

Baldwin County Commission

**Baldwin County Commission Regular
Meeting Minutes
Tuesday, January 5, 2021
8:30 AM**



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

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

Wayne A. Dyess, County Administrator

WELCOME BY CHAIRMAN, INVOCATION AND PLEDGE OF ALLEGIANCE

Present: 4 - Commissioner James E. Ball, Commissioner Joe Davis III, Commissioner BillieJo Underwood, and Commissioner Charles F. Gruber

Absent: 0

Also present were, Wayne Dyess, County Administrator, and Brad Hicks, County Attorney.

The Chairman called the meeting to order at 8:31 a.m. After the prayer led by Joey Nunnally, County Engineer, and the Pledge of Allegiance led by Commissioner James E. Ball, the Commission transacted the following business to-wit:

A ADOPTION OF MINUTES

December 15, 2020, Regular Meeting

Wayne Dyess, County Administrator, noted for the record a scrivener's error in Agenda Item BB1 - Sale of Vehicle on GovDeals.com by the Baldwin County Animal Shelter, which was approved by the Commission during its December 15, 2020, meeting, an incorrect VIN number of 1DZHU16N64J241087 was listed. The VIN number should have instead been listed as 1D7HU16N64J241082.

Mr. Dyess said the correction should be noted for the record before the Commission adopts the December 15, 2020, meeting minutes today.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to adopt the minutes of the December 15, 2020, Baldwin County Commission Regular meeting with the noted correction to Agenda Item BB1.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

B ACTION ITEMS

Wayne Dyess, County Administrator, noted for the record the correction of a misprint in the Staff Recommendation for Agenda Item BN1. The word "Parties" was originally listed as "Patties."

BA ADMINISTRATION

Wayne Dyess, County Administrator, said there are four Items under Administration before the Commission for approval.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to approve Items BA1 - BA4.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

BA1 Federal Prisoners Housing Per Diem Sharing Agreement between the Baldwin County Sheriff and the Baldwin County Commission

[21-0351](#)

Approve an Amendment to the Agreement between the Baldwin County Commission and the Baldwin County Sheriff wherein, the Sheriff of Baldwin County and the Baldwin County Commission mutually agree to the sharing of \$62.00 per diem per Federal prisoner as provided in the contract from the U.S. Marshals Service in the following manner:

- 1) \$24.80 per day per Federal prisoner to the Baldwin County Commission
- 2) \$37.20 per day per Federal prisoner to the Sheriff

The Detention Services Intergovernmental Agreement (IGA) #03-99-0149 between the U.S. Department of Justice United States Marshals Service Prisoner Operations Division and the Baldwin County Correctional Center became effective November 1, 2020, and remains in effect until rates change or either party requests renegotiation.

BA2 Resolution #2020-089 of the Baldwin County Commission - Reconfirming the "Divisional Resolution of the Baldwin County Commission"

[21-0343](#)

Take the following actions:

1) Due to scrivener's error in the "Divisional Resolution of the Baldwin County Commission," codified as Resolution #2020-089 of the Baldwin County Commission, which was adopted June 2, 2020, correct the misspelling in the title of the document from "AMENMENT" to "AMENDMENT."

2) Reconfirm the "Divisional Resolution of the Baldwin County Commission," codified as Resolution #2020-089 of the Baldwin County Commission which effected certain procedural requirements and prescribed other permitted duties as enumerated at Act No. 239 (1931), as amended, and other applicable law.

BA3 Resolution #2021-035 of the Baldwin County Commission - Act No. 90-449 (Fire Tax) - Elsanor Volunteer Fire/Rescue Department - Approval of Use of Fire Tax Proceeds

[21-0329](#)

Take the following actions:

1) Adopt Resolution #2021-035 of the Baldwin County Commission which provides the Baldwin County Commission's required approval for the Elsanor Volunteer Fire/Rescue Department to utilize its proceeds of taxes derived by Act. No. 90-449 as security for repayment of a loan for up to \$105,995.00 (and the repayment of said loan's applicable interest) for the purchase of one (1) 2021 Chevrolet 2500 at the cost of \$78,379.00 and one (1) 2021 ARGO Aurora 850SX at the cost of \$27,616.00 in the total amount not to exceed \$105,995.00, to provide additional brush and wood fire support and to assist with water rescues and in marshy areas; and

2) Authorize the Baldwin County Commission Chairman to execute any other necessary documentation related to the adoption of Resolution #2021-035, including any other assurances, certificates and financing documents or approvals to affect such approval and purchase of one (1) 2021 Chevrolet 2500 and one (1) 2021 ARGO Aurora 850SX. This approval does not in any way constitute any financial involvement or obligation of the Baldwin County Commission.

BA4 Resolution #2021-036 of the Baldwin County Commission - Act No. 90-449 (Fire Tax) - Bon Secour Volunteer Fire/Rescue Inc. - Approval of Use of Fire Tax Proceeds

[21-0324](#)

Take the following actions:

1) Adopt Resolution #2021-036 of the Baldwin County Commission which provides the Baldwin County Commission's required approval for the Bon Secour Volunteer Fire/Rescue Inc. to utilize its proceeds of taxes derived by Act. No. 90-449 as security for repayment of a loan for up to \$447,200.00 (and the repayment of said loan's applicable interest) for the purchase of one (1) 2019 Ferrara MVP Demon (H-6643) fire apparatus in the total amount not to exceed \$559,000.00, to continue to provide a vital service to the ever growing population and the mutual and automatic aid areas; and

2) Authorize the Baldwin County Commission Chairman to execute any other necessary documentation related to the adoption of Resolution #2021-036, including any other assurances, certificates and financing documents or approvals to affect such approval and purchase of (1) 2019 Ferrara MVP Demon (H-6643) fire apparatus. This approval does not in any way constitute any financial involvement or obligation of the Baldwin County Commission.

BE BUDGET/PURCHASING

Wayne Dyess, County Administrator, said there are six Items under Budget/Purchasing before the Commission for approval.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to approve Items BE1-BE6.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

BE1 Competitive Bid #WG21-03 - Provision of Microcomputer Systems and Peripheral Equipment for the Baldwin County Commission [21-0303](#)

Award Bid #WG21-03 - Provision of Microcomputer Systems and Peripheral Equipment for the Baldwin County Commission to the lowest bidder, SHI International Corporation as per the attached Award Listing.

BE2 Competitive Bid #WG21-08A - Provision of Charter Transportation Services for the Baldwin County Commission [21-0338](#)

Authorize the Purchasing Director to re-bid for the Provision of Charter Transportation Services and 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.

BE3 Competitive Bid #WG21-13 - Provision of CRS-2 Emulsified Asphalt Material for the Baldwin County Commission [21-0320](#)

Take the following actions:

1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of CRS-2 Emulsified Asphalt Material; 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.

BE4 Construction of a New Baldwin County MacBride Landfill Modular Scale Office Building Located in Loxley, Alabama for the Baldwin County Commission

21-0296

Authorize the Purchasing Director and the Engineer to re-bid for the construction of a new Baldwin County MacBride Landfill Modular Scale Office Building located in Loxley, Alabama.

BE5 Request for Proposals (RFP) for Personal Property Consultant Services
for the Baldwin County Revenue Commission

21-0335

Approve the attached Request for Proposals (RFP) for Personal Property Consultant Services and authorize the Purchasing Director to advertise the RFP.

BE6 Fiscal Year 2021 Budget Amendment #3 - Resolution #2021-037

21-0328

Adopt Resolution #2021-037 amending the Fiscal Year 2021 Budget (Resolution #2020-126 and Resolution #2020-127, adopted September 22, 2020) to authorize the roll forward of FY20 project funds to FY21 for Funds 111, 115, and 165 and the funding of the County Road 6 property purchase.

BH COMMUNICATIONS/INFORMATION SYSTEMS (CIS)

Wayne Dyess, County Administrator, said there is one Item under Communications/Information Systems (CIS) before the Commission for approval.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve Item BH1.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

BH1 Contract for Professional Services between the Baldwin County
Commission and David Pimperl - Support IBM I Servers (AS400)

21-0333

Authorize the Chairman to execute a Contract for Professional Services between the Baldwin County Commission and David Pimperl for consulting services to assist with the

system administration and support of the County's IBM I Servers (AS400), at a cost of \$85.00 per hour, not to exceed 15 hours per month. The contract shall be effective for twelve (12) months commencing immediately upon the same date as its full execution, with an option to issue two (2) twelve (12) month contract extensions, or extend the first contract until such a time that a new contract can be bid and awarded.

BL ENVIRONMENTAL MANAGEMENT

Wayne Dyess, County Administrator, said there is one Item under Environmental Management before the Commission for approval.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to approve Item BL1.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Joe Davis III, BillieJo Underwood, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

BL1 Baldwin County Solid Waste Uncollectible Residential Accounts

21-0295

Approve the attached uncollectible residential garbage accounts list for write-offs in the amount of \$219.00.

BN HIGHWAY

Wayne Dyess, County Administrator, said there are nine Items under Highway before the Commission for approval.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve Items BN1-BN9.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Joe Davis III, BillieJo Underwood, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

BN1 Alabama Department of Conservation and Natural Resources - State Expenditure Plan #13: Longevity, Stability and Water Quality Improvements, Bon Secour Dredge Material Disposal Area - Sub-award Grant Agreement

21-0340

Approve a Subaward Grant Agreement with the Alabama Department of Conservation and Natural Resources (ADCNR) for State Expenditure Plan #13: Longevity, Stability and Water Quality Improvements, Bon Secour Dredge Material Disposal Area.

The term of this Agreement shall commence when the Agreement is executed by both Parties and end on July 15, 2022 (hereinafter "Agreement Term").

BN2 State Expenditure Plan #13: Longevity, Stability and Water Quality Improvements, Bon Secour Dredge Material Disposal Area - Permission to Advertise [21-0339](#)

Take the following actions:

1) Authorize the Purchasing Director to advertise a competitive bid for State Expenditure Plan #13: Longevity, Stability and Water Quality Improvements, Bon Secour Dredge Material Disposal Area (DMDA) once the agreement, plans, and specifications are finalized; and

2) Authorize the Chairman to execute any project related documents.

BN3 Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0221119 - Annie Cooper Lane South (Tract 1) [21-0316](#)

Take the following actions:

1) Accept 0.104 acres on Annie Cooper Lane South (Tract 1) as a right-of-way donated to Baldwin County by Diane Hollinger Sledge on September 8, 2020 (Instrument No. 1856303 of Baldwin County Judge of Probate); and

2) Related to the aforesaid, authorize the Chairman to execute IRS Form 8283 for the donated right-of-way.

BN4 Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0221119 - Annie Cooper Lane South (Tract 2) [21-0317](#)

Take the following actions:

1) Accept 0.589 acres on Annie Cooper Lane South (Tract 2) as a right-of-way donated to Baldwin County by Jason Bankston on September 4, 2020 (Instrument No. 1857281 of Baldwin County Judge of Probate); and

2) Related to the aforesaid, authorize the Chairman to execute IRS Form 8283 for the donated right-of-way.

BN5 Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. [21-0318](#)

0221119 - Annie Cooper Lane South (Tract 3)

Take the following actions:

- 1) Accept 1.148 acres on Annie Cooper Lane South (Tract 3) as a right-of-way donated to Baldwin County by CPVE, LLC, on September 3, 2020 (Instrument No. 1857282 of Baldwin County Judge of Probate); and
- 2) Related to the aforesaid, authorize the Chairman to execute IRS Form 8283 for the donated right-of-way.

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

[21-0345](#)

Approve and authorize the Chairman to execute the attached list of Highway Department equipment for sale by auction at the J.M. Wood Auction facility in Montgomery, Alabama, on March 16-20, 2021.

BN7 Public Access Improvements at the Baldwin County Intracoastal Waterway (ICW) Boat Ramp - Gulf of Mexico Energy Security Act (GOMESA) Grant Agreement

[21-0347](#)

Take the following action(s):

- 1) Authorize the Chairman to execute a Gulf of Mexico Energy Security Act (GOMESA) Grant Agreement with the Alabama Department of Conservation and Natural Resources (ADCNR) for public access improvements at the Baldwin County Intracoastal Waterway (ICW) boat ramp; and
- 2) Authorize the Chairman to execute any other project related documents.

BN8 Rebuild Alabama - Baldwin County Fiscal Year 2020 County Transportation Plan - County Rebuild Alabama Annual Report

[21-0342](#)

Make the Fiscal Year 2020 County Rebuild Alabama Annual Report part of the record and publish on the County website.

BN9 Sale of Two (2) Surplus Rollers for the Baldwin County Highway Department

[21-0348](#)

Approve the sale of the following surplus equipment to Chambers County Commission:

- 1) American Steel Works Pull Behind Sheepfoot Roller in the amount of \$2,800.00 from Area 200 Highway Maintenance Facility; and
- 2) Young's Pull-Type Pneumatic Roller (PT-13W) in the amount of \$2,200.00 from Area

100 Highway Maintenance Facility.

BQ PERSONNEL

Wayne Dyess, County Administrator, said there are 10 Items under Personnel before the Commission for approval.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to approve Items BQ1-BQ10.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

BQ1 Building Inspection Department - Position Changes

21-0336

Take the following actions:

- 1) Approve the employment of Michael Morris to fill the Building Inspector III position (PID #403) at a grade 315 (\$24.030 per hour / \$49,982.40 annually) in the Coastal Area Program cost center (51999); and
- 2) Abolish the Building Inspector III position (PID #5344) at a grade 315 (\$24.030 per hour / \$49,982.40 annually) in the Building Inspections cost center (52710); and
- 3) Create a Building Inspector II position (PID #TBD) at a grade 310 (grade 310 range: \$17.920 - \$29.360 per hour) in the Building Inspections cost center (52710); and
- 4) Approve the updated organizational chart for the Building Inspections Department. These actions will be effective no sooner than January 11, 2021.

BQ2 Communications and Information Systems Department - Employment of One (1) Communication Technician III Position

21-0309

Approve the employment of Austin Bolton to fill the open Communication Technician III position (PID #5147) at a grade 313 (\$21.380 per hour / \$44,470.40 annually) to be effective no sooner than January 11, 2021.

BQ3 Emergency Management Agency - Transfer of Employee into Emergency Management Specialist Position

21-0349

Approve the lateral transfer of Amanda Thweatt from the Grants Technician position (PID #5545) in the BRATS Administration Department (00143/51930) grade 307 (\$17.968 per

hour / \$37,373.44 annually) to fill the open Emergency Management Specialist position (PID #5560), with no change in pay, in the Emergency Management Department (00001/52300) to be effective no sooner than January 18, 2021.

BQ4 Highway Department (Foley) - Promotion of Employee

[21-0312](#)

Approve the promotion of Derric Jordan from the Operator Technician Trainee position (PID #5494) grade 304 (\$13.380 per hour / \$27,830.40 annually) to fill the open Operator Technician I position (PID #5434) at a grade 307 (\$15.330 per hour / \$31,886.40 annually) to be effective no sooner than January 11, 2021.

BQ5 Juvenile Detention Center - Employment of Part-time Detention Technician

[21-0310](#)

Approve the employment of Matthew Burns to fill the open part-time Detention Technician (PID #PT40) at a grade 306 (\$14.60 per hour) to be effective no sooner than January 11, 2021.

BQ6 Planning and Zoning Department - Position Changes

[21-0331](#)

Take the following actions:

1) Approve the employment of Ashley Campbell to fill the open Natural Resource Planner position (PID #5586) grade S315 (\$80,000.00 annually), with salary due to experience, to be effective no sooner than January 11, 2021; and

2) Create one (1) Code Enforcement Officer position (PID #TBD) at a grade S317 (\$56,410.00 - \$92,439.00 annually); and

3) Approve the updated organizational chart for the Planning and Zoning Department.

BQ7 Revenue Commission (Mapping) - Creation of Part-time Mapper III Position

[21-0308](#)

Take the following actions:

1) Create one (1) part-time Mapper III position (PID #TBD) grade 312 (grade 312 range \$20.130 per hour - \$32.99 per hour); and

2) Approve the updated organizational chart for Revenue Commission.

BQ8 Solid Waste Department (Magnolia Landfill) - Employment of Landfill Gas Technician

[21-0307](#)

Approve the employment of Wesley Pate to fill the open Landfill Gas Technician position (PID #5581) grade 315 (\$28.00 per hour / \$58,240.00 annually), with salary due to experience, to be effective no sooner than January 11, 2021.

BQ9 AirMedCare Network Services

[21-0311](#)

Authorize the Chairman to execute any and all AirMedCare contractual agreements for the annual renewal of Air Medical helicopter coverage for employees, with said coverage to be effective February 19, 2021, for a one-year rate guarantee at \$52,250.00.

BQ10 Maritime Employer's Liability Policy Renewal

[21-0350](#)

Take the following actions:

- 1) Approve the December 31, 2020 through December 31, 2021 annual premium to the John A. Robertson Insurance Agency for Maritime Employer's Liability insurance coverage in the amount of \$3,950.00 as stated in the attached document; and
- 2) Authorize the Chairman to sign all documents required for the Maritime Employer's Insurance; and
- 3) Authorize the Clerk/Treasurer to make payment before January 10, 2021 to John Robertson Insurance Agency in the amount of \$3,950.00.

BR **PLANNING AND ZONING**

Wayne Dyess, County Administrator, said there is one Item under Planning and Zoning before the Commission for approval.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to approve Item BR1.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Joe Davis III, BillieJo Underwood, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

BR1 Planning (Zoning) District 11 - Rejection of Petition Requesting for an Election

[21-0341](#)

Adopt Resolution #2021-039, which rejects the petition for an election that was accepted by the Baldwin County Planning and Zoning Department staff on December 1, 2020, regarding Planning (Zoning) District 11 as said petition does not have the required and

minimum amount of petitioners equaling ten percent of the qualified electors (registered voters) of Planning (Zoning) District 11 as required by Section 8 of Act No. 91-719, as amended.

C PRESENTATIONS

D PUBLIC HEARINGS

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills

[21-0325](#)

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to pay bills totaling \$10,525,944.67 (ten million, five hundred twenty-five thousand, nine hundred forty-four dollars and sixty-seven cents) with the exception of those vendors Commissioners requested to be pulled, which are listed in the Baldwin County Accounts Payable Payments.

Of this amount, \$5,127,841.12 (five million, one hundred twenty-seven thousand, eight hundred forty-one dollars and twelve cents) is payable to the Baldwin County Board of Education and 323,267.64 (three hundred twenty-three thousand, two hundred sixty-seven dollars and sixty-four cents) is payable to the Gulf Shores Board of Education for their portion of the County Sales and Use Tax. The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

EA2 Notification of Interim Payments Approved by Clerk/Treasurer as Allowed Under Policy 8.1

[21-0326](#)

Wayne Dyess, County Administrator, informed the Commission that the Baldwin County Commission Interim Payments - January 5, 2021, made by the Clerk/Treasurer, totaling \$14,113,232.74 (fourteen million, one hundred thirteen thousand, two hundred thirty-two dollars and seventy-four cents) are a part of the record.

F DISCUSSION ITEMS

G COMMISSIONER REQUESTS

H ADDENDA

I ADMINISTRATIVE REPORT

Wayne Dyess, County Administrator, commented on the approval of employment of

Ms. Ashley Campbell as the Natural Resource Planner in the Planning and Zoning Department.

Chairman Davis said that he was impressed with Ms. Campbell's handling of an environmental project for the Daphne City Council several years ago; he will be impressed with what she will do for the County going forward.

J COUNTY ATTORNEY'S REPORT

Brad Hicks, County Attorney, said an executive session would follow the meeting.

K PUBLIC COMMENTS

L PRESS QUESTIONS

Guy Busby, with Gulf Coast News, inquired about Agenda Item BN7, regarding the project timeline for the Intracoastal Waterway (ICW) Boat Launch.

Joey Nunnally, County Engineer, appeared before the Commission and explained the plans are currently being finalized which will be followed by initiation of the bid process and subsequent award of the contract which is expected to be around May 2021. Mr. Nunnally clarified that the action today is for an agreement with the Alabama Department of Conservation and Natural Resources to help towards construction costs of the boat launch.

M COMMISSIONER COMMENTS

The Commissioners provided their closing comments.

N ADJOURNMENT

Brad Hicks, County Attorney, recommended the Commission enter into an executive session to discuss with their attorney controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner BillieJo Underwood, to adjourn the January 5, 2021, Baldwin County Commission meeting into an executive session at 8:49 a.m. to discuss with their attorney the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action.

The motion passed by the following vote:

Aye:	4 -	James E. Ball, Joe Davis III, BillieJo Underwood, and Charles F. Gruber
Nay:	0	
Absent:	0	
Abstain:	0	

After the motion and before the vote, Mr. Hicks said he is an attorney licensed to practice law in the State of Alabama and the planned discussion is applicable to the executive session statute sited.

Chairman Davis said the January 5, 2021, Baldwin County Commission regular meeting will adjourn into an executive session at 8:49 a.m. and will not reconvene.