

# Baldwin County Commission

**Baldwin County Commission Regular  
Meeting Minutes  
Wednesday, July 5, 2023  
10:00 AM**



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

District 1 – Commissioner James E. Ball  
District 2 – Commissioner Matthew P. McKenzie  
District 3 – Commissioner Billie Jo Underwood  
District 4 – Commissioner Charles F. Gruber

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**All supporting documentation for the minutes can be viewed in the File ID link of each item and are denoted by an asterisk.**

## **WELCOME BY CHAIRMAN, INVOCATION AND PLEDGE OF ALLEGIANCE**

**Present:** 4 - Commissioner James E. Ball, Commissioner Matthew P. McKenzie, Commissioner Billie Jo Underwood, and Commissioner Charles F. Gruber

**Absent:** 0

Also present were, Roger Rendleman, County Administrator, and Brad Hicks, County Attorney.

The Chairman called the meeting to order at 10:00 a.m. Following the Invocation by Chaplain Mel Hacker, with the Baldwin County Sheriff's Office, and the Pledge of Allegiance led by Commissioner James E. Ball, the Commission transacted the following business to-wit:

### **A ADOPTION OF MINUTES**

June 20, 2023, Regular Meeting

Motion by Commissioner Billie Jo Underwood, seconded by Commissioner James E. Ball, to adopt the minutes of the June 20, 2023, Regular Meeting.

The motion passed by the following vote:

**Aye:** 4 - James E. Ball, Matthew P. McKenzie, Billie Jo Underwood, and Charles F. Gruber

**Nay:** 0

**Absent:** 0

**Abstain:** 0

### **B COMMITTEE REPORTS**

**BA FINANCE/ADMINISTRATION DIVISION**

**BA1 Payment of Bills**

[23-1301](#)

Motion by Commissioner Billie Jo Underwood, seconded by Commissioner James E. Ball, to approve payment of the bills and distribution of taxes which are listed in the Baldwin County Accounts Payable Payments.

The motion passed by the following vote:

**Aye:** 4 - James E. Ball, Matthew P. McKenzie, Billie Jo Underwood, and Charles F. Gruber

**Nay:** 0

**Absent:** 0

**Abstain:** 0

**BA2 Notification of Interim Payments Approved by Clerk/Treasurer as Allowed Under Policy 8.1**

[23-1300](#)

No action taken.

**C CONSENT**

Roger Rendleman, County Administrator, noted Planning and Zoning Items CR2 through CR8 have been removed from the Consent Agenda for separate consideration.

Motion by Commissioner James E. Ball, seconded by Commissioner Billie Jo Underwood, to approve the Consent Agenda with the exception of Items CR2 through CR8.

The motion passed by the following vote:

**Aye:** 4 - James E. Ball, Matthew P. McKenzie, Billie Jo Underwood, and Charles F. Gruber

**Nay:** 0

**Absent:** 0

**Abstain:** 0

**CA ADMINISTRATION**

**CA1 Correction to Minutes of the Baldwin County Commission July 19, 2022, Regular Meeting**

[23-1341](#)

Due to a scrivener's error in the July 19, 2022, Regular meeting minutes, correct for the record the motion listed related to the adoption of July 5, 2022, meeting minutes which read incorrectly as follows:

"Motion by Commissioner Charles F. Gruber, seconded by Commissioner Billie Jo

Underwood, to correct for the record a scrivener's error in Agenda Item BA2 - Case No. LV-22013 - Alcohol License Application for Perdido Investments LLC d/b/a Corner Market, which listed the location as 52668 Highway 31 N, by removing "North" from the address."

To instead, read:

"Motion by Commissioner Charles F. Gruber, seconded by Commissioner Billie Jo Underwood, to adopt the minutes of the July 5, 2022, Regular meeting with the correction of a scrivener's error in Agenda Item BA2 - Case No. LV-22013 - Alcohol License Application for Perdido Investments LLC d/b/a Corner Market, which listed the location as 52668 Highway 31 N, by removing "North" from the address."

## **CC ARCHIVES AND HISTORY**

**CC1** Agreement with South Alabama Antique Tractor and Engine Club for Use of Bicentennial Park for Tractor Storage [23-1292](#)

Take the following actions:

1) Approve the Agreement between the South Alabama Antique Tractor and Engine Club (SAATEC) and the Baldwin County Commission for the SAATEC to use Bicentennial Park to display, store and collect antique tractors, engines, machinery, and implements of historical value. The Agreement shall commence on July 5, 2023, and continue for one (1) year expiring on July 5, 2024; and

2) Approve the Release and Waiver Liability, Assumption of Risk, and Indemnity Agreement for SAATEC members to store tractors and tractor related equipment at Bicentennial Park.

Approval is contingent upon receipt of certificate of liability insurance.

**CC2** Renewal of Loan Agreement with the Illinois State Military Museum, Department of Military Affairs for the Display of Fort Blakeley Civil War Garrison Flag at Central Annex in Robertsdale [23-1299](#)

Authorize the renewal of the Loan Agreement with Illinois State Military Museum, Department of Military Affairs, for the display of Fort Blakeley Civil War Garrison Flag at Central Annex in Robertsdale, Alabama, with a loan period of July 16, 2023, to July 15, 2026.

**CC3** Resolution #2023-140 - Fiscal Year 2023 Capital Expenditure Reallocation of Funds [23-1316](#)

Adopt Resolution #2023-140 which amends the FY 2023 Budget (approved September 20, 2022) to authorize the reallocation of funds from the Capital Outlay Improvements

Fund in the amount of \$67,550.00 to Archives - Commission Sponsored Events Fund for costs incurred for services provided related to site preparation and event services.

**CD BALDWIN REGIONAL AREA TRANSIT SYSTEM (BRATS)**

**CD1** Fiscal Year 2024 Section 5307 / 5339 Urbanized Area Public Transportation Grant [23-1307](#)

Authorize Baldwin Regional Area Transit System (BRATS) staff to submit the Fiscal Year 2024 Section 5307 / 5339 Urban Transportation Grant application for Section 5307 Federal funds in the amount of \$796,000.00 and Section 5339 Federal funds in the amount of \$76,000.00 to the Federal Transit Administration (FTA) electronically through the required web-based portal "Transit Award Management System" (TrAMS).

**CE BUDGET/PURCHASING**

**CE1** Architectural Services for an Addition to the Baldwin County Courthouse Located in Bay Minette, Alabama for the Circuit Court System for the Baldwin County Commission [23-1317](#)

Approve the AIA Agreement for architectural services with PH & J Architects, Inc., for an addition to the Baldwin County Courthouse located in Bay Minette in the amount of 6.5% of the construction cost plus reimbursable expenses.

**CE2** Competitive Bid #WG21-37 - Provision of Pressure Washing Services for the Baldwin County Commission [23-1194](#)

Extend Bid #WG21-37 - Provision of Pressure Washing Services with Creek Clean, LLC, for an additional twelve (12) months at the same prices and terms as stated in the original bid award August 3, 2021.

The Contract extension will expire on August 3, 2024.

**CE3** Competitive Bid #WG22-46 - Provision of Off-site Printing, Imaging and Mailing of Tax Notices for the Baldwin County Revenue Commission [23-1193](#)

Extend Competitive Bid #WG22-46 - Provision for Off-site Printing, Imaging and Mailing of Tax Notices for the Baldwin County Revenue Commission with Peregrine Corporation, for an additional twelve (12) months at the same prices, terms and conditions as stated in the original bid award on August 2, 2022.

The new extension will expire on August 2, 2024.

**CE4** Competitive Bid #WG23-28A - Purchase of Fifty-two (52) Body Cameras and Mounts for the Baldwin County Sheriff's Office [23-1309](#)

Award the bid to the lowest responsible bidder who met all the specifications, Motorola Solutions, Inc., for the purchase of fifty-two (52) body cameras and mounts per the Award Listing.

**CE5** Competitive Bid #WG23-49 - Purchase of Two (2) Backpack Fogging Systems for the Baldwin County Corrections Center Located in Bay Minette, Alabama

[23-1310](#)

Take the following actions:

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

**CE6** Construction of Magnolia Landfill Facility Entrance Utilities for the Baldwin County Commission

[23-1313](#)

Award the bid to the lowest bidder, W. R. Mitchell Contractor, Inc., in the amount of \$163,704.00; Construction time: 35 calendar days; for the construction of the Baldwin County Magnolia Landfill Facility Entrance Utilities and authorize the Chairman to execute the Contract and any other award documents.

**CE7** Construction of Magnolia Landfill Facility Entrance Scales for the Baldwin County Commission

[23-1334](#)

Reject the bid received from G. T. Michelli Company, Inc., for the construction of Magnolia Landfill Facility Entrance Scales and authorize the Purchasing Director and Engineer to negotiate with the bidder for a lower bid amount.

A final recommendation will be brought back to the Commission for award.

**CE8** Construction of Magnolia Landfill Facility Entrance Scalehouse for the Baldwin County Commission

[23-1315](#)

Take the following actions:

- 1) Approve the funding in the amount of \$309,358.44 from the \$2,000,000.00 budgeted in FY 2023 Magnolia Landfill budget (51054300.55240) for the Wastewater Treatment Plant to fund the construction of Magnolia Landfill Facility Entrance Scalehouse; and
- 2) Award the bid to Quick Buildings Modular, LLC, in the amount of \$309,358.44; Construction Time: 60 calendar days; for the construction of Magnolia Landfill Facility

Entrance Scalehouse and authorize the Chairman to execute the Contract and all other award documents.

**CE9** Construction of MacBride Landfill Phase IV Access Road Located in Loxley, Alabama for the Baldwin County Commission [23-1337](#)

Take the following actions:

1) Reject the bid received from Newell & Bush, Inc., for the construction of the Baldwin County MacBride Landfill Phase IV Access Road located in Loxley, Alabama, due to the bid amount exceeding the budget amount; and

2) Authorize the Purchasing Director and Engineer, Daniel Wells with CDG Engineers & Associates, to re-bid the construction of the Baldwin County MacBride Landfill Phase IV Access Road project.

**CE10** Project No. HW22027 - Bay Shore Drive Bridge Removal for the Baldwin County Commission [23-1296](#)

Award the bid for Project No. HW22027 Bay Shore Bridge Removal to the lowest bidder, Black Diamond Construction, LLC, in the Bid Amount \$154,694.00; Construction Time: 30 working days; and authorize the Chairman to execute the Contract.

**CE11** Termination of AIA Agreement with Mott MacDonald Architects, Inc. for Architectural Services for Renovations of the Baldwin County Courthouse Located in Bay Minette, Alabama [23-1306](#)

Terminate the AIA Agreement for architectural services with Mott MacDonald Architects, Inc., for the renovations of the Baldwin County Courthouse located in Bay Minette, approved by the Baldwin County Commission during its June 6, 2023, regular meeting (Agenda Item CE1), and authorize the Chairman to execute a Notice of Termination letter to Mott MacDonald Architects, Inc., as required in Article 4 of the Agreement, said termination effective July 13, 2023.

**CE12** Transfer of One (1) Vehicle from Sales & Use Tax Department to Planning and Zoning Department [23-1329](#)

Approve the transfer of one (1) 2013 Chevrolet Impala VIN #2G1WF5E3XD1210469 from the Sales and Use Tax Department to the Planning and Zoning Department at no charge and authorize the Chairman to execute the Fixed Asset Form.

**CE13** Reciprocal Agreements with Various Municipalities for the Exchange of Tax Returns and Information [23-1326](#)

Approve the Reciprocal Agreements between the Baldwin County Commission and the following municipalities within Baldwin County, related to the cooperative exchange of tax information:

City of Bay Minette  
City of Daphne  
Town of Elberta  
City of Fairhope  
City of Foley  
City of Gulf Shores  
City of Loxley  
Town of Magnolia Springs  
City of Robertsedale  
Town of Silverhill  
City of Spanish Fort  
Town of Summerdale

These agreements shall become effective August 1, 2023, for a period of three (3) years and automatically renew annually thereafter. Either party (municipality or county) may terminate the agreement, with or without cause or reason, by giving thirty (30) days written notice of such termination to the other party.

**CH COMMUNICATIONS/INFORMATION SYSTEMS (CIS)**

**CH1** Addendum to Microsoft Volume Licensing Agreement [23-1290](#)

Approve and authorize Chairman to execute the Program Signature Form between Baldwin County Commission and Microsoft Corporation for the Communications and Information Systems Department to access additional Microsoft Licensing included in the Microsoft Licensing Agreement, originally approved on October 19, 2021.

The current agreement commenced October 1, 2021, and expires September 30, 2024.

**CJ ELECTED OFFICIALS**

**CJ1** Coroner's Office - U.S. Department of Homeland Security / Federal Emergency Management Agency Application for Fiscal Year 2023 Homeland Security Grant Program through the Alabama Law Enforcement Agency [23-1308](#)

Take the following actions:

1) Authorize the Baldwin County Coroner's Office to submit the FY 2023 State of Alabama Homeland Security Program Grant Application through the Alabama Law Enforcement Agency (ALEA) for reimbursable expenses for the purchase of a Ford F-250 Super Duty Truck and enclosed 8.5 x 20 Trailer; and

2) Authorize the Chairman to execute the grant application and any other documents related to the application.

**CN HIGHWAY**

**CN1** City of Fairhope - Quitclaim Deed - Blueberry Lane Right-of-Way [23-1305](#)

Authorize the Chairman to execute a Quitclaim Deed conveying any and all right and title to that portion of right-of-way owned by Baldwin County on Blueberry Lane (from Gayfer Road Extension to the north approximately 1,630 feet) to the City of Fairhope.

**CN2** License Agreement #23017 - Haddow Avenue Right-of-Way [23-1293](#)

Take the following actions:

1) Approve License Agreement #23017 permitting the Utilities Board of Gulf Shores C/O Rhonda Butler to install a water and sewer service line on un-maintained right-of-way on Haddow Avenue in Gulf Shores, Alabama. (The term of this agreement shall commence on the date of full execution. License for installation shall terminate at 11:59 p.m. on October 31, 2023. License for maintenance shall be indefinite according to the terms of the agreement or until modified by a written agreement with Licensor.); and

2) Authorize the County Engineer to execute Utility Permits #23196-W and #23193-S.

**CN3** Resolution #2023-149 - Fiscal Year 2023 Budget Amendment for Purchase of Asphalt Truck [23-1298](#)

Take the following actions:

1) Adopt Resolution #2023-149 which amends the Fiscal Year 2023 Budget to authorize the movement of funds in various accounts allowing the Highway Department to purchase a 2024 FP5 Flameless All-In-One Pothole Patcher (Asphalt Truck) for Area 100 Maintenance Facility; and

2) Authorize the Purchasing Director to issue a Purchase Order to Bergkamp, Inc., for the Asphalt Truck purchase.

**CN4** Resolution #2023-141 - Transfer of a Portion of Belgrove Avenue to City of Daphne [23-1318](#)

Adopt Resolution #2023-141 authorizing the transfer of responsibility for a portion of Belgrove Avenue from the intersection of State Highway 181 approximately 355 feet east to the City of Daphne.

**CO JUVENILE DETENTION**



**CO1** Memorandum of Understanding with Baldwin County Board of Education for Provision of Food Services at Baldwin County Regional Juvenile Detention Center [23-1312](#)

Approve a Memorandum of Understanding between the Baldwin County Commission and the Baldwin County Board of Education for the provision of food services at the Baldwin County Regional Juvenile Detention Center effective September 12, 2023, and terminating September 12, 2024.

The following meals will be provided five (5) days a week by the Baldwin County High School kitchen at the rates listed:

Breakfast \$2.50  
Lunch \$4.25  
Dinner \$4.25

**CO2** Memorandum of Understanding with Baldwin County Sheriff's Office for Provision of Food Services at Baldwin County Regional Juvenile Detention Center [23-1303](#)

Approve a Memorandum of Understanding between the Baldwin County Commission and the Baldwin County Sheriff's Office for the provision of food services at the Baldwin County Regional Juvenile Detention Center.

The Memorandum of Understanding shall take effect on the date of its full execution and shall expire in twelve (12) months at which time it shall terminate; however, it may be renewed by mutual agreement between the Baldwin County Commission and the Baldwin County Sheriff's Office. Notwithstanding the aforementioned, the Baldwin County Commission or the Baldwin County Sheriff's Office may terminate the Memorandum of Understanding by written notification to the other at any time thereafter for any purpose.

**CQ PERSONNEL**

**CQ1** Finance and Accounting Department - Promotion of Employee [23-1352](#)

Approve the promotion of Kara Stewart from the Accounts Payable Technician position (#5549) grade 308 (\$17.35 per hour / \$36,088.00 annually) to fill the open Junior Staff Accountant position (#5220) at a grade S312 (\$42,702.40 annually) to be effective no sooner than July 17, 2023.

**CQ2** Highway Department (Foley) - Personnel Changes [23-1321](#)

Take the following actions:

1) Approve the promotion of William Kenser from the Operator Technician Trainee

position (#5494) grade 306 (\$14.90 per hour / \$30,992.00 annually) to fill the open Operator Technician I position (#713) grade 308 (\$16.42 per hour / \$34,153.60 annually); and

2) Approve the lateral transfer of Nicholas Brown from the Detention Worker I position (#5316) grade 308 (\$16.75 per hour / \$34,840.00 annually), in the Juvenile Detention Center (52610), to fill the open Operator Technician I position (#5629) grade 308 (\$16.75 per hour / \$34,840.00 annually).

These actions shall be effective no sooner than July 17, 2023.

**CQ3** Highway Department (Maintenance) - Approval of Updated Position Description

[23-1331](#)

Approve the updated position description for the Operations Manager position.

**CQ4** Highway Department (Traffic Operations) - Promotion of Employee

[23-1322](#)

Approve the promotion of Johnny Ikner from the Traffic Control Technician III (Stripe) position (#2093) grade 310 (\$19.53 per hour / \$40,622.40 annually) to fill the open Traffic Control Technician IV (Stripe) position (#5382) at a grade 312 (\$21.09 per hour / \$43,867.20 annually) to be effective no sooner than July 17, 2023.

**CQ5** Planning and Zoning Department - Personnel Changes

[23-1323](#)

Take the following actions:

1) Approve the promotion of Brenda Brock from the Administrative Support Specialist II position (#5661) grade 307 (\$17.81 per hour / \$37,044.80 annually) to fill the open Planning Technician I position (#5343) at a grade 310 (\$19.24 per hour / \$40,019.20 annually) to be effective no sooner than July 17, 2023; and

2) Approve the promotion of Fabia Waters from the Planning Technician II position (#1091) grade 311 (\$19.96 per hour / \$41,516.80 annually) to fill the open Associate Planner position (#5431) at a grade 313 (\$21.81 per hour / \$45,364.80 annually) to be effective no sooner than July 17, 2023; and

3) Approve the employment of Elizabeth Wilson to fill the open Administrative Support Specialist I position (#2069) at a grade 306 (\$14.90 per hour / \$30,992.00 annually) to be effective no sooner than July 10, 2023.

**CQ6** Sales and Use Tax / License Inspection Department - Promotion of Employee

[23-1324](#)

Take the following actions:

1) Approve the reclassification and promotion of Samulyn Parker from the Audit Compliance Officer Trainee position (PID #5588) grade S312 (\$48,201.33 annually) to an Audit Compliance Officer position (PID #5588) at a grade S313 (\$52,057.44 annually) to be effective no sooner than July 17, 2023; and

2) Approve the updated organizational chart for the Sales and Use Tax / License Inspection Department.

**CQ7** Solid Waste Department - Personnel Changes

[23-1325](#)

Take the following actions:

1) Approve the promotion of Billy Lawson from the Solid Waste Driver II position (#5393) grade 309 (\$24.40 per hour / \$50,752.00 annually) to fill the open Solid Waste Driver III position (#5401) at a grade 310 (\$26.35 per hour / \$54,808.00 annually) to be effective no sooner than July 17, 2023; and

2) Approve the employment of Victoria N. Skelton to fill the open Human Resources Director position (#5714) at a grade S319 (\$85,500.00 annually), with said salary due to education and experience, to be effective no sooner than July 10, 2023.

**CR PLANNING AND ZONING**

**CR1** Planning (Zoning) District 14 - Making Election Results Decree from Judge of Probate Part of the Record

[23-1294](#)

Make the election results Decree from Baldwin County Judge of Probate regarding the Planning (Zoning) District 14 election held June 6, 2023, a part of the record.

**D PRESENTATIONS**

None.

**E PUBLIC HEARINGS**

**ER PLANNING AND ZONING**

**ER1** Case No. Z23-8 - Retirement Systems of Alabama Property Rezoning

[23-1314](#)

and

**ER2** Case No. PRD23-1 - The Oaks at the Colony Planned Residential Development Site Plan

[23-1319](#)

Matthew Brown, Planning Director, provided background information and discussed staff's analysis for Case No. Z23-8 - Retirement Systems of Alabama Property Rezoning and Case No. PRD23-1 - The Oaks at the Colony Planned Residential Development (PRD) Site Plan. Mr. Brown requested both public hearings be opened simultaneously with the PRD to be voted on first and depending on the outcome of the vote for the PRD, staff would have additional instructions.

Chairman Gruber opened the public hearings for Case No. Z23-8 and Case No. PRD23-1 at 10:22 a.m. and asked if there is anyone present who wishes to speak.

Ms. Melissa Currie, on behalf of the applicant, gave a presentation on the Conceptual Master Plan for The Oaks at the Colony.

Mr. Marshall Gardner, representing the Retirement Systems of Alabama (RSA), explained the request is to build six houses on 7.2 acres and discussed safety of golf course developments.

Dr. Hurdzan, a golf course architect, (via teleconference), discussed the safety planning guidelines for golf courses. Dr. Hurdzan said he feels the development is safe based on the current plan that includes adjusted roadway width and bunkers.

Ms. Tracy Frost, Lakewood resident, discussed golf ball trajectory and fairway buffers, and said she feels the property is too narrow to allow sufficient safety. Ms. Frost the Commission deny the request.

Mr. Thomas Pilcher, attorney for Battles Road Preservation, discussed safety concerns due to errant golf balls, Planned Residential Developments, and requested the Commission to review the plan to see what has been given up.

Mr. Carroll Sullivan, Lakewood member, asked the Commission to deny the request, noting proposed unsafe roadway and narrow land, and recent denials of PRD rezoning requests.

Ms. Tracy Gambill, resident of Elberta, commented on setbacks for developments.

Mr. Jim Edens, Lakewood resident, discussed safety concerns from the viewpoint of a resident.

Mr. Ken Tanner, an errant golf ball expert, discussed what he feels is an unacceptable number of errant golf ball problems within a residential area.

Commissioner Ball left the meeting at 11:00 a.m.

Commissioner Ball returned to the meeting at 11:03 a.m.

Ms. Currie noted the corrections to the Conceptual Master Plan include increased pavement width, additional buffers, and the correct placement and scale of scatter plots showing the potential of golf balls coming into the buffer area to be very small. Ms. Currie added only two pine trees are to be removed, and the property is wider than the gold course at Rock Creek.

Mr. Gardner said RSA has jumped through every hoop and requested approval of the request and the same rights as extended to other property owners.

Ms. Frost further discussed buffer zone development impacts and requested the Commission deny the request.

There being no further requests to address the Commission, Chairman Gruber closed both public hearings at 11:09 a.m.

Commissioner McKenzie asked whether the County Commission's decision would be impacted if the City of Fairhope later requested to regulate subdivisions within the mile-and-a-half planning jurisdiction, to which Mr. Brown replied that the County Commission's decision today will establish the zoning. If Fairhope later regulated subdivisions in this area, Fairhope would hold public hearings for any future subdivisions, but the County Commission's approved zoning would govern what could take place in that subdivision.

**ER2** Case No. PRD23-1 - The Oaks at the Colony Planned Residential Development Site Plan

[23-1319](#)

Motion by Commissioner Matthew P. McKenzie, seconded by Commissioner James E. Ball, to deny the applicant's request regarding Case No. PRD23-1, The Oaks at the Colony, as it pertains to a Planned Residential Development (PRD) Site Plan approval for a six-lot residential development to be known as The Oaks at the Colony, located in Planning (Zoning) District 19.

The motion passed by the following vote:

**Aye:** 4 - James E. Ball, Matthew P. McKenzie, Billie Jo Underwood, and Charles F. Gruber  
**Nay:** 0  
**Absent:** 0  
**Abstain:** 0

Matthew Brown, Planning Director, requested the Commission pause to allow the applicant the opportunity to withdraw the rezoning case or to request a vote.

The applicant requested a vote be taken on Case No. Z23-8.

Motion by Commissioner James E. Ball, seconded by Commissioner Billie Jo Underwood, to deny the applicant’s request regarding Case No. Z23-8, Retirement Systems of Alabama Property Rezoning, as it pertains to the rezoning of 7.2 acres, more or less, as located in Planning (Zoning) District 19, from OR, Outdoor Recreation District, to RSF-1, Single Family Residential District.

The motion passed by the following vote:

**Aye:** 4 - James E. Ball, Matthew P. McKenzie, Billie Jo Underwood, and Charles F. Gruber  
**Nay:** 0  
**Absent:** 0  
**Abstain:** 0

**F OTHER STAFF RECOMMENDATIONS**

**CR PLANNING AND ZONING - Cont.**

Hope Hicks, the county's legal counsel related to planning jurisdiction matters, joined the meeting via teleconference.

Matthew Brown, Planning Director, noted the replacement attachments for the City of Loxley and City of Spanish Fort with a minor correction to the wording to clarify what types of subdivisions will be regulated within their planning jurisdiction.

Motion by Commissioner Billie Jo Underwood, seconded by Commissioner James E. Ball, to approve Items CR2 through CR8 including the replacement attachments for Items CR4 and CR7.

After the motion and second, and before the vote, Mr. Brown explained the changes to the law regarding regulation of subdivisions and building permits and noted the municipalities without an agreement on the agenda today have the ability to request an agreement in the future.

The motion passed by the following vote:

**Aye:** 3 - James E. Ball, Billie Jo Underwood, and Charles F. Gruber  
**Nay:** 1 - Matthew P. McKenzie  
**Absent:** 0  
**Abstain:** 0

**CR2** Building Construction Regulation Agreement with Town of Silverhill

Adopt Resolution #2023-147 which approves the Building Construction Regulation Agreement between the Baldwin County Commission and the Town of Silverhill governing

the regulation of building construction outside the municipality's corporate limits but within the municipal police jurisdiction.

**CR3** Planning Jurisdiction Agreement Extension with City of Foley

[23-1330](#)

Adopt Resolution #2023-142 which approves a six (6) month extension to the Planning Jurisdiction Agreement between the Baldwin County Commission, the City of Foley, and the Planning Commission of the City of Foley, governing the regulation of subdivisions outside the municipality's corporate limits but within the municipal planning jurisdiction.

**CR4** \*Subdivision Regulation Agreement with City of Loxley

[23-1328](#)

Adopt Resolution #2023-143 which approves the Subdivision Regulation Agreement between the Baldwin County Commission, the City of Loxley, and the Planning Commission of the City of Loxley, governing the regulation of subdivisions outside the municipality's corporate limits but within the municipal planning jurisdiction.

**CR5** Subdivision Regulation Agreement with Town of Magnolia Springs

[23-1327](#)

Adopt Resolution #2023-146 which approves the Subdivision Regulation Agreement between the Baldwin County Commission, the Town of Magnolia Springs, and the Planning Commission of the Town of Magnolia Springs, governing the regulation of subdivisions outside the municipality's corporate limits but within the municipal planning jurisdiction.

**CR6** Subdivision Regulation and Building Construction Regulation Agreement with City of Robertsdale

[23-1332](#)

Adopt Resolution #2023-144 which approves the Subdivision Regulation and Building Construction Regulation Agreement between the Baldwin County Commission, the City of Robertsdale, and the Planning Commission of the City of Robertsdale, governing the regulation of subdivisions and the regulation of building construction outside the municipality's corporate limits but within the municipal planning jurisdiction and police jurisdiction.

**CR7** \*Subdivision Regulation and Building Construction Regulation Agreement with City of Spanish Fort

[23-1335](#)

Adopt Resolution #2023-145 which approves the Subdivision Regulation and Building Construction Regulation Agreement between the Baldwin County Commission, the City of Spanish Fort, and the Planning Commission of the City of Spanish Fort, governing the regulation of subdivisions and the regulation of building construction outside the municipality's corporate limits but within the municipal planning jurisdiction and police jurisdiction.

Adopt Resolution #2023-148 which approves the Subdivision Regulation and Building Construction Regulation Agreement between the Baldwin County Commission, the Town of Summerdale, and the Planning Commission of the Town of Summerdale, governing the regulation of subdivisions and the regulation of building construction outside the municipality's corporate limits but within the municipal planning jurisdiction and police jurisdiction.

## **G AMERICAN RESCUE PLAN ACT (ARPA) RECOMMENDATIONS**

### **GA GENERAL**

**GA1** Resolution #2023-135 - Allocation of ARPA Funds for City of Loxley Water Capacity Improvements

[23-1250](#)

Motion by Commissioner James E. Ball, seconded by Commissioner Billie Jo Underwood, to take the following actions:

- 1) Approve the allocation of "real" American Rescue Plan Act (ARPA) funds in the amount of \$750,000 for the City of Loxley Water Capacity Improvements Project to address the capacity and pressure issues for existing residential households; and
- 2) Adopt Resolution #2023-135 of the Baldwin County Commission allocating up to \$750,000 of the American Rescue Plan Act (ARPA) funds for the City of Loxley Water Capacity Improvements Project; and
- 3) Approve and authorize the Chairman to execute the Agreement between the Baldwin County Commission and the City of Loxley, contingent on the acceptance and execution by the municipality.

The period of performance for this Agreement shall begin on July 5, 2023, and shall end upon the completion of the project or on December 31, 2026.

The motion passed by the following vote:

**Aye:** 4 - James E. Ball, Matthew P. McKenzie, Billie Jo Underwood, and Charles F. Gruber  
**Nay:** 0  
**Absent:** 0  
**Abstain:** 0

**GA2** Resolution #2023-139 - Repealing and Rescinding the Allocation of ARPA Funds and Terminating the AIA Agreement with PH&J Architects, Inc. for Architectural Services for the Bay Minette Courthouse Outdoor Atrium Project

[23-1302](#)



Motion by Commissioner Billie Jo Underwood, seconded by Commissioner Matthew P. McKenzie, to take the following actions:

1) Adopt Resolution #2023-139 which repeals and rescinds Resolution #2023-120 adopted by the Baldwin County Commission on May 16, 2023, which allocated up to \$948,830.00 of American Rescue Plan Act (ARPA) funds for the Baldwin County Courthouse Outdoor Atrium Project; and

2) Terminate the AIA Agreement for architectural services with PH&J Architects, Inc., for the design of the Baldwin County Courthouse Outdoor Atrium located in Bay Minette, Alabama, approved by the Baldwin County Commission during its May 16, 2023, regular meeting (Agenda Item GA3) and authorize the Chairman to execute a Notice of Termination letter to PH&J Architects, Inc., as required in Article 9 of the Agreement, said termination effective July 13, 2023.

The motion passed by the following vote:

**Aye:** 4 - James E. Ball, Matthew P. McKenzie, Billie Jo Underwood, and Charles F. Gruber

**Nay:** 0

**Absent:** 0

**Abstain:** 0

**GA3** ARPA Program Update

[23-1304](#)

No action taken.

## **H ADDENDA**

### **HA GENERAL**

**HA1** Revision of County Take Home Vehicle List - July 2023

[23-1358](#)

Removed from the Agenda.

**HA2** Association of County Commissions of Alabama (ACCA) 2023-2024  
Legislative Committee Appointment

[23-1367](#)

Motion by Commissioner James E. Ball, seconded by Commissioner Billie Jo Underwood, to select Commissioner Matthew P. McKenzie as the Baldwin County Commission's representative to the 2023-2024 Association of County Commissions of Alabama (ACCA) Legislative Committee.

The motion passed by the following vote:

**Aye:** 4 - James E. Ball, Matthew P. McKenzie, Billie Jo Underwood, and Charles F. Gruber

**Nay:** 0

**Absent:** 0

**Abstain:** 0

**I COMMISSIONER REQUESTS**

None.

**J SENIOR STAFF REPORT**

None.

**K COUNTY ATTORNEY'S REPORT**

None.

**L PUBLIC COMMENTS**

None.

**M PRESS QUESTIONS**

None.

**N COMMISSIONER COMMENTS**

The Commissioners provided their closing comments.

**O ADJOURNMENT**

Motion by Commissioner Billie Jo Underwood, seconded by Commissioner James E. Ball, to adjourn the July 5, 2023, Regular meeting at 11:24 a.m.

The motion passed by the following vote:

**Aye:** 4 - James E. Ball, Matthew P. McKenzie, Billie Jo Underwood, and Charles F. Gruber

**Nay:** 0

**Absent:** 0

**Abstain:** 0

Chairman Gruber said the July 5, 2023, Baldwin County Commission Regular meeting is adjourned at 11:24 a.m.

