  
24 actually materially affecting anyone's financial  
25 interest. It is in effect in the cases of you-all  
26 preserving and maximizing your ability to serve, stopping  
27 lost productivity, or to allow you to do those things in  
28 route.

1 In the case of an employee that has to travel  
2 from -- Let's take the north end of the county, for  
3 example, to the south end of the county, pick up a County  
4 vehicle and then go right back to the north end of the  
5 county to do their official duties, the loss of  
6 productivity and time that's there. And so here's the  
7 questions that are raised in the Ethics Commission and  
8 the Attorney General in the other letter:

9 *May Baldwin County Commissioners use*  
10 *County-owned and assigned vehicles to stop at*  
11 *their personal business offices or property to*  
12 *take care of personal business while traveling*  
13 *on County business or traveling to and from*  
14 *their residence as long as the stops and their*  
15 *office visits are either on the general route*  
16 *or require only minimum deviation to and from*  
17 *the route?*

18 Number 2:

19 *May other County officials or employees use*  
20 *County-owned or assigned vehicles to stop to*  
21 *take care of personal business while traveling*  
22 *on County business or traveling to and from*  
23 *their residence as long as the stops are either*  
24 *on the general route or require only minimal*  
25 *deviation from the route?*

26 Question 3:

27 *May Baldwin County employees who are required*  
28 *to travel to different areas around Baldwin*

County be authorized to drive County-owned vehicles to their homes when they must travel to areas of the county which are away from their County-assigned office? Your assistance in answering these questions will be greatly appreciated. If you have any questions, let us know.

That's an attempt to address the things I've heard you-all talk about. If there's other scenarios that we need to cover, or we need to ask those questions in a different way, I'll be glad to do that.

I suggest we send one to both offices. I fully expect the Attorney General to say that this is up to the County Commission policy and the Ethics Commission, which will be fine.

The only question that they would answer is whether or not there's a public purpose under the law. The actual use of the property by the individual employee is an ethics question. But I think covering our bases by sending to both is probably the safe thing to do.

COMMISSIONER JOE DAVIS, III: Do we need --  
Excuse me. Mr. Chairman, in Number 2 and maybe and 3 --

ATTORNEY DAVID CONNER: Okay.

COMMISSIONER JOE DAVIS, III: -- where we mention about minimum deviation, is there any need for us to reference time in any way?

In other words, we're not talking about somebody stopping for personal business and filing their tax

1 return or something. Are we talking about just brief --

2 ATTORNEY DAVID CONNER: I think as it  
3 relates -- I don't think that you ought to do that as it  
4 relates to County Commissioners. I think County  
5 Commissioners ought to be able to work in your schedule,  
6 your day, what you have to do. Otherwise, you're wasting  
7 that hour driving back and forth, thirty (30) minutes to  
8 your house and back.

9 As it relates to the County employees, clearly --  
10 And I expect the Ethics Commission to say they can't do  
11 this on their work time.

12 COMMISSIONER JOE DAVIS, III: Okay. That would  
13 be --

14 ATTORNEY DAVID CONNER: Because they can't  
15 be -- they can't use their work time to do personal  
16 business. So they've either got to take a leave of  
17 absence; maybe do it in their lunch hour, if they're able  
18 to leave work; or traveling or returning to and from the  
19 office of work. So that would be a limitation on their  
20 time.

21 COMMISSIONER JOE DAVIS, III: Right.

22 ATTORNEY DAVID CONNER: Other than that, I  
23 think what you're talking about is maybe fifteen (15)  
24 minutes, thirty (30) minutes.

25 COMMISSIONER JOE DAVIS, III: Yeah. We're --

26 ATTORNEY DAVID CONNER: That may be --

27 COMMISSIONER JOE DAVIS, III: -- talking  
28 about --



1 ATTORNEY DAVID CONNER: I think you can  
2 certainly -- I think you-all can establish that policy,  
3 if you wanted to. I'd rather them not make us do that.

4 COMMISSIONER JOE DAVIS, III: I see that.

5 ATTORNEY DAVID CONNER: I'd rather that be a  
6 discretionary thing, I think.

7 COMMISSIONER JOE DAVIS, III: Because our  
8 current policy doesn't --

9 ATTORNEY DAVID CONNER: Right.

10 COMMISSIONER JOE DAVIS, III: -- reference  
11 that.

12 ATTORNEY DAVID CONNER: Well, in one place, the  
13 fleet policy -- Well, it does say -- The only exception  
14 to this rule in the policy is commuting to and from one's  
15 residence to workstation. So you do have that exception  
16 when driving to home, which is personal. But it doesn't  
17 go into other things like that.

18 COMMISSIONER JOE DAVIS, III: Yeah.

19 ATTORNEY DAVID CONNER: And if that's something  
20 we need to do, we can. There are some things -- Here's  
21 one that's in the policy:

22 *Personnel that utilize a County vehicle for*  
23 *their job during normal business hours and*  
24 *their physical location at the conclusion of*  
25 *the business day is closer to home than their*  
26 *personal vehicle, then in such instances on*  
27 *occasional basis only may drive the vehicle*  
28 *home with approval.*

1 So there are some things that you do. And so if you  
2 find that you feel like that is being abused, or for  
3 public perception purposes you want to limit that time, I  
4 think that's within your prerogative to do as  
5 Commissioners.

6 MS. KIM CREECH: And I think in the policy --  
7 We've gone this in other policies -- we have samples of  
8 how you could utilize that. So if you're going to say de  
9 minimus use, you could define what you're considering as  
10 an example of a de minimis use -- type of use.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
12 I think we need to go ahead and request these, both, send  
13 both of these letters to --

14 COMMISSIONER BILLIE JO UNDERWOOD: Yes, please.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP)  
16 GRUBER: -- the Attorney General and also to the Ethics  
17 Commission. And let's get a -- let's get a -- a ruling  
18 on it. And that way, you know --

19 COMMISSION MEMBER BILLIE JO UNDERWOOD: Yeah.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 So there's no second guessing, you know.

22 COMMISSIONER JOE DAVIS, III: That's right.  
23 And you've --

24 COMMISSION MEMBER BILLIE JO UNDERWOOD: It  
25 really is.

26 COMMISSIONER JOE DAVIS, III: -- got a plan --

27 COMMISSION MEMBER BILLIE JO UNDERWOOD: But  
28 the --

1 COMMISSIONER JOE DAVIS, III: -- to move  
2 forward.

3 COMMISSION MEMBER BILLIE JO UNDERWOOD: --  
4 current policy, there is no --

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
6 Willy-nilly.

7 COMMISSIONER JOE DAVIS, III: Right.

8 COMMISSIONER BILLIE JO UNDERWOOD: There's no  
9 grey --

10 COMMISSIONER JOE DAVIS, III: There's no grey.

11 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- in  
12 the current policy.

13 ATTORNEY DAVID CONNER: I may add -- I may add  
14 a sentence or two to these opinions --

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 Okay.

17 ATTORNEY DAVID CONNER: -- stating that you-all  
18 are considering amending the policy to allow for personal  
19 use under limited circumstances.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 Yeah.

22 ATTORNEY DAVID CONNER: Because if they -- if  
23 they specifically say only if it's allowed in your  
24 policy, then our policy doesn't say that. So I'm going  
25 to hedge that just a little bit --

26 COMMISSIONER JOE DAVIS, III: There you go.

27 ATTORNEY DAVID CONNER: -- by adding that  
28 language in; okay?

1 COMMISSIONER BILLIE JO UNDERWOOD: That will  
2 help. Because if you look our policy, it's like, well,  
3 why are you asking this?

4 ATTORNEY DAVID CONNER: Right.

5 COMMISSION MEMBER BILLIE JO UNDERWOOD: It says  
6 you can't. Change your policy. I think we just went to  
7 class. And that was kind of like what they told us, is  
8 that you --

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
10 Right.

11 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- you  
12 need to make sure you're --

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 Anytime you ask for an Attorney General's opinion, you  
15 need to ask in --

16 COMMISSIONER JOE DAVIS, III: Yeah.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)  
18 GRUBER: -- an affirmative way.

19 COMMISSIONER JOE DAVIS, III: That's right.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 You know, however you ask it is what you're -- the answer  
22 you're going to get back.

23 COMMISSION MEMBER BILLIE JO UNDERWOOD: Uh-huh.  
24 (Indicates affirmatively.)

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
26 And if you ask it a non-affirmative way, you're going to  
27 get a non-affirmative --

28 COMMISSIONER JOE DAVIS, III: Right.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP)

2 GRUBER: -- answer. And that's --

3 COMMISSIONER JAMES E. (JEB) BALL: And I  
4 think --

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)

6 GRUBER: -- the same --

7 COMMISSIONER JAMES E. (JEB) BALL: -- you're --

8 COMMISSION CHAIRMAN CHARLES F. (SKIP)

9 GRUBER: -- way with Ethics.

10 COMMISSIONER JAMES E. (JEB) BALL: I think  
11 you're going to get a better reply from Ethics on this  
12 one instead of the AG. The AG's limited on this as to  
13 what they're going to respond. But the Ethics Commission  
14 will definitely give us guidance with regards to our  
15 policy. So if -- we just need to let them know we are  
16 thinking about changing the policy.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
18 Yeah.

19 ATTORNEY DAVID CONNER: I think what you're  
20 going to get from the Attorney General's opinion is  
21 exactly right. They're going to say it's left to the  
22 Commission. And as long as you find a public purpose,  
23 the use by the individual is up to the Ethics Commission.  
24 But if they want to change their mind and say, we don't  
25 see a public purpose anymore, we'd like to know that,  
26 because that's a different set of rules.

27 COMMISSIONER JOE DAVIS, III: Right.

28 ATTORNEY DAVID CONNER: So I think we protect

1 ourselves by sending it to both. But Commissioner Ball  
2 is exactly right. The Ethics Commission is going to give  
3 us the direction.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

5 Okay. So then this will be on the agenda to --

6 MR. RON CINK: Do they need to have --

7 ATTORNEY DAVID CONNER: I --

8 MR. RON CINK: -- Commission action?

9 ATTORNEY DAVID CONNER: I would. I think --

10 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

11 Yeah.

12 ATTORNEY DAVID CONNER: I think it gives it  
13 official --

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

15 Yeah. We'll go through the thing, you know, requesting  
16 this -- requesting the Attorney General's opinion and the  
17 Ethics Commission.

18 ATTORNEY DAVID CONNER: I'll make that change  
19 and send it to you.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

21 You want that under Consent? Y'all want that under  
22 Consent?

23 ATTORNEY DAVID CONNER: Mr. Chairman, it's set  
24 up for me to sign it on behalf of the County. Do you  
25 want me to sign it, or would you like to sign it?

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

27 You can sign it.

28 ATTORNEY DAVID CONNER: Okay.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
2 Yeah. Because it's from -- it's from, you know -- you do  
3 it from --

4 COMMISSIONER JAMES E. (JEB) BALL: We can --

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
6 Or does it have to be done by the -- by the Commission?

7 ATTORNEY DAVID CONNER: Some of the ones -- the  
8 opinions I was reading were actually sent by the County  
9 Attorney, one of them.

10 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
11 Okay.

12 ATTORNEY DAVID CONNER: It can be done either  
13 way.

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
15 Okay.

16 ATTORNEY DAVID CONNER: We've done them both  
17 ways.

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
19 Okay. All right.

20 ATTORNEY DAVID CONNER: I've signed them  
21 sometimes, and y'all have signed them. It's what's you  
22 preference is.

23 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
24 It's fine. You can do it.

25 ATTORNEY DAVID CONNER: Okay.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 Okay.

28 ATTORNEY DAVID CONNER: I'll make those changes

1 and get it back.

2  
3 **Q-9 - PURCHASE OF VIDEO EQUIPMENT FOR CENTRAL ANNEX AUDITORIUM**  
4 **AND VIDEO RECORDING OF BALDWIN COUNTY PLANNING AND ZONING**  
5 **COMMISSION MEETINGS**

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

7 All right. Next.

8 MR. RON CINK: Next, Mr. Chairman,  
9 Commissioners, staff requests the purchase of video  
10 equipment for Central Annex auditorium and authorizes  
11 staff to begin -- begin video recording and distribution  
12 of Baldwin County Planning and Zoning Commission  
13 meetings.

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

15 Okay. Y'all got any questions on that?

16 COMMISSIONER BILLIE JO UNDERWOOD: Consent.

17 COMMISSIONER JAMES E. (JEB) BALL: Consent.

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

19 All right. Do we have a cost?

20 COMMISSIONER BILLIE JO UNDERWOOD: It's in  
21 there.

22 MR. RON CINK: It's seventy-two hundred dollars  
23 (\$7,200).

24 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

25 Yeah. Yeah.

26 MR. RON CINK: By the way, we're going to pay  
27 for that out of the cable TV tax.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:



1 Okay. That's fine.

2 MR. RON CINK: Out of reserve.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

4 That's reserve? Okay.

5 MR. RON CINK: Uh-huh. (Indicates  
6 affirmatively.)

7 COMMISSIONER JOE DAVIS, III: Good.

8 COMMISSIONER BILLIE JO UNDERWOOD: Oh, good.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
10 That's good.

11 COMMISSIONER BILLIE JO UNDERWOOD: Good way to  
12 use it.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 Yeah. Okay.

15

16 **Q-10 - CREATION OF BALDWIN COUNTY COMMISSION MEDIA STREAMING**

17 **CHANNEL**

18 MR. RON CINK: Let's see. Brian's got one on  
19 regarding --

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 Do you --

22 MR. RON CINK: I'm going to let you speak,  
23 Brian, please.

24 MR. BRIAN PEACOCK: Um --

25 MR. RON CINK: Thank you.

26 MR. BRIAN PEACOCK: I did put a little  
27 PowerPoint together so you can kind of know where we're  
28 at. Back in October of 2017, the CIS Department took

1 over the production of the Commission meetings.

2 At that time, we were having some audio equipment  
3 issues at the time. And we had to do something, either  
4 upgrade what we had in place or we had to revamp the  
5 entire Commission chambers.

6 At that time, we worked with Administration and  
7 decided to present the CIS Department taking over the  
8 production of the Commission meetings.

9 When we make those productions, we actually go  
10 through and provide that to five different cable media  
11 providers, along with a Facebook Live stream that we do.

12 We didn't start the Facebook Live until July or June  
13 of last year, but that's been very successful. I think  
14 we our very first year, we wound up -- we wound up having  
15 eight hundred (800) some-odd views on that. I'll get to  
16 it in just a second.

17 MR. RON CINK: AT&T.

18 MR. BRIAN PEACOCK: And AT&T. I left that off.  
19 I'm sorry. Yes. We had eight hundred (800) and  
20 something views. And it varies. Now, Facebook Live, you  
21 know, you go back and view those once they've been  
22 recorded.

23 We do have limitations with that. And that's kind  
24 of what I wanted to talk to you about today, is going  
25 into a Phase II of what we like to recommend to you and  
26 get approval on; and that's doing basically a Baldwin  
27 County media channel.

28 So I'm going to real quickly -- And I know we're

1 getting longwinded with the meeting, and I'll go through  
2 it as quickly as I can. I'll talk to you real quickly  
3 about how the process is currently done and then what we  
4 looked -- what we're looking at for Phase II.

5 So currently we do the video in the Commission  
6 chamber in Bay Minette. We take the filming that we do  
7 with the cameras that are around the chambers. We work  
8 with a third-party closed captioning company. And then  
9 we take those two videos, those two inputs, and we have  
10 to edit those together.

11 We spend about three to four hours in postproduction  
12 taking the video that we capture, video and audio that we  
13 capture along with the closed captioning file that we're  
14 provided through a third party. We edit those into a  
15 film, and then that's what take and produce the DVD's  
16 that we send out to the cable head-ins along with AT&T  
17 U-verse and Riviera, some of the small mom-and-pop cable  
18 providers in the area. And that's what we call the  
19 postproduction of the video system.

20 Phase II, which is what Ron just spoke to you about,  
21 would be the recording of the Central Annex and then  
22 trying to eliminate all of that time that we spend in  
23 postproduction, and then implementing a multichannel  
24 video and streaming server.

25 So this is what we're looking to do at Central  
26 Annex. Now, I've got on here Central Annex or remote  
27 live video, because we will be able to take the system  
28 that we've presented to you and go offsite with that.

1        So if something were to pop up at the EMA facility  
2        and you wanted to have a live broadcast that cut into  
3        Facebook, we could do that. If something popped up at  
4        the megasite that you wanted to go live, we could do that  
5        to our channel.

6        And we can do that with the system we've got the  
7        quote on. It will consist of -- And this is a generic  
8        picture. This is not the exact equipment that we'll  
9        have.

10       In the chambers we'll have a stationary camera, just  
11       like you've got in the chambers in the Bay Minette, that  
12       will hang right between the projectors. And then we will  
13       have a video system that we can do remote broadcasts with  
14       at any of the other locations.

15       Now, that does not have to be on the County's  
16       network. We will be able to do that live over the  
17       internet through a MiFi device or any -- any connections  
18       such as that.

19       This is where we get into the multi-streaming, the  
20       multi-channel video, and the streaming server. What  
21       we're wanting to do is be able to take a live stream,  
22       such as a Commission meeting or Planning and Zoning  
23       meetings, we want to be able to take past videos or  
24       documentaries that maybe Archives has done or EMA has  
25       done for a public service announcement, or slideshow that  
26       you want to present to the public.

27       We want to be able to take that video feed,  
28       customize that into an graphic overlay where we put RSF

1 feeds -- which they're becoming outdated. There's not as  
2 many RSF feeds out there now -- announcements that you  
3 would like for the public to see, text crawls, customize  
4 the screen that we present to the enduser. And then  
5 we'll be able to schedule that.

6 So with the DVD's that we create now, we take a hard  
7 DVD, we send it to that production company, cable  
8 franchise, whatever it may be. They take that DVD and  
9 stick it in a DVD player and it loops until they get the  
10 next DVD that we create two weeks from there.

11 MR. RON CINK: Right.

12 MR. BRIAN PEACOCK: And then they stick that  
13 in, and it loops. Felisha's worked to get some  
14 documentaries. And we've tried to attach that to some of  
15 our current DVD's. The problem is we've only got a  
16 certain amount of space on the DVD.

17 MR. RON CINK: Right.

18 MR. BRIAN PEACOCK: So depending on how long  
19 your meeting goes, that kind of tells us if we can attach  
20 a documentary so that when you flip the channel on at  
21 twelve o'clock at night, you're not just watching the  
22 meeting back to back to back. We throw in some extra  
23 stuff with it.

24 With the streaming server that we would like to look  
25 at doing, we would actually be able to put that on a  
26 schedule. So we -- there's two terabytes of storage that  
27 we can do unlimited data with, whether it be previously  
28 recorded Commission meetings, whether it be a service

1 announcement for EMA, whatever it may be.

2 You know, we can -- we can take any graphical file  
3 and upload it to this server and put it on a loop,  
4 schedule it so you're not just watching Commission  
5 meetings, public service announcement, Commission  
6 meeting.

7 We could flex it however we want to. We can do a  
8 daily schedule, a monthly schedule, or even a yearly  
9 schedule. Now, the benefit of putting it on a schedule,  
10 if something were to pop up and you wanted to go live,  
11 we'll be able to jump into that scheduled programming at  
12 any time and go live with your feed or a Commission  
13 meeting or a Planning and Zoning meeting, and it never  
14 affects the schedule we've established month to month.

15 MR. RON CINK: Quick -- quick question. If the  
16 Commission chooses to go live at a certain point in time,  
17 does it feed out to the cable providers instantaneously?  
18 Are they grabbing this --

19 COMMISSIONER JOE DAVIS, III: Realtime.

20 MR. BRIAN PEACOCK: We --

21 MR. RON CINK: -- realtime?

22 MR. BRIAN PEACOCK: We will take this stream,  
23 and we will send it to a CDN in the Cloud. We're working  
24 with a media company. We've actually got a meeting  
25 scheduled to send them a device that they will actually  
26 reach out to the Cloud and pull that feed down. So  
27 instead of us sending them each a DVD every two weeks --

28 MR. RON CINK: Right.

1 MR. BRIAN PEACOCK: -- we will actually -- it  
2 will be in the Cloud already, because we will be  
3 streaming it from our server, that schedule. And they'll  
4 actually go out and grab that feed, whatever it may be,  
5 and pull it down to network.

6 MR. RON CINK: Because the DVD thing is --  
7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
8 Oh, yeah.

9 MR. RON CINK: -- antiquated.  
10 COMMISSIONER JOE DAVIS, III: Yeah.

11 MR. RON CINK: We've been fighting that for a  
12 long time.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 Yeah.

15 MR. RON CINK: And this -- this breaks that.

16 MR. BRIAN PEACOCK: This eliminates the DVD  
17 production. I know we keep some of those for archiving.

18 MR. RON CINK: Right.

19 MR. BRIAN PEACOCK: They'll still be out there  
20 if we need to pull a DVD or make a DVD of a video. It's  
21 our information. And it will be on our server, our  
22 streaming server. But it eliminates us being able -- us  
23 having to send that DVD out --

24 MR. RON CINK: Right.

25 MR. BRIAN PEACOCK: -- every two weeks.

26 MR. RON CINK: They just grab it.

27 MS. KIM CREECH: Are we --

28 MR. RON CINK: That's been our objective --

1 MS. KIM CREECH: Are we buying --

2 MR. RON CINK: -- from day one.

3 MS. KIM CREECH: -- the equipment for each one  
4 of these providers to provide the service?

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
6 Well -- well, right now at all these place, we're  
7 providing them with a DVD.

8 MR. RON CINK: We provide them with a DVD  
9 player. And it breaks.

10 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
11 And it's broke. And we'll go get another one. And  
12 they're getting scarce to even try to buy one.

13 COMMISSIONER BILLIE JO UNDERWOOD: Hard to find  
14 one.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 Yeah. You can't find them anymore. And, you know,  
17 basically now all you can find is a single head. I mean,  
18 you know, you can't buy the multihead ones. We used to  
19 have them where we could put different things and rotate  
20 them. We can't do that anymore, because it's just one --

21 COMMISSIONER BILLIE JO UNDERWOOD: It's served  
22 its purpose.

23 MR. RON CINK: Exactly.

24 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
25 It's --

26 MR. BRIAN PEACOCK: The benefit of this is that  
27 we control the schedule. It's not the Mediacom's or the  
28 U-verse that controls the schedule of what's being



1 played.

2 If you decide, as a Commission body, that you want  
3 to see -- during a storm activity, you want to see back  
4 to back to back public service announcements from EMA, we  
5 can throw that in the schedule.

6 We can do it for as long as the storm exists and  
7 then go back to our scheduled programing. We just -- it  
8 gives us ultimate control on what the public's viewing.

9 COMMISSIONER BILLIE JO UNDERWOOD: I think --

10 MR. BRIAN PEACOCK: And you have --

11 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- it's  
12 great.

13 MR. BRIAN PEACOCK: Right now we -- we do  
14 provide that DVD. And I would recommend that we provide  
15 the equipment the streaming provider will use to pull  
16 that down, because it gives us the control to manage that  
17 device.

18 So this is what we're looking at. This is just kind  
19 of a mockup of what the Baldwin County Commission channel  
20 would look like. We would put a -- your normal feed,  
21 whatever that may be, whether it's a live broadcast or  
22 something that's previously recorded in the middle.

23 We can add breaking news -- And none of this is  
24 required. I was just trying to show you the different  
25 zones and ideas that we had -- breaking news that we  
26 could drop in across the bottom.

27 RSF feeds would be something from, you know -- you  
28 can get RSF feeds from news medias and things like that.

1 Text box, wherever that -- wherever you may want that,  
2 you can fill in, whether it be announcements of upcoming  
3 meetings, you know, if you've got a special called  
4 meeting, that could all be dropped in on the fly, and  
5 then another scrolling banner at the top, along with your  
6 County seal as well.

7 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
8 That sounds good.

9 COMMISSIONER BILLIE JO UNDERWOOD: That's nice.

10 MR. BRIAN PEACOCK: I was hoping that we could  
11 possibly also use the funds from that --

12 MR. RON CINK: We did.

13 MR. BRIAN PEACOCK: I've not gotten fund  
14 numbers, but we're talking between twenty (\$20,000) and  
15 thirty thousand dollars (\$30,000) to do this setup.

16 COMMISSIONER BILLIE JO UNDERWOOD: That's all?

17 MR. RON CINK: Yeah.

18 COMMISSION MEMBER BILLIE JO UNDERWOOD: That's  
19 not bad.

20 MR. BRIAN PEACOCK: And that's not hard  
21 numbers. That's just --

22 COMMISSIONER BILLIE JO UNDERWOOD: Compared to  
23 what it used to cost to do the old timey stuff, that's  
24 remarkable.

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
26 Well, it costs us money with these DVD and everything  
27 else, I mean, you know. And this way it's basically  
28 instantaneous. It's there.

1 MR. BRIAN PEACOCK: Right.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
3 Once it's produced, I mean, you don't have to go back and  
4 create a thing and put all this with the -- with the --

5 MR. BRIAN PEACOCK: Well, some of drawbacks  
6 from -- I'm sorry to interrupt you. Some of the  
7 drawbacks from like the Facebook Live is that unless you  
8 have a Facebook account, you can't view that Facebook  
9 Live.

10 This gives us the ability to drop that channel in an  
11 iframe on the County's website. And whoever that has  
12 internet access can pull that up on their mobile device;  
13 smart TV's; if they're internet capable, they can get to  
14 it from their internet.

15 And we can certainly still send the Facebook Live,  
16 but it opens up the possibilities to get it to so many  
17 more people with doing something like this.

18 MR. RON CINK: And the other thing,  
19 Commissioners, we may -- the previous Commission made the  
20 investment into going high-definition cameras; okay? And  
21 this -- this helps that along as well.

22 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
23 Yeah.

24 MR. RON CINK: So it's all -- it was -- it's --  
25 it's been plotted out through the -- through the ages, I  
26 guess you could say. And we're getting to the  
27 culmination here of -- of -- of good presentation to the  
28 citizens of Baldwin County.

1 MR. BRIAN PEACOCK: And this is -- this will be  
2 done from our department, from within CIS. We do --  
3 currently we're working on -- through the end of this  
4 year, we'll have our contracts with San Tech, which has  
5 been helping us learn the system and production  
6 techniques. But I've got staff that's in there every  
7 week. And, you know, it's -- we're going to take that  
8 over a hundred percent (100%) by the end of the year.

9 COMMISSIONER BILLIE JO UNDERWOOD: There was  
10 something presented at the classes we just went to, so  
11 you guys know we listened, about Facebook Live. And it  
12 said it's great if you're doing Facebook Live, because  
13 that way you're controlling the Facebook Live that you  
14 put on your County Facebook page rather than a citizens  
15 sitting out there Facebook Living part of what you're  
16 doing and only putting what they wanted to be on there,  
17 you know, not the whole -- the whole meeting.

18 So that was just a point that it was a positive  
19 point of the County actually doing the Facebook Live,  
20 which is what we're doing now, which is good. But this  
21 is great.

22 MR. BRIAN PEACOCK: We've had great comments on  
23 it since we went with Facebook Live.

24 COMMISSION MEMBER BILLIE JO UNDERWOOD: Yeah.

25 MR. BRIAN PEACOCK: We don't get a whole lot of  
26 live views while it's going on. The views that I  
27 referenced earlier were mostly from --

28 COMMISSIONER BILLIE JO UNDERWOOD: But they

1 can --

2 MR. BRIAN PEACOCK: -- where people were going  
3 back and --

4 COMMISSION MEMBER BILLIE JO UNDERWOOD: --  
5 catch it a lot easier than they can waiting on the cable.  
6 And in my case, I don't have the cable available even  
7 where I live.

8 So, like you said, maybe if you don't have a  
9 Facebook account, that's a little different from not  
10 being able to have cable. I can't get cable where I  
11 live. Now, I can sign up for a Facebook account, just if  
12 I didn't want to, which, you know --

13 MR. BRIAN PEACOCK: Right.

14 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- but  
15 you cannot have Mediacom that -- where I live.

16 MR. BRIAN PEACOCK: Right.

17 COMMISSION MEMBER BILLIE JO UNDERWOOD: You  
18 know, you can only have satellite.

19 MR. BRIAN PEACOCK: Well, this limits -- this  
20 takes that need away, you know. As long as you can get  
21 to the internet, you will be able to view this channel  
22 24/7.

23 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

24 MR. BRIAN PEACOCK: And, again, this was just a  
25 discussion. As long as I can get the approval to move  
26 forward, we'll start looking at numbers.

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
28 Okay.

1 COMMISSIONER JAMES E. (JEB) BALL: Consent on  
2 that, Mr. Chairman.

3 COMMISSIONER BILLIE JO UNDERWOOD: Consent.

4 COMMISSIONER JOE DAVIS, III: Yes.

5 MR. BRIAN PEACOCK: Okay. Thank you very much.

6 MR. RON CINK: Thank you, Commissions. We've  
7 been after this for a while.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
9 Yeah.

10

11 **Q-6 - BALDWIN COUNTY DEPUTY CORONERS' PAY (REVISITED)**

12 MR. RON CINK: Mr. Chairman.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 Yes.

15 MR. RON CINK: The Coroner has come back in.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 Let's go back to Q-6, please, Q-6. Okay.

18 COMMISSIONER JAMES E. (JEB) BALL: Hey, Brian.

19 MR. BRIAN PIERCE: Hey. How are y'all today?

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 All right. Doing good.

22 MR. BRIAN PIERCE: My question comes back to  
23 the 1099 policy that we do at the Coroner's Office. And  
24 I had a few of questions about it, because I am going to  
25 be looking to hire at least a couple more Deputy  
26 Coroners.

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
28 Okay.

1 MR. BRIAN PIERCE: If we're going to continue  
2 with that policy -- And I've asked this question of Ron,  
3 the liability standpoint, if they're injured on the job  
4 working for me, because I'm appointing them -- I mean,  
5 they can get anything from hepatitis if they step on a  
6 rusty nail.

7 So that's a consideration that we have -- See, I'm  
8 protecting my liability from that standpoint, because I  
9 don't want to get sued for their injury, personally,  
10 number one.

11 So if we're going to stick with that 1099, I need to  
12 know, because that is a contract labor thing that they  
13 work independently, but also at my discretion.

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
15 Yeah.

16 COMMISSION MEMBER BILLIE JO UNDERWOOD: Well,  
17 we discussed --

18 MR. BRIAN PIERCE: What are y'all's feelings on  
19 that?

20 COMMISSION MEMBER BILLIE JO UNDERWOOD: Well,  
21 we discussed, while you were not here, that that has to  
22 be something that the Legislature has to change --

23 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
24 Change.

25 COMMISSION MEMBER BILLIE JO UNDERWOOD: --  
26 because right now our -- our -- the act says that we --  
27 that that's the way it is, it's a 1099.

28 MR. BRIAN PIERCE: Okay.

1 COMMISSION MEMBER BILLIE JO UNDERWOOD: But I'm  
2 interested in pursuing the Legislature to --

3 MR. BRIAN PIERCE: And hopefully they'll get  
4 with you. I sent a couple bills to them that I'd like to  
5 see them act on.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
7 Okay.

8 MR. BRIAN PIERCE: So I'm hoping they'll be  
9 bringing that back to us.

10 COMMISSIONER BILLIE JO UNDERWOOD: So,  
11 currently, we have to stick with the 1099 until --

12 MR. BRIAN PIERCE: Okay.

13 COMMISSION MEMBER BILLIE JO UNDERWOOD: --  
14 something happens.

15 MR. BRIAN PIERCE: Okay. So and then if that's  
16 the case, I know y'all want to set a rate, and it's  
17 always been set, but it makes it very difficult for me to  
18 give people merit and number of jobs worked if it's a set  
19 fee, whether they work two days that month or they work  
20 ten.

21 So I would like to be able to use this as a point to  
22 supervise those people to some degree, that they get paid  
23 on merit. If I've got a new guy who needs more  
24 supervision, he's not worth as much as someone who  
25 doesn't need any supervision.

26 MS. KIM CREECH: Well, that's when you have --  
27 you have to state the person and the rate. So if you  
28 choose to make one a five hundred (\$500), and you have



1 another one at a thousand (\$1,000) -- And currently the  
2 ones -- the deputies are a thousand (\$1,000), you set  
3 that.

4 MR. BRIAN PIERCE: Right. Okay.

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

6 And -- we --

7 MS. KIM CREECH: So --

8 COMMISSION CHAIRMAN CHARLES F. (SKIP)

9 GRUBER: -- just have to approve it. We approve it is  
10 basically what we're doing.

11 MS. KIM CREECH: Approve the person and the  
12 rate, the Commission.

13 MR. BRIAN PIERCE: So if I want to go back and  
14 change that person, I need to come back to y'all and say  
15 I'm going to move --

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 Correct.

18 MR. BRIAN PIERCE: -- finally he's no longer  
19 under house supervision. He can move to full --

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 Apprenticeship or whatever.

22 MR. BRIAN PIERCE: Right. Okay.

23 MR. RON CINK: Under the statute.

24 MR. BRIAN PIERCE: Right. Okay. Fair enough.  
25 Well, in that case, the two I want to bring up -- I  
26 really had three, but one is Troy Dyas will be my Chief  
27 Deputy. He's in charge of some of the training and other  
28 things with these new deputies. I'm asking him to be

1 twelve fifty (\$1,250) a month.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

3 Okay.

4 MR. BRIAN PIERCE: Daren Montgomery is  
5 currently on. And he's just an investigator right now.  
6 And I'm asking for him to be a thousand (\$1,000) a month.  
7 Keep them where they're at.

8 Now guys coming in, I'll probably come back to you  
9 with seven fifty (\$750) until their training is a hundred  
10 percent (100%) complete, and then they can move on up.  
11 Still, that's only five dollars (\$5) an hour when you  
12 figure they're covering forty-two (42) hours a week. I  
13 mean, we're not even covering minimum wage here.

14 MR. RON CINK: Do you want to name any more  
15 today, or --

16 MR. BRIAN PIERCE: No, just --

17 MR. RON CINK: -- just these two?

18 MR. BRIAN PIERCE: And Stan. I've already  
19 had -- we went ahead and continued Stan on the bond  
20 surety, because he is involved in this accreditation  
21 process. He's really needed as a consult.

22 I want to keep him on as a consultant, although he's  
23 not requiring any pay. He chose not to be paid, because  
24 I talked to him about it. But, at the same time, if he  
25 comes on and has to do some things, I may have to come  
26 back to y'all at that point and say, hey, I would like to  
27 do three months with Stan consulting as we tie up this  
28 accreditation process.

1 Does that sound right?

2 MS. KIM CREECH: So wouldn't you want to go --  
3 you don't necessarily have to pay them each month, but  
4 wouldn't you want to go ahead and list -- list your  
5 deputies and --

6 MR. BRIAN PIERCE: Those are the only two I  
7 have right now.

8 MS. KIM CREECH: Okay.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
10 That's the only two, yeah.

11 MR. BRIAN PIERCE: Yeah, so before that then --

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
13 And then if you hire -- hire another one, then --

14 MR. BRIAN PIERCE: I will come back to y'all.

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 Well, you can -- you can just get it back -- get it to us  
17 in agenda form. And, you know, we'll go from there.

18 MR. BRIAN PIERCE: Okay. And the only other  
19 thing I had on that list was we've got the second  
20 employee in the office, which is helping out immensely.  
21 We've been very busy, snowbird season. That's not a  
22 joke. It's working out great.

23 I've discussed it with them. We need bigger  
24 exposure. I'd like for one girl to come in at seven and  
25 be able to leave at three, and the other one to come in  
26 at nine and stay to six to give us a little more  
27 exposure. It wouldn't be any more payroll, but it would  
28 widen us out a little bit.

1 COMMISSIONER JOE DAVIS, III: That's great.

2 MR. BRIAN PIERCE: Is that okay? And we'd  
3 cover lunches.

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
5 Yeah. I mean, you can set your hours.

6 MR. BRIAN PIERCE: Okay. Well, I just wanted  
7 to make sure, because they don't work for me. They work  
8 for y'all under the personnel board, not for me.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
10 Well, but they still -- I mean, they're still only  
11 working forty (40) hours, I guess, whatever, you know.

12 MR. RON CINK: Another little clunk in the  
13 statute that's -- because he doesn't have appointing  
14 authority, per se, in that --

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 Uh-huh. (Indicates affirmatively.)

17 MR. RON CINK: -- in that matter --

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
19 Okay. We have to do that.

20 MR. RON CINK: -- I -- I take care of their  
21 timecards --

22 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
23 Okay.

24 MR. RON CINK: -- and any disciplinary action  
25 associated --

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 Okay.

28 MR. RON CINK: -- and because of the

1 relationship, and he deals with any scheduling. And I  
2 just let it happen.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
4 Okay.

5 MR. RON CINK: But, statutorily --

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
7 Right.

8 MR. RON CINK: -- it has to flow. That's why.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
10 Okay. So do we need to put that on the agenda for the  
11 hours?

12 ATTORNEY DAVID CONNER: He expresses his  
13 needs --

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
15 We just --

16 ATTORNEY DAVID CONNER: -- the County  
17 Administrator makes it happen.

18 MR. RON CINK: Right.

19 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
20 Okay. So we don't -- yeah. Okay.

21 MR. RON CINK: There's no action on your part.

22 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
23 Okay. Good. All right. We just have to --

24 MR. RON CINK: Carrie sets her hours according  
25 to what she needs.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 Yeah. Okay. We'll only have two items. That will be  
28 for the Deputy Coroner and the other --

1 MR. BRIAN PIERCE: Chief Deputy.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
3 Chief Deputy.

4 MR. RON CINK: To appoint those two and set  
5 their rates.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
7 Yeah. Okay. All right.

8

9 **G-2 - PLANNING AND ZONING DEPARTMENT ORDINANCES, POLICIES AND**  
10 **PROCEDURES (REVISITED)**

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
12 Okay. All right. Let's see, now that brings us to --

13 MR. RON CINK: Mr. Chairman, Vince.

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
15 Huh?

16 MR. RON CINK: Vince has a presentation.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
18 Vince, yes. Please, Vince.

19 MR. VINCE JACKSON: Thank you. I'll try to go  
20 through this quickly. A few weeks ago, I was asked to  
21 prepare an agenda item pertaining to zoning, what is  
22 zoning, what is our department all about, and why do we  
23 do the things that we do, and what are our ordinances.

24 As you know, since you took office, you've been hit  
25 with some pretty difficult issues. That was not on  
26 purpose. It's just the way it what happened. But I know  
27 there's been a lot of questions about what we do. So  
28 this is an opportunity to kind of go through some of that

1 and then take whatever questions you might have.

2 Along with that, I've prepared a notebook for each  
3 of you with the Zoning Ordinance and the Master Plan and  
4 the Sub Regs. And the others already have that.

5 COMMISSIONER JOE DAVIS, III: Thank you.

6 MR. VINCE JACKSON: First a question that I'm  
7 asked often is what is zoning? The simple issue is land  
8 use, but you can break it down. A system of land use  
9 regulations that govern size, shape, types of activities  
10 used to limit the effects which particular land use might  
11 have on neighboring properties.

12 It's based on the local government's power to  
13 control nuisances. And it provides ordinances which  
14 standardizes the use and development of property in order  
15 to make the most appropriate use of land.

16 Alabama, unlike most states, does not really have  
17 much in the way of provisions for zoning in  
18 unincorporated areas. The only real mention in the Code  
19 of Alabama has to do with flood-prone areas, and it's  
20 very specific to flood-prone areas. And it's not  
21 something that's widely used.

22 There are a handful of counties, Baldwin being one  
23 of them, which have the authority to have zoning in the  
24 unincorporated areas. And that is accomplished through  
25 local legislation.

26 (Commissioner Joe Davis sneezed.)

27 COMMISSIONER JOE DAVIS, III: Excuse me.

28 MR. VINCE JACKSON: For our area, it was

1 established with the adoption of Act 91-719 by Alabama  
2 Legislature. And that act sets up our authority to have  
3 zoning. It sets up how all zoning is impacted. It  
4 discusses the Planning Commission. It sets up the Boards  
5 of Adjustment. And this act has been amended several  
6 times since its initial adoption.

7 The Planning and Zoning Department was actually  
8 established in 1996. Originally, Planning and Zoning was  
9 part of the Inspection Department. Then for a number of  
10 years, it was a standalone department with an appointed  
11 department head.

12 In 2010, Planning and Zoning was put under Highway.  
13 Since 2015, we have been under Administration. And  
14 that's where we are now.

15 The act, in setting up how zoning is adopted, it  
16 sets up a -- The -- the process is intended to be citizen  
17 driven where the Commission divides the county into what  
18 we refer to as Planning Districts. You hear the Planning  
19 Districts mentioned in our staff reports. The people  
20 within the Planning District actually approach the County  
21 Commission through a petition.

22  
23 (Commissioner Billie Jo Underwood left the Baldwin County  
24 Commission Work Session.)

25  
26 MR. VINCE JACKSON: And if they meet certain  
27 requirements, a referendum is held. And if the  
28 referendum is in the affirmative, they set up the process



1 to adopt zoning. So it is -- it's not something where  
2 the County can just go out and zone areas. It's  
3 initiated by citizens.

4 We have thirty (30) Planning Districts. And today  
5 eighteen (18) of the thirty (30) Planning District have  
6 voted to enact zoning. And the next slide, this is our  
7 Planning District map.

8 The areas in yellow are the areas which have zoning.  
9 The areas in white have no zoning. And, of course, the  
10 green areas are the municipalities. And I have a large  
11 copy of that map for each of you that you can take back  
12 to your respective offices.

13 Our ordinance is designed to guide the area's  
14 growth. There are two parts. There's the zoning text.  
15 You have a copy of the text in the notebook. And then  
16 there is also the zoning map.

17 And as I stated, this is valid only in the  
18 unincorporated Planning Districts where a majority of  
19 qualified electors have elected to come under the  
20 planning and zoning authority of Baldwin County  
21 Commission. So it's only applicable in those yellow  
22 area. This is an example of our zoning map.

23 This is the Lillian area in Planning District 22.  
24 And the reason I chose this area is because it's one of  
25 the areas where you see a lot the different designations  
26 in one place.

27 You've got Commercial, your pink and red; you've got  
28 your -- the yellow and gold is your Residential; and then

1 you've got the Rural Agricultural, green. There is a  
2 little bit of Outdoor Recreation, a little bit of Marine  
3 Recreation. This is one of the few areas where it's all  
4 there in virtually one place.

5 I wanted to talk about our staff. In addition to  
6 me -- There's eight of us total. In addition to me, we  
7 have two Planers.

8 Celena Boykin is the Planner in Robertsdale. The  
9 Robertsdale office is over in Central Annex II on the  
10 forth floor. Linda Lee is a Planner in Foley at the  
11 satellite courthouse. Joe Ryan is our Code Enforcement  
12 Officer, and he primarily works for Bay Minette.

13 And then we have D. J. Hart and Crystal Bates. They  
14 are both Planning Technicians in the Robertsdale office.  
15 Payton Rogers is a Planning Technician in Foley. And  
16 Paula Bonner is our Administrative Support Specialist in  
17 Foley.

18 The majority of us have been with the County over  
19 ten (10) years. Celena, she came about a year after I  
20 did, so most of us have worked together for a long time.  
21 We work well together. We get along, look out for each  
22 other. I tell people we're kind of like a small family  
23 in the County organization.

24 Everybody on this list is extremely helpful. If you  
25 ever need anything, they'll get you what you need.

26  
27 (Commissioner Billie Jo Underwood rejoined the Baldwin County  
28 Commission Work Session.)

1 (Commissioner James E. (Jeb) Ball left the Baldwin County  
2 Commission Work Session.)  
3

4 MR. VINCE JACKSON: There is very little I  
5 could do without everyone up there.

6 Next I wanted to just kind of go through briefly  
7 what some of our duties and responsibilities are. This  
8 is not meant to be an exhaustive list, but I will point  
9 out that there are a few things that we do that are  
10 outside of what you would normally expect with zoning.  
11 And I'll also point out a few thing that we don't do.

12 Primarily we administer and enforce the Zoning  
13 Ordinance. We provide assistance to boards, along with  
14 administration and code enforcement. We review and  
15 process land use certificate applications and land  
16 disturbance permits.

17 A land use certificate is the first step to  
18 obtaining a building permit in a zoned area of the  
19 county. That's where we verify zoning. And I'll talk a  
20 little bit more about that in just a minute.

21 We prepare and present amendments to the text of the  
22 Baldwin County Zoning Ordinance. The last amendment that  
23 was approved by the Commission was October of 2018. So  
24 the -- the copy that you have in that binder is up to  
25 date.

26 We provide mapping services. Celena, who was here  
27 earlier, is our primary mapper -- mapping -- planning --  
28 mapping planner, I guess you could say. She's very good.

1       We -- we keep maps on the website. We have some  
2       stock maps available. We also provide mapping services  
3       to other departments and other municipalities throughout  
4       the county. And we do custom map requests. If you ever  
5       need a map, call Celena, and she will take care of what  
6       you need.

7       Zoning verification, that's just a -- a point of  
8       contact where people call in or they e-mail us asking  
9       what is the zoning of my property, what can I do on my  
10      property.

11  
12      Commissioner James E. (Jeb) Ball rejoined the Baldwin County  
13                                      Commission Work Session.)

14  
15               MR. VINCE JACKSON: We accept various  
16       applications. You've seen re-zoning, PRD site plans,  
17       conditional use, variance, special exception.

18       Variance, special exception, and administrative  
19       appeal are only reviewed by the Board of Adjustment, so  
20       you'll never see those.

21       We prepare and present agenda items. We're also  
22       involved with the Architectural Review Board for Baldwin  
23       County. We have four historic districts in the county.  
24       And any new construction or exterior renovation is  
25       required to receive approval from the Architectural  
26       Review Board.

27       We have a section on our website that is dedicated  
28       to historic resources. And so the information about the

1 historic districts and architectural review is there.

2 The most recent historic district was Malbis, which was  
3 adopted just a few years ago.

4 We issue sign permits. That also includes billboard  
5 permits in the un-zoned, unincorporated areas of the  
6 county. That's one of the few areas where we get  
7 involved in un-zoned. And I'll talk specifically about a  
8 billboard issue in just a minute.

9 We administer the Wind Energy Conversion Systems  
10 Ordinance for the un-zoned areas. That's wind turbines.  
11 The way this came about was several years ago, there  
12 was -- there was interest in a wind farm in Southern  
13 Baldwin County.

14 We were able to address that through zoning, but  
15 there was a concern that we also address if for the  
16 unincorporated areas. So we adopted a separate  
17 ordinance. Nothing has really come up with it since, but  
18 it is there in the event that we need it.

19 COMMISSIONER BILLIE JO UNDERWOOD: How does  
20 that actually work with it being in unincorporated areas  
21 on both of those?

22 MR. VINCE JACKSON: The Legislature has  
23 specifically granted authority to the County Commission.

24 COMMISSIONER BILLIE JO UNDERWOOD: Okay. For  
25 both of those items?

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 Yeah.

28 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

1 Just checking, because I know normally you wouldn't be  
2 able to --

3 MR. VINCE JACKSON: Right.

4 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- to  
5 regulate something like that with just -- with your own  
6 inside --

7 MR. VINCE JACKSON: Right.

8 COMMISSION MEMBER BILLIE JO UNDERWOOD: You  
9 can't make up a law that --

10 MR. VINCE JACKSON: Right.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
12 Yeah.

13 MR. VINCE JACKSON: But we -- in both cases, we  
14 have specific authority to adopt those ordinances.

15 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.  
16 Because we don't have the authority to make those kind  
17 of --

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
19 Uh-huh. (Indicates affirmatively.) Right.

20 COMMISSION MEMBER BILLIE JO UNDERWOOD: Yeah.  
21 It's so weird. Because municipalities --

22 MR. VINCE JACKSON: Yes.

23 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- can  
24 do that. Yeah.

25 MR. VINCE JACKSON: Right. And then we manage  
26 the County-owned underground tanks, fuel storage tanks.  
27 I think there might be two. Some of them have be  
28 replaced by aboveground tanks.

1 But that's done by Joe Ryan, our Code Enforcement  
2 Officer. And he works with representatives of -- of ADEM  
3 and does periodic inspections and such. And he works on  
4 that.

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
6 I think that's the aboveground, too, because there's  
7 compliance he has to -- he has to take care of also,  
8 both.

9 MR. VINCE JACKSON: Right. The last couple of  
10 things, we administer the Community Rating System, also  
11 known as CRS. That is a program which is part the  
12 National Flood Insurance Program. And it's a system  
13 whereby people can receive discounts on their flood  
14 insurance rates.

15 Baldwin County has participated in that, I believe,  
16 since 1997. Currently we're at a Class 7, which  
17 represents a fifteen percent (15%) discount. We are  
18 working -- we briefly were at the Class 6. We're working  
19 to get back to the Class 6.

20 Part of what happens is they change the regs. And  
21 so there were things that we previously received a lot of  
22 points, and they capped the number of point that we could  
23 receive.

24 But we've done some things since that I think will  
25 help. We have a cycle visit every five years. Our last  
26 cycle visit was in '15. So have one coming up next year.  
27 And after that is when we find out if we improve on our  
28 rating.

1       Shortly, you will be reviewing a Flood -- Floodplain  
2       Management Ordinance revision. That will help with  
3       points. Also, our CRS Coordinator is D. J. Hart. She is  
4       the Planning Technician here in Robertsdale. And she was  
5       recently certified, gained a certification as a Certified  
6       Floodplain Manager.

7               COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
8       That's going to help.

9               COMMISSIONER BILLIE JO UNDERWOOD: That's good.

10              MR. VINCE JACKSON: So that's another area  
11       where we can get points. We administer the Municipal  
12       Separate Storm Sewer System MS4 permit for the County.  
13       This is done with -- this is a requirement of ADEM.  
14       There's also some FEMA requirements that goes along with  
15       this. This requires communication and coordination with  
16       other departments, primarily with Highway and also with  
17       Solid Waste.

18              And, last, we provide assistance to County  
19       departments. There are a lot of things we're asked to  
20       do, and we step in. And to the extent that we're able,  
21       we're always glad to help.

22              One thing that you don't see up here is the  
23       Subdivision Regulations. Planning and Zoning does not  
24       administer the Subdivision Regulations for Baldwin  
25       County.

26              I included the regs in your binders, because that's  
27       a -- that's a document that the Planning Commission uses.  
28       But the administration for the Subdivision Regulations is



1 through the Highway Department.

2 Now, we do, to some extent, work together on that,  
3 because it both involves Planning Commission, and there  
4 are instances where subdivisions are in zoned areas.  
5 But, primarily, it's Highway. Planning and Zoning really  
6 doesn't have much of a role where subdivisions are  
7 concerned.

8 And this is -- I was talking about MS4. This shows  
9 you the MS4 area, the areas that kind of gold. The three  
10 Eastern Shore municipalities, Spanish Fort, Daphne, and  
11 Fairhope, all have their own MS4 permits.

12 And so in administering the MS4 permit for Baldwin  
13 County, that requires some degree of coordination with  
14 those municipalities. So we do work with them  
15 periodically.

16 And as a requirement of our MS4 permit, we have a  
17 section of our website set aside for stormwater. And you  
18 can find the MS4 plan there. The MS4 permit is there.

19 And each year we're required to submit an annual  
20 report which summarizes our activities. And several  
21 years' worth of annual reports are on that website also.

22 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
23 And that's only because that's in the MPO; correct? Is  
24 that --

25 MR. VINCE JACKSON: No, sir. That's a  
26 separate --

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
28 Separate --

1 MR. VINCE JACKSON: -- separate issue from the  
2 MPO.

3 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
4 Okay.

5 MR. VINCE JACKSON: That's --

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
7 Because, I mean, it's only on the Eastern Shore. We  
8 don't have --

9 MR. VINCE JACKSON: It doesn't apply --

10 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
11 It doesn't apply anywhere else. That's the only place  
12 that the MS4 applies.

13 MR. VINCE JACKSON: Right.

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
15 I can't remember what it had to do with. It was --

16 MR. JOEY NUNNALLY: Population density.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
18 Population, yeah.

19 MR. JOEY NUNNALLY: Which is -- which is very  
20 similar to the MPO.

21 MR. VINCE JACKSON: But they're -- they're --  
22 they're separate issues.

23 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
24 Okay.

25 MR. JOEY NUNNALLY: Separate -- separate  
26 boundary lines.

27 MR. VINCE JACKSON: Right.

28 MR. JOEY NUNNALLY: But it's triggered off the

1 same population issue.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

3 Yeah. Okay. Yeah.

4 MR. VINCE JACKSON: And then I wanted to talk  
5 just a little bit about our activities. We have a  
6 database that we've used since '06, where we -- all the  
7 applications that we take in are entered into that  
8 database. And this is a comparison of our numbers for  
9 2017 and 2018.

10 As you can see, in most categories we've shown an  
11 increase. There are a couple of things where we were  
12 down just a little bit, but in some cases we're up  
13 significantly.

14 We talk a lot about the growth in the county, but  
15 what -- and the activity. But what goes along with that  
16 is an increase in complaints.

17 You can see we had seventy-four (74) complaints in  
18 2017; a hundred twenty-eight (128) this past year. But  
19 you'll notice, if you look at enforcement, only -- every  
20 complaint doesn't --

21 COMMISSIONER JOE DAVIS, III: Result.

22 MR. VINCE JACKSON: -- move to enforcement. We  
23 investigate those complaints, and we determine if there  
24 is in fact an issue. And, if so, then we -- you know, we  
25 issue a notice of enforcement.

26 So you can see where the previous year, twenty-one  
27 (21) went to the enforcement level; and in 2018, on  
28 twenty-three (23) went to the enforcement level.

1 I mean, we do get complaints that are not valid. I  
2 hate to say that, but that's -- that's a fact of life.  
3 And a lot of times -- a lot of times when we get a  
4 complaint, we can make a simple phone call and say, hey,  
5 we've had a call about this. It's taken care of, you  
6 know.

7 With our enforcement, I will say about nine percent  
8 (90%) of the time, as soon as somebody gets a letter,  
9 they take care of what needs to be done. But we have  
10 those situations where it gets dragged out a little bit.  
11 So I think --

12 ATTORNEY DAVID CONNER: One other interesting  
13 thing about the complaints, Vince, that you get,  
14 sometimes neighbors like to use the Planning Department  
15 as a weapon --

16 MR. VINCE JACKSON: Yes.

17 ATTORNEY DAVID CONNER: -- against their  
18 neighbor.

19 MR. VINCE JACKSON: Yeah, and they like to --

20 ATTORNEY DAVID CONNER: So you have to weed  
21 through those as well.

22 MR. VINCE JACKSON: -- use us to -- to fight  
23 those battles. And this is something where we have to  
24 work very closely with Mr. Conner.

25 I do think, you know, a discussion about enforcement  
26 is needed. It can be a very slow process. And I think  
27 we'd also like to hear from you-all how -- I'm trying to  
28 think of the right word -- how do you want us to proceed?

1 In -- in the past years, we have operated on  
2 complaint-only basis, but we can be a little more  
3 proactive than that.

4 But that depends on what you-all, as a Commission,  
5 want us to do. We -- sometimes we see things out there  
6 that we know are wrong. So unless we have a complaint,  
7 we don't pursue it.

8 COMMISSIONER BILLIE JO UNDERWOOD: Why is that?

9 MR. VINCE JACKSON: We've been told in the past  
10 not to.

11 COMMISSIONER BILLIE JO UNDERWOOD: Just been  
12 told, or is it some kind of a --

13 MR. VINCE JACKSON: It wasn't a -- It's just  
14 the way it was. So we -- we -- I mean, we -- we held  
15 off.

16 COMMISSIONER BILLIE JO UNDERWOOD: Well, we  
17 don't want you harassing people, but --

18 MR. VINCE JACKSON: Well, no.

19 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- but,  
20 at the same time, I mean, you know --

21 MR. VINCE JACKSON: We don't want to harass  
22 people.

23 COMMISSION MEMBER BILLIE JO UNDERWOOD: No.

24 MR. VINCE JACKSON: If we see something that is  
25 wrong, we feel like we ought to be able to address it.

26 COMMISSION MEMBER BILLIE JO UNDERWOOD: Yeah.

27 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
28 And that's why you end up with these numbers or complains

1 later on.

2 MR. VINCE JACKSON: Right. And sometimes if we  
3 see it, we can go ahead and address it, and we don't even  
4 get a complaint on it.

5 COMMISSIONER JOE DAVIS, III: Keep it from  
6 becoming --

7 MR. VINCE JACKSON: Right. But, in -- in the  
8 past, we have been told, no, just handle complaints.

9 COMMISSIONER BILLIE JO UNDERWOOD: So how do  
10 change that?

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
12 Just --

13 MR. VINCE JACKSON: You just have to tell us  
14 you --

15 COMMISSION CHAIRMAN CHARLES F. (SKIP)  
16 GRUBER: -- tell us, and it --

17 COMMISSIONER BILLIE JO UNDERWOOD: Does that  
18 have to be done in the formal setting, or how is that  
19 done?

20 ATTORNEY DAVID CONNER: I think it's more of a  
21 Commission policy discussion from you-all and direction  
22 that you give to Vince.

23 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

24 ATTORNEY DAVID CONNER: Some of the ideas and  
25 discussions in the past were that they were really  
26 interested in complaints. If there was something that  
27 was going to become an issue that would affect many  
28 people, that we could perceive complaints coming, we were

1 to address. But, to be honest with you, if Vince and  
2 staff started driving around, you could find a  
3 violation --

4 MR. VINCE JACKSON: Oh, yeah.

5 ATTORNEY DAVID CONNER: -- just about on  
6 everybody's property around this county. So --

7 COMMISSIONER BILLIE JO UNDERWOOD: Well, that's  
8 why --

9 ATTORNEY DAVID CONNER: -- the policy decision  
10 and direction you need to give him as to what you want to  
11 pursue and what you don't.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
13 Well, it's, you know -- there's a lot -- it's like I say.  
14 You know, they ride around and see stuff, you know. And,  
15 you know, it would eliminate a lot of this stuff if they  
16 were able to stop and say, well, you know, I'm going  
17 to -- I'm going to --

18 COMMISSION MEMBER BILLIE JO UNDERWOOD: I  
19 mean --

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 You let them know that they're in violation of whatever,  
22 it would nip some of this stuff in the bud later on.

23 ATTORNEY DAVID CONNER: And staff does that on  
24 the big stuff. The --

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
26 On the big stuff --

27 ATTORNEY DAVID CONNER: -- question is how far  
28 do y'all want them to go.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

2 Yeah.

3 ATTORNEY DAVID CONNER: That was the discussion  
4 that was had before --

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

6 Yeah.

7 ATTORNEY DAVID CONNER: -- is to what extent  
8 y'all --

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

10 Not every little -- every, you know -- every --

11 COMMISSIONER BILLIE JO UNDERWOOD: I  
12 understand.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

14 Not every little, bitty thing, you know, but, I mean, you  
15 know, it was more on the stuff that would really cause  
16 health issues and all these issues that was really  
17 standing out there.

18 Or, you know, we've had several of them, you know,  
19 where we had, you know, like people doing business where  
20 they should not be doing business and stuff like that  
21 with, you know, anywhere from a lumber cutting, you know,  
22 to when --

23 COMMISSIONER BILLIE JO UNDERWOOD: This is --

24 COMMISSION CHAIRMAN CHARLES F. (SKIP)

25 GRUBER: -- people have --

26 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- in  
27 the zoned areas?

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:



1 Yeah.

2 COMMISSIONER JOE DAVIS, III: This --

3 COMMISSION MEMBER BILLIE JO UNDERWOOD: Or  
4 the --

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
6 This is within the eighteen (18) of the thirty (30).

7 MR. VINCE JACKSON: Yes, sir.

8 COMMISSIONER BILLIE JO UNDERWOOD: Or the  
9 exceptions to the ones -- like I don't think we've got  
10 any wind turbines coming in, but, you know --

11 MR. VINCE JACKSON: Billboards.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
13 Billboards.

14 COMMISSION MEMBER BILLIE JO UNDERWOOD:  
15 Billboards.

16 MR. VINCE JACKSON: We -- we've actually got a  
17 billboard --

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
19 Issue.

20 MR. VINCE JACKSON: -- issue that I'll talk  
21 about in just a minute.

22 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.  
23 Well, I get it, I think.

24 MR. VINCE JACKSON: But, I mean, we don't -- we  
25 don't want to --

26 COMMISSIONER BILLIE JO UNDERWOOD: Whatever we  
27 need to do.

28 MR. VINCE JACKSON: We don't want to be out

1 looking for things. We don't have enough people for  
2 that. But there are things that we see --

3 COMMISSION MEMBER BILLIE JO UNDERWOOD: You're  
4 not going to be the planning police.

5 MR. VINCE JACKSON: No.

6 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.  
7 I got you.

8 MR. VINCE JACKSON: Although, there are people  
9 that would like us to be that, but we don't want to be  
10 that.

11 COMMISSIONER JOE DAVIS, III: Or they would  
12 like to be that.

13 MR. VINCE JACKSON: Right. But we do see  
14 things periodically that we feel like if we could go  
15 ahead and address, that we could keep it from escalating.

16 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

17 MR. VINCE JACKSON: And that's -- that's the  
18 main thing, to be proactive in that regard.

19 COMMISSIONER BILLIE JO UNDERWOOD: Well, I'm  
20 glad you're letting us know.

21 COMMISSIONER JOE DAVIS, III: Sure.

22 COMMISSION MEMBER BILLIE JO UNDERWOOD: Because  
23 we don't know.

24 COMMISSIONER JOE DAVIS, III: Vince, got a  
25 question.

26 MR. VINCE JACKSON: Yes.

27 COMMISSIONER JOE DAVIS, III: Of the thirty  
28 (30) districts, the twelve (12) that are not, have we had

1 an election in any of those that did not want it?

2 MR. VINCE JACKSON: Yes.

3 MR. RON CINK: Uh-huh. (Indicates  
4 affirmatively.)

5 COMMISSIONER JOE DAVIS, III: Okay.

6 MR. VINCE JACKSON: Planning District 18 voted  
7 against zoning twice.

8 COMMISSIONER JOE DAVIS, III: Okay.

9 MR. VINCE JACKSON: Planning District 14 --

10 COMMISSIONER BILLIE JO UNDERWOOD: That's where  
11 I live.

12 COMMISSIONER JOE DAVIS, III: That's --

13 MR. VINCE JACKSON: And there have been some  
14 others.

15 COMMISSIONER JOE DAVIS, III: -- your district.

16 COMMISSION MEMBER BILLIE JO UNDERWOOD: I  
17 didn't vote against it.

18 MR. VINCE JACKSON: We have not -- we have not  
19 had an area become zoned since 2009. It's been a long  
20 time.

21 COMMISSIONER JOE DAVIS, III: Interesting.

22 MR. VINCE JACKSON: Part of that, I think, was  
23 the economy.

24 COMMISSIONER JOE DAVIS, III: Sure.

25 MR. VINCE JACKSON: But and -- and there are  
26 some areas, if you look at map and you see how remote  
27 some of the areas are, it's not really necessary.

28 COMMISSIONER BILLIE JO UNDERWOOD: Well, there

1 is an area, though, like I live in District 18. It's  
2 growing.

3 And then like Magnolia Springs, there was a huge  
4 thing -- Some of you guys might have been contacted last  
5 year during the campaign about -- it's 14 -- about the RV  
6 park, the Magnolia Springs RV park. And one of the  
7 biggest issues was because it's in a high-growth area  
8 now; no zoning.

9 COMMISSIONER JOE DAVIS, III: And it doesn't  
10 have --

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
12 Well, you look at like 27. You know, you've got --  
13 what's that, Bon Secour, in that area, and there's some  
14 little ones, that other little --

15 COMMISSIONER JOE DAVIS, III: Donut.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP)  
17 GRUBER: -- piece right there --

18 MR. VINCE JACKSON: That's part of 27.

19 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
20 That's part of 27. And then you've got 18, which is  
21 not -- 18 is not that big anymore because of the  
22 municipalities --

23 COMMISSIONER BILLIE JO UNDERWOOD: Annexation.

24 COMMISSION CHAIRMAN CHARLES F. (SKIP)

25 GRUBER: -- and the annexations. So, I mean, you know,  
26 it's --

27 COMMISSIONER BILLIE JO UNDERWOOD: Well, it  
28 puts --

1 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

2 That was the biggest thing on 18 was the farming  
3 community did not want to be --

4 COMMISSIONER BILLIE JO UNDERWOOD: And, you  
5 know, the thing is I live actually across the street now  
6 from the town limits of Summerdale. Okay. Yeah, you  
7 could annex into Summerdale, but you're not going to be  
8 able to annex everybody else's property, so that means  
9 that everybody around you is un-zoned.

10 So it's still a -- you know, people just don't  
11 realize how important it is. They look at it as a  
12 restriction rather than -- that a protection. But I -- I  
13 don't think you can dispel those myths until it happens  
14 in their own backyard.

15 MR. VINCE JACKSON: That's right.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 And these small -- like you say, like 27, everything else  
18 that -- where it's zoned around there, stuff that can't  
19 go in there, that's where it ends up at, in --

20 COMMISSIONER JOE DAVIS, III: That's right.  
21 They become a catchall.

22 COMMISSION CHAIRMAN CHARLES F. (SKIP)  
23 GRUBER: -- in 27.

24 COMMISSIONER BILLIE JO UNDERWOOD: And 14 and  
25 18.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 Yeah, yeah. I mean, that's where it goes, I mean, stuff  
28 that is -- they know they can't -- they can't get it

1 where they can just do --

2 COMMISSION MEMBER BILLIE JO UNDERWOOD: Now --

3 COMMISSION CHAIRMAN CHARLES F. (SKIP)

4 GRUBER: -- do it by --

5 COMMISSIONER BILLIE JO UNDERWOOD: -- 17 --

6 COMMISSION CHAIRMAN CHARLES F. (SKIP)

7 GRUBER: -- by whatever they want to.

8 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- is  
9 right behind like Point Clear?

10 MR. VINCE JACKSON: It's un-zoned.

11 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

12 MR. VINCE JACKSON: This is 17 down here.

13 COMMISSIONER BILLIE JO UNDERWOOD: Yeah. Okay.

14 MR. VINCE JACKSON: I feel like these areas  
15 ought to have zoning.

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 They're going to have to -- they need to have it.

18 MR. VINCE JACKSON: They need --

19 COMMISSIONER BILLIE JO UNDERWOOD: Well, the  
20 thing about it is, is that, to me -- And I've said this  
21 many times -- zoning is only beneficial if it's fair and  
22 it's reasonable.

23 MR. VINCE JACKSON: But, you know, obviously,  
24 some of the other areas of the county, the needs are  
25 different, you know. So and -- and you can see that some  
26 of the -- some of the -- some of the Planning Districts  
27 are a lot larger than others.

28 The -- the planning -- the makeup, the size, the

1 configure of the Planning Districts is up to the  
2 discretion of the County Commission.

3 I mentioned thirty (30) Planning Districts. But if  
4 you look at the map, you notice we go through Number 33.  
5 So there are numbered -- there are old Planning Districts  
6 that basically got consolidated into others that we no  
7 longer use.

8 I think we -- Like Planning District 8, 11, and 19,  
9 we no longer use those numbers. But they could be  
10 brought back, you know, if necessary. We've had  
11 discussions about splitting -- I mean, obviously, if you  
12 look --

13 COMMISSIONER JOE DAVIS, III: 13.

14 MR. VINCE JACKSON: -- at 13, there's a logical  
15 split right there. Planning District 7 is unusual,  
16 because it's up here, but it comes all the way down here  
17 south of I-10. Well, you know, the people in the south  
18 end of that -- Perhaps that needs to be divided.

19 COMMISSIONER BILLIE JO UNDERWOOD: To be split,  
20 yeah.

21 MR. VINCE JACKSON: Yeah. And we've had those  
22 discussions before. It's just in recent years, there  
23 hasn't really been a call for change.

24 COMMISSIONER BILLIE JO UNDERWOOD: Well, I  
25 think it's something to look at, yeah. So I appreciate  
26 you bringing that to our attention.

27 MR. VINCE JACKSON: But, you know, the main  
28 thing with this was to kind of let y'all know who we are,

1 what we do.

2 We have three offices. The main office is here in  
3 Robertsdale over at Annex II on the forth floor. We have  
4 an office at the Foley Satellite Courthouse.

5 And then we have a small Bay Minette office, which  
6 is where I am most of the time. And Joe Ryan, the Code  
7 Enforcement Officer is also up there. I do sometimes  
8 work out of Robertsdale or I go really wherever they need  
9 me, you know.

10 And with that, I will answer any questions you might  
11 have.

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
13 Vince, you want to explain about the billboard?

14 MR. VINCE JACKSON: Yes. Yes. We have a  
15 billboard issue. I mentioned this previously. We had a  
16 billboard issue that we've been dealing with for quite a  
17 while. It's on the -- It's on Doc McDuffie Road off the  
18 Foley Beach Express.

19 The property is actually un-zoned, but our billboard  
20 ordinance does apply to un-zoned areas. We had a  
21 complaint a while back about a new billboard being built  
22 on this property.

23 Well, I contacted Lamar. And Lamar said, no, we are  
24 modifying an existing billboard. Well, it took some  
25 digging, but I did determine that there has been a  
26 billboard on that property since 2000. I've gone through  
27 our GIS, Google Mapping, all of that, and the billboard  
28 is there.



1        So the most that I can say right now is that Lamar  
2        modified an existing billboard. And the worst I can say  
3        is that they did it without a permit. So there is  
4        something that we can look at.

5        What I discovered in all of this is that there two  
6        ordinances that conflict to some extent. There was a  
7        resolution adopted by the County Commission which appears  
8        to totally prohibit billboards on the Beach Express.

9        Now, the ones that you see down there was build  
10       before this resolution was adopted. But then we have an  
11       ordinance that was adopted several years later. And the  
12       provisions of that ordinance seem to contradict the  
13       resolution.

14       I believe that the resolution -- I mean, the  
15       ordinance probably takes precedence over the resolution.  
16       And I sent those documents to Mr. Conner, so we're trying  
17       to work through that and figure out which is actually  
18       applicable to this case.

19       But we are working on that. I think we've reached  
20       kind of a point of clarity on it where we can move it  
21       along quicker.

22       ATTORNEY DAVID CONNER: And just to say there,  
23       there's also a lawsuit that's pending --

24       MR. VINCE JACKSON: Yes.

25       ATTORNEY DAVID CONNER: -- regarding a  
26       billboard issue. So Hope Hicks, through Webb & Ealy and  
27       the insurance carrier, is representing the County in  
28       that. She had talked about coming today for an executive

1 session. So some of the topics and our opinions related  
2 to it really need to be reported to you in executive  
3 session. And we'll do that when she comes.

4 MR. VINCE JACKSON: And that might -- And the  
5 outcome of that might have a little bit of bearing on  
6 this as well, because there's some extraterritorial  
7 issues that play into it. But we are working it on.

8 Right now, like I said, the most that I can say is  
9 that Lamar modified an existing billboard. He actually  
10 made it smaller.

11 COMMISSIONER BILLIE JO UNDERWOOD: Why -- why  
12 did they not want billboards on the Beach Express?

13 COMMISSIONER JOE DAVIS, III: The complaint,  
14 was that a competitor or an --

15 MR. VINCE JACKSON: No. It was --

16 COMMISSIONER JOE DAVIS, III: -- adjoining --

17 MR. VINCE JACKSON: -- a citizen. It was a  
18 citizen.

19 COMMISSIONER JOE DAVIS, III: -- adjoining  
20 property owner, or just --

21 MR. VINCE JACKSON: Just somebody from the  
22 area.

23 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
24 Well, somebody from the area said say, hey --

25 MR. VINCE JACKSON: Yeah.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP)

27 GRUBER: -- they've changed this billboard. It's not  
28 never been there. And it was there, but they changed it.

1 They've actually went in there and put an electronic head  
2 on it, so now they've --

3 COMMISSION MEMBER BILLIE JO UNDERWOOD: Oh,  
4 okay.

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)  
6 GRUBER: -- noticed it.

7 COMMISSIONER BILLIE JO UNDERWOOD: It went from  
8 a --

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
10 Yeah. It went from a static to an electronic one.

11 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

12 MR. VINCE JACKSON: They made it smaller, but  
13 they added an electronic face to it.

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
15 Yeah, yeah.

16 MR. VINCE JACKSON: And I believe -- I  
17 believe -- Yeah, I have -- I have met with Lamar and  
18 talked with them about it. And I believe that the work  
19 that they did created it impression that they had built  
20 something entirely new but --

21 COMMISSIONER BILLIE JO UNDERWOOD: So what --  
22 what's -- so you're saying that right now billboards are  
23 not allowed in --

24 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
25 Un-zoned.

26 COMMISSION MEMBER BILLIE JO UNDERWOOD: --  
27 un-zoned areas? And what is the reasoning behind that?  
28 I'm just trying to understand it.

1       Because I always -- I'll be honest with you. I was  
2       an anti, hate billboard person, until you get somewhere  
3       you don't know where you're at, and that's the only light  
4       that you see at night. There's no other street lights.

5       But, other than that, to me, it kind of helps. It's  
6       a safety thing. But I know that's not a reason to  
7       particularly have them, but I'm just, you know --

8               ATTORNEY DAVID CONNER: Again, that really is  
9       an exercise of zoning power and authority. That's a  
10      policy decision that -- that -- the Commissioners make --

11             COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

12             ATTORNEY DAVID CONNER: -- to the extent to  
13      which the enabling legislation allows you to regulate  
14      billboards.

15             COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.  
16      Because of the enabling legislation --

17             ATTORNEY DAVID CONNER: You know, the idea was,  
18      in general -- I'm speaking on behalf of just general  
19      government issues -- is that some level of billboards in  
20      the right location is helpful, interstates; but  
21      proliferation of billboards in the wrong places, city  
22      thoroughfares, distractions from driving, electronic  
23      billboards, how and to what extent they are distractions,  
24      those are all policy decisions that you-all make.

25             And if you feel like you need to go back and look at  
26      the -- how it's being regulated now, how they're being  
27      allowed to address, you can certainly do that. But it is  
28      a zoning function and what you want to see the county

1 look like in certain areas.

2 COMMISSIONER BILLIE JO UNDERWOOD: Okay. But  
3 currently they're not allowed?

4 MR. VINCE JACKSON: Well, I'll kind of -- it's  
5 a -- it's a confusing --

6 COMMISSIONER BILLIE JO UNDERWOOD: Well, we can  
7 talk about -- we can talk about it another time.

8 MR. VINCE JACKSON: Yeah.

9 COMMISSION MEMBER BILLIE JO UNDERWOOD: It's  
10 getting late.

11 MR. VINCE JACKSON: Yeah, yeah. I know.

12 COMMISSION MEMBER BILLIE JO UNDERWOOD: I'll  
13 talk to you, if that's okay --

14 MR. VINCE JACKSON: That's fine.

15 COMMISSION MEMBER BILLIE JO UNDERWOOD: --  
16 unless everybody else want to hear it.

17 MR. VINCE JACKSON: My understanding of how  
18 this started, though, was when the Beach -- And I'll wrap  
19 up real quick -- when the Beach Express was first  
20 built --

21 COMMISSION MEMBER BILLIE JO UNDERWOOD: Uh-huh.  
22 (Indicates affirmatively.)

23 MR. VINCE JACKSON: There was a proliferation  
24 of billboards --

25 COMMISSION MEMBER BILLIE JO UNDERWOOD: Yeah.

26 MR. VINCE JACKSON: -- that sprung up.

27 COMMISSION MEMBER BILLIE JO UNDERWOOD: They're  
28 still --

1 MR. VINCE JACKSON: And there was virtually no  
2 regulation --

3 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

4 MR. VINCE JACKSON: -- at the time. This  
5 ordinance or resolution, rather, adopted in 2000, appears  
6 to prohibit billboards on the Beach Express only, but the  
7 language is different than what is in the actual  
8 billboard ordinance that was adopted some years later.  
9 And according to the ordinance, billboards are allowed  
10 under certain circumstances. So we've got to figure out  
11 what --

12 COMMISSIONER BILLIE JO UNDERWOOD: We need --  
13 we need to look at that. Because --

14 MR. VINCE JACKSON: Yeah.

15 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- like  
16 you said, it doesn't need to be conflicting.

17 MR. VINCE JACKSON: Right.

18 COMMISSION MEMBER BILLIE JO UNDERWOOD: There  
19 needs to be some type of bases for the reasoning and  
20 whatever, but --

21 MR. VINCE JACKSON: And -- and part of the --  
22 part of the -- part of the issue that I have with the  
23 resolution is that it defines a billboard based on  
24 content, which is problematic.

25 COMMISSIONER BILLIE JO UNDERWOOD: Well, that's  
26 all part of being fair and reasonable.

27 MR. VINCE JACKSON: Yeah.

28 COMMISSION MEMBER BILLIE JO UNDERWOOD: So any

1 type of zoning --

2 MR. VINCE JACKSON: Yeah.

3 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

4 MR. VINCE JACKSON: And the -- the billboard  
5 ordinance, though, defines the billboard based on size.

6 COMMISSIONER BILLIE JO UNDERWOOD: Okay.

7 MR. VINCE JACKSON: So it's just different.  
8 And we just need to kind of look at both of them and  
9 figure out which is applicable. So we may be coming back  
10 with you -- to you -- with more information on this  
11 billboard --

12 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

13 MR. VINCE JACKSON: -- in the near future.

14 COMMISSIONER BILLIE JO UNDERWOOD: That would  
15 be good.

16 COMMISSIONER JOE DAVIS, III: Mr. Chairman, if  
17 I could.

18 Earlier on, you mentioned D. J. Hart going and  
19 getting additional certification --

20 MR. VINCE JACKSON: Yes.

21 COMMISSIONER JOE DAVIS, III: -- which made  
22 that person a more productive --

23 MR. VINCE JACKSON: Uh-huh. (Indicates  
24 affirmatively.)

25 COMMISSIONER JOE DAVIS, III: -- member of our  
26 team. Did we assist in anyway in the education, either  
27 in cost or time to provide that opportunity for that  
28 employee?

1 MR. VINCE JACKSON: We paid for her to sit for  
2 that exam.

3 COMMISSIONER JOE DAVIS, III: Very good.

4 MR. VINCE JACKSON: There is a line item for,  
5 you know, that type of thing in our budget, and so the  
6 cost of the exam was covered.

7 COMMISSIONER JOE DAVIS, III: I'm about career  
8 ladders, particularly for people that can be better  
9 employees if we help them get certifications.

10 MR. VINCE JACKSON: She -- she attended a  
11 conference that was held in Orange Beach. And, you know,  
12 we have -- you know, we have money in the budget for  
13 training --

14 COMMISSIONER JOE DAVIS, III: Good.

15 MR. VINCE JACKSON: -- and travel and that type  
16 of thing. So the cost of the exam was included, and the  
17 cost for attending the conference.

18 COMMISSIONER JOE DAVIS, III: Very good. Thank  
19 you.

20 MR. VINCE JACKSON: Yes, sir.

21 One last thing. You know, we -- we -- one thing  
22 that comes up periodically is training for our -- our  
23 Planning Commission and board members. We're -- we're  
24 looking for some options on that. And we want to do  
25 something real quick before we start live streaming.

26 But we may -- in the next budget cycle, we may need  
27 to talk about perhaps some more money so we can include  
28 training for Planning Commission members and that type of



1 thing.

2 But that's all I have. I'll be happy to answer your  
3 questions now, or you can call me. I know I'm not  
4 appointed, but I think y'all can still call me without  
5 any trouble.

6 COMMISSIONER BILLIE JO UNDERWOOD: We'll be  
7 nice.

8 MR. VINCE JACKSON: And there are -- here's a  
9 map of the planning districts for each of you.

10 COMMISSIONER BILLIE JO UNDERWOOD: Okay.  
11 Great.

12 MR. VINCE JACKSON: And also a hardcopy of the  
13 PowerPoint.

14 COMMISSION MEMBER BILLIE JO UNDERWOOD: All  
15 right. Thank you, Vince.

16 COMMISSIONER JOE DAVIS, III: Excellent. Thank  
17 you.

18 COMMISSIONER JAMES E. (JEB) BALL: All right,  
19 Vince. Thank you.

20 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
21 All right.

22

23 **Q-5 - COUNSEL FOR THE BALDWIN COUNTY COMMISSION (COUNTY ATTORNEY)**

24 **- CONSIDERATIONS RELATED TO CONTRACT FOR SERVICES (REVISITED)**

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
26 Okay. Let's see. That brings us to -- go back it Q --  
27 What is it?

28 MR. CLIFF McCOLLUM: Q-5.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

2 Q-5.

3 ATTORNEY DAVID CONNER: We do have an executive  
4 session item, too, Mr. Chairman.

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

6 Okay. All right. Okay. As you see, Q-5, it's -- it  
7 pertains to the counsel related to the contract of  
8 services for our County Attorney.

9 COMMISSIONER BILLIE JO UNDERWOOD: I -- I --  
10 I'd like to wait until we've got our other three people  
11 hired -- But that's just my opinion -- before we --

12 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
13 Anything else?

14 COMMISSIONER BILLIE JO UNDERWOOD: Unless  
15 anybody else has any -- Do you have any feedback?

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 It's -- the contract is good for --

18 COMMISSION MEMBER BILLIE JO UNDERWOOD: I'd  
19 like to --

20 COMMISSION CHAIRMAN CHARLES F. (SKIP)

21 GRUBER: -- right now until --

22 COMMISSIONER BILLIE JO UNDERWOOD: -- table it  
23 for right now.

24 COMMISSION CHAIRMAN CHARLES F. (SKIP)

25 GRUBER: -- until --

26 COMMISSIONER JAMES E. (JEB) BALL: Until we  
27 decide it's not good.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 Right.

2 COMMISSIONER JOE DAVIS, III: Yeah. Until  
3 we --

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
5 Until we decide.

6 COMMISSION MEMBER BILLIE JO UNDERWOOD: Right.

7 ATTORNEY DAVID CONNER: It -- it continues.

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
9 It continues on.

10 ATTORNEY DAVID CONNER: I serve at -- I serve  
11 at your pleasure.

12 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 It continues on until --

15 ATTORNEY DAVID CONNER: I serve at your  
16 pleasure.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP)  
18 GRUBER: -- another contract is made.

19 ATTORNEY DAVID CONNER: Until another is made  
20 or terminated.

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
22 Or terminated.

23 ATTORNEY DAVID CONNER: Yeah, made or  
24 terminated.

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
26 Yeah.

27 ATTORNEY DAVID CONNER: And I appreciate the  
28 privilege of doing that.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

2 Well?

3 COMMISSIONER JOE DAVIS, III: I agree with  
4 Billie Jo referencing to -- I think we can address that,  
5 but we need to get our other ducks in a row.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
7 Okay.

8 COMMISSIONER JOE DAVIS, III: Unless something  
9 comes up that I'm not aware of.

10 COMMISSIONER BILLIE JO UNDERWOOD: We've just  
11 got a lot going on right now. We --

12 COMMISSIONER JOE DAVIS, III: Sure.

13 COMMISSION MEMBER BILLIE JO UNDERWOOD: We  
14 can -- we don't need to be in any kind of --

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
16 All right.

17 COMMISSION MEMBER BILLIE JO UNDERWOOD: --  
18 issue with that right now.

19

20 **R-1 - BOARD APPOINTMENTS**

21 MR. RON CINK: One last thing. You --

22 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
23 Okay.

24 MR. RON CINK: -- guys received an e-mail from  
25 Anu. It's got expired and expiring board members. You  
26 also have the link to all -- all of the boards that the  
27 Commission has appointed and the history behind all of  
28 them. You have all that information. We condensed it to

1 help you guys --

2 COMMISSIONER JOE DAVIS, III: Sure.

3 MR. RON CINK: -- be able to pick and choose;  
4 okay?

5 COMMISSION MEMBER BILLIE JO UNDERWOOD: Okay.

6 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
7 Some of those boards are so old that, you know, there  
8 hasn't been any on them since in the -- in the '90s and  
9 '80s. Do those need to be -- Can we -- can they be  
10 terminated? I mean, they're --

11 COMMISSIONER JOE DAVIS, III: Yeah.

12 ATTORNEY DAVID CONNER: Let's be perfectly  
13 honest about that. This comes up every four years. And  
14 there was a big drive by the Commission at one point in  
15 time to replace everybody.

16 So Ron, Anu, and staff pulled all that stuff  
17 together. And then we started going through the process.  
18 And then it kind of just got cold, and there didn't seem  
19 to be much interest in doing that.

20 MR. RON CINK: And I got my head tore off --

21 ATTORNEY DAVID CONNER: Some of the --

22 MR. RON CINK: -- so I ain't going there again.

23 ATTORNEY DAVID CONNER: Some of those -- some  
24 of those boards that were questioned about deleting  
25 cannot be deleted, because they're statutory boards.

26 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
27 Statutory.

28 COMMISSIONER JOE DAVIS, III: A statutory

1 board.

2 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

3 But if it's statutory, it's supposed to be -- there's --

4 ATTORNEY DAVID CONNER: Y'all need --

5 COMMISSION CHAIRMAN CHARLES F. (SKIP)

6 GRUBER: -- supposed to be --

7 ATTORNEY DAVID CONNER: -- to appoint somebody.

8 Yes, sir.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

10 Okay. That -- that's what I -- because there's some out

11 there that's so old, you know, and --

12 ATTORNEY DAVID CONNER: And if they're no

13 longer valid and no longer necessary, then we ought to

14 ask the Legislature to do away with them --

15 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

16 Yeah.

17 ATTORNEY DAVID CONNER: -- so they're not

18 hanging out there.

19 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

20 But one thing to remember, though, I don't know if y'all

21 have tried to find people to serve on these boards.

22 COMMISSIONER JOE DAVIS, III: Yeah.

23 COMMISSIONER BILLIE JO UNDERWOOD: It's not

24 easy.

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

26 It's not an easy task, because --

27 COMMISSION MEMBER BILLIE JO UNDERWOOD: It's

28 not easy.

1 COMMISSION CHAIRMAN CHARLES F. (SKIP)

2 GRUBER: -- a lot of people don't want to be involved in  
3 it and are not going to be involved in it. And, you  
4 know, that's why you see some of these names completely  
5 repeating, because they're the only candidate out there.  
6 And --

7 COMMISSIONER JOE DAVIS, III: That's what I was  
8 going to say.

9 COMMISSION CHAIRMAN CHARLES F. (SKIP)

10 GRUBER: -- yet they're -- they're -- they're -- a lot of  
11 them are real good people and that, and, you know, know  
12 what they're doing. So, I mean, unless you've got  
13 somebody that you have in mind or something --

14 MR. CLIFF MCCOLLUM: What are some of the  
15 boards in questions?

16 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
17 Huh?

18 MR. CLIFF MCCOLLUM: What are the boards in  
19 question?

20 COMMISSIONER JAMES E. (JEB) BALL: Oh, there's  
21 too many to list.

22 COMMISSION MEMBER BILLIE JO UNDERWOOD: Oh.

23 MR. RON CINK: I'll provide you the list.

24 MR. CLIFF MCCOLLUM: At the very least, we  
25 could publicize, hey, there are --

26 COMMISSIONER JAMES E. (JEB) BALL: Sure.

27 MR. CLIFF MCCOLLUM: -- boards out there.

28 COMMISSIONER JOE DAVIS, III: If you're

1 interested or got --

2 COMMISSIONER BILLIE JO UNDERWOOD: That might  
3 help.

4 COMMISSIONER JOE DAVIS, III: -- please step  
5 forward.

6 MR. CLIFF MCCOLLUM: It couldn't hurt.

7 COMMISSION MEMBER BILLIE JO UNDERWOOD: It  
8 couldn't hurt.

9 ATTORNEY DAVID CONNER: Mr. Chairman, I do  
10 think -- I do think that it is safe to say that all the  
11 boards that are actually functioning, performing duties,  
12 performing services, are needed, y'all have kept and  
13 appointed.

14 It's those boards that are marginal, that don't meet  
15 very often, or just really don't have a field of  
16 operation that don't have appointments.

17 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
18 Well, there's the one with the -- What is it, the Clark  
19 Washington, Washington County, and one -- something that  
20 got put in many, many years ago that --

21 ATTORNEY DAVID CONNER: Tombigbee Waterway.

22 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
23 Yeah, yeah. I mean, that's -- that's --

24 MR. RON CINK: Mobile's got money for us on  
25 that, by the way.

26 COMMISSION MEMBER BILLIE JO UNDERWOOD: Oh.

27 MR. RON CINK: We're trying to get it out of  
28 them.



1 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

2 Yeah.

3 COMMISSIONER JOE DAVIS, III: We need --

4 COMMISSIONER BILLIE JO UNDERWOOD: Maybe we  
5 need to --

6 COMMISSIONER JOE DAVIS, III: And we need to --

7 COMMISSION MEMBER BILLIE JO UNDERWOOD: -- look  
8 at all of these things.

9 COMMISSIONER JOE DAVIS, III: -- to talk when  
10 we're up at Grove Hill in another setting to see if  
11 they're aware of that, and then we can make some things  
12 work for us.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
14 Okay.

15 COMMISSIONER JOE DAVIS, III: I happen to know  
16 a couple people up there.

17 COMMISSIONER BILLIE JO UNDERWOOD: I met  
18 somebody that knows you the other day.

19 COMMISSIONER JOE DAVIS, III: Oh, goodness.

20 COMMISSION MEMBER BILLIE JO UNDERWOOD: Uh-huh.  
21 (Indicates affirmatively.)

22 COMMISSIONER JOE DAVIS, III: That may be the  
23 other Joe Davis. There are a lot of us.

24 COMMISSIONER BILLIE JO UNDERWOOD: It was you.

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
26 Ron, do you have any --

27 MR. RON CINK: No, sir. I'm done.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 You're done? Nothing else?

2 MR. RON CINK: Thank you.

3

4 **S - PUBLIC COMMENT**

5 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

6 All right. Any public comments?

7 (No response.)

8

9 **T - PRESS QUESTIONS**

10 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

11 Press questions?

12 MR. CLIFF MCCOLLUM: Press moves to adjourn.

13 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

14 Can't do that yet.

15 COMMISSIONER JOE DAVIS, III: Duly noted.

16

17 **U - COMMISSION COMMENTS**

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

19 Commission comments? I know we have -- we need to go  
20 into executive session for a little bit.

21 ATTORNEY DAVID CONNER: Yes.

22 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

23 So y'all want to do -- Do y'all have any comments?

24 (No response.)

25 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

26 Okay. All right.

27

28 **R-2 - REQUEST FOR EXECUTIVE SESSION**

1 ATTORNEY DAVID CONNER: Mr. Chairman, if it's a  
2 good time --

3 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:  
4 Yeah.

5 ATTORNEY DAVID CONNER: -- I make the  
6 recommendation we go into executive session in accordance  
7 with Alabama Code Section 36-25A-7(a)(1) to discuss the  
8 reputation and character, physical condition,  
9 professional competence, or mental health of individuals,  
10 or subject to the limitations set out herein to discuss  
11 the job performance of certain public employees.

12 Also, in accordance with Section 3, to discuss with  
13 your attorney the legal ramifications of a legal options  
14 for pending litigation, controversies not yet being  
15 litigated but eminently likely to be litigated or  
16 eminently likely to be litigated if the governmental body  
17 pursues a proposed course of action. I make the oral  
18 declaration the discussion is appropriate for executive  
19 session.

20 Terri, how long do you think you'll need? Fifteen  
21 (15) minutes?

22 MS. TERRI GRAHAM: (Indicates affirmatively.)

23 ATTORNEY DAVID CONNER: It is anticipated the  
24 executive session will last approximately fifteen  
25 (15) minutes. There is no action to be taken from the  
26 executive session, so you can adjourn your work session  
27 from the executive session.

28 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

1 Okay.

2 COMMISSIONER JAMES E. (JEB) BALL:

3 Mr. Chairman, I make a motion that we --

4 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

5 All right.

6 COMMISSIONER JAMES E. (JEB) BALL: -- take our  
7 attorney's direction --

8 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

9 For approximately fifteen (15) minutes?

10 MR. MATTHEW BROWN: Yes, sir.

11 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

12 All right. Do I hear a second?

13 COMMISSIONER JOE DAVIS, III: Second.

14 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

15 A motion by Commissioner Ball, second by Commissioner

16 Davis. Any further discussion?

17 (No response.)

18 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

19 If not, all in favor, signify by saying aye.

20 (Commissioners say "aye" in unison.)

21 COMMISSION CHAIRMAN CHARLES F. (SKIP) GRUBER:

22 We are adjourned into executive session and for about

23 fifteen (15) minutes.

24

25 (The Baldwin County Commission Work Session was recessed into

26 Executive Session at 12:10 p.m.)

27

28

## C E R T I F I C A T E

STATE OF ALABAMA)

BALDWIN COUNTY )

I hereby certify that the above and foregoing transcript was taken down by me in stenotype and the proceedings were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the meeting given by said parties upon said meeting.

I further certify that I am neither of counsel nor of kin to the parties, nor am I in anywise interested in the result of said proceedings.



---

SUSAN C. ANDREWS,  
Certified Court Reporter,  
Certification No. 287

SUSAN C. ANDREWS, CERTIFIED COURT REPORTER NO. 287  
2200 US HIGHWAY 98, SUITE 4, PMB 230, DAPHNE, ALABAMA 36526

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