



Baldwin County Commission Work Session
Meeting Minutes

Monday, November 15, 2021
8:30 AM

Baldwin County Central Annex Auditorium, 22251 Palmer Street,
Robertsdale, Alabama 36567

Commissioners present:

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

Commissioners absent:

None.

Staff present:

Wayne Dyess, County Administrator
Anu Gary, Administrative Services Manager
Sherry-Lea Bloodworth-Botop, Director of Public and Government Affairs
Taylor Bufkin, Marketing and Public Outreach Coordinator (SARPC)
Zach Hood, EMA Director
Brian Peacock, CIS Director
Chris Welch, A/V & Teleconference Administrator, CIS
Joey Nunnally, County Engineer
Lisa Sangster, Chief Administrative Assistant
Cian Harrison, Clerk Treasurer
Ron Cink, Budget Director
Eddie Harper, Building Official
Matthew Brown, Planning Director
Deidra Hanak, Personnel Director
Terri Graham, Development and Environmental Director
Ashley Campbell, Natural Resource Officer
Ron Ballard, JDC Director
Ann Simpson, BRATS Director
Loren Lucas, BRATS Accounting Manager
Sarah Sislak, MPO Coordinator
Jessica Waters, EMA Public Information Officer

Staff present via teleconference:

Wanda Gautney, Purchasing Director

Also present:

Brad Hicks, County Attorney

WELCOME BY CHAIRMAN, INVOCATION AND PLEDGE OF ALLEGIANCE

After the welcome, invocation and pledge of allegiance, the following agenda items were reviewed and/or discussed:

A ADOPTION OF MINUTES

November 2, 2021, Regular Meeting

No discussion.

B ACTION ITEMS

BA ADMINISTRATION

BA1 City of Fairhope - Annexation Notification

22-0193

Moved to November 16, 2021, regular meeting, Consent Agenda.

BA2 Port City Pacers Holiday Half Marathon 2021

22-0197

Commissioner Ball stated staff is waiting for the Certificate of Liability Insurance for the Port City Pacers Half Marathon and the item can be passed, contingent upon receiving the document before the event.

Moved to November 16, 2021, regular meeting, Consent Agenda.

BA3 The Optimist Club of Perdido Bay 30th Annual Lillian Christmas Parade

22-0132

Moved to November 16, 2021, regular meeting, Consent Agenda.

BA4 Baldwin County Library Board - Board Resignation

22-0192

Commissioner Ball noted Item BA4 has a replacement item which adds the appointment of Cliff McCollum to the Baldwin County Library Board.

Moved to November 16, 2021, regular meeting, Consent Agenda.

BA5 South Alabama Rural Planning Organization (RPO) - Board Appointment(s) **22-0227**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BA6 Consideration for Rescheduling Certain Baldwin County Commission Work Session Meetings and Regular Meetings in 2022 **21-1360**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BA7 Request from Family Promise of Baldwin County, Inc. - Certification Regarding ADECA 2021 Emergency Solutions Grant (ESG) Program Funds **22-0185**

Beth Biggs with Family Promise of Baldwin County, discussed Family Promise of Baldwin County, Inc., being awarded 2021 Emergency Solutions Grant (ESG) funds from Alabama Department of Economic and Community Affairs (ADECA) and thanked Commissioner Underwood for her assistance.

Commissioner Underwood clarified that she only connected Ms. Biggs with Baldwin County staff.

Commissioner Davis thanked Ms. Biggs and the staff and volunteers of Family Promise for the work they do in the community.

Moved to November 16, 2021, regular meeting, Consent Agenda.

BB ANIMAL CONTROL

BB1 Amendment and Correction to Action Taken Related to Agenda Item BB4 - January 21, 2020, Baldwin County Commission Regular Meeting **22-0177**

Commissioners and Wayne Dyess, County Administrator, discussed the amendment and correction to the Veterinary Service Contracts for the Baldwin County Animal Shelter.

Moved to November 16, 2021, regular meeting, Consent Agenda.

BD BALDWIN REGIONAL AREA TRANSIT SYSTEM (BRATS)

BD1 Authorized Users for the 5307 Urban Area Transit Program - Transit Award Management System and Electronic Clearing House Operation **22-0182**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BD2 Title VI Program for Baldwin Regional Area Transit System (BRATS) **22-0235**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BE BUDGET/PURCHASING

BE1 Competitive Bid #WG21-49 - Provision of Regular Unleaded Gasoline and No. 2 Diesel Fuel for the Baldwin County Commission **22-0180**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BE2 Competitive Bid #WG22-03 - Provision of Fire Protection Services (Extinguishers) for the Baldwin County Commission **22-0236**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BE3 Competitive Bid #WG22-04 - Annual Rental of Portable Toilets for the Baldwin County Commission **22-0232**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BE4 Competitive Bid #WG22-09 - Purchase and Installation of One (1) New 200 kW Natural Gas Generator for the Baldwin County Annex IV Building located in Bay Minette, Alabama for the Baldwin County Commission **22-0189**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BE5 Competitive Bid #WG22-10 - Purchase of One (1) New 2021 Chevrolet Tahoe 2WD or Equivalent for the Baldwin County Commission **22-0200**

Moved to November 16, 2021, regular meeting, Consent Agenda.

- BE6** Contract Extension for Professional Services to Support IBM I Servers (AS400) for the Baldwin County Commission **22-0181**

Moved to November 16, 2021, regular meeting, Consent Agenda.

- BE7** Phase I of the Purchase and Installation of Security Equipment for the New Female Housing Addition to the Baldwin County Corrections Center and Renovations of Adjacent Buildings Located in Bay Minette, Alabama **22-0187**

Moved to November 16, 2021, regular meeting, Consent Agenda.

- BE8** Project No. HRRR-0221 (250) HW21109000 - High Risk Rural Roads (HRRR) Program Installation of Curve Pavement Markers and Edge Line Rumble Strips on CR-9 from US-98 to CR-48 and CR-47 from 1-65/SR287 to US-31 for the Baldwin County Commission **22-0183**

Moved to November 16, 2021, regular meeting, Consent Agenda.

- BE9** Request for Proposals (RFP) for Property Tax Software Solution for the Baldwin County Commission **22-0186**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BJ ELECTED OFFICIALS

- BJ1** Submission of the Baldwin County Sheriff's Office Equitable Sharing Agreement and Certification Report for the Department of Justice and the Department of Treasury for Fiscal Year Ending September 30, 2021 **22-0224**

Chairman Ball noted the Agreement for item BJ1 is forthcoming from the Baldwin County Sheriff's Office.

Moved to November 16, 2021, regular meeting, Consent Agenda.

BL ENVIRONMENTAL MANAGEMENT

- BL1** Revision of Baldwin County Commission Policy #7.4 - Solid Waste Landfill Tipping Fees and Commercial Account Late Fees **22-0202**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BL2 Baldwin County Solid Waste Uncollectible Residential Accounts - **22-0225**
November 2021

Moved to November 16, 2021, regular meeting, Consent Agenda.

BL3 Lease Agreement Renewal for Murphy's Quality Hay for County-owned **22-0103**
Property at Magnolia Landfill

Chairman Ball noted a map was added to the item as an addendum attachment.

Commissioner Gruber and Terri Graham, Development and Environmental Director, discussed Murphy Quality Hay continuing to grow hay on a portion of the property at Magnolia Landfill.

Moved to November 16, 2021, regular meeting, Consent Agenda.

BL4 Magnolia Landfill Financial Assurance **22-0223**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BN HIGHWAY

BN1 Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. **22-0218**
0203816 - Pate Road (Tract 5)

Moved to November 16, 2021, regular meeting, Consent Agenda.

BN2 Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. **22-0221**
0212119 - Russian Road (Tract 8)

Moved to November 16, 2021, regular meeting, Consent Agenda.

BN3 Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. **22-0228**
0212119 - Russian Road (Tract 10)

Moved to November 16, 2021, regular meeting, Consent Agenda.

BN4 Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0212119 - Russian Road (Tract 13) **22-0229**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BN5 Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0222219 / HW19222000 - County Road 13 at County Road 32 (Tract 4) **22-0222**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BN6 J.M. Wood Auction Company, Inc. - Equipment Auction List **22-0214**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BN7 License Agreement #21017 - Redfish Point Road - Right-of-Way **22-0233**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BN8 Resolution #2022-021 - Change in the Functional Classification of Corte Road **22-0212**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BN9 Resolution #2022-022 - Change in the Functional Classification of Saint Michael Way **22-0216**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BN10 Sain Associates, Inc. - Agreement for Consulting Services - Travel Demand Modeling **22-0213**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BO JUVENILE DETENTION

- BO1** Alabama Department of Youth Services (DYS) Part 1 and Part 2 Grant Subsidy Agreement Fiscal Year 2021-2022 **22-0217**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BQ PERSONNEL

- BQ1** Animal Control - Promotion of Employee into Animal Shelter Manager Position **22-0219**

Moved to November 16, 2021, regular meeting, Consent Agenda.

- BQ2** Budgeting and Purchasing Department - Employment of One (1) Assistant Purchasing Director Position **22-0230**

Moved to November 16, 2021, regular meeting, Consent Agenda.

- BQ3** Budgeting and Purchasing Department - Position Change **22-0204**

Moved to November 16, 2021, regular meeting, Consent Agenda.

- BQ4** CIS Department - Employment of One (1) Communications Technician II Position **22-0205**

Moved to November 16, 2021, regular meeting, Consent Agenda.

- BQ5** Highway Department (Pre-Construction) - Promotion of Employee into Right-of-Way Manager Position **22-0206**

Moved to November 16, 2021, regular meeting, Consent Agenda.

- BQ6** Highway Department (Silverhill) - Promotion of Employees into Operator **22-0210**

Technician II Positions

Moved to November 16, 2021, regular meeting, Consent Agenda.

BQ7 Parks Department - Employment of One (1) Part-Time Park Attendant Position **22-0203**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BQ8 Probate Office - Employment of One (1) License Revenue Officer I Position **22-0231**

Chairman Ball noted Item BQ8 has been removed from the agenda, as requested by Deidra Hanak, Personnel Director.

BQ9 Request for Leave of Absence - Baldwin Regional Area Transit System (BRATS) **22-0207**

Deidra Hanak, Personnel Director, explained the process for a leave of absence requests.

Moved to November 16, 2021, regular meeting, Consent Agenda.

BQ10 Revenue Commission - Position Changes **22-0209**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BQ11 Stop Loss Proposal - Partners Managing General Underwriters/United States Fire Insurance Company **22-0208**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BR PLANNING AND ZONING

BR1 Baldwin County Planning and Zoning Commission - Board Appointment(s) **22-0190**

Moved to November 16, 2021, regular meeting, Consent Agenda.

BR2 Planning Jurisdiction Agreement with the Town of Elberta

22-0168

Moved to November 16, 2021, regular meeting, Consent Agenda.

BR3 Planning Jurisdiction Agreement with the Town of Summerdale

22-0169

Matthew Brown, Planning Director, discussed the Town of Summerdale being the first municipality in Baldwin County electing to exercise the regulation of subdivisions within a small portion of their planning jurisdiction and the County's responsibility with reviewing zoning and infrastructure.

Commissioner Davis asked that Sherry-Lea Bloodworth-Botop, Director of Public and Government Affairs, would work with Matthew Brown to share information with the public regarding planning jurisdictions.

Moved to November 16, 2021, regular meeting, Consent Agenda.

BR4 University of Alabama - NOAA National Integrated Drought Information Service Grant Proposal - Letter of Support

22-0173

Moved to November 16, 2021, regular meeting, Consent Agenda.

C PRESENTATIONS

CA GENERAL

CA1 Proclamation - 2021 Day of Thanks

22-0220

Moved to November 16, 2021, regular meeting, Presentations.

CA2 Presentation by South Alabama Land Trust - Overview of the Organization **22-0239**

Moved to November 16, 2021, regular meeting, Presentations.

CA3 Baldwin County Emergency Management Agency - Planning and Grants **22-0051**

Review for FY 2021 and Upcoming Grants for FY 2022

Moved to November 16, 2021, regular meeting, Presentations.

D PUBLIC HEARINGS

DR PLANNING AND ZONING

DR1 Case No. Z-21033 - Kittrell Property Rezoning **22-0201**

Moved to November 16, 2021, regular meeting, Public Hearings.

DR2 Case No. Z-21034 - Lazzari Property Rezoning **22-0196**

Moved to November 16, 2021, regular meeting, Public Hearings.

DR3 Case No. Z-21035 - Twin Oaks Co. Property Rezoning **22-0215**

Moved to November 16, 2021, regular meeting, Public Hearings.

DR4 Land Disturbance Ordinance for Flood Prone Areas or Territories with Probable Exposure to Flooding in Unincorporated Baldwin County **22-0211**

Moved to November 16, 2021, regular meeting, Public Hearings.

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills **22-0199**

No discussion.

EA2 Notification of Interim Payments Approved by Clerk/Treasurer as Allowed Under Policy 8.1 **22-0198**

No discussion.

F DISCUSSION ITEMS

FA ADMINISTRATION

FA1 Proposal from Adams & Reese, LLP Related to Contract for Lobbyist Services for Fiscal Year 2022 - Revised Scope of Work and Fee Increase 22-0237

Mr. Britton Bonner and Mr. Michael Berson with Adams & Reese, LLP, addressed the Commission and discussed the annual overview of current scope of work/activities Adams & Reese is doing on behalf of the County and increasing the services of the firm to the County.

Commissioner Underwood said she is not interested in adding additional services to the budget at this time and wants to keep the current \$6,000.00 monthly budget for economic development. Commissioner Underwood would like to review the County's needs for additional lobbyists again in Fiscal Year 2023.

Commissioner Davis said he is in favor of increasing the budget for state lobbying and using Adams & Reese to do the work.

Ron Cink, Budget Director, said the County saved \$42,000 by dismissing Christie Strategy Group.

Commissioner Gruber discussed lobbying in Washington, D.C., Baldwin County Commission needing to focus on getting funds for infrastructure, negotiating the request from Adams & Reese for an increase in funds, and focusing more on Montgomery and Washington, D.C.

The Commission discussed when to vote on the item. It was decided the Commission would vote on amending the Fiscal Year Budget 2022 and amending the Memorandum of Agreement between the Baldwin County Commission and Adams & Reese, LLP.

Moved to November 16, 2021, regular meeting, Addenda.

FM FINANCE AND ACCOUNTING

FM1 Grants Administrator Position 22-0244

The Commission and Cian Harrison, Clerk Treasurer, discussed the Grants Administrator position and the process for readvertising and filling the position.

No item moving forward at this time, will be brought back to a future meeting.

G COMMISSIONER REQUESTS

None.

H ADDENDA

None.

I ADMINISTRATIVE REPORT

None.

J COUNTY ATTORNEY'S REPORT

None.

K PUBLIC COMMENTS

Mr. Jim Horak of Elberta, presented [Power South Right of Way Informational Briefing](#) to the Commission and the public.

Commissioners and Mr. Horak discussed the presentation.

L PRESS QUESTIONS

None.

M COMMISSIONER COMMENTS

Commissioner Underwood and Commissioner Ball discussed the Olde Time Days Festival at Bicentennial Park and thanked Archives and Parks Departments for their work for the event on November 13, 2021.

Commissioner Davis discussed the Eastern Shore MPO and Mobile MPO meeting with ALDOT regarding the process and timeline on the Bayway Project and further discussed collaborative meetings with other Alabama counties.

Commissioner Ball thanked Mr. Horak for his presentation.

N ADJOURNMENT

Motion by Commissioner Underwood, seconded by Commissioner Davis, to adjourn the November 15, 2021, Baldwin County Commission Work Session at 9:35 a.m.

The motion passed by the following vote:

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

Nay: 0

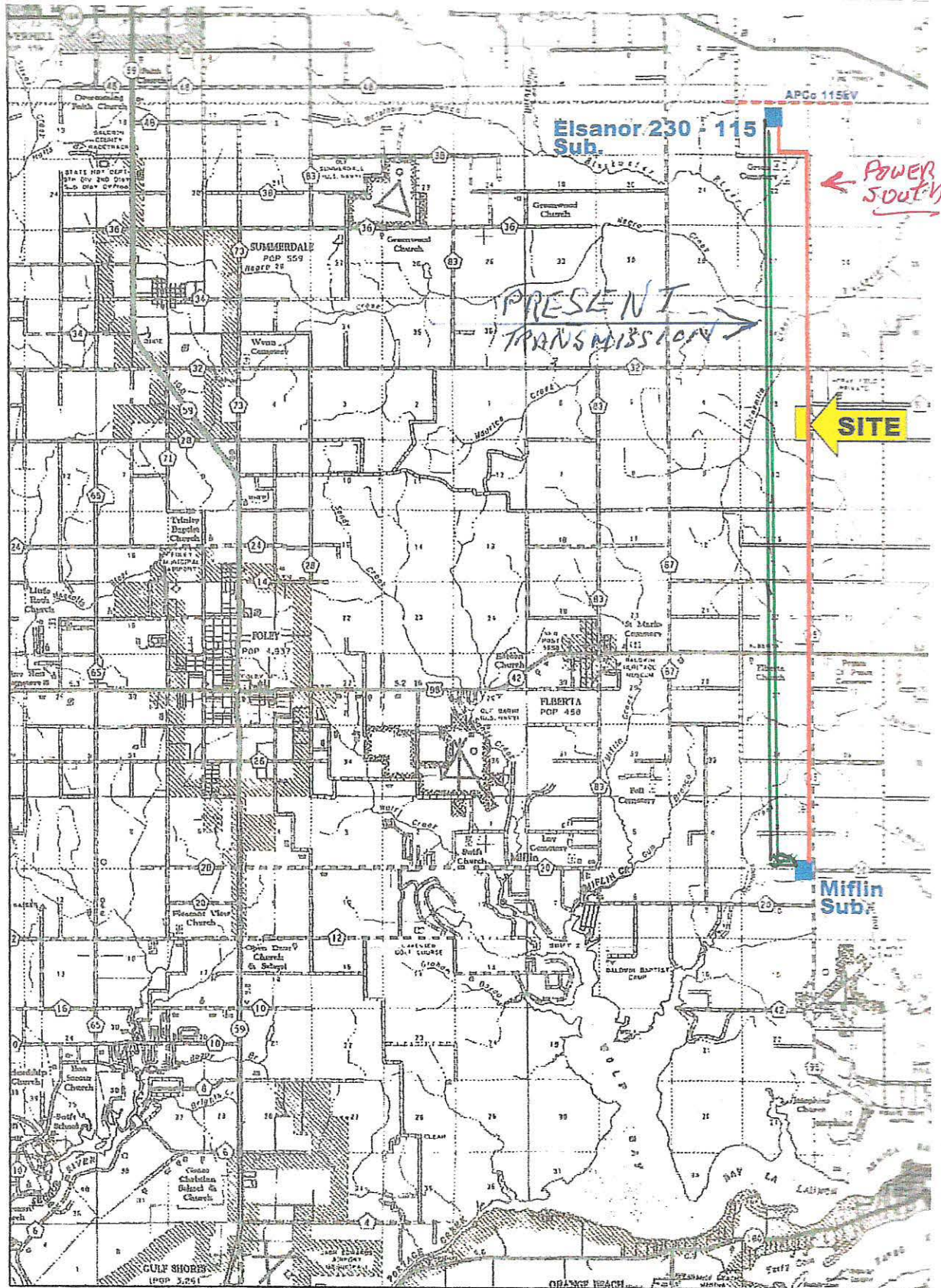
Absent: 0

Abstain: 0

A handwritten signature in black ink, appearing to read "James E. Ball". The signature is stylized with a large initial "J" and a prominent "B".

BALDWIN COUNTY, ALABAMA

Public Right of Way



Miflin SW - Elsanor 230/115 (East) 115KV T/L
Route & Key Map

Drawn: K. McBride Date: 7/21/00

Scale: 1/2" = 1 Mi



POWERSOUTHTM
ENERGY COOPERATIVE

351.060

1

PROBATE COURT of BALDWIN COUNTY

CONDEMNATION / POWER SOUTH

RESPONSE NUMBER ONE: POWER SOUTH LAND PURCHASE OFFER

LATEST: AUGUST 2021



HELMSING
LEACH
ATTORNEYS AT LAW

WARREN HERLONG
wch@helmsinglaw.com

August 12, 2021

James L. Horak
16630 County Rd 95
Elberta, AL 36530

Frances J. Horak
16630 County Rd 95
Elberta, AL 36530

Re: Acquisition of Real Property in Baldwin County, Alabama
Mitlin-Elsanor SW East 115 kV Transmission Line
0.56 acre parcel, more or less

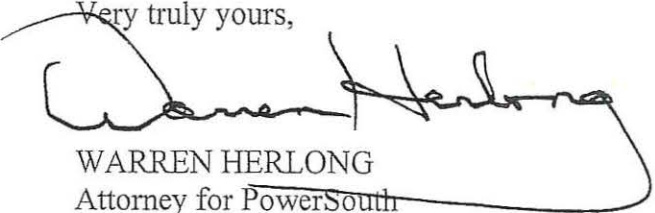
Dear Mr. and Mrs. Horak:

I represent PowerSouth Energy Cooperative in connection with their proposed acquisition of an easement across your property, about which you have been previously informed. Joe Courtney with Courtney and Morris Appraisals has updated his appraisal to August 3, 2021 (the date the petition of condemnation was filed) and his updated opinion of the compensation to which you are entitled for this acquisition is \$8,400.

Mr. Courtney appraised the 19.00-acre parent tract before our proposed taking at the value of \$285,000. He appraised the property after the taking of the easement at the value of \$276,000. The difference in the two values is \$8,400. Mr. Frank King, with King Timber, LLC in Andalusia, Alabama, assessed the timber on the property to be taken at the value of \$60. Mr. Courtney assessed no damages to the remainder of the property. PowerSouth therefore is offering \$8,460 as just compensation for the taking of a 0.56-acre easement within the 19.00-acre parent tract.

If this amount is agreeable, please contact me.

Very truly yours,



WARREN HERLONG
Attorney for PowerSouth

Phone 251-432-5521 | Fax 251-432-0633 | www.HelmsingLaw.com

Post Office Box 2767, Mobile, AL 36652 | 150 Government Street, Suite 2000, Mobile, AL 36602

HELMSING LEACH HERLONG NEWMAN & ROUSE, PC

EXHIBIT A

STATE OF ALABAMA

COUNTY OF _____

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED,
_____ (hereinafter called "Grantors," whether one or more), in
consideration of the sum of One Dollar (\$1.00) cash, and other valuable consideration, in hand paid by
POWERSOUTH ENERGY COOPERATIVE, an Alabama cooperative (hereinafter called "Grantee"), the
receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey unto said Grantee, its
successors and assigns, a right of way easement of varying width in, on, along, over, through, across, or
under the lands of the Grantors situated in the County of _____, State of Alabama,
described as follows, to wit:

See Exhibit "A" attached hereto and hereby incorporated by reference

with the right, privilege, and authority to Grantee, its successors and assigns, and its or their agents, employees, and contractors, to enter upon said land and to place, erect, construct, operate, repair, maintain, inspect, relocate, submerge, bury, upgrade, and replace thereon, and in, upon, across, and under all streets, roads, or highways abutting said lands, electric transmission and distribution lines and systems and communication lines and systems, for any purposes whatsoever, with all necessary and usual fixtures, structures, attachments, appurtenances, and counterpoise grounding systems and subsequently to erect such facilities as desired, the right to cut or trim trees, brush, undergrowth or other woody material and/or to windrow or pile such material at or near the boundaries of said easement, burn and bury any such residual debris or material, control the growth of brush and undergrowth by chemical or other means wherever the same may be necessary in order to erect, construct, operate or maintain said electric lines and systems, clear of and free from obstructions, or when the cutting or trimming of trees and controlling the growth of brush may be prudent in the discretion of Grantee; and to cut down and remove from time to time all dead, weak, leaning, or dangerous trees from outside the above described lands that are tall enough to strike the wires or structures in falling and to keep clear other obstructions that may injure or endanger said lines. If danger trees are cut or removed by Grantee, Grantors shall, upon request made to Grantee, be paid by Grantee the value of such trees at their highest and best use as timber when cut or removed. Grantee shall have the right of ingress and egress over and across any and all lands of Grantors adjoining the above described lands at any and all times for the purpose of constructing, operating, maintaining, relocating, upgrading, replacing, or patrolling said lines. No structures of any kind will be constructed within the limits of the right of way described herein without prior approval of PowerSouth Energy Cooperative.

TO HAVE AND TO HOLD THE SAME unto said POWERSOUTH ENERGY COOPERATIVE, its successors and assigns, forever, together with all other rights and privileges necessary or convenient for the full enjoyment or use thereof.

It is agreed that this grant covers all the agreements between the parties and no representations or statements, verbal or written, have been made, modifying, adding to, or changing the terms of this agreement.

Grantors covenant with the Grantee, its successors and assigns, that they are lawfully seized in fee simple of the above described lands; that they are free from all liens and encumbrances whatsoever, except ad valorem taxes not yet due

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, this _____ day of _____, 20__.

STATE OF _____
COUNTY OF _____

I, _____, a Notary Public in and for said County, in said State, hereby certify that _____ whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this _____ day of _____, 20__.

Notary Public
My Commission Expires: _____

STATE OF _____
COUNTY OF _____

I, _____, a Notary Public in and for said County, in said State, hereby certify that _____ whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this _____ day of _____, 20__.

Notary Public
My Commission Expires: _____

Exhibit "B"
Complaint for Condemnation
(Terms and Conditions)

1. The Permanent Easement Rights acquired by PowerSouth on the Property in this action are the permanent and perpetual, but non-exclusive right, privilege and easement to construct, maintain, operate, inspect, repair, replace, alter, and remove poles, wires, guys, equipment and apparatus necessary for the transmission and distribution of electricity above, across and through said Property, together with the right to install such telecommunications equipment as desired by PowerSouth to monitor, operate, maintain, the electric transmission network.

2. PowerSouth shall have the right and option to operate the electric lines for its own use or to lease, sell, assign, convey or otherwise transfer any or all of the electric lines or the rights associated therewith. PowerSouth shall have the right and option to assign, sell, convey or otherwise transfer, in whole or in part, its rights in the Permanent Easement, and it shall have the right to terminate and release the Permanent Easement.

3. Defendants shall be able to freely access their remaining lands, and freely travel by vehicles or otherwise, over and across the Property at all times.

4. Defendants may continue to use the surface of the Property for any lawful purposes that do not interfere with the rights acquired by PowerSouth. Without limiting the foregoing, it is stipulated and agreed by PowerSouth that Defendants and their successors or assigns in title may, at their cost and expense: build private or public roads that cross the Property; build parking lots over the Property; may erect signs, fences, lights and other types of non-habitable improvements on the Property that are not within 25 feet of the electric wires; and may install above and below ground utilities that cross the Property. Further, Defendants and their successors or assigns in title may install and plant landscaping on the Property that is not capable of growing to within 25 feet of the PowerSouth equipment; provided, however, that PowerSouth shall have the right and power to remove any trees, plants, shrubbery and other landscaping from the Property during the construction, inspection, repair, replacement, removal, maintenance or operation of the transmission line without liability to Defendants or any third party for damages and without any obligation to replant or restore such trees, plants, shrubbery and other landscaping.

5. PowerSouth agrees to construct and install the electric lines and equipment so that it will not interfere with the ordinary crop cultivation of the land, and PowerSouth agrees to pay for any physical damage to growing crops and existing timber, buildings or improvements caused by its initial construction.

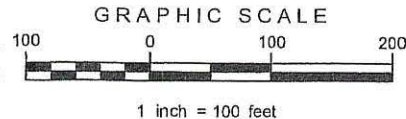
6. PowerSouth's use and occupancy of the Property shall be subject to all applicable Federal, State and local laws and regulations.

7. The rights acquired by PowerSouth may be freely assigned, in whole or in part, without notice to the Defendants.

8. Nothing contained herein shall be deemed or construed to be a merger, release, modification or amendment of any rights presently owned or held by PowerSouth as reflected in the official records of the county in which the Property is located.

9. The benefits and obligations of the rights acquired shall inure to the benefit of and be binding and obligatory upon Defendants, upon the heirs, executors, administrators, personal representatives, successors and assigns of Defendants, upon PowerSouth, and upon the successors and assigns of PowerSouth.

EXHIBIT "B"



LEGEND

SYMBOL	ITEMS
○	BOUNDARY MONUMENT FOUND (AS NOTED)
△	CALCULATED POINT
---	SECTION LINE
---	QUARTER SECTION LINE
---	PROPERTY LINE
---	POWERSOUTH EASEMENT LINE
---	CENTERLINE OF ALIGNMENT

NOTES:

1. SURVEYOR HAS MADE NO INVESTIGATION REGARDING THE EXISTENCE OR EXTENT OF WETLANDS FOR THE PROPERTY SHOWN HERON.
2. ALL FIELD WORK COMPLETED ON 07/20/2020
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE THE SUBJECT PROPERTY MAY OR MAY NOT BE SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAY, RECORDED OR NOT RECORDED.
4. BEARINGS AND COORDINATES ARE BASED ON THE ALABAMA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD 83 (2011) AND DERIVED BY THE USE OF GPS USING THE ALDOT CORS NETWORK.

TLA AND LSA, LLC
(INSTRUMENT# 1213359)

JAMES L. &
FRANCES J. HORAK PROPERTY
(BOOK 4, PAGE 629)

SE 1/4 OF THE NE 1/4
SECTION 3, T7S, R5E

TLA AND LSA, LLC
(INSTRUMENT# 1213359)

POINT OF COMMENCEMENT

5/8" REBAR (CAPPED "26623")
SE CORNER OF LOT 5
SWEET BAY SUBDIVISION
(SLIDE-2707-E)
N: 171321.95
E: 1953419.95

POINT OF BEGINNING

N.170656.26
E.19534219.84

N89°57'02"E
36.88'

663.99'
S00°00'31"W

SECTION 3, T7S, R5E, BALDWIN COUNTY, ALABAMA
SECTION 2, T7S, R5E, BALDWIN COUNTY, ALABAMA

POWERSOUTH ENERGY COOPERATIVE EASEMENT 0.56 ACRES±
N00°00'42"E 664.01'
S00°00'31"W 663.99'
COUNTY ROAD 95
(80 FEET IN-WIDTH RIGHT OF WAY)

N89°55'16"E
36.92'

N.169993.37
E.19534119.76

EASEMENT SURVEY

FOR

PowerSouth Energy Cooperative

ELSANOR SW-MIFFLIN V115kV T/L

JAMES L. & FRANCES J. HORAK PROPERTY

BALDWIN COUNTY, ALABAMA

POWERSOUTH ENERGY COOPERATIVE EASEMENT

COMMENCE AT A 5/8" REBAR (CAPPED "26623") FOUND AT SE CORNER OF LOT 5, SWEET BAY SUBDIVISION, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, AT SLIDE 2707-E, SAID REBAR ALSO LYING ON THE WEST RIGHT OF WAY (80 FEET IN-WIDTH) OF COUNTY ROAD 95; THENCE RUN ALONG SAID WEST RIGHT OF WAY S00°00'31"W, A DISTANCE OF 663.99 FEET TO A POINT AT THE NE CORNER OF THE HORAK PROPERTY, AS DESCRIBED BY DEED RECORDED IN SAID OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, IN RLPY BOOK 4, PAGE 621, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY S00°00'31"W, A DISTANCE OF 663.99 FEET TO A POINT AT THE SE CORNER OF SAID HORAK PROPERTY; THENCE LEAVING SAID WEST RIGHT OF WAY, RUN ALONG THE SOUTH LINE OF SAID HORAK PROPERTY S89°55'18"W, A DISTANCE OF 36.92 FEET TO A POINT; THENCE LEAVING SAID SOUTH LINE RUN N00°00'42"E, A DISTANCE OF 664.01 FEET TO A POINT ON THE NORTH LINE OF SAID HORAK PROPERTY, THENCE RUN ALONG SAID NORTH LINE N89°57'02"E, A DISTANCE OF 36.88 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED EASEMENT LIES IN THE E 1/2, OF THE E 1/2, OF THE SE 1/4, OF THE NE 1/4, OF SECTION 3, T7S, R5E, BALDWIN COUNTY, ALABAMA AND CONTAINS 0.56 ACRES, MORE OR LESS.

STATE OF ALABAMA
BALDWIN COUNTY

I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF. ACCORDING TO MY SURVEY THIS THE 12th DAY OF AUGUST, 2020.



William S. Matthews
WILLIAM S. MATTHEWS PLS
ALABAMA LICENSE NO. 25860



Lat32, Inc
Professional Land Surveyors
312 Caloma Street, Suite 150
Montgomery, Alabama 36104

(334) 271-7173
www.Lat-32.com

DRAWN: DWA CHECKED: WSM CREW CHIEF: DST DATE: 08/12/2020 PROJECT NO.: 19163 SCALE: 1"=100' REFERENCE DATUM: HORIZONTAL - NAD83 (2011), ALABAMA STATE PLANE, WEST ZONE

3

Probate Court of Baldwin County

CONDEMNATION / POWER SOUTH

RESPONSE NUMBER THREE: PETITION

COUNTY ROAD 95 CITIZEN PETITION TO CEASE CONDEMNATION OF CR 95

DATE: March 2021

CITIZENS PETITION TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA

The following HOME and LAND OWNERS in Alabama, Baldwin County residing on County Road 95 North, many of several generations over 100 years, request POWER SOUTH and EMC both electrical cooperatives servicing BALDWIN COUNTY, "CEASE" all legal actions to TAKE OUR PROPERTY using EMINENT DOMAIN to "give" ECONOMIC DEVELOPERS of coastal areas "FINANCIAL GAIN" pursuing more electrical power than already exists.

The power cooperatives already HAVE a parallel power "Right of Way" West of said road between County Road 87 and County Road 95 with Electrical Transmission Towers for services from the town of Elsanor to the Miflin area basically "free" of residential homes. Many MULTIPAL TRANSMISSION TOWERS exist throughout Baldwin County factually proving this action is an ABUSE of POWER without concern for the CONSTITUTION and the BILL of RIGHTS. The residing long term EMC customers are developers of this area, farmers and MILITARY VETERANS that have sacrificed much for land, FREEDOM and CITIZEN RIGHTS.

The following SIGNATURES of RESIDING HOME and LAND OWNERS "DEMAND" the use of EMINENT DOMAIN "CEASE" and the DANGEROUS POWER LINE with TOWERS be placed in the now existing EMC and POWER SOUTH "RIGHT of WAY" from ELSANOR to MIFLIN AREA.

FACT: ELSANOR to MIFLIN power line service with "RIGHT of WAY" EXISTS TODAY!

Cody Hughes Lot 4 16893
James H. Ogle Lot 5 16593
Donette Ossler Lot 4 & 5 16893
James Krauss Co. Rd. 95
Richard Krauss 27611 PECAN LANE
Corey Haman 15880 CR 95 Elberta Anne Hansen
Steve R. Chatham 15861 Co. Rd 95
Pam Chatham 15861 Co. Rd 95
Michele Jones 15779 CO RD 95
Jeff A. McWill. 15811 County Road 95
Kinbegs G/M-Williams 15811 County Rd 95
Linda Jones 15779 Co Rd 95
Angela D. Little 13949 Co Rd 95
James L. Bond Sr. / James J. Horak 16630 CR 95
Michael T. Kaiser Jr., Jennifer M. Kaiser 25391 KAISSER LAKE
Renny & Marie Kaiser 12388 Co Rd 95
Jake Frank 14175 Co Rd 95

DATED: MARCH 15, 2021

CITIZENS PETITION TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA

The following HOME and LAND OWNERS in Alabama, Baldwin County residing on County Road 95 North, many of several generations over 100 years, request POWER SOUTH and EMC both electrical cooperatives servicing BALDWIN COUNTY, "CEASE" all legal actions to TAKE OUR PROPERTY using EMINENT DOMAIN to "give" ECONOMIC DEVELOPERS of coastal areas "FINANCIAL GAIN" pursuing more electrical power than already exists.

The power cooperatives already HAVE a parallel power "Right of Way" West of said road between County Road 87 and County Road 95 with Electrical Transmission Towers for services from the town of Elsanor to the Miflin area basically "free" of residential homes. Many MULTIPAL TRANSMISSION TOWERS exist throughout Baldwin County factually proving this action is an ABUSE of POWER without concern for the CONSTITUTION and the BILL of RIGHTS. The residing long term EMC customers are developers of this area, farmers and MILITARY VETERANS that have sacrificed much for land, FREEDOM and CITIZEN RIGHTS.

The following SIGNATURES of RESIDING HOME and LAND OWNERS "DEMAND" the use of EMINENT DOMAIN "CEASE" and the DANGEROUS POWER LINE with TOWERS be placed in the now existing EMC and POWER SOUTH "RIGHT of WAY" from ELSANOR to MIFLIN AREA.

FACT: ELSANOR to MIFLIN power line service with "RIGHT of WAY" EXISTS TODAY!

Eugene Klein 27970 Woberner Rd.
Michael E Klein 14749 Co. Rd 95
John Klein 14751 Co. Rd 95 Elberta AL 36530
Angela B. Koller Co. Rd. 95 Elberta, AL 36530
Bobbie Ann 15335 Co. Rd 95 Elberta, AL 36530
John Dammann 15335 Co Rd 95 Elberta, AL 36530

CITIZENS PETITION TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA

The following HOME and LAND OWNERS in Alabama, Baldwin County residing on County Road 95 North, many of several generations over 100 years, request POWER SOUTH and EMC both electrical cooperatives servicing BALDWIN COUNTY, "CEASE" all legal actions to TAKE OUR PROPERTY using EMINENT DOMAIN to "give" ECONOMIC DEVELOPERS of coastal areas "FINANCIAL GAIN" pursuing more electrical power than already exists.

The power cooperatives already HAVE a parallel power "Right of Way" West of said road between County Road 87 and County Road 95 with Electrical Transmission Towers for services from the town of Elsanor to the Miflin area basically "free" of residential homes. Many MULTIPAL TRANSMISSION TOWERS exist throughout Baldwin County factually proving this action is an ABUSE of POWER without concern for the CONSTITUTION and the BILL of RIGHTS. The residing long term EMC customers are developers of this area, farmers and MILITARY VETERANS that have sacrificed much for land, FREEDOM and CITIZEN RIGHTS.

The following SIGNATURES of RESIDING HOME and LAND OWNERS "DEMAND" the use of EMINENT DOMAIN "CEASE" and the DANGEROUS POWER LINE with TOWERS be placed in the now existing EMC and POWER SOUTH "RIGHT of WAY" from ELSANOR to MIFLIN AREA.

FACT: ELSANOR to MIFLIN power line service with "RIGHT of WAY" EXISTS TODAY!

Eugene Klein 27970 Woerner Rd.
Michael E Klein 14749 Co. Rd 95
John Klein 14751 Co. Rd 95 Elberta AL 36530
Angela B. Goebl Co. Rd. 95 Elberta, AL 36530
Bobbie Goebl 15335 Co. Rd 95 Elberta, AL 36530
John Dammann 15335 Co Rd 95 Elberta, AL 36530

4

PROBATE COURT of BALDWIN COUNTY

CONDEMNATION / POWER SOUTH

RESPONSE NUMBER FOUR: GRAPHIC MAP OF PLANNED POWER LINE LAND
140 FOOT "ROW" COVERAGE on CR 95 NORTH.

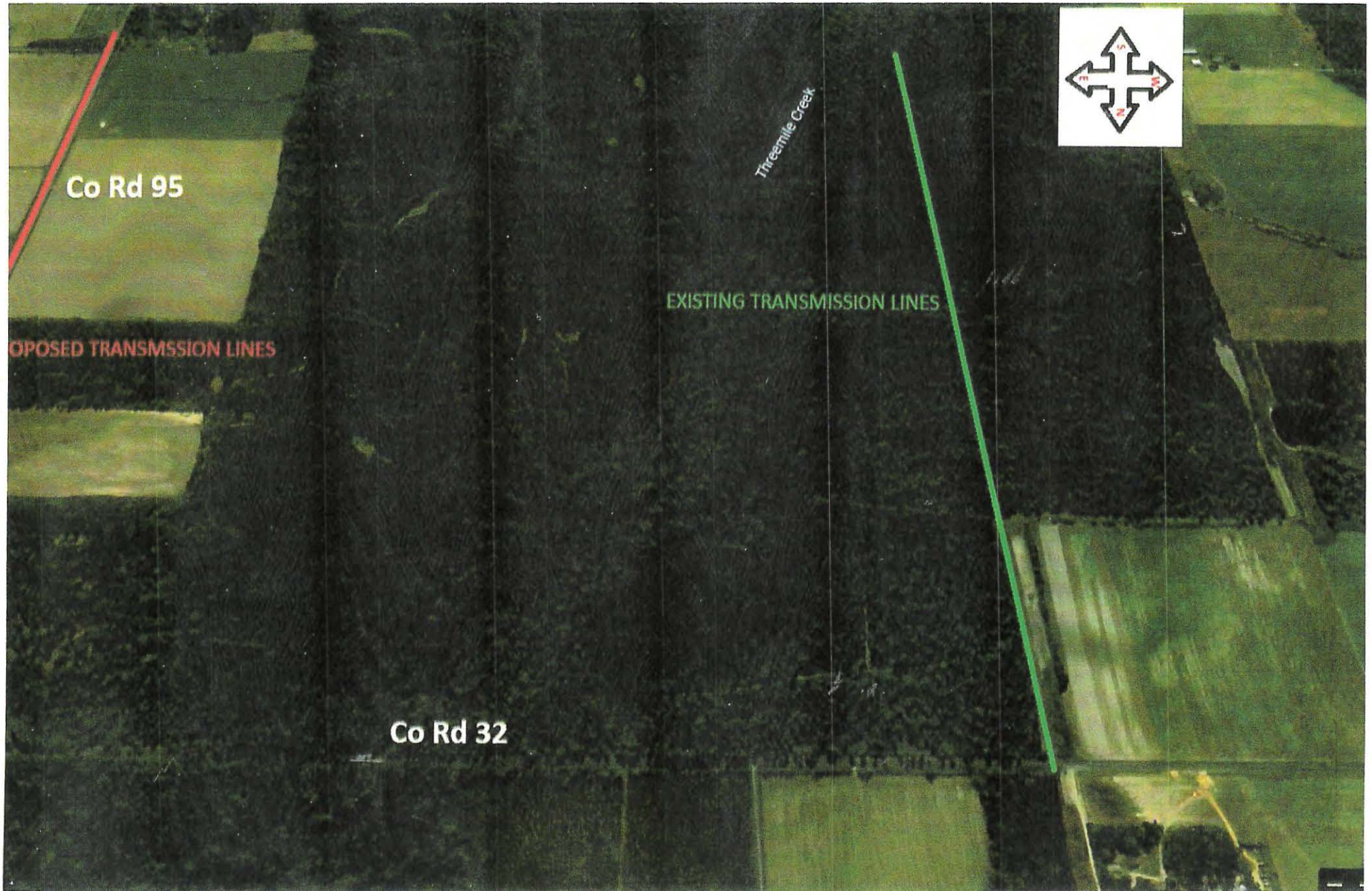
OCTOBER 2021

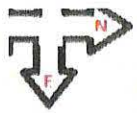
EXISTING EMC TRANSMISSION LINE



VICINITY CR 95

EXISTING \nearrow ELSANOR TO MIFLIN





Powerline Safety Zone
Powersouth 37' Easement
Existing 40' ROW
Total ROW 142'

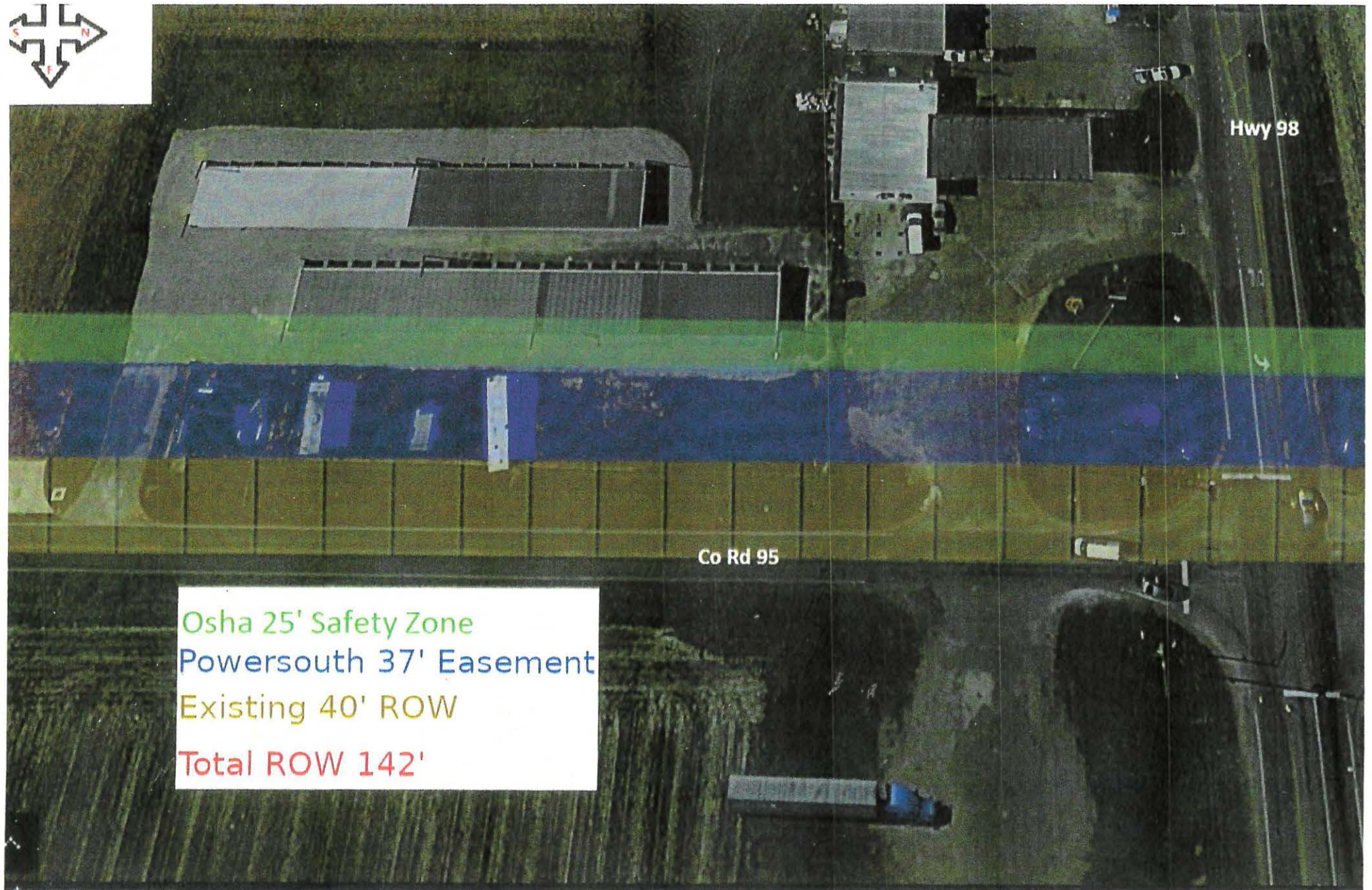
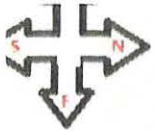
Frank Rd

PRIMARY RESIDENCE
↓

Co Rd 95

PROPOSED EASEMENT

PROPOSED EASEMENT



Osha 25' Safety Zone
Powersouth 37' Easement
Existing 40' ROW
Total ROW 142'

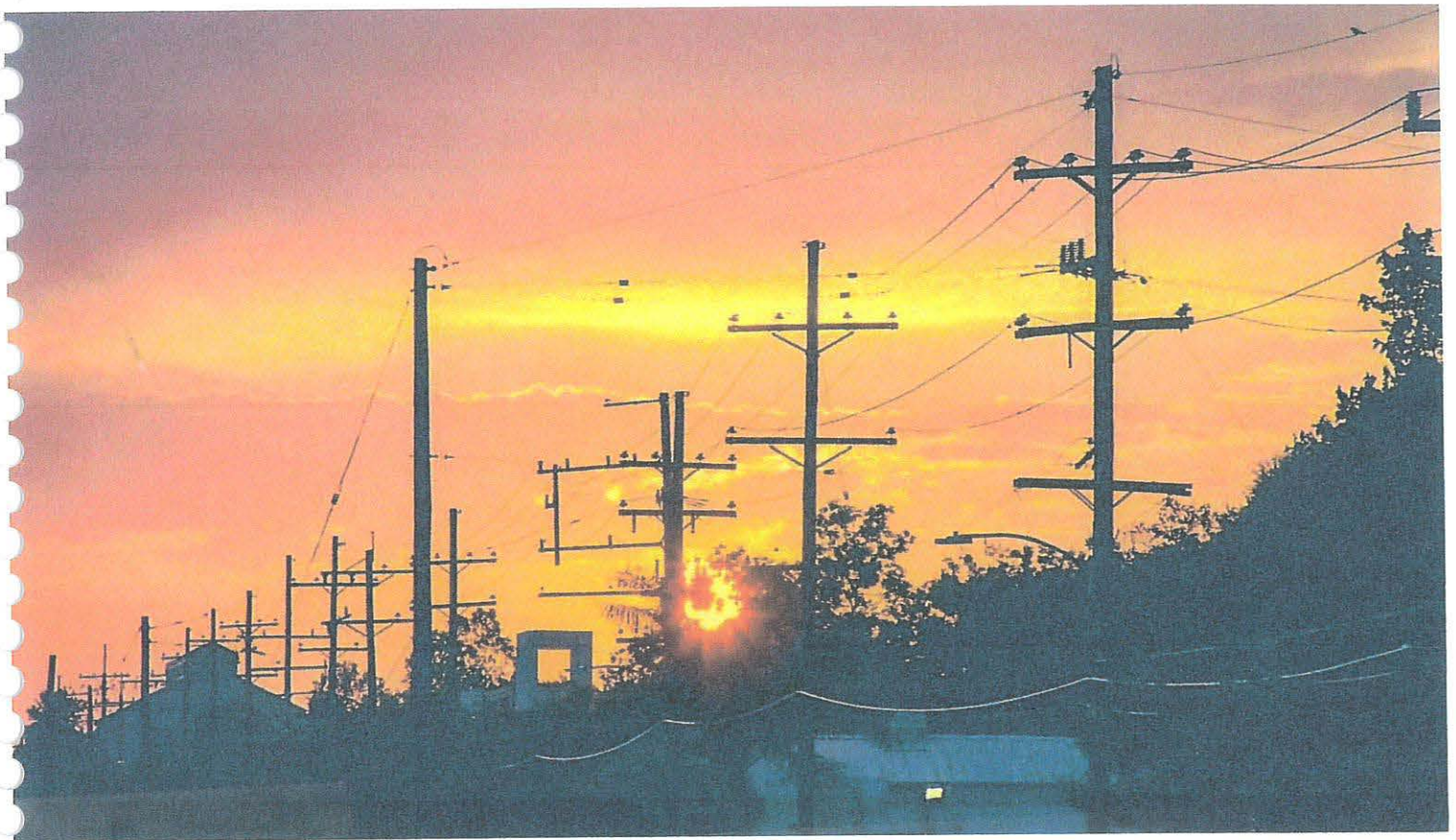
PROPOSED EASEMENT - POWER SOUTH

[Home](#) > [Blog](#) > [Knowledge](#) > EMF Radiation From Power Lines – What You Need To Know

Knowledge

EMF Radiation From Power Lines – What You Need To Know

written by Christian



When it comes to EMF radiation and protection, we usually think of cell phones, smart meter wireless in the home, and dirty electricity. What people often forget about is the enormous danger that EMF radiation from power lines presents.

5

PROBATE COURT of BALDWIN COUNTY

CONDEMNATION / POWER SOUTH

RESPONSE NUMBER FIVE: EASEMENT ELECTRICAL POWER LINE HAZARDS
OSHA 1926 CFR – WORKERS SAFETY

OCTOBER 2021



CALL US:
866.746.3529



Search...



< [Previous](#) [Next](#) >

Power Line Clearance



OSHA 1926 CFR Subpart CC Cranes and Derricks in Construction lists requirements for power line clearance.

Before assembly or disassembly of a crane, the employer must determine if it could come within 20 feet of a power line. If so, the employer must either

- confirm with the power company that the line is de-energized and visibly grounded at the worksite,
- make sure no part gets within 20 feet of the power line
- or follow the requirements of Table A, which has minimum distances based on voltage.

If the line is not de-energized (which is usually the case), the employee is required to conduct a meeting with the assembly/disassembly crew to review

CATEGORIES

- > [CICB News](#)
- > [ConExpo 2020](#)
- > [Expert Insights](#)
- > [Inspections Resources](#)
- > [NCCCO Certification Resources](#)
- > [Online Crane Training](#)
- > [OSHA Regulations](#)
- > [Training Resources](#)
- > [Ultimate Guides](#)

Popular

Recent

ACTH [NCCCO Practice Exam](#)
September 10th
2018

[Determining Sling to Load Angle Factor with a Tape Measure](#)
September 7th, 2018

[Power Line Clearance](#)
September 10th,
2018

measures to prevent encroachment; they must use only non-conductive tag lines; and they must use a dedicated spotter, an elevated warning line/barrier in view of the operator, or an alarm/ automatic control system.

Cranes cannot be assembled or disassembled below an energized power line or within the minimum distances referenced in Table A of a power line.

And if Table A is used, the owner/utility must provide the voltage to the employer within 2 days of a request.

Power lines must be assumed to be energized until they are confirmed to be de-energized and visibly grounded. Warnings about electrocution hazards must be posted in the view of the operator in the cab and outside the cab.

The work zones around equipment must be marked 360 degrees around the equipment to prevent encroachment within 20 feet of a power line.

If the line is not de-energized, a meeting must also be held with the crew before operations begin to review the location of the lines and procedures to prevent encroachment.

Operators and crew members must now be trained on the procedures to follow in the event of a contact

- that power lines must be presumed to be energized until confirmed and visibly grounded,
- that power lines are presumed un-insulated until otherwise confirmed by the owner or a qualified person
- on the limits of insulating links and other devices
- and on proper grounding procedures and their limitations.
- Spotters must also get training as applicable to their work and responsibilities.

The minimum clearance distances are specified in Table A as:

Voltage (kV)	Minimum Clearance Distance (ft)
Up to 50	10
>50 to 200	15
>200 to 350	20
>350 to 500	25*
>500 to 750	35*
>750 to 1,000	45*
>1,000	determined by the utility/owner

* According to 1926.1409, where the exact voltage is unknown, but is over 350 and under 1,000 kV, the minimum distance must be 50 feet. Over 1,000 kV, the utility/owner or a registered engineer must establish the minimum distance.

- **Limit the time spent around the source.** The less time you spend near EMF, the lower your exposure.

Where to Learn More

Multiple agencies within the federal government regulate EMF. The agency that sets standards for EMF depends on the frequency of the EMF. However, in the United States, there are no federal standards limiting electromagnetic fields from power lines and other similar sources. Some states set standards for the width of right-of-ways under high-voltage transmission lines because of the potential for electric shock.

The World Health Organization (WHO)

The WHO studies EMF and RF and invites scientists from all over the world to collaborate on their research.

Electromagnetic Fields (EMF) <<https://www.who.int/peh-emf/en/>>

This page discusses the World Health Organization's (WHO's) EMF Project.

Department of Health and Human Services (HHS), National Institutes of Health (NIH), National Institute of Environmental Health (NIEHS)

The National Institute of Environmental Health Sciences (NIEHS)'s mission is to discover how the environment affects people in order to promote healthier lives.

Electric & Magnetic Fields <<https://www.niehs.nih.gov/health/topics/agents/emf/index.cfm>>

This page includes a link to a report created by NIEHS that addresses EMF from power lines.

The States

Some state radiation protection programs have guidance and information on their state's non-ionizing radiation regulations.

Radiation Control Programs <<https://www.crcpd.org/mpage/map>>

The Conference of Radiation Control Program Directors (CRCPD)

This webpage provides links and contact information for each state's Radiation Control Program office.

RadTown Home <<https://epa.gov/radtown>>



EMINENT DOMAIN

A HANDBOOK OF CONDEMNATION LAW

**WILLIAM SCHEIDERICH, CYNTHIA M. FRASER,
AND DAVID CALLIES, EDITORS**



Section of State and
Local Government Law

a legislature's finding of public benefit, provided that the legislature takes the time to list the good that may happen if the property is condemned.⁵ On the other hand, states—many in direct response to the expansive definition of “public use” at the federal level—are restricting the power of eminent domain.

The appendix surveys the treatment of the “public use” requirement in the United States,⁶ without addressing the difficult issue of whether the states or the Supreme Court has the better policy. The pages that follow set out public use under federal and state law and provide a detailed digest of cases and statutes, separated by jurisdiction and listed alphabetically.

SURVEY OF THE PUBLIC USE REQUIREMENT

Federal Law

The takings clause of the Fifth Amendment provides that “private property [cannot] be taken for public use, without just compensation.” The phrase “public use” does not have a literal meaning in federal jurisprudence; it is instead synonymous with phrases like “public purpose,” “public benefit,” and “public welfare.”⁷ Courts do not look to the actual use of the property taken but to the condemnor’s purpose in taking the property.⁸ Accordingly, the condemnor need only demonstrate that the reason for the taking is a public one, that is, one intended to contribute to the public welfare or good of the community.⁹ Under that standard, a taking may be justified even if it directly benefits a single party, provided that the taking also benefits, at least conceivably, the public at large.¹⁰ In *Kelo v. City of New London*, the Court held that the resulting public benefit may take the form of improved economic conditions and increased revenue to the condemnor.¹¹ A taking that is purely for private benefit will not be sustained.¹²

State Law

Every state has a constitutional or statutory provision that limits the power of eminent domain in a way that is identical or comparable to the federal takings clause. Although the states vary in how they interpret their respective provisions, there is one constant: a state cannot impose a lower standard of protection than is guaranteed by the U.S.

Constitution. In other words, no state may allow a broader use of the power of eminent domain than is permissible under the federal standard. A state may, however, offer greater constitutional protection for citizens.¹³

There is no uniform definition of “public use” applicable to all states. But some general propositions can be expressed. Most important, “public use” at the state level is usually not coterminous with the police power or synonymous with “public welfare” or “public benefit.”¹⁴ On the other hand, “public use” does not strictly mean that the property taken will be “used by the public.” The rule falls somewhere in the middle. And while most states look to some extent to the planned post-taking use of the property,¹⁵ putting the property to a “purpose” that is public—slum clearance, for example—will usually suffice. To sustain a taking under this standard, the condemnor must demonstrate something beyond a general benefit accruing to the public or a generally public motivation behind the taking.¹⁶ Instead, the condemnor must show that the property taken will be put to a purpose that is legitimately public in nature, even if the public has no rights in the property.¹⁷ To the extent that a private benefit will result from the taking, that benefit cannot predominate.¹⁸ This standard provides more protection than its federal counterpart.¹⁹ Accordingly, a taking that survives federal constitutional scrutiny might not pass muster under the applicable state constitution.

Alabama

Article I, section 23 of the state constitution provides that “private property shall not be taken for, or applied to public use, unless just compensation be first made.” The state supreme court generally uses the term “public use” interchangeably with “public purpose” and sustains takings for a wide variety of public reasons.²⁰

Act 313, which became law on August 3, 2005, amended section 11-47-170 of the Alabama Code in direct response to *Kelo*. Following the amendment, no “municipality or county may . . . condemn property for the purposes of private retail, office, commercial, industrial, or residential development; or primarily for enhancement of tax revenue; or for transfer to a person, nongovernmental entity, public-private partnership, corporation, or other business entity.”²¹

A subsequent enactment, Act 584, requires the owner’s consent to acquire property that is not blighted.²²

"Average" Atlantic hurricane season to reflect more storms

Higher averages based on most recent 30-year climate record

NOAA

Beginning with this year's hurricane season outlooks, NOAA's Climate Prediction Center (CPC) will use 1991-2020 as the new 30-year period of record. The updated averages for the Atlantic hurricane season have increased with 14 named storms and 7 hurricanes. The average for major hurricanes (Category 3, 4 or 5) remains unchanged at 3. The previous Atlantic storm averages, based on the period from 1981 to 2010, were 12 named storms, 6 hurricanes, and 3 major hurricanes.

NOAA is updating the set of statistics used to determine when hurricane seasons are above-, near-, or below-average relative to the climate record. This update process occurs once every decade.

"This update allows our meteorologists to make forecasts for the hurricane season with the most relevant climate statistics taken



into consideration," said Michael Farrar, director of NOAA's National Centers for Environmental Prediction. "Our work illustrates the value of NOAA's investments in next-generation technologies to capture the data that underpins our outlooks and other forecast products. These products are essential to providing the public and local emergency managers with advance information to prepare for storms, and achieving NOAA's mission of protecting life and property."

The increase in the averages may be attributed to the overall improve-

ment in observing platforms, including NOAA's fleet of next-generation environmental satellites and continued hurricane reconnaissance. It may also be due to the warming ocean and atmosphere which are influenced by climate change. The update also reflects a very busy period over the last 30 years, which includes many years of a positive Atlantic Multi-decadal Oscillation which can increase Atlantic hurricane activity.

"These updated averages better reflect our collective experience of the past 10 years, which included some very active

hurricane seasons," said Matt Rosencrans, seasonal hurricane forecaster at NOAA's Climate Prediction Center. "NOAA scientists have evaluated the impacts of climate change on tropical cyclones and determined that it can influence storm intensity. Further research is needed to better understand and attribute the impacts of anthropogenic forcings and natural variability on tropical storm activity."

For the Eastern Pacific and Central Pacific basins the averages over the 1991 - 2020 period do not change. The Eastern Pacific basin will remain at 15 named storms, 8 hurricanes, and 4 major hurricanes. The Central Pacific basin will maintain an average of 4 named storms, 3 hurricanes and 2 major hurricanes.

NOAA will issue its initial seasonal outlook for the 2021 hurricane season in late May. The Atlantic hurricane season officially runs from June 1 through Nov. 30.

"We never know when we'll have to face another situation like Sally or Zeta," Taylor says. "It could happen during hurricane season, or it could be an ice storm in the middle of February. So we have to do everything we can to right the ship."

COUNTING THE COST

In the fourth quarter of 2020, Baldwin EMC partnered with Davey Resource Group, Inc. to conduct a complete and thorough analysis of the cooperative's distribution system in Baldwin and southern Monroe County. The firm evaluated damage in every part of the cooperative's service area, which helped Baldwin EMC see more clearly what the road to recovery would entail.

Early estimates by the cooperative's management team suggested a complete recovery might cost the cooperative tens of millions of dollars. Davey's analysis confirmed this.

"Not only did we experience a major amount of damage, we also sustained a significant loss in revenue due to extended outages," says Alan Schott, Baldwin EMC's vice president of finance and accounting. "There were also added protocols we had to put in place due to the Covid-19 pandemic. For example, we were utilizing more vehicles and fuel to minimize how many employees were riding together in close proximity. We also limited the occupancy in the sleep trailers for our mutual aid crews, which means we had to supply more trailers."

Schott says in total, the costs of Hurricanes Sally and Zeta will amount to approximately \$45 million.

**"WE NEVER KNOW WHEN
WE'LL FACE ANOTHER
SITUATION LIKE SALLY OR ZETA.
WE HAVE TO RIGHT THE SHIP."**

"We've never sustained a blow quite like that before, but thanks to many years of good financial stewardship, we feel confident we'll be able to recover."

FEDERAL ASSISTANCE POSSIBLE BUT NOT PROMISED

The cooperative is currently in the process of applying for assistance from the Federal Emergency Management Agency (FEMA), but that won't be complete until the summer of 2021. And as with any FEMA claim, there is no guarantee.

However, Baldwin EMC's natural disaster response plan calls for the cooperative to start making preparations for a possible hurricane as early as May, and the co-op's management team says those preparations are more pressing than ever.

"The hurricanes left us temporarily weakened, but they also reminded us that our members and our community depend on us for so many critical things," says Karen Moore, Baldwin EMC's chief executive officer. "We owe it to those we serve to be in the best possible shape we can be as we approach another potentially active storm season."

Moore says the co-op is evaluating budgets and spending in order to have resources to channel towards recovery efforts in 2021.

"Last year impacted this co-op and those we serve in a lot of ways. We're optimistic that 2021 will be a year of rebuilding and recovery for our co-op, our members and our community."

IVAN & SALLY

Same date, two different storms



LANDFALL SPEED

Ivan: 13 miles per hour
Sally: Two miles per hour

TOTAL OUTAGES

Ivan: 55,000 meters
Sally: 79,000 meters



ADDED MANPOWER

Ivan: ~1,000 workers
Sally: ~1,500 workers



RESTORATION PERIOD

Ivan: Eight days
Sally: 10 days



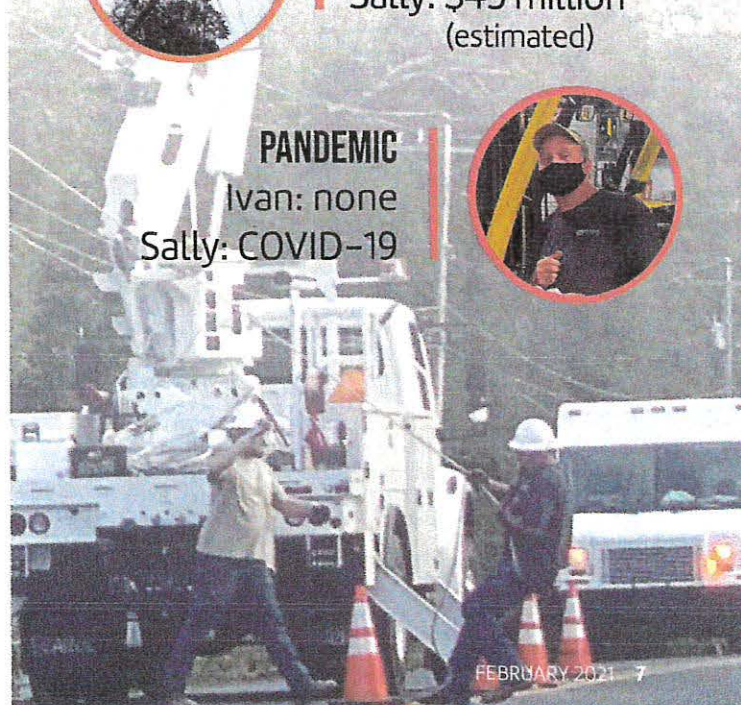
TOTAL COST

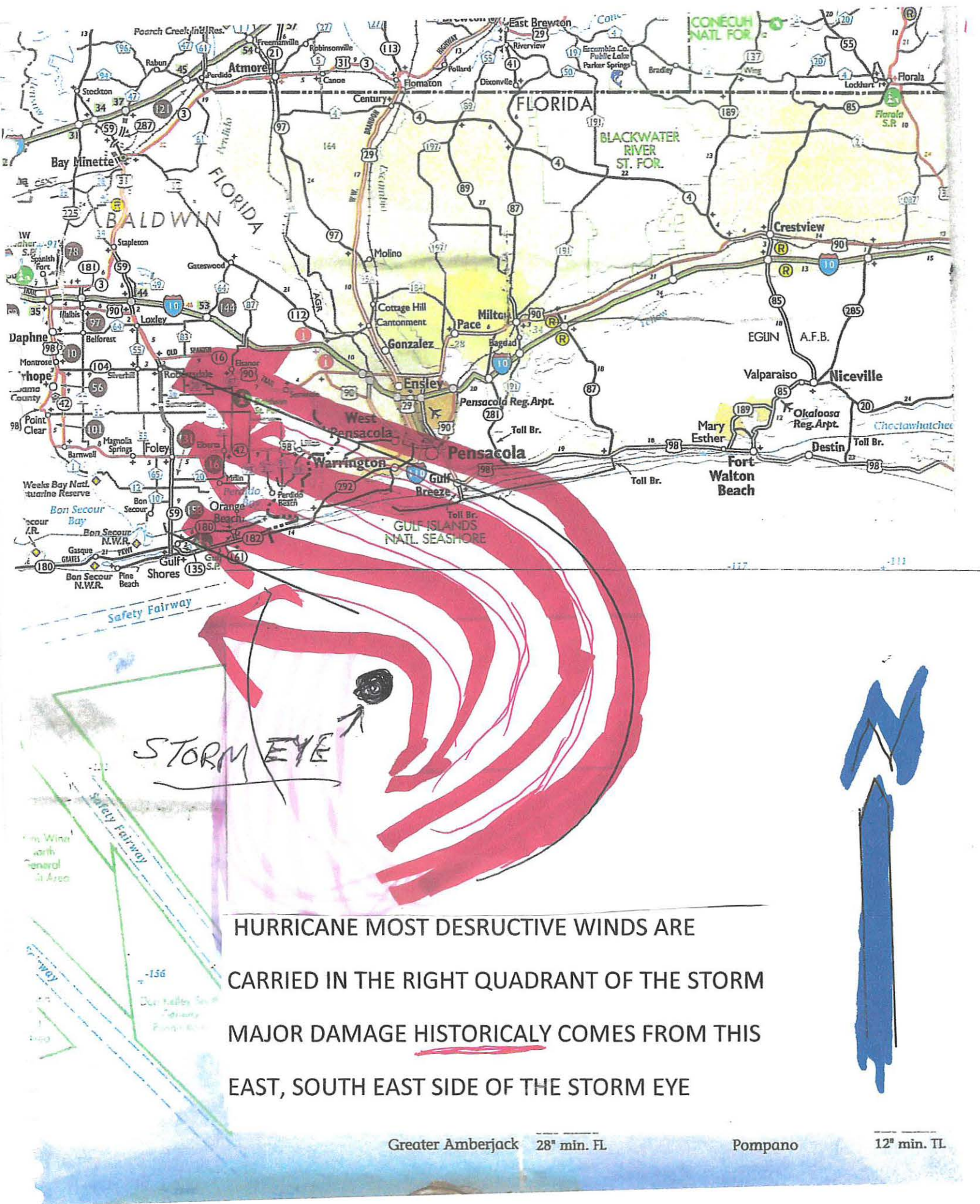
Ivan: \$21.5 million
Sally: \$45 million
(estimated)



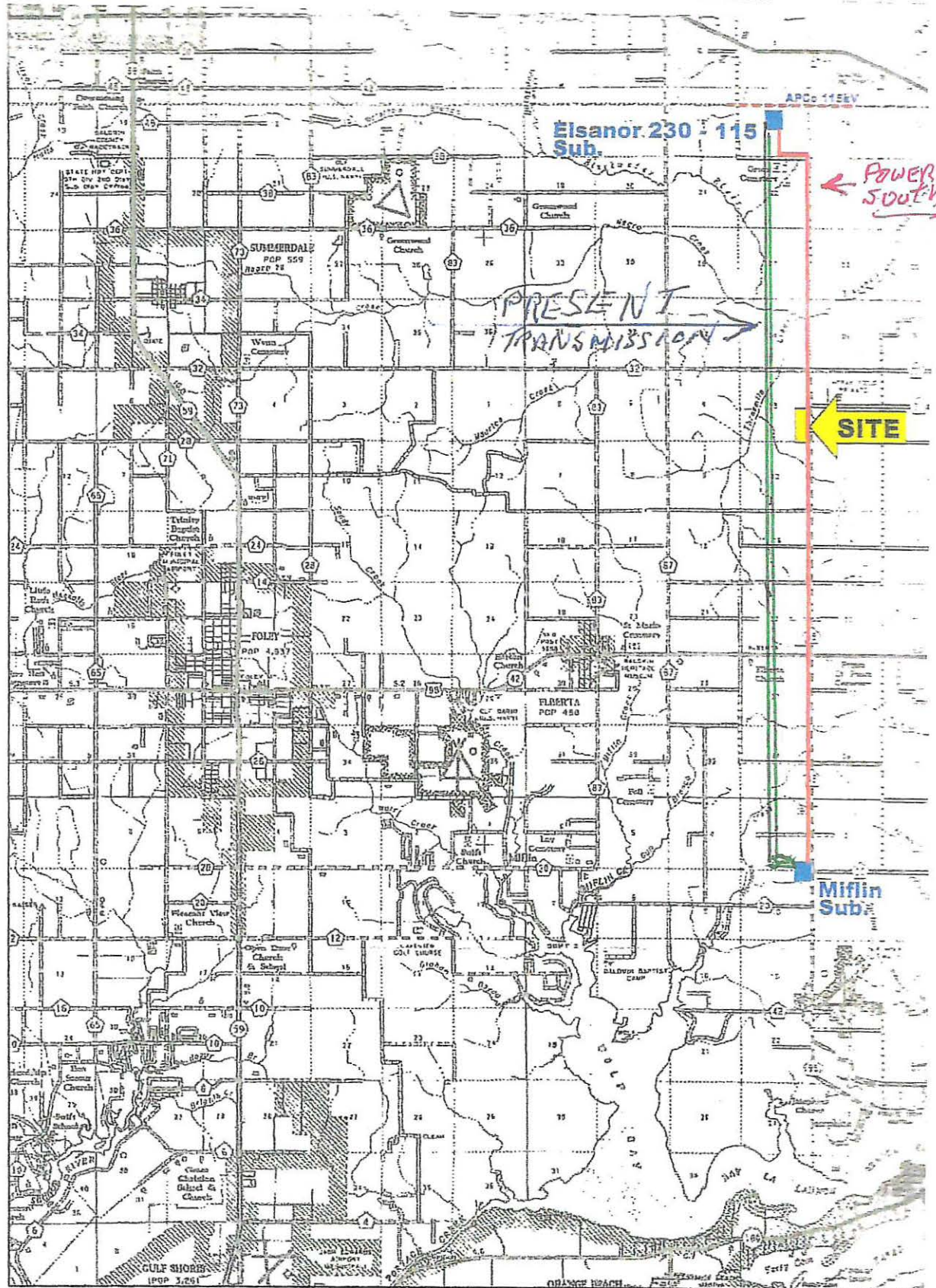
PANDEMIC

Ivan: none
Sally: COVID-19





Public Right of Way



Wilton SW - Elsador 230/115 (East) 115kV TL
Route & Key Map

Drawn: K. McBride Date: 7/21/00

Scale: 1/2" = 1 Mi.



PowerSouth[®]
ENERGY COOPERATIVE

351.060

TRANSMISSION LINE - NORTH-SOUTH

CROSSING MID CR 52
TO US-98 (ADJACENT
TO CR 95)



ELSANOR TO MIFLIN LINE

TRANSMISSION LINE - NORTH-SOUTH

CROSSING MID UK-32
TO US-98 (ADJACENT
TO CR95)



ESANOR TO MIFLIN LINE

EMC / POWER SOUTH COOPERATIVE BUSINESS

UNDERGROUND POWER – DISADV / ADV

DISADVANTAGES:

1. Cost of Installation
2. Lack of Skill level within installation personnel
3. New advanced Technology needed for operation
4. Possible high voltages limits above 115kv to 200kv
5. Conduit installation for long term line protection

ADVANTAGES:

1. HURRICANE, TORNADO & WIND PROTECTION – Continuous Power - uninterrupted.
2. Years of minimal maintenance & repair service.
3. People / Animal protection from down power lines and poles. No power line & pole damage.
4. Landscape / vegetation & environmental concerns eliminated or diminished.
5. Baldwin County moves forward with highly developed nations of the world. The new technology of the future. Respect for resident Citizens Rights and the Bill of Rights.
6. Future respect for EMC / P S by residence citizens with easement agreements and assistance. AMERICA!!

POWER GRID RESILIENCE

OPENING THE DOOR TO SUSTAINABLE ENERGY SOURCES AND INFRASTRUCTURE

by Doug Sullivan
Senior Associate

According to the U.S. Energy Information Administration, the U.S. consumed about 17% of the world's primary energy in 2018. In order to supply energy on such a grand scale, our power grid needs to be resilient to climate stressors such as extreme storm events. One critical aspect of energy resilience is creating redundancy in our power grid to keep the duration of power outages for consumers at a minimum. Utility companies have spent a lot of time and money to install circuits so that when a power line goes out in a storm event, for example, the number of impacted consumers is minimized. In addition to upgrades to the circuits and grid, utility companies have also hardened their structures to prevent power stoppages. These resilient factors will need to be carried over as the power grid expands to make way for sustainable power sources such as offshore wind and solar energy, as well as for expanding energy infrastructure such as electric vehicle charging stations.





We assist utility companies with the design of electric vehicle charging stations such as the Park & Ride in Havre De Grace, Maryland.

INTEGRATING SUSTAINABLE POWER SOURCES INTO A RESILIENT GRID

Traditionally, utilities have used a one-way model for power distribution that involved distributing electrons to commercial and residential users for consumption directly from generation plants. As renewable energy sources such as solar energy and offshore wind continue to expand, utility entities and engineers need to find ways to integrate these power sources into the grid. Energy storage options must also be considered for some of these projects to improve electrical load management.


At Dewberry, we support a number of power utility companies along the East Coast, including New Jersey, Maryland, Virginia, North Carolina, South Carolina, and Florida, to help maintain the transmission and distribution grid system. By incorporating the latest design and technology, whether in stormwater practices, site/civil design, survey/mapping, environmental assessments, or permitting, we are able to assist utility companies in designing and constructing portions of the grid and the support infrastructure around it to be more resilient.

In Northern Virginia, for example, we are designing concrete-encased underground electrical duct banks with 8-inch conduits and the capacity to carry multiple lines. These duct banks frequently connect from electrical substations directly to customers, including growing residential communities and the region's

proliferation of data centers. Underground duct banks, as well as the "strategic undergrounding" of overhead lines, reduce power disruption to customers during severe weather events. In some cases, we have helped design onsite substations to serve data centers and other customers requiring a high capacity of power, providing critical assets as close to the demand as possible to limit infrastructure costs and potential for failure.

ACCOMMODATING THE GROWING NUMBER OF ELECTRIC VEHICLE INSTALLATIONS

The growing number of electric vehicle charging stations throughout the country will also require a resilient power grid structure. As with solar array installations, we are helping electric vehicle project developers coordinate with utilities to get approval to tie their new installations into the grid. We assist utility companies in collaborating with private developers and nationwide corporations that own electric vehicle fleets and are seeking to reduce their greenhouse gas emissions. We also help utility companies design their own charging stations.

By incorporating sustainable energy infrastructure into the initial planning and coordination of our utility projects, we can better navigate the challenges and complexities of an ever-expanding energy grid. 



We assist utility companies with the design of electric vehicle charging stations such as the Park & Ride in Havre De Grace, Maryland.

INTEGRATING SUSTAINABLE POWER SOURCES INTO A RESILIENT GRID

Traditionally, utilities have used a one-way model for power distribution that involved distributing electrons to commercial and residential users for consumption directly from generation plants. As renewable energy sources such as solar energy and offshore wind continue to expand, utility entities and engineers need to find ways to integrate these power sources into the grid. Energy storage options must also be considered for some of these projects to improve electrical load management.

At Dewberry, we support a number of power utility companies along the East Coast, including New Jersey, Maryland, Virginia, North Carolina, South Carolina, and Florida, to help maintain the transmission and distribution grid system. By incorporating the latest design and technology, whether in stormwater practices, site/civil design, survey/mapping, environmental assessments, or permitting, we are able to assist utility companies in designing and constructing portions of the grid and the support infrastructure around it to be more resilient.

In Northern Virginia, for example, we are designing concrete-encased underground electrical duct banks with 8-inch conduits and the capacity to carry multiple lines. These duct banks frequently connect from electrical substations directly to customers, including growing residential communities and the region's

proliferation of data centers. Underground duct banks, as well as the "strategic undergrounding" of overhead lines, reduce power disruption to customers during severe weather events. In some cases, we have helped design onsite substations to serve data centers and other customers requiring a high capacity of power, providing critical assets as close to the demand as possible to limit infrastructure costs and potential for failure.

ACCOMMODATING THE GROWING NUMBER OF ELECTRIC VEHICLE INSTALLATIONS

The growing number of electric vehicle charging stations throughout the country will also require a resilient power grid structure. As with solar array installations, we are helping electric vehicle project developers coordinate with utilities to get approval to tie their new installations into the grid. We assist utility companies in collaborating with private developers and nationwide corporations that own electric vehicle fleets and are seeking to reduce their greenhouse gas emissions. We also help utility companies design their own charging stations.

By incorporating sustainable energy infrastructure into the initial planning and coordination of our utility projects, we can better navigate the challenges and complexities of an ever-expanding energy grid. 🌱

Judge of Probate – Baldwin County, AL.

LEGAL PROCESS for EMINENT DOMAIN – CASE 39703

CONDEMNED - James I. Horak Sr & Frances J. Horak

1. Notice of Condemnation – --ANSWER by Defendant
(in writing) --- Presence in court optional.
2. Notice of Hearing – Presence if desired and contest if
deemed proper.
3. Order granting application and appointing
COMMISSIONERS – NO attendance – written response
made by COMMISSIONERS.
4. SERVING of SUIT – Pending
5. Pretrial period
6. Trial pending