

# The Courier



**Beyond the Garden Gate**

PAGE 5

**Baby Expo**

PAGE 11

**INSIDE**

MARCH 6, 2019 | GulfCoastNewsToday.com | 75¢



**Want to win dinner for two?**

To celebrate National Crab Day, the Original Oyster House is giving away dinner for two (\$50 value) for the best not2crabby selfie. A not2crabby hat was specially designed as a keepsake for crab lovers. Find out how to participate on Page 22.



**New flight simulator for Daphne High JROTC**

Daphne High School AF JROTC Unit AL-935 is proud to announce the recent acquisition of a multi-screen flight simulator for use in their Aerospace Science classroom. Learn more about this amazing new teaching device on Page 20.

**DEATHS PAGE 13**

- John Elbert Deloney
- Sue Green
- Margaret Fussell Lipham
- Mary Ellen Williams Pentz
- Charlene Renfro
- Mary Pendergrass Rudicell
- Maud Elisabet vanEysbergen

**INDEX**

- BALDWIN LIVING, 5
- CLASSIFIED, 14
- HEALTH, 11
- LEGALS, 24
- OPINION, 3
- PUZZLES, 4
- SPORTS, 16
- TV LISTINGS, 7

## Former Fairhope public works director sues city, Mayor Karin Wilson

By **CLIFF MCCOLLUM**  
cliff@gulfcoastmedia.com

Former Fairhope Public Works Director Jennifer Fidler has filed a lawsuit against the City of Fairhope and Mayor Karin Wilson in her capacity as mayor and as an individual. The lawsuit stems from her 2017 firing, which also references an alleged assault made by Wilson on former Fairhope Human Resources Manager Pandora

Heathcoe.

**History from the lawsuit**

In the lawsuit filed by Fidler's attorney Alyce Spruell of Tuscaloosa, Fidler claims she was in a meeting with Wilson and Heathcoe and said she witnessed "Mayor Wilson take Heathcoe by the shoulders and physically shake her," which the lawsuit refers to as "the Shaking Incident."

On or around Jan. 11, 2017,

Fidler said she had a meeting with Wilson, then Fairhope Personnel Board Chairman Lorenzo Howard and Heathcoe, where "Mayor Wilson accused Ms. Fidler of sharing information about the Shaking Incident with others." During that meeting, Fidler said she was "confronted by Mayor Wilson and Howard regarding the Shaking Incident and told Fidler not to talk

SEE **LAWSUIT**, PAGE 21



SUBMITTED PHOTO

**Barred owl**

### Blakeley offers Civil War artillery and wildlife demonstrations this weekend

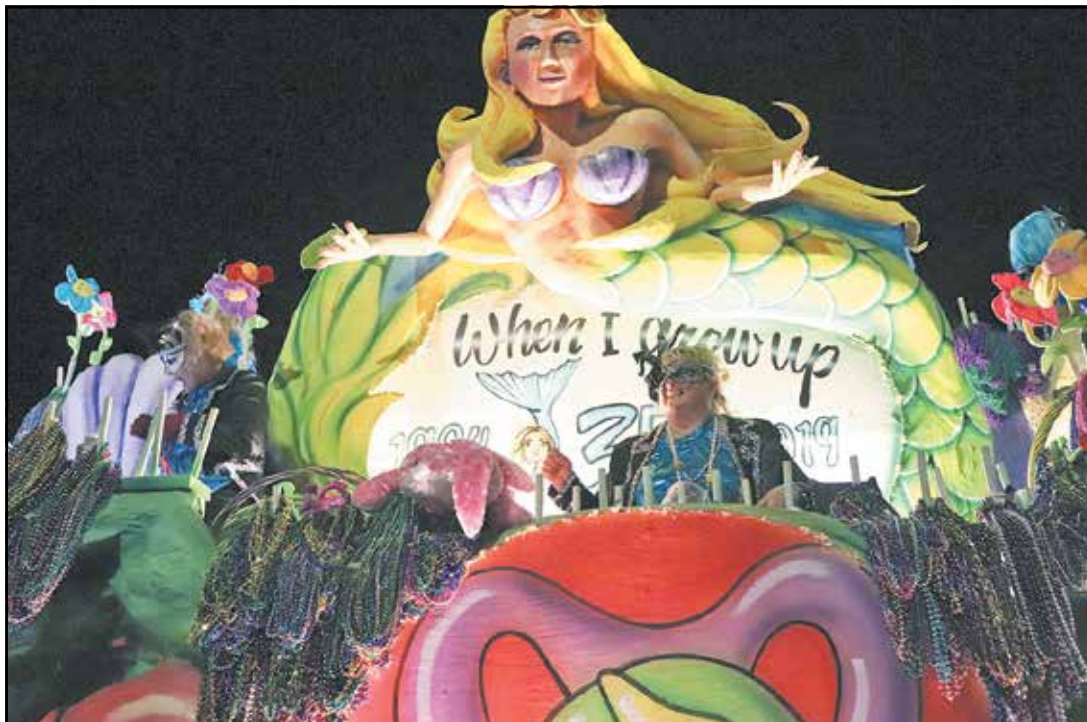
Park will also help launch Alabama Indigenous Mound Trail installation

**Submitted**

On Saturday, March 9, Blakeley State Park offers a pair of special programs highlighting the park's unique cultural and natural heritage. First, our reenactors will demonstrate Civil War artillery on Alabama's largest Civil War battlefield. Visitors are invited to come hear the roar of the big guns and get a hint of what the

SEE **BLAKELEY**, PAGE 2

## Throw me something good!



ALLISON MARLOW / STAFF PHOTO

The Maids of Jubilee rolled through Fairhope last Friday night, as residents and visitors alike crowded the streets of the downtown area. See more photos on page 22.

## 34 students graduate from Eastern Shore Chamber's Youth Leadership Program

Thirty-four local sophomores, juniors and seniors are graduating from the Eastern Shore Chamber's Youth Leadership Program, an intensive seven-month program designed to develop and expand leadership skills by empowering students through seminars, workshops, hands-on activities, team building, community engagement and introductions to community leaders.

Students received their graduation certificates Mon-

day, Feb. 25, at the 5 Rivers Delta Resource Center.

Throughout the program, students explore topics including law and government, business smarts, health and human services and the environment. Other activities include retreats and community service hours.

Students work as teams to develop small group projects that address key issues, they identify in the community

SEE **PROGRAM**, PAGE 20



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## Fairhope Arts and Crafts Festival Foundation presents Honorarium to the *Friends of the Fairhope Museum of History*

On Thursday, Feb. 28, Jodi Keating, Chairperson for the Fairhope Arts and Crafts Festival Foundation (center, above) presented five hundred dollars to the *Friends of the Fairhope Museum of History* to support the programs of the Museum, as Interim Museum Director Darby Wiik (L) and *Friends* President Louie Blaze (R) proudly receive the check. The presentation came at the beginning of a "Tea for Two" program at the Museum, by Mrs. Jacca McLaren, representing the Fairhope Arts and Crafts Festival. The Fairhope Arts and Crafts Festival Foun-



SUBMITTED PHOTO

ation grants receipts from the annual Arts and Crafts Show back to community volunteer and charitable organizations to help fund their projects.

*Friends* President Louie Blaze said, "The Fairhope Arts and Crafts Festival Foundation works closely with us to promote the legacy and attraction of Fairhope as a tourist destination.

Fine arts have helped to make our town what it has become and we are pleased to accept this assistance from our colleagues in the arts. We most certainly support them too. Thank you so much!"

The *Friends of the Fairhope Museum of History* is an educational 501(c)3 organization to promote and preserve Fairhope history.

## BLAKELEY

CONTINUED FROM 1

battle of fort Blakeley might have sounded like back in April of 1865!

Between and after the artillery demonstrations, we invite you to attend a special wildlife program entitled "Rapture Trek," a program of the Alabama 4-H Science School. This interactive educational program allows children and adults to experience and learn about a collection of Alabama's native species of raptors through a conversation-based presentation.

At 10 a.m., the park will dedicate interpretive signage being placed



SUBMITTED PHOTO

along its waterfront as part of the new Alabama Indigenous Mound Trail. A product of the University of Alabama Museums and The University of Alabama Center for Economic Development, the Trail celebrates the cultural heritage of our region through high-

lighting over a dozen important archaeological sites.

The AIMT provides an opportunity for Alabamians and out-of-state visitors to enhance their understanding and appreciation of the purpose, function, and significance of the ancient indigenous mound centers located around our state. The mound sites are scattered across Alabama, and are either publicly accessible or have public parks nearby that offer opportunities to educate visitors about the site.

Prominently featured on the Trail in the Gulf Coast region is the Bottle Creek Site, a remarkable complex of eighteen earthen mounds located deep in the Mobile-Tensaw Delta built centuries ago by Native Americans. The tallest of the mounds rises some 45 feet above the Delta marsh, ranking it among the largest of its type in the Southeast. Historic Blakeley State Park provides guided tours of this incredible site each winter via its 50-passenger pontoon boat, the Delta Explorer.

All events are complimentary with regular park admission. For more information, visit [www.blakeleypark.com/Events](http://www.blakeleypark.com/Events) or call 251-626-0798.

## The Courier

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# Opinion

## A most special sound

Spring, leading into summer is a busy time of year. Even here, in the Deep South, the earth and humankind are coming out of hibernation, moving all about, regenerating life with unbound energy. Flowers are blooming, grass is growing, and trees are filled

out. It is a time of rebirth as life replenishes itself.

With all this energy and industry, there come sounds. Birds, that have been gone for the past several months, are now back, creating a symphony as cardinals twitter, blue jays screech, sparrows peep, wood peckers hammer away with their distinctive knock, and mockingbirds imitate them all. The newborn young of each species take up the cry and the early morning awakes with noise.

Man is not silent either. With all this boundless growth, we feel it our duty to tame it. Chainsaws, mowers, tractors, tillers, and a host of other machines designed to control nature are brought out of sheds and garages, cleaned, tuned, fueled, and fired-up. This brings to our ears a harsher, but no less rewarding

cacophony as the ground is turned, seeds planted, and their results harvested.



**DAVID ATWOOD**  
Points of the Compass

Other pleasing sounds have been dormant, which will soon be making a resurgence. Children will be running and playing, sometimes at the top of their lungs,

water splashing as they plunge into pools, lakes, rivers, and swimming holes.

The games played at this time of year have their own sound signature and it is often a simple “ping” as a metal club-head meets a small, white ball at the end of a golf swing. “Ping” is a sound heard when an aluminum bat meets a larger white ball as the games of baseball and softball are played, but to my baseball purist ear, it will never replace the “crack” generated as wooden bat meets ball. he “ping” none-the-less is pleasing, because it represents that the game is being played, and that is always a sure sign that spring and summer are here.

Another “ping” tops them all and is coming soon to our kitchen. It is a much softer and quieter “ping” than the

other two and is the most special sound. If you are not listening, you might miss it. It doesn't signify the power of a golf, or baseball swing where so much energy is coiled up and expended to drive a ball out of sight where it will eventually come down and end. The “ping” I refer to is much subtler, but it speaks to limitless power and energy, and is part of a cycle that never ends.

This “ping” is the one you hear at the end of a very long day when you are near exhaustion, and can take time to read, watch TV, or just sit. As you do, if you are listening, you will hear the faint “ping” coming from the kitchen as the jars of canned goods that you have labored for hours to put up, cool to the point that they seal, and when they do, you hear “ping”, and you smile. You can't help it. That gentle, little, unobtrusive “ping” speaks to my heart with more power than a whole season of baseball.

The “ping” of canning is not the kind of noise that brings thousands to their feet as they cheer a homerun, nor even hundreds as they witness a well placed drive, but it does bring a smile to a few that is much more satisfying, and lasts a lot longer. Though not

continuous, the smiles generated are repeated many times.

The first is when the sealed jar is taken off the shelf, dusted, opened, and held to the cook's nose to verify it is still good. It is, and you smile. As the produce is being prepared for a meal, there is another smile, another when it is served, and even more as the fact is shared, and the declaration is made, not without a little pride, “These are from our garden.” There are more smiles as children, grandchildren, and guests around the table go, “uhh”, and “ahh”, and take with them the nourishment, warmth, and love of the efforts made in the spring and summer.

With smiles and the shared joy, you hope to impart the love of the work necessary to produce the happy satisfaction of earning your beans by the sweat of your brow, and you pray that the beat, and the “ping” go on because, it is a most special sound.

*David Wilson Atwood is a local writer whose human-interest columns offer a unique perspective. He may be contacted, and his other works viewed at: [www.starchasers.us](http://www.starchasers.us), or [david@starchasers.us](mailto:david@starchasers.us).*

## On God's will

By **MICHAEL J. BROOKS**

Someone took me to task for what I thought was a harmless quip. In a tongue-in-cheek article about how we Baptists “steal” pastors from one another, I remarked that though it's a flawed system, God seems to help us through it most of the time.

“God helps us all the time!” someone responded.

Yes, I understand, but I know also that we frequently sidestep the will of God and mess things up.

A good example of this was a church in one of the Carolinas. A friend found the story and sent me the two newspaper copies years ago. A noted pastor from Texas announced with great fanfare it was God's will for him to move from his flourishing church to a new ministry on the East coast. He said he had no doubts God was leading him to a new and even more flourishing ministry. In less than two weeks he announced it was God's will that he return to his former church. The story didn't explain any precipitating causes, nor what negotiations occurred with the former church that would bring about his return.

My friend who sent me this story, a great mentor, was exhorting me to exercise caution in labeling everything God's will. In this case it's alleged God changed his mind!

I know a similar story firsthand since I knew the pastor quite well. He announced his move to Louisville to attend the same Baptist seminary I attended believing it was God's will. He remained one week before convincing his former church to take him back as their pastor!

The prophet Jeremiah spoke God's displeasure with false prophets who say “he says” when the Lord didn't speak (Jeremiah 23: 31). We need to seek his will, to be sure, but it's often best to say we believe a matter to be the Lord's will if we're still working our way through it. And it's helpful to ask for the insights of others as we test our thoughts (1 Corinthians 14: 32).

Some Christians believe in the reform doctrine that everything that happens to us is due to the active and deliberate plan of God. Whereas I respect their belief, I'm of the Arminian mindset, believing God gives us freedom to choose, and often we make some really bad choices. We see people all the time using tobacco, spurning their marriage vows, texting and driving and being reckless in other ways on the road. When these people hurt themselves or others, I really don't believe it is God's will. It's his will that we exercise better judgment. God helps us if we let him.

Fortunately, he's a merciful God who can mend the bad choices we make.

*Reflections is a weekly devotional column written by Michael J. Brooks, pastor of the Siluria Baptist Church in Alabaster, Ala. The church's website is [siluriabaptist.com](http://siluriabaptist.com).*

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MARCH 6, 2019

# Baldwin Living

## BEYOND THE GARDEN GATE

### Research station in Fairhope a blessing for locals and employees

I doubt if there is anyone who has lived in Baldwin County for any length of time who has not been taken aback

with the pleasant vistas as they drive by the Alabama Agricultural Experiment Station on Highway 104 outside of Fairhope. Under the auspices of Auburn University, this 800 acre experimental station with its lush pecan groves, cotton fields, rich dark soil warming in the sun, mature camellias on the grounds and contented Angus and Simmental cows graze serves as a welcoming gateway into the rural farmland of the county.

And all of the verdant order doesn't happen by itself. Malcomb Pegues, the director of the experiment station, along with his small staff of eight assistants gets it all done. And this easy-

going farmer from Marion Junction, Ala., does not hesitate to leave his busy office to hop on a tractor, help birth a calf



**DOOLEY BERRY**  
Beyond the Garden Gate

or assist with harvesting. "I am definitely a hands-on person," Malcomb shares. "I was raised on a dairy and cattle farm in Marion Junction. Our family still has the farm and all I ever wanted to do was be a farmer. But, my daddy had other ideas. He said I needed to go to school and get an education, so, I did and earned my bachelor's and master's in agronomy from Auburn University. I started work at the Black Belt Research Station and then came to the very different environment of Baldwin County in the 90's. I've been almost 33 years on the job and still enjoy it. I'm blessed to have 800 acres to take care of," he

adds with a smile. So just what does an extension office do for gardeners, farmers and cattlemen and women? Data is collected from fourteen research areas from around the state and sent to Auburn University where professors analyze the information and begin the process of distributing it to farmers and cattlemen. Initially, research started with fruit and vegetable trials and later on beef and dairy were added. In the 1960's and 70's, corn and soybeans became the focus. Cotton and peanut trials have been added since the 1980's and 90's. Malcomb adds, "The station studies include horticulture, animal science and agronomy-row crops, small grains and forage. Our cattle breeds that we study include Angus, with their flavorful beef and the Simmental for easy breeding. Our small fruit research includes

blueberries, peaches, a new cultivar of kiwis and satsumas. Our grove of pecan trees is always being tested."

These research trials, according to Malcomb, include variety tests, fungicide trials, planting dates and seeding rates. Some of the crops grown at the experiment station are sold to local markets, such as Sumnerdale Peanuts. The cotton is sent to Producers' Gin in Theodore and cattle are sold to farmers, not as beef.

"Researching crops and cattle are certainly not without their challenges," according to Malcomb. "Weather, equipment costs, urban encroachment all challenge us daily."

Auburn itself sets much of the research work, while the extension office sets trials of applying fungicides and harvesting crops and then sends the data on to the university. The office then collects the infor-

mation and distributes it to the public. As Malcomb's life unfolded, he married a Fairhope girl and they raised a boy and a girl who both grew up and got degrees from Auburn. Malcomb and his wife still live on the shady grounds of the extension office.

"We grow some cucumbers, squash, tomatoes and peppers of our own here and my wife puts up the produce in the summer. It was a

very good place to raise our children," Malcomb shares. Right now, Malcomb and his staff are enjoying a bit slower pace with the busy times of March through December just around the corner-the time of planting seeds and running trials soon to begin. When asked about the future of agriculture, Malcomb is both pragmatic and philosophi-

SEE RESEARCH, PAGE 6



SUBMITTED PHOTO

Photo-Extension Director, Malcomb Pegues

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## Bay Minette Elementary Mardi Gras Court

### Submitted

The good times did roll at Bay Minette Elementary School when the

2019 Mardi Gras King, Queen, and Court were introduced at a lavish coronation ceremony. The coronation was fol-

lowed by a fabulous parade before the Mardi Gras holiday. The annual event is a fund raiser for the school and it is sponsored by principal Laura Moorer, assistant principals, Katina Davis and Matthew Craig, Charlotte Powell, Shelly Stewart, Debbie Rigby, Renee Morrison, Tonya Clay and Albert Bishop.



SUBMITTED PHOTOS

From left, the 2019 Mardi Gras court-Ja'Myla Montgomery, Kayana Brown, Karson Barnett, Emry Blayke Emmons, Jamya Gandy, Queen Allison Siggers, King Aydan McMillin, Grayson Byrd, Reece Beasley, Jordan Andrews, Luke Garrett, and Alton Powell.



SUBMITTED PHOTO

From left, Albert Le, Anne Elise Sherrod and Olivia Lee

## February Musicale at Westminster Village

### Submitted

Music students of Baldwin County Music Teachers Association members Vincentine Williams, and Eric Marrero recently performed for the residents of Westminster Village. The Musicale opened with an original piece entitled, "5 Rivers Delta Blues," written by Eric Marrero. Three students then offered a variety of music, featuring piano and guitar.



Prince and princess Grayson Byrd and Emry Blayke Emmons receive crowns.



Fourth runners up Alton Powell and Ja'Myla Montgomery are crowned by school board member Mike Johnson and principal Laura Moorer.



The Jr. ROTC leads the way.



Queen Allison Siggers and King Aydan McMillin enjoy the crowd.



Albert Bishop keeps the music coming.

## RESEARCH

CONTINUED FROM 5

cal. "In the twenty first century, GPS and other technology is widely used in the fields," he says. "Nothing is written by hand anymore. We

use newer technology as much as possible to show farmers what can be done, how tractors drive themselves and manage each individual plant, adding fertilizer directly on each seed. The days of walking behind a mule are over.


Keypads control nearly everything. Today, you've got to do more on less acreage."

Malcomb explains that part of the future of farming includes growing crops in greenhouses, as well as hydroponically. "Tools in the

toolbox," he explains. "We've all gotta eat. I agree with the Alabama Farmers Federation. This land, any farmer's land, is not just for ourselves — it's just our turn to take care of what we have and I am blessed to have 800 acres

to care for." "You know," he continues, "there is a disconnect today — children often don't realize where their food comes from. They think it comes off a shelf in the store or online. We need to share the growing

process with them. You know, people comment on the beauty of this place or on Auburn football, but the growing and trials we do here make a difference in the lives of real people. We've done a little good and — we all gotta eat."

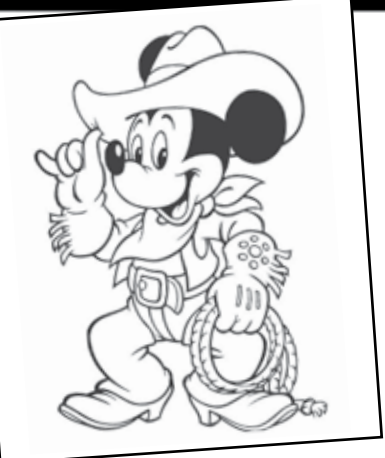


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<p style="text-align: center;"><b>JEWELRY REPAIR</b></p> <p style="text-align: center;">By <b>Bill Hill</b> Jeweler/Gemologist 30+ Years of Experience</p> <ul style="list-style-type: none"> <li>• Ring Sizing</li> <li>• Diamond Setting</li> <li>• Antique Restoration</li> <li>• Stone Replacement</li> </ul>	<p style="text-align: center;"><b>WE ALSO PROVIDE</b></p> <ul style="list-style-type: none"> <li>• Engraving</li> <li>• Re-stringing for pearls and beads</li> <li>• Re-knotting for pearls and beads</li> <li>• Free Cleaning and inspection</li> </ul>

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# USA Health launches Beautiful Beginnings Baby Expo at Children's & Women's Hospital

**Submitted**

As the leader in births in the Mobile area, USA Health is introducing the Beautiful Beginnings Baby Expo, a new community event planned for March 10, to showcase the exclusive services provided to expectant moms and new parents in the region.

Planned from 2 to 4 p.m. on Sunday, March 10, the event will be held rain or shine at USA Children's & Women's Hospital, 1700 Center Street, in Midtown Mobile. The baby expo is a free and family-friendly event celebrating expectant moms and families with children under age four, and those who are

considering becoming a parent.

The baby expo will include door prizes, exhibitors, guided hospital tours and opportunities to meet the care teams at the hospital. Demonstrations and other giveaways will be available from local vendors.

The staff at USA Children's & Women's Hos-

pital deliver 40 percent of the infants born in the Mobile region each year. That means expectant parents will have peace of mind when they deliver at our hospital. USA Children's & Women's is the only hospital in the region with a Level III Neonatal Intensive Care Unit where the most fragile infants are cared for.

**Want to go?**

**WHAT:** Beautiful Beginnings Baby Expo

**WHERE:** USA Children's & Women's Hospital (1700 Center Street, Mobile, AL 36604)

**WHEN:** March 10, 2 - 4 p.m.

**COST:** FREE

**FIND OUT MORE:** Call 251-471-7262 or email beautifulbeginningsbabyexpo@gmail.com

# Thomas Hospital and Wells Fargo host 41st Annual Spring Fever Chase

**Submitted**

Runners and walkers alike should get ready for the 41st annual Spring Fever Chase scheduled for Saturday, March 16, in Fairhope.

This 10K run and 2-mile fun run/walk, sponsored by Thomas Hospital, an affiliate of Infirmity Health, and Wells Fargo, takes both runners and walkers on a beautiful and challenging course

through the neighborhoods of Fairhope over-

looking Mobile Bay. A unique, yet im-

portant component of Spring Fever Chase

SEE CHASE, PAGE 12



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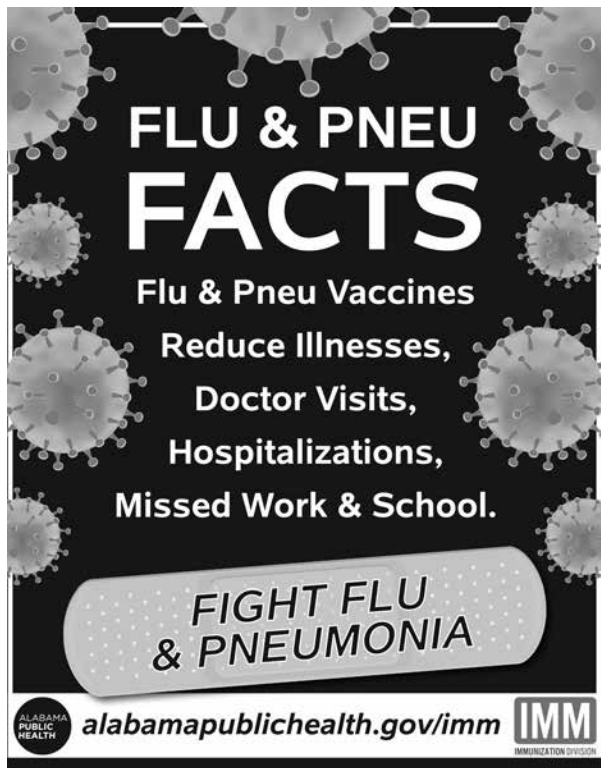
MUSIC BY: 12:30-3:30 **SMOKEY OTIS BAND**

AND HONEY ISLAND 4:30-7:30 **SWAMP BAND**

AND THE BONE AND BARREL

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**SOUTH BALDWIN**  
REGIONAL MEDICAL CENTER  
SouthBaldwinRMC.com

\*E.R. wait time, which is defined as the time it takes from check-in at the E.R. desk until a patient is initially seen by a physician, can change quickly. This time is dependent on the severity of the illnesses and other patients also in the E.R.

## CHASE

CONTINUED FROM 11

involves a friendly competition for prize money and grants allocated for schools in Baldwin County. Grants are available for equipment purchase and program expenses for physical education departments and are chosen based upon availability of funds and school participation. Applications must be completed and returned no later than Friday, March 8, to any of the three Infirmiry Fitness Centers:

ProHealth Fitness Center, Mobile; North Baldwin Fitness Center, Bay Minette; and Thomas Fitness Center.

Schools with at least 25 race applicants receive \$2 for each participant that registers; schools with fewer than 25 registrations are not eligible for cash awards. Students and parents must pre-register through their school no later than March 8 to be eligible for the school incentive program.

Day-of-race registration will begin at 7 a.m. at the intersection of

Bayview Street and Fairhope Avenue near the starting line. Depending on supply, participants who register after the early registration deadline may not receive a T-shirt. Day of race registration ends at 7:45 a.m.

Awards will be presented at 9:45 a.m. to race winners during the post-race party on the bluff on South Mobile Street near the finish line, overlooking Mobile Bay. Awards will be presented to the top three overall men and women finishers, the top three

wheelchair participants, the top three race walkers and the first master's man and woman in the 10K race. The top three finishers in each of 15 age categories for men and women in the 10K will also receive an award. The top three finishers in the 2-mile fun run will also be awarded. A \$250 cash award will be presented for a course record in the male division, female division and wheelchair division of the 10K race.

Race applications are available at all three Infirmiry Fitness Cen-



SUBMITTED PHOTO

ters: ProHealth Fitness Center, Mobile; North Baldwin Fitness Center, Bay Minette; and Thomas Fitness Center, Fairhope. Participants may also register online

at [springfeverchase.com](http://springfeverchase.com). Registration ends at midnight on March 13.

For more information regarding Spring Fever Chase, call 251-279-1684.

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Listings Below are Paid Advertisements Please Contact Your Local GCM Sale Rep. For More Info

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#### Marla J. Gleason, M.D., FACOG

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Bay Minette, AL .....937-7016  
Medical Park OB-GYN P.C.  
Dr. Mary D. Wells, M.D.  
Dr. Dylan R. Wells, M.D.  
Dr. Leslie L. Evans, M.D.  
Dr. Richard A Roh, M.D., FACOG  
Dr. Gary W. Nelson, M.D., FACOG  
150 S. Ingleside Suite 6  
Fairhope, AL .....928-1222

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Angela Cherniak, O.D.  
James Daniel Wilder, III, O.D.  
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Fairhope, AL .....990-3937  
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John L. Todd, M.D.  
Drew Corbett, M.D.  
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Andy Harcourt, M.D.  
Matthew W. Goldman, M.D.  
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Daphne, AL .....625-2663  
2305 Hand Avenue,  
Bay Minette .....937-6120  
4223 Orange Beach Blvd.,  
Orange Beach .....981-2663  
Bayside Orthopaedic, Sports Medicine & Rehabilitation Center  
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Gregg Terral, MD  
William Roberts, MD  
Jay Savage, MD  
Jason R. Determann, MD  
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# Obituaries

## DELONEY

On February 19, 2019, the amazing 96-year life of John Elbert Deloney came to an end.

He was preceded in death by his wife of 45 years, Thyra Riley.

He is survived by daughters, Jeanne Maes (Dennis Gassert) and Jane Penton (Howard); two brothers; two sisters; and numerous nieces and nephews.

After serving in WWII, he received his degree from Auburn University and a doctorate from Columbia University.

He was a professor at Auburn University, president of the University of West Alabama, and later in life, owner of David's Catfish House in Spanish Fort, Alabama.

Above all, he was a devoted husband and loving father.

Please join us to celebrate this incredible life on March 23, 2019 at 1 p.m. at Providence United Methodist Church in Spanish Fort, Alabama.

In lieu of flowers, please make donations to Providence United Methodist Church.

Arrangements by Wolfe-Bayview Funeral Homes & Crematory Inc., 19698 Greeno Road, Fairhope, AL 36532, 251-990-7775, www.wolfebayviewfuneralhomes.com.



## GREEN

Sue Green, 85, of Spanish Fort, passed away Wednesday, Feb. 27, 2019.

Funeral services were held Saturday, March 2, 2019 at Eastern Shore Baptist Church, Daphne.

Arrangements by Hughes Funeral Home, Daphne.

## LIPHAM

Margaret Fussell Lipham, 56, devoted mother and daughter, died Thursday, Feb. 28, 2019 with her family by her side.

Margaret was a devoted mother to two beautiful children for over 33 years, and guided one grandchild for nine years.

Margaret is survived by her children, Charles Michael (Amber) Lipham Jr. and Mary Lipham (Jeffrey) Lewis;

one grandchild, Carly Jean Lipham Lewis; two grand-dogs, Izzy and Daisy Lipham; parents, Thomas (Betty) Fussell; mother-in-law, Jane Lipham; sister, Lynn (Craig) Richerson; brother, Thomas (Stephanie) Fussell; three nieces; one nephew; one great-nephew; and many friends

Visitation and services were held at Pine Rest Funeral Home and Memorial Park on Monday, March 4, 2019.



## PENTZ

Ms. Mary Ellen Williams Pentz, age 82, a resident of Dothan (formerly of Orange Beach), went home Feb. 26, 2019 to be with her Lord and Savior, Jesus Christ.

Ms. Pentz was born on Aug. 10, 1936 in Lipscomb, Alabama, the daughter of Howard and Iva Jimmy Armstrong Williams.

She was a retired chef and was of Baptist faith.

She was preceded in death by her parents; husband, Jack Robert Pentz; a son, Timothy Robert Pentz; sister, Beverly Schallhorn; and a brother, Sammy Williams.

Survivors include two daughters, Teresa P. Skipper (David), Dothan, Tammy Hudson (Ricky), Gulf Shores; five grandchildren, Lauren Elizabeth Skipper Holder (Daniel), David Harrison Skipper, Benjamin Wade Skipper (Claire), Kandyce Lynn Hudson Jones (Tyler), Kalyn Bridget Hudson Wise (Luke); three great-grandchildren, Ava Caroline Skipper, Watson Wade Skipper and Elijah Zebedee Holder.

A family graveside memorial will be held at a later date in Orange Beach Community Cemetery in Orange Beach, Alabama.

In lieu of flowers, contributions may be made to American Cancer Society, P.O. Box 22478, Oklahoma City, OK 73123, or Shriners Hospital for Children, 2900 Rocky Point Dr., Tampa, FL 33607.

Glover Funeral Home of Dothan has been entrusted with the arrangements. 334-699-3888.

Please sign the guestbook online at www.gloverfuneral.com.

## RENFRO

Charlene Renfro, 69, a resident of Loxley, passed away Feb. 26, 2019.

Visitation was Thursday, Feb. 28, 2019 at Mack Funeral Home.

Arrangements by Mack Funeral Home & Crematory, Robertsdale.



## RUDICELL

Mary Pendergrass Rudicell, age 83, a resident of Daphne, passed away Wednesday, Feb. 27, 2019.

Mary was a longtime member of Daphne Baptist Church.

She was preceded in death by her parents, Clyde and Sara Pendergrass; brothers, Clyde Pendergrass Jr. and Robert Pendergrass.

She is survived by her husband of 54 years, Jamie Rudicell of Daphne; son, City Councilman LTC (Ret.) Pat Rudicell of Daphne; three daughters, Debbie (David) Creamer of Lynn Haven, Florida, Cynthia (Pete) Giam-

brone of Birmingham, Daphne (Steve) Robinson of Daphne; sister, Katie Weinstein of Ward, Alabama; five grandchildren, Matthew Creamer, Jennifer Creamer, Dr. Pete Giambrone III, Brent Giambrone, Sarah-Ashley Giambrone; great-granddaughter, McKenzie Creamer; other loving relatives and friends.

Funeral services were held on Saturday, March 2, 2019 at 11 a.m. at Daphne Baptist Church.

The family received friends beginning at 9:30 a.m. until the time of the service.

Interment followed in Daphne Baptist Cemetery.

In lieu of flowers, donations may be made to Daphne Baptist Church Cemetery or Baptist Children's Home.

Arrangements by Wolfe-Bayview Funeral Homes & Crematory Inc., 19698 Greeno Road, Fairhope, AL 36532, 251-990-7775, www.wolfebayviewfuneralhomes.com.



## VANEYSBERGEN

On Tuesday, Feb. 26, 2019, Maud Elisabet vanEysbergen, 84, of Fairhope, Alabama passed away.

She was born in Sweden as Maud Elisabet vonOtter, a baroness and eldest daughter of

Erik vonOtter and Maja Kohler. She married a Dutchman, Donald vanEysbergen, and immigrated to the United States in the late 1940s, landing in utopian Fairhope where they were adopted by the Gaston, Totten, Gray, Bishop, Rowe and Nichols families.

Maud was an activist in her community. She was president of the League of Women Voters

who celebrated her contributions in a gathering in 2015.

Maud was also instrumental in bringing the YMCA to the Eastern Shore through their gymnastics program and she was a Girl Scout leader.

In retirement, she enjoyed working with Habitat for Humanity and on the Turtle Watch.

Maud was a creative and "crafty" woman; an amazing artist with textiles and yarns. She was an expert seamstress, knitter, and she crocheted. Her talents overflowed to any craft or art she took upon herself to pursue, from porcelain to decoupage.

Maud was blessed with three children, Mickey,

Maja and Elsa; 11 grandchildren, Elisabet, Jason, Laura, Rachael, Jordan, Katrina, Corey, Sarah, Annika, Kara and Elizabeth; and nine great-grandchildren, Hakim, Micah, Brooks, Jonathan, Jean, Elizabeth, Aimee Lynn, Sarah Marie and Michael.

Maud will be laid to rest next to her husband, Donald VanEysbergen, fondly referred to as "Donut" in a private ceremony at Fairhope Colony Cemetery.

Arrangements by Wolfe-Bayview Funeral Homes & Crematory Inc., 19698 Greeno Road, Fairhope, AL 36532, 251-990-7775, www.wolfebayviewfuneralhomes.com.



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For Sale: 14' Shorelander Boat Trailer - \$450. 6 hp Johnson Outboard, late model - \$725. Zodiac Dinghy - \$225. Will sell as a package or split. All in GREAT shape! Call 231-590-7157.

2016 Xpress XP20CC 20Ft. boat. Yamaha 115 HP, 4 stroke outboard motor; Hummingbird Sonar GPS; Backtrack Trailer; trolling motor. 10 hours of use. \$21,000  
**Phone: 757-812-2184.**

For Sale! Mercury 4-Stroke, 9.9 HP. Less than 15 hours. \$1,649. **Call 251-402-4098!**

Boston Whaler, 14ft., trailer, covered seat & life jackets. 30hp, 4 stroke, Tohatsu motor, low usage, good cond. \$4200 OBO. **251-981-2381.**

For sale! 1998 15 & 1/2 foot Stauter built wooden boat; 1999 40 HP Johnson outboard motor; 1985 launcher boat trailer. Boat refurbished in 2015. Fuel pump replaced on motor in 2016. Two new tires on trailer. Asking \$9500 for everything above. Appraisal made on boat by professional in October of 2017. **Call 251-937-5302.**

NEW! 16 ft Lowe Fishing/Hunting, 40 horsepower, Mercury, Trailer Included. **Call 251-284-5615.**

#### Campers / RV's / Motorhomes



32 Ft Class A. 2000 Model. Rexhall American Clipper. Fiberglass roof. Ford V10. 37,000 miles. Runs perfectly. Super slide. Hwy 59 - R'Dale. \$22,000. 251-978-6337.

36' Royal Travel 2016! 2 Slides, self contained, W/D, Central air. Will deliver. \$22,300. 251-213-8580.



### TRANSPORTATION

#### Mopeds / ATVs / Motorcycles

2006 Yamaha XC50 Vino Classic 50CC scooter, street legal, electric start. \$900. Foley (309) 264-2774.

#### Mopeds / ATVs / Motorcycles



2012 Victory Cross Roads. 15,000 miles, \$2,500 accessories, new tires. \$10,500. **251-945-6136.**

1986 Honda Goldwing "Aspen-cade", not running, for parts or restore, missing clutch pedal & front brakes, have title, **\$800 OBO.** Bob 251-242-7205 (N. Foley).

1982 Harley Davidson FXB Sturgis. Low Mileage. \$9,850. **Call 865-548-6176.**

1999 Whizzer Motorbike. Auto clutch, low miles. **\$1,000. Call 251-943-6941.**

2006 Yamaha 650 VStar Classic. Black. 3200 Miles. 1 owner. With extras. \$2800. **251-752-8400.**



2014 Kawasaki Vulcan 900. 2,000 miles. Hwy 59 - R'Dale. \$5,500. 251-978-6337.

#### Vans / Trucks / Buses



2014 Dodge Ram 1500 Bighorn. true king cab. 26,500 miles. \$32,000 OBO. See it in Fairhope. 334-707-1566.

1999 Chevy Silverado C1500. 5.3 V8, 3 door, toolbox, 250k miles, \$3500. **Text 256-493-8751.**

2016 Chevy truck. 1 owner, red, 50K miles. LS PW PL Reg. Cab & box. \$18,900. 256-504-7135.

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#### Vans / Trucks / Buses



2012 Ford Transit Connect w/ wheelchair lift. Less than 25,800 mi. \$16,000 OBO. See it in Fairhope. 334-707-1566.

2008 Toyota Tundra Crewmax SR5 TRD. 53,900mi. New tires, loaded. \$19,900. 251-597-0441.

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2012 Mercedes E350. LOADED, 30K/mi. One Owner, Exc. Condition! \$28k firm. 251-423-1323.

1990 Mustang GT Convertible. Totally restored. Crimson & white. 305 VG Cobra Equipped. Hwy 59 - R'Dale. \$16,000. 251-978-6337.

#### 1955 Thunderbird

Both Tops, 113,941 mi. Frame off restoration, invested between \$55K & \$60K in it. A/C. \$36,000 - Cash. **Call 947-7528 or 978-2412.**

#### 1980 CJ-5 Jeep

4x4, V8, 3-Speed, Manual, Silver, 33in tires, Full Canvas Top, Exc. Cond. \$8,000. Call 205-410-7490.

1992 Geo Metro Conv. New paint, suspension & top. \$4500.  
2000 Sonoma Truck. \$3500.  
251-652-5553.



1952 Chevrolet Sport Coupe. Totally restored. New GM 350 Crate engine w/ 8 miles. New vintage air. Automatic. Hwy 59 - R'Dale. \$28,000. 251-978-6337.

2003 Chrysler Sebring, Convertible, Limited. Good cond. Leather. Power-everything, Cruise. 109k/mi. \$5,000. **Call Art, 251-968-6009.**

#### Autos For Sale

1951 Ford Convertible. Restoration started - unable to finish due to health. \$3,500 OBO. 251-943-6941.



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For Sale to take over payments, 2016 Camaro SS. 6 speed transmission, 6,000 mi, exc. cond. Call 251-943-7086 or 251-923-7588.

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# YMCA Golf Tourney Fundraiser set for Rock Creek

By PHILLIP ELLIS  
Golf Today

The Ninth Annual YMCA Golf Classic is set for April 26 at Fairhope's Rock Creek GC. One hundred percent of the proceeds from the 4-person scramble go towards empowering children to be healthy for life by providing scholarships that address the Youth Obesity Initiative, including programs such as: swim lessons, after-school care, summer day camp, youth sports, and memberships.

Sponsored by the Bounds Family YMCA

## Want to go?

**WHAT:** Rock Creek Golf Course - 4 Person Scramble

**WHY:** Benefitting the Campaign for Youth, Seniors and Families of Bounds Family YMCA and John McClure Snook Family YMCA

**WHEN:** 10 a.m. Registration / Lunch, noon Shotgun Start, awards reception and hors d'oeuvres provided after the game.

**COST:** 4-person entry - \$500, single player entry - \$125

**SPONSOR LEVELS:** Par Sponsor - \$100 (one hole sign); Par Sponsor - \$175 (two hole sign); Birdie Sponsor - \$500; Eagle Sponsor - \$1,500; Albatross Sponsor - \$2,500

**REGISTRATION INCLUDES:** Lunch, two drink tickets, one mulligan, free range balls, goodie bag, awards reception

in Daphne and the John McClure Snook Family YMCA in Foley, the entry fee includes lunch, two drink tickets, a mulligan, range balls,

a goodie bag, and an awards reception with hors d'oeuvres after the tournament.

Registration is at 10 a.m., with a shotgun

start at noon. Cost is \$125 per player or \$500 per team. You may also register online at [www.ysal.org/golfclassic](http://www.ysal.org/golfclassic).

For more informa-



SUBMITTED PHOTO

tion contact Barbara Hoffman at the Snook branch in Foley, 2560 S. Pine St., or email to [bhoffman@ysal.org](mailto:bhoffman@ysal.org).

If you are putting on a

large charity tournament, have had many great adventures or are a new Pro in town. I'd like to hear from you. Drop me an email [golftodaynews@yahoo.com](mailto:golftodaynews@yahoo.com).

## HIGH SCHOOL BASKETBALL STATE CHAMPIONSHIPS

# Hornets fall short in Class 7A finals to MB Spartans

### CLASS 7A BOYS

**Mountain Brook 61, Baker 42**

[AHSAA.com](http://AHSAA.com)

BIRMINGHAM — Mountain Brook High School made history Saturday night winning its third consecutive AHSAA Class 7A state boys' basketball championship with a 61-42 victory over Baker to close out the 2019 AHSAA State Basketball Championships at the BJCC Legacy Arena Saturday night.

The announced attendance for the week was 64,927 with Saturday's attendance the biggest of the week with 13,914. Friday's attendance was 11,896; Thursday (10,163); Wednesday (11,408); Tuesday (9,832); and Monday (7,714).

Coach Bucky McMillan's Spartans (31-3) jumped out to a 30-16 lead by halftime and stretched the margin to 21 before Baker (21-14) clawed back to a 14-point deficit with a strong surge late in the third period. Mountain Brook never let it get any closer.

Senior Trendan Watford, one of the top-rated senior players in the nation, closed out his career with 22 points and 11 rebounds. He also had four blocked shots, two stills, two assists and made 12-of-13 at the foul line to earn Class 7A state tourney MVP honors. Lior Berman had 19 points for the Spartans and eight rebounds and Colby Jones scored 10 points. Watford closed his career as the AHSAA's all-time rebound leader had scored over

3,000 points.

Baker, coached by David Armstrong, was paced by Kriston Davis' 11 points. Jalen Lilly added nine points and Patrick Robinson with eight.

Mountain Brook, which ended the season with 17 wins in a row and ranked in the top five nationally, became just the 10th team in AHSAA boys' basketball history to win three state championships in a row. Francis Marion and Sacred Heart Catholic won four in row while Wenonah, Pickens County, R.C. Hatch, Madison Academy, Brantley, Austinville, Geraldine and Simpson won three. Geraldine (1931-33) and Simpson (1923-25) won three in a row when the tournament had only one division. The Spartans are

the first to win three at the state's largest division since multiple classes were added. Mountain Brook now has five state titles with back-to-back championships in 2013 and 2014. McMillan, who recorded his 301st career win in the finals, has coached all five titles.

The Class 7A All-Tourney Team included: Trendon Watford, Mountain Brook (MVP); Alex Washington, Mountain Brook; Lior Berman, Mountain Brook; Kriston Davis, Baker; Ahman Ellington, Hoover; and Demond Robinson, Lee-Montgomery.

## 97th AHSAA State Basketball Championships

**LEGACY ARENA, BJCC, BIRMINGHAM**

### SATURDAY'S CHAMPIONSHIP GAME SCHEDULE

**CLASS 5A GIRLS FINALS**  
Central-Tuscaloosa (28-3) 68, Madison Academy (28-8) 65

**CLASS 5A BOYS FINALS**  
Wenonah (31-5) 51, Center Point (18-15) 34

**CLASS 6A GIRLS FINALS**  
Hazel Green (34-3) 55, Opelika (26-7) 31

**CLASS 6A BOYS FINALS**  
Pinson Valley (24-9) 58, Carver-Montgomery (23-11) 44

**CLASS 7A GIRLS FINALS**  
Hoover (34-1) 47, Hewitt-Trussville (21-11) 33

**CLASS 7A BOYS FINALS**  
Mountain Brook (31-3) 61, Baker (21-14) 42

### THURSDAY'S CHAMPIONSHIP GAME RESULTS

**CLASS 1A GIRLS FINALS**  
Phillips (26-10) 71, Skyline

(29-6) 63

**CLASS 1A BOYS FINALS**  
Decatur Heritage (32-4) 63, St. Luke's Episcopal (18-10) 42

### FRIDAY'S CHAMPIONSHIP GAME SCHEDULE

**CLASS 2A GIRLS FINALS**  
Cold Springs (28-6) 57, Fyffe (30-6) 53 (OT)

**CLASS 2A BOYS FINALS**  
Central-Coosa (23-4) 54, Sacred Heart Catholic (23-11) 52

**CLASS 3A GIRLS FINALS**  
Pisgah (34-1) 46, Montgomery Academy (31-3) 41

**CLASS 3A BOYS FINALS**  
Plainview (33-4) 54, Westminster Christian (27-5) 52

**CLASS 4A GIRLS FINALS**  
Rogers (32-3) 46, Anniston (29-5) 38

**CLASS 4A BOYS FINALS**  
Talladega (26-8) 60, West Limestone (21-14) 48

# Championship contenders head into week two at Five Flags Speedway

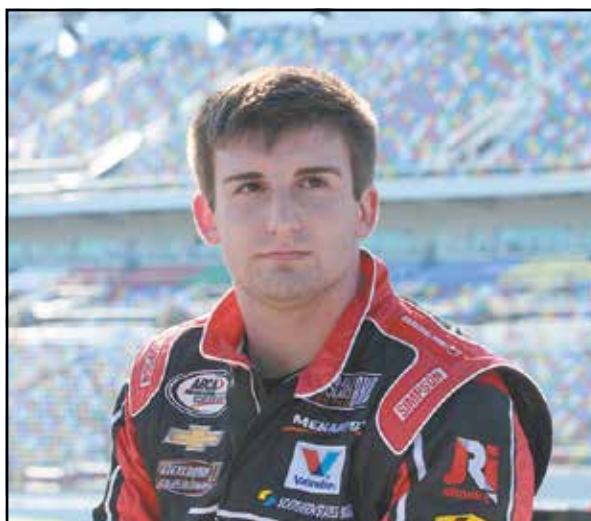
[ARCARacing.com](http://ARCARacing.com)

Several ARCA Menards Series championship contenders are heading into the second race of the season looking to make up points deficits after misfortune in the season opener at Daytona International Speedway.

The second race of the year, the ARCA Pensacola 200 presented by Spectra Thermal Solutions at Five Flags Speedway in Pensacola, Florida, is scheduled for

March 9, exactly four weeks after the season started in Daytona.

For Bret Holmes (No. 23 Holmes II Excavation/Southern States Bank Chevrolet), the four weeks between Daytona and Five Flags seemed like an eternity. Holmes is a former track champion at Five Flags, winning the Pro Late Model title in 2016 before turning his attention to the ARCA Menards Series, so a return to fa-



SEE **SPEEDWAY**, PAGE 18 **Bret Holmes**



**Michael Self**

ARCARACING.COM



# High school and collegiate sports in full swing this spring

**GULF SHORES AND ORANGE BEACH** — Nearly 40 events will take place in Gulf Shores and Orange Beach March through May 2019, including several highlighting the home team – Gulf Shores High School. Baseball and softball teams from all over the Southeast will cruise to the coast for the GSHS Gulf Coast Classic Tournaments in March with families and fans in tow to experience local facilities and Alabama’s beaches.

“People from all over the country plan their entire spring break around traveling to our beautiful island paradise to participate in our tournaments,” said Matt Blake, athletic director for Gulf Shores High School. “The impact these tournaments have on our economy is essential for our local businesses. This also provides an opportunity for us to showcase our local student-athletes as they compete against some of the best talent from the Southeast.”

The following Gulf Coast Classic events take place at the Gulf Shores Sportsplex:

- March 11-13: Gulf

- Coast Classic I Softball Tournament
- March 18-20: Gulf Coast Classic II Softball Tournament
- March 18-21: Gulf Coast Classic I Baseball Tournament
- March 25-27: Gulf Coast Classic III Softball Tournament
- March 25-28: Gulf Coast Classic II Baseball Tournament

Other major spring athletic events include the Alabama Independent Schools Association Outdoor Track & Field State Championship (April 11-12), Alabama High School Athletic Association State Track Championship 4-7A (May 2-4), National Collegiate Beach Volleyball Championship (May 3-5), National Association of Intercollegiate Athletics Softball Opening Rounds (May 13-16) and the NAIA Men’s and Women’s Outdoor Track & Field National Championships (May 23-25).

For information on upcoming athletic events along Alabama’s Gulf Coast, visit [GulfShores.com/Sports](http://GulfShores.com/Sports), or call 1-800-745-SAND.

## 2019 Gulf Shores & Orange Beach Sports Commission Spring

### Sports Schedule:

- March 1-3: NAIA and University of Mobile Gulf Coast Invitational
- March 2-3: Snap Soccer Shootout (girls)
- March 2-9: Spring Track & Field Training
- March 7-10: 50th Annual Bratton Brothers Invitational (golf)
- March 8-11: March to May Collegiate Beach Volleyball Tournament
- March 9-10: Publix Super Cup Soccer Tournament (boys)
- March 9-16: Spring Track & Field Training
- March 10-16: Marian University Track & Field
- March 11-13: Gulf Coast Classic I Softball Tournament
- March 16: Gulf Shores High School Track & Field St. Patrick’s Day Invitational
- March 16-17: Gulf Shores Junior Tennis Tournament
- March 16-19: Henderson State University’s Men’s Golf Tournament
- March 16-23: Spring Track & Field Training
- March 18-20: Gulf Coast Classic II Softball Tournament
- March 18-21: Gulf Coast Classic I Baseball Tournament
- March 19-23: Murray State University Track & Field Team Spring Training
- March 23: South USA Grappling Alabama State Championship
- March 23: Florida-Bama’s Beach Fun-Walk for America’s Warriors 5K & Half Marathon
- March 23-30: Spring Track & Field Training
- March 25-27: Gulf Coast Classic III Softball Tournament
- March 25-28: Gulf Coast Classic II Baseball Tournament
- March 29-31: University of Florida Soccer Match
- March 30 to April 6: Spring Break Track Training
- April 5-7: UTR Spring Tennis Tournament
- April 11-12: AISA Outdoor Track & Field State Championship
- April 12-14: Paddle at Scull Harbor
- April 20: Zydeco & Crawfish Festival 5K Run
- April 26-27: Pleasure Island Showdown Softball Tournament



GULF SHORES & ORANGE BEACH SPORTS COMMISSION

Nearly 40 events will take place in Gulf Shores and Orange Beach in spring 2019, including multiple Gulf Shores High School Gulf Coast Classic Tournaments in March.

- April 27: Beach Classic – National Beach Tour Regional Qualifier
- May 2-4: AHSAA State Track Championship (4-7A)
- May 3-4: Crawfish Relay
- May 3-5: National Collegiate Beach Volleyball Championship
- May 4-5: Gulf Coast Region USA Volleyball Beachfest – National Beach Tour Qualifier
- May 9-11: AHSAA Regional Softball Championship
- May 10: Gulf Shores High School Football Spring Game
- May 10-11: Lobos Locos Paddle
- May 11: Good Life Ride
- May 13-16: NAIA Softball Opening Rounds
- May 23-25: NAIA Men’s and Women’s Outdoor Track & Field National Championships

### About Gulf Shores & Orange Beach Sports Commission:

Gulf Shores & Orange Beach Sports Commission is a partnership between Gulf Shores & Orange Beach Tourism (GSOBT), the Coastal Alabama Business Chamber and the cities of Gulf Shores and Orange Beach. In 2007, this commission became a department within GSOBT. In this role, the commission — along with assistance from both cities — works to bring quality sporting events to Alabama’s Gulf Coast. To learn more about playing along Alabama’s 32 miles of white-sand beaches, please visit [GulfShores.com/Sports](http://GulfShores.com/Sports).

# Pelicans beat the Nuggets despite not playing Anthony Davis

While the 2018-2019 NBA season has not concluded, there are many teams that are preparing for the offseason. The New Orleans Pelicans have not been eliminated from the NBA playoffs, but they are preparing to go through many changes. One of those changes involves their star player in power forward/center Anthony Davis.

On Jan. 28, Davis announced to the Pelicans

organization that he will not sign a contract extension with the team and requested a trade. This comes a day after his agent, Rich Paul, made his intentions public. Davis was fined \$50,000 for violating the CBA via free agent request. Throughout the surprise, the organization understood the conditions of Davis looking to win an NBA Championship with a high-caliber team. The



**MICHAEL HANICH**  
Sports Analysis

Pelicans even tried to trade Davis to other teams for a high asking price. The main team to take the offer was the Los Angeles Lakers. It was no secret that Lakers LeBron James wanted to play with Davis, but the Pelicans were very hesitant of the Lakers and demanded more than other teams. Despite the high offers, the Pelicans refused multiple deals with the Lakers to acquire Davis before the NBA trade deadline. Instead of getting a good group of young Laker players

and multiple first-round picks, New Orleans general manager Dell Demps kept Davis to see which other teams would take an offer for Davis. This cost Demps his job with the Pelicans organization. Davis is in the third year of his 5-year; 127.2 million-dollar contract.

Now the Pelicans have a disgruntled star player in Davis, who admits wanting to finish out the season for New Orleans. Davis’ role has been limited though, as

SEE **PELICANS**, PAGE 18

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\*This project was supported by Subgrant #16-VA-VS-076 awarded by the Law Enforcement/Traffic Safety Division of ADECA and the U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice or grant-making component.\*

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<p><b>EVENINGS</b></p>	<p>6 PM to 12 AM weekdays 9 AM to 2 PM Saturday</p>

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**SPEEDWAY**

CONTINUED FROM 16

miliar ground should be just what he needs to get his championship chase back on course.

"I started racing

at Five Flags in a late model when I first began racing. That track is only about four hours from my hometown. Which is pretty close, so we ran there as much as we could. I've run the Snowflake there a few

times. Our best performance at a Snowball Derby weekend was when I finished third to Chase Elliott and John Hunter Nemechek. That track is so unique because of how close it is to the beach. The surface is really worn down because of all the sand. It'll eat up your tires in a hurry. That's a big key to success there — tire management. I'm really looking forward to going back there in a few weeks."

Holmes was in contention to win at Daytona, running third as the lead pack drafted down the backstretch heading to the white flag. But before they could get back, Holmes was sent sliding out of control and out of contention. It was the second consecutive year Holmes' Daytona dreams were dashed heading to the white flag.

Holmes was credited with 18th at the finish, leaving him 85 points behind Christian Eckes

(No. 15 JBL Audio Toyota), the highest driver in the standings who has declared intentions to compete for the ARCA Menards Series championship.

"It's extremely frustrating to get caught up in the final laps like that," said Holmes. "The same thing happened last year. You just don't know what gives sometimes. We'll keep our heads up and keep working hard. I think Five Flags Speedway is going to be a good race for us with all the past history I have running at that track. It's a little of an adjustment from the late models that I'm used to running there, but it's a good track to make up some ground in the point standings."

Michael Self (No. 25 Sinclair Lubricants Toyota) won at Daytona last season. This year, an ill-timed push from behind sent him out of control and into the infield grass, doing significant damage to his

racecar, relegating him to 31st at the finish and putting him in a deep points hole headed into Pensacola.

"I'd be lying if I said I wasn't disappointed about the points situation after Daytona," Self said. "Wrecking out early put us in a huge deficit, and definitely a position I didn't want to be in, but here we are. Thankfully, we've got 19 races to regain ground, and despite the bad start to the year I actually feel as good about our No. 25 Sinclair Lubricants Toyota crew as I've ever felt about a team. I think we have great chemistry, and it's a group of guys I'm really excited about going to the track with this year. That's important to me, and something that will hopefully play to our advantage. We have to be smart both on and off the track to finish races and put ourselves in position to win, and that lies on me as much as anyone."

Self is a three-time

ARCA Menards Series winner, with wins at Kansas in 2017 and Daytona and Chicagoland in 2018. He has eight career wins in the NASCAR K&N Pro Series West, most of which were on short tracks. He is still looking for his first career ARCA short track win.

The ARCA Menards Series takes to the half-mile Five Flags Speedway in Pensacola, Florida on Saturday, March 9. Practice starts at 1 p.m. ET/noon CT; General Tire Pole Qualifying is set for 4:30 p.m. ET/3:30 p.m. CT; and the ARCA Pensacola 200 is set to go green at 8 p.m. ET/7 pm CT and will be televised live on MAVTV. ARCARacing.com will have live timing and scoring, live chat, and live track updates throughout all on track sessions free for ARCA for Me members. New members may register for free at ARCARacing.com/login.

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**PELICANS**

CONTINUED FROM 17

he has only played in eight of the last 15 games since he demanded to be traded due to injury and illness. The Pelicans are 7-8 since Davis demanded a trade but they are also 4-3 when they play without him in the lineup.

Although Davis is one of the most talented big men in the NBA, both on offense and defense, this team is more structured to win based on unity. Last Saturday night, the Pelicans beat the heavily favored Denver Nuggets (13.5-point favor) in Denver with a 120-112 score. The Nuggets are surprisingly the second-best team in the tough

Western Conference with a 42-20 record. This was due to the Pelicans shooting the ball more efficiently from behind the 3-point-arc (40 to 28.1 percent), their defense was tough and aggressive, and relied on multiple schemes of sharing the ball. Point guard Jrue Holiday accounted for 29 points, five assists, three steals, and one block. Former Laker center Julius Randle accounted for 28 points, shot 3-for-6 from the 3-point-arc, 10 rebounds, and four assists in the game. He and former first-round pick from the Philadelphia 76ers center Jahlil Okafor were

great in the paint defending the Nuggets star player in center Nikola Jokic.

When Davis comes back to the team from illness, he will make one final attempt for New Orleans to get into the playoffs despite the Pelicans being 29-36 and 10 games behind the Houston Rockets in the Southwest division of the Western Conference. Davis will lead a group of undervalued and overlooked players in his old teammate in Jrue Holiday and new teammates in Randle, Okafor, and former Orlando Magic first-round pick in point guard Elfrid Payton.

**NOTICE OF PUBLIC HEARING**

The Planning Commission of the City of Robertsedale, Alabama will conduct a public hearing on Monday, March 25, 2019 at 6:00 p.m. at Robertsedale City Hall to consider the following request for rezoning made by Lonesome Development, LLC for the property located on the northwest corner of Wilters Street and the Baldwin Beach Express, Robertsedale, Alabama.

**FROM RGP, R-1B, RTH, B2 to PUD:**

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 4 TOWNSHIP 6 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE NORTH 00°56'47" EAST A DISTANCE OF 60.94 FEET TO A POINT ON THE NORTH MARGIN OF BALDWIN COUNTY ROAD 52, THE POINT OF BEGINNING, SAID POINT MARKED BY A CONCRETE MONUMENT AND BEING THE SOUTHWEST CORNER OF PARCEL HERIN DESCRIBED; THENCE NORTH 01°25'59" EAST A DISTANCE OF 1285.48 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE NORTH 00°20'02" EAST A DISTANCE OF 1319.20 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE NORTH 89°33'39" EAST A DISTANCE OF 56.75 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE SOUTH 57°37'12" EAST A DISTANCE OF 1506.79 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE SOUTH 00°34'06" WEST A DISTANCE OF 460.58 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR) SET IN A BARBED WIRE FENCE DETERMINED TO BE THE NORTH LINE OF THE PROPERTY HEREIN DESCRIBED ACCORDING TO COURT DECREE CV 92-690, DATED MARCH 20TH 1995; THENCE SOUTH 88°32'43" EAST, ALONG SAID BARBED WIRE FENCE, A DISTANCE OF 729.40 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR) SET IN THE SAID BARBED WIRE FENCE LINE; THENCE ALONG SAID FENCE LINE, SOUTH 89°41'35" EAST A DISTANCE OF 472.37 FEET TO A POINT ON THE WEST MARGIN OF BALDWIN BEACH EXPRESS, (A.K.A. COUNTY ROAD 83), SAID POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE ALONG SAID WEST MARGIN, SOUTH 00°11'00" WEST A DISTANCE OF 999.83 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE CONTINUING ALONG SAID WEST MARGIN, SOUTH 05°52'29" WEST A DISTANCE OF 100.50 FEET TO A POINT MARKED BY A CONCRETE MONUMENT; THENCE CONTINUING ALONG SAID WEST MARGIN, SOUTH 00°09'51" WEST A DISTANCE OF 124.40 FEET TO A POINT MARKED BY A CONCRETE MONUMENT; THENCE CONTINUING ALONG SAID WEST MARGIN, SOUTH 45°03'46" WEST A DISTANCE OF 97.91 FEET TO A POINT ON THE NORTH MARGIN OF COUNTY ROAD 52. MARKED BY A CONCRETE MONUMENT; THENCE DEPARTING SAID WEST MARGIN AND ALONG SAID NORTH MARGIN, SOUTH 89°58'18" WEST A DISTANCE OF 100.00 FEET TO A POINT MARKED BY A CONCRETE MONUMENT; THENCE CONTINUING ALONG SAID NORTH MARGIN, SOUTH 82°50'48" WEST A DISTANCE OF 201.55 FEET TO A POINT MARKED BY A CONCRETE MONUMENT; THENCE CONTINUING ALONG SAID NORTH MARGIN, SOUTH 88°34'05" WEST A DISTANCE OF 200.31 FEET TO A POINT MARKED BY A CONCRETE MONUMENT; THENCE CONTINUING ALONG SAID NORTH MARGIN, NORTH 89°59'54" WEST A DISTANCE OF 999.98 FEET TO A POINT MARKED BY A CONCRETE MONUMENT; THENCE CONTINUING ALONG SAID NORTH MARGIN, SOUTH 89°50'17" WEST A DISTANCE OF 299.36 FEET TO A POINT MARKED BY A CONCRETE MONUMENT; THENCE CONTINUING ALONG SAID NORTH MARGIN, NORTH 88°59'51" WEST A DISTANCE OF 399.93 FEET TO A POINT MARKED BY A CONCRETE MONUMENT; THENCE CONTINUING ALONG SAID NORTH MARGIN, NORTH 89°45'53" WEST A DISTANCE OF 283.47 FEET TO THE POINT OF BEGINNING; CONTAINING 4583109 SQUARE FEET (105.21 ACRES), MORE OR LESS.

Interested persons and adjoining property owners will be given an opportunity to ask questions and make comments at this time. Written comments should be addressed to Shannon J. Burkett, City Clerk, P.O. Box 429, Robertsedale, AL 36567.

Aaron White, Chairperson, Robertsedale Planning Commission

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# Mardi Gras party for a cause



PHOTOS BY ISAIAH PYRITE

Bouch's Premium Cigars in Fairhope hosted its third annual Loyal Order of the Water Buffalo Mardi Gras gathering last Friday night as a fundraiser to help support the Cigars for Warriors organization. Attendees enjoyed crawfish, red beans and rice and fund and fellowship with one another for the low cost of donating a few cigars that will be sent to our men and women in the Armed Forces overseas.



## Elberta Farmers Co-Op

# FISH FRY

March 9, 2019 • 7:30am - 2:00pm



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# AL-935 announces new flight simulator in classroom

By **WILLIAM J. WALDROP**  
PA/Historian for AL-935

**DAPHNE** — Daphne High School AF JROTC Unit AL-935 is proud to announce the recent acquisition of a multi-screen flight simulator for use in their Aerospace Science classroom. The Simulator, consisting of X-Plane 11 software, X-Force Computer, three 28-inch ASUS computer monitors offering almost 180-degree field-of-view, Sitech Instrument

Guages, Voltair Sim Instrument panel and a GT Ultimate racing chair will offer cadets the opportunity to hone their flying skills in various simulator aircraft from Cessna 182s to Airliners and Military fighter aircraft.

The simulator was purchased as a result of a local grant to enhance Science, Technology, Engineering and Math or STEM curriculum. Lt Col (Ret) Douglas Goodlin, the Senior Aerospace Science In-



**Voltair Simulator Instrument Panel with 6 small Sitech Gauges and 3 large Sitech Gauges.**

structor is a former instructor pilot in special operations helicopters as well as Civil Air

Patrol-United States Air Force (CAP-USAF) fixed-wing Cessna and GA-8 aircraft. He will offer



SUBMITTED PHOTOS

**Three 28-inch ASUS Monitors to give pilots almost 180 Degree field-of-view.**

instruction to cadets on fundamentals of flying, private pilot knowledge essentials and basic fly-

ing maneuvers. This simulator is available to all Daphne/Spanish Fort enrolled JROTC cadets.

## PROGRAM

CONTINUED FROM 1

which they presented during graduation. One group is inspiring others to serve in our community by creating a brochure with contact information for various volunteer opportunities throughout the Eastern Shore. Another group tackled the mental health stigma, by creating a "Talk Box" where students can reach out to counselors without judgement. Another group recognized that a lot of local recycling was ending up in the landfills

because of confusion over what is and isn't accepted. So, they created a flyer that spells out what you can recycle in each city. One group started a backpack drive for students who need basic supplies for class and the last group has been working with city leaders in Fairhope to offer ideas on how to make the parking garage more user-friendly.

Students in the program select one individual student who stands out by showcasing the qualities of a leader throughout the program. The 2019 winner of the Spirit of Youth Leader-

ship Award goes to Bayshore Christian Junior Max Jones. Jones is a member of the National Honor Society, Robotics Club, is a School Ambassador and plays on the baseball team. Jones won a \$500 scholarship for being recognized with the Spirit of Youth Leadership Award.

The Eastern Shore Chamber of Commerce would like to congratulate the 2019 class for their achievements:

Mia Astralaga  
Charlie Bailey  
Camille Baker  
John Coleman Bryars  
Kayla Campbell  
Hui Chen

Connor Cobb  
Clayton Connick  
Joseph Conwell  
Nathan Cook  
Charles Corte  
Elsa Engeriser  
Mary Carlyn Fidler  
Kaitlyn Hale  
Webb Hutchinson  
Fariha Irfan  
Graham Jenkins  
Max Jones  
Kirk Kirkland  
Lillian Krueger  
Ernest Ladd  
Will Murphy  
Kenzie Sherrell  
Cameron Smart  
Jack Smith  
Ellis Smith  
Anna Grace Sorrells  
Wyatt Townsend  
Samin Uddin  
Chloe Warren  
Catherine West  
Lillie Yazdi  
Holly Yazdi  
Trevor York

The Eastern Shore Chamber would like to thank the Chamber Foundation's Workforce Sponsor, Daphne Utilities, Graduation Sponsor Riviera Utilities, and



SUBMITTED PHOTO

Program Sponsors Bay-side Academy, Baldwin County Board of Education and Hot Wheel's Skate Center. We also appreciate the committee members who make this program possible: Chairman Diane Anderson - HB&K, Taylor Strunk - Baldwin EMC, Samantha Coppels - Daphne Utilities, Chase Schmidt - Community Bank, Daniel Meshad, Loni Jarman, Terri Kinsey, Steve Day - Daphne United Methodist

Church and Kiel Rubio - Wise Living.

Applications for the 2019/2020 Youth Leadership Program are now available at [www.eschamber.com](http://www.eschamber.com). Rising sophomores, juniors and seniors who live or go to school in Baldwin County are welcome to apply by returning the application to the Eastern Shore Chamber of Commerce at 327 Fairhope Avenue, Fairhope, AL 36532 by March 29.



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# 38 Bayside Academy students inducted into National Honor Society

Last week, Bayside Academy inducted 38 students into the Patsy T. Phillips chapter of the National Honor Society (NHS). Congratulations to the following inductees:

• Juniors: Sergi Cebrian-Claramunt, Del Corte, Caroline Cunningham, Kaylin Denton, Ian Ellis, Elsa Engeriser, Spencer Gaberino, Bailey Helms, Ally Higginbotham, Audrey Hud-

son, Hannah King, Kirk Kirkland, Jack Knight, Ernest Ladd, Ashton Lambert, Ben Lane, Jacque Martin, Geneva Martin, John McEniry, Chris Miller, Christian Milstead, Gavin Mims, Will Murphy, Alexander Neumann, Kaleigh Phillips, Evelyn Prickett, Ryan Ross, Tori Roush, Anna Schmidt, Cody Smart, Jack Smith, Ty Turner, Grace Weil, Caroline

Weller, Lauren West, and Catherine West  
• Seniors: Charles Corte and Alex Fraccaro

The Patsy T. Phillips chapter of the NHS is an organization whose objectives are to create an enthusiasm for scholarship, to stimulate a desire to render service, to promote worthy leadership, and to encourage the development of character in all students of Bayside Academy.



SUBMITTED PHOTO

Once inducted, members of NHS are expected to continue developing the qualities of scholarship,

service, leadership, and character.

*Bayside Academy is an*

*independent, coeducational, college preparatory day school for students in grades PK-12.*

## LAWSUIT

CONTINUED FROM 1

about the Shaking Incident further.”

The lawsuit claims Howard told her that “only information supportive of the Mayor should be shared, so as not to further harm the relationship between the Mayor and the Fairhope City Council.”

According to the lawsuit, Wilson “then asked Heathcoe to confirm herself that her actions on the day of the Shaking Incident were not improper,” which Heathcoe did at the time. However, Heathcoe later filed a criminal complaint against Wilson with the Fairhope Police Department regarding the incident.

Fidler said she “felt highly uncomfortable and pressured in the January meeting to have to agree with Mayor Wilson and Howard to avoid being targeted further and losing her job.”

The lawsuit states on Feb. 24, 2017, Wilson informed Fidler orally that she intended to fire her. Fidler said she requested that Wilson reconsider the decision or allow her to remain in that position until she reached retirement in less than a year.

According to the lawsuit, “Mayor Wilson told Ms. Fidler that she was not aware of her proximity to retirement and told her she would look into the matter further to determine what could be done.”

The lawsuit then states on March 9, 2017, Fidler informed Mayor Wilson in writing that she would like to continue in her position until she reached retirement, with Wilson responding to that letter by email, and copying then City Attorney Tut Wynne, stating that the two could meet. Fidler said she took Wilson’s response to mean that she was still employed by the City but on leave of some sort.

Fidler had submitted sick leave from the City of Fairhope in late February/early March 2017.

On March 22, 2017, Fidler received a paycheck that did not reflect a retirement contribution and indicated that her remaining vacation days were used to compensate her for the prior pay period.

On March 31, 2017, Fidler sent a request to Wilson and the Fairhope City Council asking that she be retained as City Horticulturalist if she were to step down as Public Works Director.

According to the lawsuit, Wilson stated she “intended to split Ms. Fidler’s positions - Public Works Director and City Horticulturalist - into two positions.”

Fidler claims she received no further communication from Wilson regarding the Shaking Incident or any other meetings until after her official termination from the City on April 5, 2017, when Fidler was “forced to file a public records request to retrieve a copy of her personnel file.”

Upon receiving the personnel file, Fidler said she discovered a termination form that said she was terminated on or about April 5, 2017, with the reason for termination marked as “other.”

According to the lawsuit, that form states “further documentation is required for use of the ‘other’ reason, (but) the only document within the relevant time period to the April 5, 2017 termination form in her file was an undated ‘Record of Conversation’ form.”

The Record of Conversation form discusses the original Shaking Incident meeting, as well as the Jan. meeting with Wilson, Howard, Heathcoe and Fidler.

Fidler said she had never seen that document before her public records request and had no opportunity to review or respond to it. Fidler also claims she was never notified at any point she was being disciplined regarding those events or that she was being terminated.

The lawsuit states had Fidler not been terminated in April 2017 she would have been eligible for retirement on Jan. 1, 2018.

“The City and Mayor Wilson have created a culture of inequality and oppression where employees cannot raise questions or concerns without fear of losing

their jobs,” the lawsuit said. “Mayor Wilson has made countless defamatory and slanderous statements regarding Ms. Fidler. For example, Mayor Wilson stated in a public forum that was being recorded and was later published online that the reason for which Ms. Fidler was fired was ‘based on something that came up...that would prevent [her] from doing [her] job successfully.’ Mayor Wilson separately wrote that the decision to fire Ms. Fidler was made because she ‘did not have another choice.’ Mayor Wilson also wrote that firing Ms. Fidler ‘had to be done to protect the integrity and interest of the City at large.’ Later, Mayor Wilson stated at a Fairhope City Council meeting in regards to Ms. Fidler’s firing: ‘You don’t know why these two city employees...if you did know you would know that I had no other choice.’”

The lawsuit alleges some time between Jan. 1, 2017, but prior to Feb. 24, 2017, Wilson “made a written offer to another individual for the position of Public Works Department Head for an amount of compensation in excess of the Plaintiff’s salary and benefits for the position.”

### Lawsuit counts

Fidler’s lawsuit against Wilson and the

City has seven counts, which include: failure to equally compensate, civil conspiracy, breach of contract and violation of the Family Medical Leave Act, tortious interference with a business contract or agreement, defamation, slander and libel.

“Mayor Wilson acted beyond the scope of her authority as mayor when she conspired with other City employees, committee appointees and/or agents, and/or contractors to target and wrongfully terminate Ms. Fidler, to prevent her further employment by Defendant City of Fairhope, and/or to withhold benefits and payments for which she was entitled,” the lawsuit said. “Lorenzo Howard acted beyond the scope of his authority as a member of the City’s personnel board when he conspired with Mayor Wilson and/or other City employees, committee appointees and/or agents, and/or contractors to quash and prevent Ms. Fidler’s first amendment rights to ‘whistle blow,’ report or counsel fellow employees about the Mayor’s physical touching and

abuse of another employee. These actions in concert have caused Ms. Fidler loss of compensation and benefits, mental anguish, emotional distress, and embarrassment for which she seeks damages herein, both compensatory and punitive.”

### Mayoral comment

The Courier reached out to Mayor Wilson for a comment on the lawsuit but was told she was out of the country.

In 2017, when news of the alleged assault first surfaced and claims were filed against the city by Heathcoe and Fidler, Wilson denied any wrongdoing in the situation.

“The cases include falsehoods, exaggerations and are legally without merit,” Wilson said on her Facebook page in 2017. “I have instructed the attorneys representing the City to fight these baseless claims. I will not agree to pay one dime of taxpayer money (or money from the City’s insurance company) to anyone for this purpose. To do so would only encourage more of the same in the future.”

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Sealed bids for grass mowing of certain right-of-ways within the Town of Loxley in Baldwin County, Alabama will be received at the Loxley Town Hall until 2:00 P.M. April 5, 2019 local time.

The project consists generally of grass mowing, trimming and tree trimming.

The contract documents may be examined at the Loxley Town Hall, 1089 South Hickory Street Loxley, Alabama 36551 Monday - Friday, 8:30 A.M. - 4:30 P.M.



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# Celebrate National Crab Day and enter to win dinner for two

To celebrate National Crab Day, the Original Oyster House is giving away dinner for two (\$50 value) for the best not2crabby selfie. A not2crabby hat was specially designed as a keepsake for crab lovers.

To enter, participants must visit either Original Oyster House location and ask for a not2crabby hat. The participant must take a selfie wearing the official hat inside the restaurant and post the selfie on Facebook.com/OriginalOysterHouse with the hashtag #not2crabby.

The promotion launches March 9, commemorating National Crab Day. It's a day to celebrate considering Alabama lands approximately 1.5 million pounds of blue crabs per year and processes

approximately 5 million pounds a year in total which includes live crabs from Alabama, Florida, Mississippi and Louisiana.

According to the Alabama Seafood Marketing Commission, blue crabs are caught year-round from all five Gulf States, with peak harvest times in the warm summer and fall months. Blue crabs are named for their blue-tinted shells and claws. Male blue crabs have vibrantly blue claw tips, whereas females' claws are red at their tips. A very sought-after type of crab, blue crab is abundant in the spring season and has a smooth, buttery taste.

Flavor is not the only reason that keeps everyone coming back for more crab. Nutritionally crabmeat is packed with protein, B vitamins

and minerals, making it a perfect part of a balanced diet. Crabmeat is a low-calorie protein source that's rich in omega-3 fatty acids.

David Dekle, seafood expert and co-founder of the Original Oyster House restaurants, enjoys National Crab day as it gives everyone an opportunity to recognize our local sources for crabmeat. "Our restaurants buy blue crab and other seafood products from local vendors in Bayou LaBatre, the seafood capital of Alabama," stated Dekle.

Winners of the not2crabby selfie will be selected by the Original Oyster House restaurants. Facebook likes of the selfie post and/or creativity of the selfie can improve a participant's chances of winning. Participants

can campaign for likes, by tagging after posting to the Original Oyster House Facebook page and sharing the post on their own Facebook pages. Creativity will also be considered. Mother/daughter selfies; Father/son selfies; sibling selfies; BFF selfies, funny face selfies, couple selfies, etc. are greatly welcome. Qualifying entries must be posted to the Original Oyster House Facebook page by June 30, 2019. Participants must be 18 years old or older to enter. By posting your not2crabby selfie on Original Oyster House's Facebook page, you fully and unconditionally agree to be bound by these rules and the decisions of the Original Oyster House, which will be final and binding in all matters relating to the promotion.



Winners will be notified via Facebook Messenger and will have 24 hours to alert Original Oyster House, via Facebook Messenger, if they do not wish their photograph to be used. Your photo post on Facebook confirms your contest entry.

The Original Oyster House (OOH) has two locations, Gulf Shores: 701 Hwy 59 on the Original

Oyster House Boardwalk and Mobile: 3733 Battleship Parkway, on the Mobile Causeway. Both locations offer spectacular waterfront views and have been celebrated as the area's finest family restaurants for the past 34 years. For more information or the Official Rules visit [www.originaloysterhouse.com/not2crabby](http://www.originaloysterhouse.com/not2crabby).

## Maids of Jubilee



ALLISON MARLOW / STAFF PHOTOS



## Israel's Message

As you read this article, I will be preparing to return home from my third trip to Israel. It's hard to describe how powerful it is to see in living color the place where the God who speaks and acts executed His plan to save us all through His chosen people and His Chosen One. In that place so imbued with the words and deeds of the covenant-making God, in that place where the convergence of election and mission whispers through every valley, two fundamental theological realities are radically reinforced. The first is the intensity of God's passion for covenant relationship with all people. He doggedly engages us in the context of human history and calls us ubiquitously to fellowship with Himself. Unquestionably, this pursuit requires a response of faith from us. What transpires in the interaction and response of men to God matters in the unfolding of His purposes. There is, however, no question that everything unfolded exactly as God had planned. The outcome was never in doubt, no matter how badly sinners rebelled. From Jeroboam's sickening temple to Baal in Dan to Yad Vashem, the Holocaust museum in Jerusalem, the capacity for pure evil in the human heart is boundless. Yet, God makes a way, secured ultimately in the person and work of His Son.

Second, Israel displays the magnificence of God's mission to and through that particular and peculiar chosen place for the whole world. Israel is tiny, about the size of New Jersey, and most of it is desert. It has essentially no natural resources, nothing

inherently valuable. The Sea of Galilee is a lake and not a particularly big one. The Jordan River is a creek. Cities that sound so epic to our ears, Capernaum, Nazareth, Cana, were villages of a few hundred in Jesus' day. His ministry took place in an astoundingly small, astoundingly common place. So, why was I so deeply moved everywhere we went? Why do millions visit from all over the world every year? Because what happened there in that small place of small people through that One Solitary Life was for us all. From the hill where Jesus taught to the hill where He died, Jesus empowered those unremarkable people to believe that they had been especially selected by God to change the world. Through this tiny postage stamp of a place, through these difficult people, and through One Man, the good news of salvation has gone out to the whole world.



Dr. Eric Hankins, Senior Pastor



First Baptist Fairhope  
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# Marine Resources honors partners in world's top artificial reef program

By **DAVID RAINER**

Alabama Department of Conservation and Natural Resources

If any doubt existed that Alabama has the best artificial reef program in the world, Chris Blankenship made an emphatic declaration recently that Alabama's artificial reefs are unparalleled anywhere on the planet.

Blankenship, Commissioner of the Alabama Department of Conservation and Natural Resources (ADCNR), made that unabashed statement at The Lodge at Gulf State Park during a naming ceremony for seven new artificial reef zones in nearshore waters off the coast of Alabama and the renaming of one existing offshore reef zone.

"We live in an extremely beautiful state," Blankenship said. "God has really blessed us with the beach, the mountains, the Black Belt and all the areas in between. We have some of the best hunting and fishing, and I get to go around the country and talk about all the wonderful things we have in Alabama. But there is nothing that I'm more passionate about than when I get to talk about the artificial reef zones and the artificial reef work that we have in Alabama.

"When I go places and tell people that Alabama has the largest artificial reef program in the world, a lot of people scratch their heads and look at me like, 'We didn't even know Alabama has a coast. What do you mean you have a great artificial reef system?'"

That's when Blankenship backs up his claim with the facts, including the more than 1,100 square miles of artificial reef habitat, the 15,000 or so artificial reefs and the variety of reef structures that are deployed

off the Alabama coast, including ships, barges, bridge rubble and other reefs designed specifically to enhance the marine habitat.

Blankenship, the former Marine Resources Director, said last week's ceremony was an opportunity to recognize people and organizations that have been instrumental in helping Alabama to build the world's largest artificial reef system.

"One of the things that I am most proud of when we talk about the artificial reef program and the reason we've been so successful in Alabama is there are so many partners involved in the work that gets done out there," he said. "And nobody cares who gets the credit. I think that's why it's been so successful.

"I can honestly say that with the artificial reef program in Alabama, there has been more concern about doing the good work, building this habitat and building this fishery we have and a whole lot less concern about who gets the credit."

Despite the humility, Blankenship said ADCNR wanted to take the time to recognize those people and organizations that have made the lofty status of the Alabama artificial reef system possible through decades of partnership work.

The seven new reefs that were named are located in the new nearshore reef zones that were finally approved by the U.S. Army Corps of Engineers last year.

Marine Resources Director Scott Bannon read proclamations from Gov. Kay Ivey that highlighted the contributions of each of the honorees.

"This day has been a long time coming," Bannon said. "We've been working these artificial reef zones. Alabama has arguably the larg-

est artificial reef zones in the world. We've expanded into the 6- to 9-mile range. We knew we needed to honor some of the people and organizations that helped make this happen. That also included our staff. We have a great staff at Marine Resources."

One of the nearshore zones was named for the contribution of the Alabama Wildlife Federation, which helped develop the Alabama Artificial Reef Development Plan. The plan has helped to secure \$35 million in funding for inshore and offshore artificial reef zones.

The Coastal Conservation Association (CCA) of Alabama contributed to reef construction and enhancement after the Deepwater Horizon oil spill in 2010 by providing financial and logistical support for artificial reef work both inshore and offshore.

The National Fish and Wildlife Foundation (NFWF) has been a contributor to conservation research in Alabama since 1984 and provided about \$34 million in recent years for the expansion and enhancement to Alabama's artificial reef program.

The Alabama Charter Fishing Association, formerly known as the Orange Beach Fishing Association, actually started the artificial reef work off Alabama long before any other organization. The association has worked with the State of Alabama for the past 60 years to make the artificial reef zone the best in the world. Those reefs allow the Alabama charter boats to take thousands of people each year from across the country and world to enjoy phenomenal fishing for species like red snapper.

The Alabama Gulf Coast Reef and Restoration Foundation was created to enhance the

diving and fishing opportunities off the Alabama coast with fundraising for the deployment of the 271-foot ship "The LuLu" in 2013 and the 128-foot party boat "Capt. Shirley Brown" in 2015. The foundation also worked with Marine Resources to establish the Poseidon's Playground, where novice divers can gain experience in nearshore waters. The foundation continues to work with Marine Resources to develop plans for additional reef deployments and also works with the dive community to monitor the health of the reefs and remove invasive species like the lionfish.

Dr. Stephen Szedlmayer, a professor at Auburn University's School of Fisheries and Allied Aquacultures, has been studying reef fish, especially red snapper, off the Alabama coast for the past 25 years. Szedlmayer's research has contributed to the recognition of oil and gas platforms as significant habitat for juvenile reef fish in the Gulf of Mexico. His research has also led to a better understanding of the life cycle and longevity of red snapper off the Alabama coast.

The other new reef was named in honor of Dr. Sean Powers, head of Marine Sciences at the University of South Alabama (USA) and senior scientist at the Dauphin Island Sea Lab. Powers, who succeeded Dr. Robert (Bob) Shipp as head of Marine Sciences at USA, has researched reef fish habitat in the Gulf since 2003. His current research is focusing on the abundance of reef fish off the Alabama coast.

"Before, we had to learn a lot about the life history and reproductive strategy of red snapper," Powers said. "That's what we have learned from Dr. Shipp and Dr.



PHOTO BY BILLY POPE

**Dr. Robert Shipp, left, is presented with a proclamation from Gov. Kay Ivey renaming an offshore reef zone in his honor. Presenting the award is Conservation Commissioner Chris Blankenship, right, and MRD Director Scott Bannon.**

Szedlmayer. Now we need to move it to more quantitative, to actually use the research to estimate the abundance of red snapper so we (Alabama) can manage our own fishery.

"We have a lot of red snapper off Alabama, but we harvest a large amount of red snapper too. It's a delicate balance, but I think it's one that we've achieved. Like last year, we (through Snapper Check) realized how many snapper were being caught and the season was shortened. That gives me a lot of confidence in the new system."

Dr. Shipp, professor emeritus at USA, has been studying red snapper off the Alabama coast since 1973 and has been instrumental in the development of the Alabama Artificial Reef Program. Dr. Shipp has served more than 20 years on the Gulf of Mexico Fishery Management Council, including three terms as chair. At last week's ceremony, the Don Kelley North General Permit Area was renamed the Dr. Robert Shipp Reef Zone.

"I think it's just great that Chris and the State of Alabama recognize how valuable the red snapper resource is," Shipp said. "They've done a great job of creating this reef system.

"I will say this - I've

said it before — we've got to have state management (for red snapper). If we had state management, we could have a six-month season with a two-fish bag limit, and it wouldn't make a dent in our population."

Blankenship said that Alabama is blessed to have three great marine scientists in Drs. Szedlmayer, Powers and Shipp.

"They have dedicated so much of their careers to the work done off the Alabama coast," Blankenship said.

"Their work is known as the gold standard of red snapper research anywhere in the world. Largely, it is because of these three people that we have been able to expand the artificial reef program and build such a great fishery here in Alabama.

"And I want to say, we're not done. When you have the success we've had in building reefs off Alabama, there's a tendency to become complacent or think you've done enough. We don't feel that way at all. We're going to make sure we continue to have the best artificial reef program in the world."

Visit [www.outdooralabama.com/saltwater-fishing/artificial-reefs](http://www.outdooralabama.com/saltwater-fishing/artificial-reefs) for more information on the world's leading artificial reef program.

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a message of the Alabama Department of Mental Health

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Council of Alabama

















## NOTICE TO THE PUBLIC

The Foley City Council will hold a Public Hearing at 5:30 p.m. Monday, March 18, 2019 in Council Chambers to consider passage of an ordinance amending Ordinance 13-1044 Pertaining to flood damage prevention.

All persons wishing to be heard may speak in person at the Public Hearing, or may respond in writing to the City of Foley, P.O. Box 1750, Foley Alabama 36536 before March 18, 2019, in order to be considered.

/s/ Kathryn Taylor, CMC  
City Clerk

**Ordinance: \_\_\_\_\_**

**FLOOD DAMAGE PREVENTION ORDINANCE  
CITY OF FOLEY, ALABAMA**

Amending Ordinance #13-1044

**ARTICLE 1**

**Statutory Authorization, Findings of Fact, Purpose And Objectives**

**SECTION A STATUTORY AUTHORIZATION**

The Legislature of the State of Alabama has in Title 11, Chapter 19, Sections 1-24, Chapter 45, Sections 1-11, Chapter 52, Sections 1-84, and Title 41, Chapter 9, Section 166 of the Code of Alabama, 1975, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council, of Foley, Alabama, does ordain as follows:

**SECTION B FINDINGS OF FACT**

- (1) The flood hazard areas of the City of Foley, Alabama are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

**SECTION C STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) control filling, grading, dredging and other development which may increase flood damage or erosion;
- (4) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- (5) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

**SECTION D OBJECTIVES**

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,
- (4) to minimize expenditure of public money for costly flood control projects;
- (5) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) to minimize prolonged business interruptions, and
- (7) to ensure that potential home buyers are notified that property is in a flood area.

**ARTICLE 2  
GENERAL PROVISIONS**

**SECTION A LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all Areas of Special Flood Hazard within the jurisdiction of the City of Foley, Alabama.

**SECTION B BASIS FOR AREA OF SPECIAL FLOOD HAZARD**

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its **Flood Insurance Study (FIS), dated April 19, 2019**, with accompanying maps and other supporting data **and any revision thereto**, are adopted by reference and declared a part of this ordinance. For those land areas acquired by a municipality through annexation, the current effective FIS and data for Baldwin County, Alabama are hereby adopted by reference. Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in the FIS.

When Preliminary Flood Insurance Studies and Flood Insurance Rate Maps have been provided by FEMA to the City of Foley:

- (1) Prior to the issuance of a Letter of Final Determination (LFD) by FEMA, the use of the preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in the effective flood hazard data provided by FEMA. Such preliminary data may be subject to revision through valid appeals.
- (2) Upon the issuance of a Letter of Final Determination (LFD) by FEMA, the revised flood hazard data shall be used and replace all previously effective flood hazard data provided by FEMA for the purposes of administrating these regulations.

Where adopted regulatory standards conflict, the more stringent base flood elevation shall prevail. Preliminary FIS data may be subject to change by a valid appeal.

**SECTION C: ESTABLISHMENT OF A FLOODPLAIN DEVELOPMENT PERMIT**

A Development Permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of any development activities in identified areas of special flood hazard and **community flood hazard areas** within the community.

**SECTION D. COMPLIANCE**

No structure or land shall hereafter be located, extended, converted or altered without **full compliance** with the terms of this ordinance and other applicable regulations.

**SECTION E. ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**SECTION E. INTERPRETATION**

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

**SECTION G. WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Foley or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**SECTION H. PENALTIES FOR VIOLATION**

- (1) **Notice of Violation.** If the community determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, or the provisions of this ordinance, it shall issue a written notice of violation, by certified return receipt mail, to such applicant or other responsible person. Where the person is engaged in activity covered by this ordinance without having first secured a permit, the notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
  - (a) The name and address of the owner or the applicant or the responsible person;
  - (b) The address or other description of the site upon which the violation is occurring;
  - (c) A statement specifying the nature of the violation;
  - (d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit or this ordinance and the date for the completion of such remedial action;
  - (e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, and;
  - (f) A statement that the determination of violation may be appealed to the community by filing a written notice of appeal within thirty days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient).
- (2) **Additional Enforcement Actions.** If the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more of the following enforcement actions may be enacted against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Foley shall first notify the applicant or other responsible person in writing of its intended action. The City of Foley shall provide reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City of Foley may take or impose any one or more of the following enforcement actions or penalties:
  - (a) **Stop Work Order:** The community may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect -until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
  - (b) **Termination of utilities and/or withhold or revoke Certificate of Occupancy:** The community may terminate utilities and/or refuse to issue and/or revoke a certificate of occupancy for the building or other improvements and/or repairs conducted or being conducted on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein.
  - (c) **Suspension, revocation, or modifications of permit:** The community may suspend, revoke, or modify the permit authorizing the development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the community may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
  - (d) **Civil penalties:** Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case: Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Foley from taking such other lawful actions as is necessary to prevent or remedy any violation.
  - (e) **Section 1316 Declaration:** Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by the State, County, or Municipal government to be in violation of the local floodplain management ordinance. A Section 1316 declaration shall be used when all other legal means to remedy a violation have been exhausted and the structure is noncompliant. Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued; no flood insurance claim can be paid on any policy on the property, and disaster assistance will be denied.

The declaration must be in writing (letter or citation), from the community to the property owner and the applicable FEMA Regional Office, and must contain the following items:

- i. The name(s) of the property owner(s) and address or legal description of the property sufficient to confirm its identity and location;
- ii. A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation or ordinance;
- iii. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
- iv. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
- v. A clear statement that the declaration is being submitted pursuant to section 1316 of the National Flood Insurance Act of 1968, as amended.

If a structure that has received a Section 1316 declaration is made compliant with the community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by the community and flood insurance eligibility restored.

- (3) **Administrative appeal; judicial review.** Any person receiving a Notice of Violation may appeal the determination of the community, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or

grant with condition of a permit by the community upon finding that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the community's rules and regulations, or the issuance of a notice of bond forfeiture.

The Notice of Appeal must be in writing and must be received within ten days from the date of the Notice of Violation. A hearing on the appeal shall take place within thirty days from the date of receipt of the Notice of Appeal by the Floodplain Administrator.

All appeals shall be heard and decided by the community's designated Appeal Board, which shall be the Foley City Council, or their designees. The Appeal Board shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the community's flood damage prevention ordinance, and any other applicable local, state, or federal requirements. The decision of the Appeal Board shall be final.

- (4) A judicial review can be requested by any person aggrieved by a decision or order of the community, after exhausting his/her administrative remedies. They shall have the right to appeal de novo to the City of Foley Municipal Court

#### SECTION I. SAVINGS CLAUSE

If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be noncompliant with 44 Code of Federal Regulation 59-78, such decision shall not affect the validity of the remaining portions of this ordinance.

#### SECTION J. REPEALER

Ordinance 13-1044 of the City of Foley, Alabama is hereby repealed. This Repealer shall not, however, effect, terminate, or preclude any rights, duties, requirements or terms which arose or existed while said Ordinance was in effect, all of which are specifically preserved.

### ARTICLE 3 ADMINISTRATION

#### SECTION A DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator is hereby appointed to administer and implement the provisions of this ordinance.

#### SECTION B PERMIT PROCEDURES

Application for a Development Permit shall be made to the Floodplain Administrator on forms furnished by the community **PRIOR** to any development activities, and may include, but not be limited to, the following: Plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following procedures and information are required for all projects in the Special Flood Hazard Areas within the jurisdiction of the City of Foley:

(1) Application Stage

Plot plans are to include:

- (a) The Base Flood Elevation (BFE) where provided as set forth in Article 2, Section B; Article 4, Section C; or Article 5, Section D;
- (b) Boundary of the Special Flood Hazard Area and floodway(s) as delineated on the FIRM or other flood map as determined in Article 2, Section B;
- (c) Flood zone designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 2, Section B;
- (d) Elevation in relation to mean sea level (or highest adjacent grade) of the regulatory lowest floor level, including basement, of all proposed structures;
- (e) Elevation in relation to mean sea level to which any non-residential structure will be flood proofed;
- (f) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Article 4, Sections B(2) and E(2);
- (g) Design certification from a registered professional engineer or architect that any new construction or substantial improvement placed in a Coastal High Hazard Area will meet the criteria of Article 4, Section G.
- (h) A Foundation Plan, drawn to scale, that shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include, but are not limited to, the proposed method of elevation (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls) and description of any flood openings required in accordance with Article 4, Sections B(1), B(3), D(7), and E(1) when solid foundation perimeter walls are used.
- (i) Usage details of any enclosed areas below the lowest floor shall be described.
- (j) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- (k) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development including current and proposed locations of the watercourse. An engineering report shall be provided on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream. The affected properties shall be depicted on a map or on the plot plan.
- (l) Certification of the plot plan by a licensed professional engineer or surveyor in the State of Alabama is required.

(2) Construction Stage

For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator an as-built certification of the regulatory floor elevation or flood-proofing level **using appropriate FEMA elevation or floodproofing certificate** immediately after the lowest floor or flood proofing is completed.

- (a) When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- (b) **Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.**
- (c) The Floodplain Administrator shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.
- (d) The Floodplain Administrator shall make **periodic inspections** of projects during construction throughout the Special Flood Hazard Areas within the jurisdiction of the community to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. Members of his or her inspections/engineering department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (e) The Floodplain Administrator may **revoke and require the return of the floodplain development permit** by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (f) In any lot or lots/areas that will be or have been removed from the special flood hazard area utilizing a Letter of Map Revision Based on Fill (LOMR-F), the top of fill level must meet the communi-

ty's freeboard elevation at that location. If the top of fill level is below the freeboard elevation, all new structures, additions to existing buildings or substantial improvement must meet the required community freeboard elevation.

(3) Finished Construction

Upon completion of construction, a FEMA elevation certificate (FEMA Form81-31), which depicts all finished construction elevations, is required to be submitted to the Floodplain Administrator prior to issuance of a Certificate of Occupancy.

- (a) If the project includes a floodproofing measure, a FEMA floodproofing certificate is required to be submitted by the permit holder to the Floodplain Administrator.
- (b) If the structure is located in a V-Zone, a V-Zone Certificate is required. The applicant shall use the community's certificate (if available) or develop one that includes the information in the certificate from FEMA's Home Builder's Guide to Coastal Construction Technical Fact Sheet No. 1.5 (2010). The certificate shall provide the following minimum design and construction requirements for the V-Zone:
  - i A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction.
  - ii A registered professional engineer or architect shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the following criteria:
    - The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the Base Flood Elevation (BFE); and
    - The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Use ASCE 7-10, Minimum Design Loads for Buildings and Other Structures, for guidance.
  - iii The space below the lowest floor must be free of obstructions (e.g., building element, equipment, or other fixed objects that can transfer flood loads to the foundation, or that can cause floodwaters or waves to be deflected into the building), or must be constructed with non-supporting breakaway walls, open lattice, or insect screening.
- (c) The Floodplain Administrator shall review the certificate(s) data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance.
- (d) In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- (e) Documentation regarding completion and compliance with the requirements stated in the permit application and with Article 3, Section B(1) of this ordinance shall be provided to the local Floodplain Administrator at the completion of construction or records shall be maintained throughout the Construction Stage by inspectors for the Floodplain Administrator. Failure to provide the required documentation shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- (f) All records that pertain to the administration of this ordinance shall be maintained and made available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

#### SECTION C DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Floodplain Administrator shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied; and **assure that development sites are reasonably safe from flooding.**
- (2) Review copies of all necessary permits from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Maintain such permits permanently with floodplain development permit file.
- (3) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 2, Section B then the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources in order to administer the provisions of Article 4.
- (4) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the regulatory floor level, including basement, of all new construction or substantially improved structures in accordance with Article 3, Section B.
- (5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 4, Sections B(2) and E(2).
- (6) When flood proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 3, Section B(1)(c) and Article 4, Section B(2) or E(2).
- (7) Notify adjacent communities and the Alabama Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA), and the Alabama Department of Economic and Community Affairs/Office of Water Resources/NFIP State Coordinator's Office.
- (8) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA and State to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (9) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- (10) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.
- (11) In addition, the Floodplain Administrator and his or her designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.
  - (a) Right of Entry
    - i Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Administrator has reasonable cause to believe that there exists in any building or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the Administrator by this ordinance.
    - ii If such building or premises are occupied, the Administrator shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such building or premises.
    - iii If entry is refused, the Administrator shall have recourse to every remedy provided by law to secure entry.
    - iv When the Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by



the Administrator for the purpose of inspection and examination pursuant to this ordinance.

- (b) Stop Work Orders
- i. Upon notice from the Administrator, work on any building, structure or premises that is being performed contrary to the provisions of this ordinance shall immediately cease.
  - ii. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
- (c) Revocation of Permits
- i. The Administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
  - ii. The Administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

#### ARTICLE 4 PROVISIONS FOR FLOOD HAZARD REDUCTION

##### SECTION A      GENERAL STANDARDS

In ALL Areas of Special Flood Hazard the following provisions are required:

- (1) Require copies of all necessary permits from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Maintain such permits be on file.
- (2) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse and lateral movement of the structure.
- (3) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.
- (4) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage:
  - (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
  - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
  - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
- (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.
- (11) Proposed new construction and substantial improvements that are partially located in an area of special flood hazard shall have the entire structure meet the standards for new construction.
- (12) Proposed new construction and substantial improvements that are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations shall have the entire structure meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

##### SECTION B      SPECIFIC STANDARDS

In ALL Areas of Special Flood Hazard designated as A1-30, AE, AH, A (with engineered or estimated base flood elevation), the following provisions are required:

- (1) Residential and Non-residential Structures - Where base flood elevation data is available, new construction and substantial improvement of any structure or manufactured home **shall have the lowest floor, including basement, elevated no lower than 2 feet above the base flood elevation.** Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section B(3).
- (2) Non-Residential Structures - New construction and substantial improvement of any non-residential structure located in A1-30, AE, or AH zones, **may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to two (2) feet above the base flood elevation,** with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 3, Section C(6).

Dry floodproofing is allowed only where flood velocities are less than or equal to five feet per second. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A Flood Emergency Operation Plan and an Inspection and Maintenance Plan must be provided by the design professional for the building. Such certification shall be provided to the Floodplain Administrator.

- (3) Enclosures for Elevated Buildings - All new construction and substantial improvements of existing structures that include **ANY fully enclosed area** below the base flood elevation, located below the lowest floor formed by the foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood waters.
  - (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding (if a structure has more than one enclosed area below the base flood elevation, each shall have openings on exterior walls);
    - (ii) The bottom of all openings shall be no higher than one foot above grade; and
    - (iii) Openings may be equipped with screens, louvers, valves and other coverings and devices provided they permit the automatic flow of floodwater in both directions.
  - (b) So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment

used in connection with the premises, or entry to the elevated area.

- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms. All interior walls, ceilings and floors below the base flood elevation shall be unfinished and/or constructed of flood resistant materials.
- (d) Mechanical, electrical or plumbing devices shall not be installed below the Base Flood Elevation. The interior portion of such enclosed area(s) shall be void of utilities except for essential lighting and power as required.
- (e) Property owners shall be required to execute a flood openings/venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements for enclosures below the base flood elevation. Periodic inspections will be conducted by the Floodplain Administrator to ensure compliance.
- (f) Property owners shall agree, certify, and declare to the following conditions and restrictions placed on the affected property as a condition for granting a permit. A binding agreement, referred to as a Non-conversion Agreement, is required to be executed and recorded with the Deed. It shall obligate the Owner to the following terms and conditions:
  - (i) That the enclosed area(s) shall remain fully compliant with all parts of the section Enclosures for Elevated Buildings of this Ordinance unless otherwise modified to be fully compliant with the applicable sections of the Flood Damage Prevention Ordinance in effect at the time of conversion.
  - (ii) A duly appointed representative of the City of Foley is authorized to enter the property for the purpose of inspecting the exterior and interior of the enclosed area to verify compliance with the Agreement and Permit.
  - (iii) The community may take any appropriate legal action to correct any violation pertaining to the Agreement and the subject Permit.
- (4) Standards for Manufactured Homes and Recreational Vehicles - Where base flood elevation data are available:
  - (a) All manufactured homes placed and substantially improved on:
    - (i) individual lots or parcels,
    - (ii) in new or substantially improved manufactured home parks or subdivisions,
    - (iii) in expansions to existing manufactured home parks or subdivisions, or
    - (iv) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement elevated no lower than two feet above the base flood elevation.
  - (b) Manufactured homes placed and substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
    - (i) the lowest floor of the manufactured home is elevated no lower than two feet above the level of the base flood elevation, or
    - (ii) where no Base Flood Elevation exists, the manufactured home chassis and supporting equipment is supported by reinforced piers or other foundation elements of at least equivalent strength and is elevated to a maximum of 60 inches (five feet) above grade.
  - (c) All Manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - (d) All recreational vehicles placed on sites must either:
    - (i) be on the site for fewer than 180 consecutive days, fully licensed and ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions; or
    - (ii) the recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements of Article 4, Section B, provisions (3)(a) and (3)(c).

- (5) Require, until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City of Foley FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than **one foot** at any point within the community.
- (6) Accessory Structures (also referred to as appurtenant structures) - This provision generally applies to new and substantially improved accessory structures. When an accessory structure complies with all other provisions of this ordinance (including floodway encroachment), represents a minimal investment (less than \$1,000), and meets the requirements outlined below, these structures may be wet-flood-proofed and do not have to be elevated or dry floodproofed.

Accessory structures include, but are not limited to, residential structures such as detached garages, storage sheds for garden tools or woodworking, gazebos, picnic pavilions, boathouses, small pole barns, and similar buildings. The following provisions apply to accessory structures built below the base flood elevation:

- (a) No accessory buildings in special flood hazard areas designated VE or V-Zone or "Coastal AE" are allowed.
- (b) A permit shall be required prior to construction or installation.
- (c) Must be low value (less than \$1,000) and not be used for human habitation.
- (d) Use must be restricted to parking of personal vehicles or limited storage (low-cost items that cannot be conveniently stored in the principal structure).
- (e) Must be designed with an unfinished interior and constructed with flood damage-resistant materials below the BFE.
- (f) Must be adequately anchored to prevent flotation, collapse, or lateral movement.
- (g) Must have adequate flood openings as described in Article 4, Section A (5) and be designed to otherwise have low flood damage potential.
- (h) Shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (i) Any mechanical and other utility equipment in the structure must be elevated to or above the BFE or must be floodproofed.
- (j) Under limited circumstances communities may issue variances to permit construction of wet-floodproofed accessory structures. Communities should not grant variances to entire subdivisions for accessory structures, especially detached garages. Variances should only be reviewed and issued on an individual or case-by-case basis and be based on the unique characteristics of the site.

##### SECTION C      FLOODWAYS

Located within Areas of Special Flood Hazard established in Article 2, Section B, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (1) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;
- (2) Encroachments, including fill, new construction, placement of manufactured homes, substantial improvements, and other development, are prohibited.
- (3) As long as no fill, structures (including additions), or other impediments to flow are added, permissible uses within the floodway may include: lawns, gardens, athletic fields, play areas, picnic grounds, and hiking/biking/horseback riding trails, general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. The uses in this subsection are permissible
- (4) **ONLY** if Article 4, Section C, provisions (1) through (3) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 4.

**SECTION D** **BUILDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS (APPROXIMATE A-ZONES)**

Located within the Areas of Special Flood Hazard established in Article 2, Section B, where streams exist but no base flood data have been provided (Approximate A-Zones), the following provisions apply:

- (1) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser.
- (2) When base flood elevation data or floodway data have not been provided in accordance with Article 2, Section B then the Floodplain Administrator shall obtain, review, and reasonably utilize any scientific or historic Base Flood Elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 4. ONLY if data are not available from these sources, then Article 4, Section D, provisions (5) and (6) shall apply:
- (3) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty-five feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (4) All development in Zone A must meet the requirements of Article 4, Section A and Section B(1) through B(4).
- (5) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor (for the lowest enclosed area; including basement) elevated no less than three (3) feet above the highest adjacent grade.
- (6) In the absence of a base flood elevation, a manufactured home must also meet the elevation requirements of Article 4, Section B(4)(b)(ii) in that the structure must be elevated to a maximum of 60 inches (5 feet).
- (7) Openings sufficient to facilitate automatic equalization of flood water hydrostatic forces on exterior walls shall be provided in accordance with standards of Article 4, Section B(3)(a). The Floodplain Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

**SECTION E** **STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)**

Areas of Special Flood Hazard established in Article 2, Section B may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM) plus one foot of freeboard. **If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade.** Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section B(3), "Elevated Buildings."
 

The Floodplain Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (2) New construction and the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. **The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified flood level in Article 4, Section E(1) or three (3) feet (if no depth number is specified), above highest adjacent grade,** with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Article 3, Section B(1)(c) and (2).

- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

**SECTION F** **STANDARDS FOR SUBDIVISIONS**

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for all new subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than fifty lots or five acres; whichever is the lesser.
- (5) All subdivision and other development proposals shall include a stormwater management plan which is designed to limit peak runoff from the site to predevelopment levels for the one, ten, and 100-year rainfall event. These plans shall be designed to limit adverse impacts to downstream channels and floodplains. Single residential lots involving less than one acre of land disturbance are not subject to this regulation.
- (6) All preliminary plans for platted subdivisions shall identify the flood hazard area and the elevation of the base flood.
- (7) All final subdivision plats will provide the boundary of the special flood hazard area, the floodway boundary, and the base flood elevations.
- (8) In platted subdivisions, all proposed lots or parcels that will be future building sites shall have a minimum buildable area outside the natural (non-filled) 1% chance annual floodplain. The buildable area shall be, at a minimum, large enough to accommodate any primary structure and associated structures such as sheds, barns, swimming pools, detached garages, on-site sewage disposal systems, and water supply wells, where applicable.

**SECTION G.** **COASTAL HIGH HAZARD AREAS (V-ZONES)**

Located within the areas of special flood hazard established in Article 2, Section B, are areas designated as Coastal High Hazard areas (V-Zones) and Coastal AE Zones. These areas have special flood hazards associated with wave action and storm surge; therefore, the following provisions shall apply, in addition to the standards of Article 4:

- (1) All new construction and substantial improvements of existing structures shall be located landward of the reach of the mean high tide.
- (2) All new construction and substantial improvements of existing structures shall be elevated on piles, columns, or shear walls parallel to the flow of water so that:
  - (a) The bottom of the lowest supporting horizontal structural member (excluding pilings or columns) is located no lower than one foot above the base flood elevation level. All space below the lowest supporting member shall remain free of obstruction.
  - (b) Open lattice work, breakaway walls, or decorative screening may be permitted for aesthetic purposes only and built in accordance with Article 4, Section G(5) below.

- (c) All pile and column foundations and the structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the combined effects of wind and water loads acting simultaneously on ALL building components, both (non-structural and structural). Water loading values shall equal or exceed those of the base flood. Wind loading values shall be in accordance with the most current edition of the State Building Code.

- (3) All new construction and substantial improvements of existing structures shall be securely anchored on pilings, columns, or shear walls.
- (4) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in full compliance with the provisions contained in Article 4, Section G(2), (3), and (4) herein.
- (5) For all new construction and substantial improvements in VE Zones and Coastal AE Zones, the space below the lowest horizontal-supporting member must remain free of obstruction. As an alternative, the space may be constructed with non-supporting breakaway walls, open wood or vinyl latticework, or insect screening which must be designed to break away or collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. The following design specifications are required:
  - (a) No solid walls shall be allowed, and;
  - (b) Material shall consist of lattice or mesh screening only.
  - (c) If aesthetic lattice work, breakaway walls, or screening is utilized, any enclosed space shall not be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
  - (d) For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Breakaway wall enclosures shall not exceed 299 square feet. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
    - (i) Breakaway wall collapse shall result from water load less than that which would occur during the base flood, and;
    - (ii) The effects of wind and water loads acting simultaneously on all building components (structural and nonstructural) must be taken into account. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those requirements by state or local building codes.
    - (iii) The lowest horizontal structural member should be oriented perpendicular to the expected wave crest.

- (6) Enclosures below elevated buildings shall be useable solely for storage, parking of vehicles, or building access. Such space will not be used for human habitation and not finished or partitioned into separate rooms.
- (7) Prior to construction, plans for any structure using lattice, breakaway walls, or decorative screening must be submitted to the City's Floodplain Administrator for approval.
- (8) Any alteration, repair, reconstruction or improvement to any structure shall not enclose the space below the lowest floor except with lattice-work, breakaway walls, or decorative screening, as provided in this Section.
- (9) In Coastal AE Zones, property owners shall be required to execute an elevation certificate with an affidavit acknowledging that all openings in breakaway walls will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements of Article 4, Section B(3). Periodic inspections will be conducted by the Floodplain Administrator to ensure compliance.
- (10) Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor of the structure or the detached accessory building shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area as described in Article 4, Section B(3)(f).
- (11) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in VE Zones and Coastal AE Zones. The Floodplain Administrator shall maintain a record of all such information.
- (12) The City's Floodplain Administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:
  - (a) Particle composition of fill material does not have a tendency for excessive natural compaction;
  - (b) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
  - (c) Slope of fill will not cause wave run-up or ramping.
- (13) Under the buildings or structures, no fill may be used except for minor site grading for drainage purposes. Nonstructural fill may be used on coastal building sites for minor landscaping and site grading for drainage purposes to the extent that the fill does not interfere with the free passage of floodwaters and debris underneath the building or cause changes in flow direction during coastal storms. Changes to site grades, other than those prescribed, must be avoided as they can cause additional damage to buildings on the site or to adjacent buildings.

Fill placed in coastal zones should be similar (compatible) to the natural soils in the area and not contain large rocks or debris, organic materials, or clay. Minor site grading is to be limited to the addition of one to two feet of coastal zone compatible soils. If additional fill (greater than two feet) or non-compatible soils are to be added to the site, certification by a professional engineer or architect shall be submitted along with design calculations demonstrating that no adverse impacts will result to the building. (For guidance, see FEMA Technical Bulletin #5 "Free of Obstruction Requirements").

- (14) Prohibit man-made alteration of sand dunes or mangrove stands which would increase potential flood damage.
- (15) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of Article 4, Section B(4) are met.
- (16) Permit recreational vehicles in VE Zones and Coastal AE Zones if they meet all of the requirements of Article 4, Section B(4)(d).
- (17) Property owners shall be required to execute and record with the structure's deed a non-conversion agreement in accordance with Article 4, Section B(3)(f).

**SECTION H.** **CRITICAL FACILITIES**

Construction of new and substantially improved critical facilities shall be located outside the limits of the special flood hazard area (one percent annual chance floodplain). Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available and access to the facilities remains available during a 0.2 percent chance flood.

- (1) Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above the base flood elevation at the site (or to the 0.2 percent chance flood elevation whichever is greater).
- (2) Floodproofing and sealing measures must be implemented to ensure that any and all on-site toxic substances will not be displaced by or released into floodwaters.
- (3) Multiple access routes, elevated to or above the 0.2 percent flood elevation, shall be provided to all

- critical facilities to the maximum extent possible.
- (4) Critical facilities must be protected to or above the 0.2 percent chance flood and must remain operable during such an event.
- The community's flood response plan must list facilities considered critical in a flood.
  - Other facilities in low risk flood zones that may also be needed to support flood response efforts must be included on the critical facility list.
- (5) The use of any structure shall not be changed to a critical facility, where such a change in use will render the new critical facility out of conformance with this section.

**ARTICLE 5**  
**VARIANCE PROCEDURES**

**SECTION A. DESIGNATION OF VARIANCE AND APPEALS BOARD**

Requests for appeals or variance from the requirements of this ordinance shall be submitted to the City Council of the City of Foley which shall sit as a Variance and Appeals Board.

**SECTION B. APPELLATE DUTIES OF BOARD**

The Foley City Council shall hear and decide appeals when it is alleged an error in any requirement, decision, interpretation or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the City Council may appeal such decision to the Circuit Court of Baldwin County if and as provided for by Alabama law.

**SECTION C. VARIANCE PROCEDURES**

In reviewing requests for variance, the Foley City Council shall consider all technical evaluations, relevant factors, and standards specified in other sections of this ordinance, and:

- Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, the development is protected by methods that minimize flood damage during the base flood, and it creates no additional threats to public safety.
- Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
- The evaluation must be based on the characteristics unique to that property and not be shared by adjacent parcels. The characteristics must pertain to the land itself, not to the structure, its inhabitants, or its owners.
- Variances should never be granted for multiple lots, phases of subdivisions, or entire subdivisions.
- The danger of life and property due to flooding or erosion damage including materials that may be swept onto other lands to the injury of others.
- The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and the community.
- The safety of access to the property during flood conditions for daily traffic and emergency vehicles.
- The importance of the services provided by the proposed facility to the community.
- The necessity of the facility to be at a waterfront location, where applicable.
- The compatibility of the proposed use with existing and anticipated development based on the community's comprehensive plan for that area.
- The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- The costs associated with providing governmental services to the development during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and community infrastructure such as streets, bridges, and culverts.

Upon consideration of factors listed above, and the purpose of this ordinance, the Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

**SECTION D. VARIANCES FOR HISTORIC STRUCTURES**

Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.

**SECTION E. CONDITIONS FOR VARIANCES**

The provisions of this Ordinance are minimum standards for flood loss reduction, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- A variance may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of Sections E(3), E(4), F(1) and F(2) of this Article.
- In the instance of a Historic Structure, a determination is required that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- A variance shall be issued **ONLY** when there is:
  - A finding of good and sufficient cause;
  - A determination that failure to grant the variance would result in exceptional hardship; and
  - A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- Variances shall not be issued "after the fact"

**SECTION F. VARIANCE NOTIFICATION AND RECORDS**

- Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that specifies the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the issuance of such a variance could:
  - result in rate increases in the hundreds and possibly thousands of dollars annually depending on structure and site-specific conditions; and
  - increase the risk to life and property resulting from construction below the base flood level.
- The Floodplain Administrator shall maintain a record of all variance actions and appeal actions, including justification for their issuance. Report any variances to the Federal Emergency Management Agency Region 4 and the Alabama Department of Economic and Community Affairs/Office of Water Resources upon request.
- A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Foley City

Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

**ARTICLE 6**  
**DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**A Zone** means the Area of Special Flood Hazard without base flood elevations determined.

**Accessory Structure (also referred to as appurtenant structures)** means a structure which is located on the same parcel of property as a principal structure to be insured and the use of which is incidental to the use of the principal structure. They should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. These structures are used solely for parking (two-car detached garages or smaller) or limited storage (small, low cost storage sheds). They are included under the general definition of structure and are consequently subject to all floodplain management regulations pertaining to structures.

**Addition (to an existing building)** means any improvement that increases the square footage of a structure. These include lateral additions added to the front, side, or rear of a structure, vertical additions added on top of a structure, and enclosures added underneath a structure. NFIP regulations for new construction apply to any addition that is considered a perimeter expansion or enclosure beneath a structure. If it is considered to be a substantial improvement (more than 50% of market value) to a structure, the existing structure will also need to be treated as new construction.

Depending on the flood zone and details of the project, the existing building may not have to be elevated. The determining factors are the common wall and what improvements are made to the existing structure. If the common wall is demolished as part of the project, then the entire structure must be elevated. If only a doorway is knocked through it and only minimal finishing is done, then only the addition has to be elevated.

**AE Zone** means the Area of Special Flood Hazard with base flood elevations determined.

**AH Zone** means an area of one percent chance of shallow flooding where depths are between one to three feet (usually shallow ponding), with base flood elevations shown.

**AO Zone** means an area of one percent chance of shallow flooding where depths are between one to three feet (usually sheet flow on sloping terrain), with depth numbers shown.

**Appeal** means a request for a review of the Appointed Officials interpretation of any provision of this ordinance.

**AR/AE, AR/AH, AR/AO, and AR/A Zones** means a flood zone that results from the decertification of a previously accredited flood protection system or levee that is in the process of being restored to provide a one percent chance or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

**A99 Zone** means that part of the special flood hazard area inundated by the one percent annual chance flood to be protected from the one percent chance flood by a Federal flood protection system or levee under construction, no base flood elevations are determined.

**Area of shallow flooding** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of special flood hazard** (also see "Special flood hazard area") means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Article 2, Section B.

**Base flood** means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "one percent chance flood").

**Base flood elevation** means the computed elevation to which floodwater is anticipated to rise during the base flood. It is also the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. Base Flood Elevations are shown in the FIS and on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30 and VE.

**Basement** means any portion of a building having its floor sub grade (below ground level) on all sides.

**Breakaway wall** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. This is associated with VE Zone (coastal) and Coastal AE Zones construction.

**Building** (also see **Structure**) means (1) A structure with 2 or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; or (2) a manufactured home (a "manufactured home," also known as a mobile home, is a structure built on a permanent chassis, transported to its site in 1 or more sections, and affixed to a permanent foundation); or (3) a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

**Coastal AE Zone** means the portion of the Special Flood Hazard Area (SFHA) to be landward of a Velocity (VE) Zone or landward of an open coast or back-bay area without mapped V-Zones, in which the principal sources of flooding are astronomical tides, storm surges, seiches or tsunamis; not riverine sources. Coastal AE Zones may be subject to wave effects, velocity flows, erosion, scour or combinations of these forces. All community-identified or designated portions of the Special Flood Hazard Area (SFHA) between the landward limit of moderate wave action (the LiMWA or 1.5-foot breaking wave) and the landward limit of the V Zone boundary shall be regulated as VE Zones. Where no VE Zone is mapped in back-bay areas, the Coastal AE Zone is the portion between the high tide line and the landward limit of the 1.5-foot breaking wave.

**Coastal Barrier Resources Act** means the Coastal Barrier Resources Act of 1982 which prohibits the use of federal development assistance, including federal flood insurance, on property included in the System. While the act does not prevent property in coastal barriers from being developed, it helps to slow or discourage development by prohibiting the use of federal funds, including insurance and loans, from being used to build new property or replace or repair damaged property.

**Coastal high hazard area** means an area of special flood hazard, extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as VE Zone.

**Community** means a political entity and/or its authorized agents or representatives that have the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

**Community Rating System (CRS)** means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

**Critical facility** (aka, critical action) means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use or store hazardous materials or hazardous waste (as defined under the Clean Water Act and

other Federal statutes and regulations).

**D Zone** means an area in which the flood hazard is undetermined.

**Dam** means any artificial barrier, including appurtenant works, constructed to impound or divert water, waste water, liquid borne materials, or solids that may flow if saturated. All structures necessary to maintain the water level in an impoundment or to divert a stream from its course will be considered a dam.

**Development** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.

**Dry Floodproofing** means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damages to real estate or improved real estate property, water, and sanitary facilities, structures, and their contents. Structures shall be floodproofed with a minimum of 12 inches above the base flood elevation (more is recommended). Dry floodproofing of a pre-FIRM residential structure that has not been substantially damaged or improved is allowed. Dry floodproofing of a post-FIRM residential building is not allowed. Non-residential structures may be dry floodproofed in all flood zones with the exception of the **Coastal High Hazard Area** or the **Coastal AE Zone**.

**Elevated building** means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, pilings, posts, columns, piers, or shear walls.

**Elevation Certificate** means a FEMA form used as a certified statement that verifies a building's elevation information.

**Encroachment** means the advance or infringement of uses, plant growth, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Existing Construction** means any structure for which the "start of construction" commenced before January 3, 1985 [i.e., the effective date of the **FIRST floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)**] or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

**Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before January 3, 1985.

**Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

**Flood** or **flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.
- c. Mudslides which are proximately caused by flooding as described in part "b." of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- d. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually highwater level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in part "a." of this definition.

**Flood Hazard Boundary Map (FHBM)** means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been designated as Zone A.

**Flood Insurance Rate Map (FIRM)** means an official map of a community, on which the Federal Emergency Management Agency has delineated the areas of special flood hazard and/or risk premium zones applicable to the community.

**Flood Insurance Study/ Flood Elevation Study** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards.

**Floodplain** means any land area susceptible to being inundated by water from any source.

**Floodplain management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain management regulations** means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**Floodproofing** means any combination of structural and nonstructural additions, changes or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities or structures with their contents.

**Floodway (Regulatory Floodway)** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floodway fringe** means that area of the special flood hazard area on either side of the regulatory floodway.

**Flood Protection Elevation** means the base flood elevation plus the community freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations or base flood elevations determined and/or approved by the floodplain administrator plus freeboard.

**Freeboard** means a factor of safety usually expressed in feet above the Base Flood Elevation (BFE) for purposes of floodplain management which tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. Used to determine the level for a building's lowest floor elevation or level of floodproofing required to be in compliance with the community's floodplain management regulations.

**Functionally dependent facility** means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facility that are necessary for the loading and unloading of cargo or passengers, and shipbuilding, and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

**Hardship** (as related to variances of this ordinance) means the exceptional difficulty that would result from a failure to grant the requested variance. The City Council requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the

property owner to build elsewhere or put the parcel to a different use than originally intended.

**Highest adjacent grade** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**Historic Structure** means any structure that is;

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - i. By an approved state program as determined by the Secretary of the Interior, or
  - ii. Directly by the Secretary of the Interior in states without approved programs.

**Letter of Map Change (LOMC)** is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:

**Letter of Map Amendment (LOMA)**

An amendment based on technical data showing that a property was incorrectly included in a designated SFHA, was not elevated by fill (only by a natural grade elevation), and will not be inundated by the one percent chance flood. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

**Letter of Map Revision (LOMR)**

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the BFE and is, therefore, excluded from the SFHA.

**Conditional Letter of Map Revision (CLOMR)**

A formal review and comment by FEMA as to whether a proposed project complies with the minimum NFIP floodplain management criteria. A CLOMR does not revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

**Levee** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**Levee System** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**Lowest adjacent grade** means the point of the ground level immediately next to a building. This may be the sidewalk, patio, deck support, or basement entryway immediately next to the structure after the completion of construction. It does not include earth that is placed for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a building's foundation system.

**Limit of Moderate Wave Action (LiMWA)** means the limit of the AE Zone category area exposed to wave attack from waves greater than 1.5 feet during the base (one percent chance) flood on open coastal and inland areas exposed to erosion and wave propagation.

**Lowest floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this ordinance.

**Manufactured home** means a building, transportable in one or more section, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Market value** means the property value (as agreed between a willing buyer and seller), excluding the value of land as established by what the local real estate market will bear. Market value can be established by independent certified appraisal; replacement cost depreciated by age of building (Actual Cash Value); or adjusted assessed values.

**Mean Sea Level** means the average height of the sea for all stages of the tide. It is used as a reference for the base flood elevations shown on a community's Flood Insurance Rate Map (FIRM). For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum.

**National Flood Insurance Program (NFIP)** means the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

**National Geodetic Vertical Datum (NGVD)** means as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**New construction** means ANY structure (see definition) for which the "start of construction" commenced after January 3, 1985 and includes any subsequent improvements (including additions) to such structures.

**New manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 3, 1985

**Non-Residential** means, but is not limited to; small business concerns, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels and motels with normal room rentals for less than 6 months duration.

**North American Vertical Datum (NAVD) of 1988** means a vertical control, corrected in 1988, used as a reference for establishing varying elevations within the floodplain.

**Obstruction** means, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channel construction, bridge, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**One Percent Flood** (aka 100-Year Flood) is the flood that has a one percent chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A or V is subject to inundation by the one percent chance flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood within the SFHA.

**Participating Community** is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

**Post-FIRM Construction** means new construction and substantial improvements for which start of construction occurred after December 31, 1974, or on or after the effective date of the initial FIRM of the community, whichever is later.

**Pre-FIRM Construction** means new construction and substantial improvements for which start of construction occurred on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

**Primary frontal dune** means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

**Probation** means an action taken by FEMA to formally notify participating communities of the first of the two NFIP sanctions due to their failure to correct violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

**Public safety and nuisance** means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Primary frontal dune** means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

**Recreational vehicle** means a vehicle which is:

- Licensed and titled as a recreational vehicle or park model;
- Built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- Has no attached deck, porch, or shed;
- Has quick-disconnect sewage, water, and electrical connectors;
- Designed to be self-propelled or permanently towable by a light duty truck; and
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regular Program** means the second phase of the community's participation in the NFIP in which second layer coverage is available based upon risk premium rates only after FEMA has completed a flood risk study for the community.

**Regulatory floodway** see Floodway.

**Remedy a violation** means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

**Repetitive Loss** means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

**Repetitive Loss Property** means any insurable structure for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A repetitive loss property may or may not be currently insured by the NFIP.

**Sand dunes** means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**Section 1316** means no new flood insurance policy or federal disaster assistance shall be provided for any property which the Administrator finds has been declared by a duly constituted State or local zoning authority or other authorized public body, to be in violation of State or local laws, regulations or ordinances which are intended to discourage or otherwise restrict land development or occupancy in floodprone areas. If the structure is made compliant with the applicable community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by the community and flood insurance and disaster assistance eligibility restored.

**Severe Repetitive Loss Structure** means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership:

- Four or more separate claim payments of more than \$5,000 each (including building and contents payments); or
- Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

**Special flood hazard area (SFHA)** means that portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBMap or FIRM as Zones A, AE, AH, AO, AR, AR/AE, AR/AO, AR/AH, AR/A, A99, or VE.

**Start of construction** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) means the date the development or building permit was issued (includes substantial improvement), provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation.

"Permanent construction" does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on

the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** means a walled and roofed building, including a liquid or gas storage tank, that is principally above ground, as well as a manufactured home.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to it before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

**Substantial improvement** means any combination of reconstruction, alteration, or improvement to a building, taking place during a 5-year [or 10-year] period, in which the cumulative percentage of improvement equals or exceeds 50 percent of the current market value of the structure before the "start of construction" of the initial improvement. Any subsequent improvement project costs shall be added to the initial costs for the initial improvement project. At the end of a 5-year [or 10-year] period from the initial improvement project, an updated valuation for the structure can be used for the next time period. This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

- Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (provided that said code deficiencies were not caused by neglect or lack of maintenance on the part of the current or previous owners) or;
- Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Substantially improved existing manufactured home parks or subdivisions** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**Suspension** means the removal, with or without probation, of a participating community from the NFIP because the community failed to adopt and enforce the compliant floodplain management regulations required for participation in the NFIP.

**VE Zone** see Coastal High Hazard Area.

**Variance** means a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

**Violation** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the Code of Federal Regulations (CFR) §44, Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) and corresponding parts of this ordinance is presumed to be in violation until such time as that documentation is provided.

**Watercourse** means any flowing body of water including a river, creek, stream, or a branch.

**Water surface elevation** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Wet floodproofing** means a method of construction which allows water to enter a structure in such a way that will minimize damage to the structure and its contents. Wet floodproofing is appropriate for functionally dependent use and uses that facilitate open space use by variance only, structures utilized for parking or limited storage, or when all other techniques are not technically feasible. Wet floodproofing shall not be utilized as a method to satisfy the requirements of this ordinance for bringing substantially damaged or improved structures into compliance. Wet floodproofing is not allowed in lieu of complying with the lowest floor elevation requirements for new residential buildings.

**X Zones (shaded)** are areas of 0.2 percent chance flood that are outside of the SFHA subject to the one percent chance flood with average depths of less than one foot, or with contributing drainage area less than one square mile, and areas protected by certified levees from the base flood.

**X Zones (unshaded)** are areas determined to be outside the 0.2 percent chance floodplain.

**Zone** means a geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

## ARTICLE 7 SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

PASSED, APPROVED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2019

J. Wayne Trawick, President

Kathryn Taylor, CMC  
City Clerk

John E. Koniar, Mayor

March 6, 2019

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### NOTICE OF MEETING

The State Oil and Gas Board of Alabama will hold its regular hearing at 10:00 a.m. on Tuesday, March 19, 2019 and Thursday, March 21, 2019, in the Board Room of the State Oil and Gas Board, Walter B. Jones Hall, University of Alabama Campus, 420 Hackberry Lane, Tuscaloosa, Alabama, to consider among other items the following petition:

DOCKET NO. 3-19-19-01

Petition by South Carlton Operating Company, LLC, a foreign corporation authorized to do and doing business in the State of Alabama, requesting the State Oil and Gas Board to extend the temporarily abandoned status and the shut-in status of the following wells located in Clarke and Baldwin Counties, Alabama, in the South Carlton Field, for an additional year in accordance with Rules 400-1-4-.17(1) and (2) of the *State Oil and Gas Board of Alabama Administrative Code*:

Well Name	Permit Number	Requested Status
M. W. Davies #5 Well	1491	Temporarily Abandoned
Bernice Wall Barbour et al #16-7 Well	2011	Temporarily Abandoned
J. H. Wall Estate Unit #3-2 Well	2017	Temporarily Abandoned
Wall et al Unit #3-3 Well	2286-B	Temporarily Abandoned
Wall et al #3-13 Well	2842	Temporarily Abandoned
Ed L. Robinson et al #1 Well	272	Shut-In
J. H. Wall Estate et al #3-10 Well	286-A	Shut-In
J. H. Wall Estate "E" #1 Well	975	Shut-In
Bernice Wall Barbour et al #3-16 Well	2154	Shut-In
Wall et al #3-11 Well	2179	Shut-In
Wall et al #3-6 Well	2180	Shut-In
Wall #11-4 Well	3331	Shut-In
Wall et al #11-3 Well	3332	Shut-In
Williams 10-12 #2 Well	4611	Shut-In
C. O. Oswell 14-4 #6 Well	4631	Shut-In
J. H. Wall Estate et al "C" #2 Well	16547	Shut-In

Petitioner also requests that the Board classify the J. H. Wall #12 Well (Permit 672-A) and the Scottie "A" #1 Well (Permit 1723) as shut-in for a one year period and that the Board classify the C. O. Oswell 15-1 #7 SWD Well (Permit 4632-SWD-12-01) as temporarily abandoned for a one year period.

Petitioner requests that the Board classify said wells as stated above and grant extensions of said classifications because the above-named wells proposed for temporarily abandoned status have future utility and the above-named wells proposed for shut-in status are capable of producing hydrocarbons.

The public is further advised that, pursuant to this hearing, the applicable provisions of the Code of Alabama (1975), and the *State Oil and Gas Board of Alabama Administrative Code*, the Board will enter such Order or Orders as in its judgment may be necessary in accordance with the evidence submitted and accepted. Hearings of the State Oil and Gas Board are public hearings, and members of the public are invited to attend and present their position concerning petitions. Requests to continue or oppose a petition should be received by the Board at least two (2) days prior to the hearing. The public should be aware that a petition may be set for hearing on the first day or second day of the hearing or may be continued to another hearing at a later date. We suggest that prior to the hearing, interested parties contact Marvin Rogers, General Counsel for the State Oil and Gas Board, P. O. Box 869999, Tuscaloosa, Alabama 35486-6999, Telephone Number (205)247-3680, Fax Number (205)349-2861, or by email at [petitions@ogb.state.al.us](mailto:petitions@ogb.state.al.us).

STATE OIL AND GAS BOARD OF ALABAMA  
420 Hackberry Lane  
P. O. Box 869999  
Tuscaloosa, Alabama 35486-6999

Berry H. (Nick) Tew, Jr.  
Secretary to the Board  
State Oil and Gas Supervisor

March 6, 2019



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## BRIDGE SCORES

### Eastern Shore Duplicate Bridge Club

Results for week of Feb. 18-22

#### Monday N/S

Janice Clifford – Vivien Harmon  
Joe Wood – Sue Wood  
Paula Potter – Janet Anderson  
Paula Huber – Charles Davis  
E/W  
Bonnie Mabrey – Mac Golson

Pat Barrow – Angele Baker  
Paul East – Deborah East  
Rodney Mundy – Barbara Mundy  
Norma Morrison – Ken Morrison

#### Wednesday N/S

Anita Graham – Walter Rutland  
Paula Potter – Valerie Hogg  
Janice Clifford – C Fogarty

Ken Morrison – Janet Anderson  
E/W  
Paul East – Deborah East  
Mac Golson – Angele Baker  
Sue Wood – Joe Wood  
Randy Laney – Bill Hogg  
Bari Campbell – Evelyn Meyers

#### Thursday N/S

Phoebe Jackson – Vivien

Harmon  
Mac Golson – Lynne Parker  
Rodney Mundy – Barbara Mundy  
E/W  
Paul East – Walter Rutland  
Joan Caudle – Norma Morrison  
Randy Laney – Deborah East

#### Daphne Bridge Buffs

#### Tuesday

N/S  
Janet Anderson – Jane Oneil  
Linda Bryant – Jean Falkenburg  
Richard Thompson – Charlotte Thompson

E/W  
Paula Powell – Martin Powell  
Betty Jones – Becky Harris  
Jim Browning – Joan Browning  
Liz Conway – Dolores Thomas

## Pensters meet this Saturday

The Pensters, Baldwin County's oldest writing group, will be meeting this Saturday at 10 a.m. at the University of South Alabama (USA) campus (Summit and St. James Streets).

The meeting is FREE and open to the public.

The speaker this month will be Lynn Oldshue, who will speak about 'Listening to Stories about Strangers'. Lynn won the

Nappie for best blog/website by Lagniappe and the arty for Cultural Innovator from the Mobile Arts.

Free donuts and coffee are provided. For further information

visit [www.pensterswritinggroup.com/](http://www.pensterswritinggroup.com/) or visit them on Facebook (Pensters Writing Group).

Contact John O'Melveny Woods at 425-922-6580 for more information.

## Bayside Academy students win awards in Daphne Optimist Club's Essay Contest

Last week, Bayside Academy's Optimist Essay Contest school winners, Mary Helene Hall and Ty Kannegieter, presented their essays to members of Daphne's Optimist Club, winners from other schools across the Eastern Shore, and family members.

Out of dozens of essays, Mary Helene Hall's was one of three winning an award. Her third place finish in the essay contest demonstrates Mary Helene's talent for capturing her ideas with words as well as her ability to offer the perfect examples to support those ideas.

Likewise, Ty's presentation of his essay displayed his natural ability to connect with his audience and to weave humor and a personal writing voice into a paper

discussing a serious topic. Unable to attend the program was a third school winner, Rebecca Klimjack. All three of these students should be proud of their essays: They

represented the strong writing talent at Bayside Academy well!

*Bayside Academy is an independent, coeducational, college preparatory day school for students in grades PK-12.*



SUBMITTED PHOTO

Bayside's English Department Chair Katie Ray and AP Literature Teacher Gene Montgomery are pictured with senior Mary Helene Hall, Third Place Overall Winner of Daphne Optimist Club's Essay Contest.

# IVEY'S



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Presale Prices are \$10.00 Adults  
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