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BALDWIN COUNTY COMMISSION
MINUTES
JANUARY 21, 2003
BALDWIN COUNTY ADMINISTRATION BUILDING
BAY MINETTE, ALABAMA

Members present were Frank Burt, Jr., George A. Price, Mary Frances Stewart, Charles A. Browdy, David E. Bishop and Jonathan H. Armstrong, Chairperson. Also present were Locke W. Williams, Clerk/Treasurer and Robert A. Wills, County Attorney with Commissioner Allen D. Perdue absent. The Chairperson called the meeting to order at 8:30 A.M. and after the invocation given by Commissioner Bishop and the Pledge of Allegiance, led by Commissioner Stewart, the Commission transacted the following business to-wit:

ADOPTION OF MINUTES

MOTION BY COMMISSIONER BURT, SECONDED BY COMMISSIONER PRICE TO ADOPT THE MINUTES OF THE JANUARY 7, 2003 BALDWIN COUNTY COMMISSION MEETING. UNANIMOUS.

DUCKS UNLIMITED LOCAL CHAPTER

Jack Burel, Area Chairman of Ducks Unlimited, and Chuck Sharpe, of the Alabama Department of Conservation & Natural Resources, appeared before the Commission to speak about the Baldwin County Chapter of Ducks Unlimited.

Mr. Burel said they are formerly known as the Eastern Shore Chapter but Gulf Shores chapter will not have a banquet this year and he invited everyone to attend their banquet in Fairhope.

Mr. Burel said Ducks Unlimited is not an organization of hunters but rather an organization of conservationists. Ducks Unlimited was founded in 1937 by some farsighted waterfowlers who were also conservationists. Since that time, Ducks Unlimited has raised \$1.3 billion to conserve wetlands throughout North America. They have conserved over 11 million acres of land.

Mr. Burel said Ducks Unlimited has over one million members in North America and is still growing. He said they needed the Commission's help. They are protecting land for waterfowl and for over 900 other species of wildlife. Over 150 of those species are listed as endangered. Mr. Burel invited the Commission to their fund raising banquet which is run by a group of volunteers including himself and Mr. Sharpe. The banquet is scheduled for February 6, 2003 at the Fairhope Civic Center and will start at 6:00 P.M. They will have dinner, beverages, live auction, silent auction, several raffles and games going on. The tickets start at \$50 for an individual and \$75 for a couple and is tax deductible. You can be a sponsor for \$300. There are also corporate sponsorships available and a table for 8 people is \$500.

Chuck Sharpe of the Wildlife and Fresh Water Fisheries of the Alabama Department of Conservation said one of his responsibilities is to manage the lower delta's wildlife management areas in Baldwin and Mobile County. He explained that Ducks Unlimited's money goes to habitat enhancement or acquisition. Much of this is done outside the State but a percentage of the money that is raised inside the State of Alabama is earmarked to come back into the State. He said Mobile and Baldwin County have been fortunate to receive some of these funds.

Commissioner Stewart commented on Consent Agenda Item #E45 which pertains to *Planning (Zoning) District 20 (Magnolia Springs) Board of Adjustments* and personally thanked Andy Leon for serving as Chairman of that *Board* and said he is no longer serving because he has moved out of the District.

SIBLEY STREET WALKWAY ACCESS

Commissioner Burt asked that Consent Agenda Item #E2 which pertains to *Sibley Street Walkway Access* be removed from the Consent Agenda. He explained that the item contains 3 recommendations but thought a fourth recommendation was needed as well authorizing the appropriation of \$1,800 for materials for this project from 57200P.5500.17 Match for Grants Fund.

MOTION BY COMMISSIONER BURT, SECONDED BY COMMISSIONER BISHOP TO TAKE THE FOLLOWING ACTIONS:

- 1 - AUTHORIZE EARL DRINKARD AND HIS STAFF TO REBUILD THE WALKWAY AT THE COUNTY'S SIBLEY STREET ACCESS.
- 2 - AUTHORIZE CLIFF MILTON AND HIS STAFF TO ASSIST BUILDING MAINTENANCE TO THE EXTENT THEIR SERVICES ARE NEEDED.
- 3 - AUTHORIZE THE CHAIRMAN TO EXECUTE PERMIT APPLICATION AND/OR CORRESPONDENCE FOR RECONSTRUCTION OF WALKWAY IF NECESSARY.
- 4 - APPROPRIATE \$1,800 FOR MATERIALS FOR THIS PROJECT FROM FUND 57200P.5500.17, MATCH FOR GRANTS FUND.

UNANIMOUS.

CONSENT AGENDA

MOTION BY COMMISSIONER BISHOP, SECONDED BY COMMISSIONER BROWDY TO APPROVE THE CONSENT AGENDA AS FOLLOWS WITH THE EXCEPTION OF CONSENT AGENDA ITEM #E2, #E18, #E41, & #E42 AS THEY HAVE BEEN ACTED ON SEPARATELY:

SPANISH FORT SPORTS ASSOCIATION

AUTHORIZED AN APPROPRIATION OF \$82.50 EACH FROM BCC DISTRICT 1 & 7'S CONTINGENCY FUNDS TO THE BUDGET OF THE B.C. PARKS/LAND MANAGEMENT/TRAFFIC CONTROL DIVISION TO PAY FOR THE ASSOCIATED COSTS TO ACCOMPLISH AESTHETIC MAINTENANCE, IN THE MONTH OF JANUARY, 2003, AT SPANISH FORT BALL PARK, SUCH AESTHETIC MAINTENANCE AUTHORIZED DURING THE JANUARY 7, 2003 REGULAR MEETING.

MONTGOMERY ON FEBRUARY 12-13 AT A COST OF \$115 PLUS ONE NIGHT'S LODGING AND MEALS PER PERSON.

**2003 ASSOCIATION OF COUNTY COMMISSIONS OF ALABAMA
DISTRICT MEETING**

APPROVED TRAVEL FOR TOM GRANGER, COUNTY ENGINEER TO ATTEND THE 2003 ASSOCIATION OF COUNTY COMMISSIONS OF ALABAMA DISTRICT MEETING IN MONROEVILLE, ALABAMA ON FEBRUARY 11, 2003 AT A COST OF \$20.

**COUNTRY CONVENIENCE #1
AND
COUNTRY CONVENIENCE #2**

RETROACTIVELY APPROVED ESTABLISHMENT OF A PUBLIC HEARING FOR A RETAIL TABLE WINE LICENSE (OFF PREMISES ONLY) - 070 ON FEBRUARY 4, 2003 AT 9:30 A.M. FOR "COUNTRY CONVENIENCE #1" AND A RETAIL TABLE WINE LICENSE (OFF PREMISES ONLY) - 070 ON FEBRUARY 4, 2003 AT 9:30 A.M. FOR "COUNTRY CONVENIENCE #2".

SONG RIGHTERS CAFE

RETROACTIVELY APPROVED ESTABLISHMENT OF A PUBLIC HEARING FOR A RESTAURANT RETAIL LIQUOR LICENSE - 020 ON FEBRUARY 4, 2003 AT 9:30 A.M.

MCKENZIE OIL CO., INC.

RETROACTIVELY APPROVED ESTABLISHMENT OF A PUBLIC HEARING FOR THE TRANSFER OF A RETAIL BEER LICENSE - 050 (OFF PREMISES ONLY) ON FEBRUARY 4, 2003 AT 9:30 A.M.

RESOLUTION #2003-28

ADOPTED AND AUTHORIZED THE CHAIRMAN TO SIGN THE FOLLOWING *RESOLUTION #2003-28* WHICH AS REQUIRED BY ACT NO. 84-498, PROVIDES THE BALDWIN COUNTY COMMISSION'S APPROVAL OF THE NORTH BALDWIN SHERIFF'S SEARCH & RESCUE SQUAD, INC. AND LOWER ALABAMA SEARCH & RESCUE, INC. AS DULY ORGANIZED AND ESTABLISHED SEARCH & RESCUE SQUADS/UNITS, IN ORDER TO BE APPROPRIATED COUNTY MONEY OR EQUIPMENT:

STATE OF ALABAMA)

COUNTY OF BALDWIN)

**RESOLUTION # 2003-28
OF THE
BALDWIN COUNTY COMMISSION**

PURSUANT TO ACT NO. 84-498, APPROVING THE NORTH BALDWIN SHERIFF'S SEARCH & RESCUE SQUAD, INC., AND LOWER ALABAMA SEARCH AND RESCUE, INC., AS DULY ORGANIZED AND ESTABLISHED SEARCH AND RESCUE SQUADS OR UNITS IN ORDER FOR THE BALDWIN COUNTY COMMISSION TO BE AUTHORIZED TO APPROPRIATE COUNTY MONEY OR EQUIPMENT TO FURTHER SUCH SEARCH AND RESCUE SQUADS OR UNITS PURPOSE(S).

WHEREAS, pursuant to four (4) Local Acts of the Legislature of Alabama, specifically, Act No. 931 [Acts of Alabama, Special and Regular Sessions 1969, Special Session 1970, Vol. II, p. 1669], Act No. 723 [Acts of Alabama, Organizational, Special and Regular Sessions 1971, Vol. II, p. 1438], Act No. 79-725 [Acts of Alabama, Special and Regular Sessions 1979, Vol. II, p. 1286], & Act No. 84-498 [Acts of Alabama, Regular Session 1984, Vol. II, p. 1118] the Baldwin County Commission has been, chronologically, authorized to:

1969 - 1971

1. appropriate not more than \$625, of county funds, to a county search and rescue unit (Act No. 931).

1971 - 1984

2. appropriate not more than \$625, of county funds, to a county search and rescue unit (Act No. 723).

1979 - 1984

3. appropriate not more than \$333, of county funds, each to the Baldwin County Civil Air Patrol, the Daphne Search and Rescue Squad & the Hub City Search & Rescue Squad (Act No. 79-725).

1984 - Present

4. appropriate [unlimited] county money or equipment to duly organized and established search & rescue squads or units *approved* by the Baldwin County Commission (Act No. 84-498).

WHEREAS, Act No 84-498 remains the latest expression of the Legislature of Alabama in regard to the statutory authorization for the Baldwin County Commission to appropriate county money or equipment to duly organized and established search & rescue squads or units approved by the Baldwin County Commission; and

COMES NOW, the North Baldwin Sheriff's Search & Rescue, Inc., & Lower Alabama Search and Rescue, Inc., both search & rescue squads or units, declared quasi-public entities which are operated as a public service for the benefit of the citizens of Baldwin County, Alabama, as declared, comprehensively, of search & rescue squads or units, in Baldwin County, Alabama, in Act No. 84-498, desiring the Baldwin County Commission approve such entities as duly organized and established search & rescue squads or units in order to be appropriated county money or equipment by the Baldwin County Commission; now therefore

BE IT RESOLVED, BY THE COUNTY COMMISSION OF BALDWIN COUNTY, ALABAMA, IN REGULAR SESSION ASSEMBLED, That, upon review of a caldron of documents attached as *Exhibit "A,"* applicable to the North Baldwin Sheriff's Search & Rescue, Inc., & *Exhibit "B,"* applicable to the Lower Alabama Search and Rescue, Inc., we hereby approve such entities as

PLANNING (ZONING) DISTRICT 20 (MAGNOLIA SPRINGS)
BOARD OF ADJUSTMENTS

APPOINTED CYNTHIA E. LOWELL AS A REGULAR MEMBER TO FILL THE UNEXPIRED TERM AND VACANT POSITION CREATED BY ANDREW R. LEON MOVING OUT OF THE DISTRICT WITH SAID TERM TO BE EFFECTIVE JANUARY 21, 2003 AND EXPIRING ON APRIL 2, 2004. FURTHER, ACCEPTED THE LETTER OF RESIGNATION FROM ANDREW R. LEON AND THANKED HIM FOR HIS CIVIC SERVICE. LASTLY, AUTHORIZED THE CHAIRMAN TO SIGN THE REQUIRED CORRESPONDENCE.

UNANIMOUS.

PAYMENT OF BILLS

MOTION BY COMMISSIONER BURT, SECONDED BY COMMISSIONER PRICE TO APPROVE PAYMENT OF BILLS AS FOLLOWS TOTALING \$1,832,559.61 WITH THE EXCEPTION OF BILLS PAID FROM DISCRETIONARY FUNDS WHICH ARE AUTHORIZED FOR PAYMENT SOLELY AS DIRECTED BY THE OFFICIAL RESPONSIBLE BY LAW:

| <u>Wrt. #</u> | <u>Date</u> | <u>Amount</u> |
|---|-------------|---------------|
| <u>GENERAL FUND</u> | | |
| DISBURSEMENT FUND | 01/21/03 | \$ 852,680.98 |
| <u>LEGISLATIVE DEL. OFF FUND</u> | | |
| DISBURSEMENT FUND | 01/21/03 | \$ 2,500.00 |
| <u>JUVENILE DETENTION FAC. FUND</u> | | |
| DISBURSEMENT FUND | 01/21/03 | \$ 7,564.24 |
| <u>7 CENT GASOLINE TAX FUND</u> | | |
| DISBURSEMENT FUND | 01/21/03 | \$ 181,756.94 |
| <u>REAPPRAISAL FUND</u> | | |
| DISBURSEMENT FUND | 01/21/03 | \$ 33,404.54 |
| <u>COUNCIL ON AGING FUND</u> | | |
| DISBURSEMENT FUND | 01/21/03 | \$ 5,897.48 |
| <u>SECTION 18 FUND</u> | | |
| DISBURSEMENT FUND | 01/21/03 | \$ 15,775.05 |
| <u>PARKS FUND</u> | | |
| DISBURSEMENT FUND | 01/21/03 | \$ 5,220.49 |
| <u>SERIES 2002 WARRANT CONSTRUCTION</u> | | |
| DISBURSEMENT FUND | 01/21/03 | \$ 6,806.40 |
| <u>DEBT SERVICE FUND</u> | | |
| DISBURSEMENT FUND | 01/21/03 | \$ 592,043.55 |