

# Baldwin County Commission

**Baldwin County Commission Regular  
Meeting Minutes  
Tuesday, January 17, 2023  
10:00 AM**



**Baldwin County Fairhope Satellite Courthouse  
County Commission Meeting Chambers  
2nd Floor  
1100 Fairhope Avenue  
Fairhope, Alabama 36532**

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, Ron Cink, Budget Director/Interim County Administrator, and Brad Hicks, County Attorney.

The Chairman called the meeting to order at 10:00 a.m. Following the invocation led by Pastor T. C. Brown with 3Circle Church, Fairhope, Commissioner James E. Ball led the Commission in the Pledge of Allegiance.

## **OATHS OF OFFICE**

### Investiture of Circuit Judge Scott Taylor administered by Alabama Supreme Court Justice Sarah Stewart

The Honorable Sarah Stewart, Alabama Supreme Court Justice, appeared before the Commission and administered the Oath of Office to Circuit Judge Scott Taylor.

Judge Taylor thanked his family, staff, fellow Judges, Sheriff Mack, D.A. Wilters, the Commission, and the retired and current Judges for their help in supporting the function of the court system.

### Oath of Office of Sheriff Huey Hoss Mack administered by Circuit Judge James Reid

The Honorable James Reid, Circuit Judge, appeared before the Commission and administered the Oath of Office to Sheriff Huey Hoss Mack as Baldwin County Sheriff.

Sheriff Mack thanked Judge Reid, the Commission for their support, and his staff. Sheriff Mack introduced the following members of his staff:

Kim Kelly, Director of Budget/ Finance  
Alainna Elliott, Director of Human Resources  
Major Tony Nolf, Assistant Chief Deputy of Uniform Services  
Major Steve Arthur, Assistant Chief Deputy of Corrections Command  
Colonel Anthony Lowery, Chief Deputy

Sheriff Mack thanked the attendees from law enforcement, noting law enforcement is a team effort. Sheriff Mack said the Sheriff's Office will do their best to continue to adapt to the needs of public safety in Baldwin County.

Oath of Office of Coroner Dr. Brian Pierce administered by Probate Judge Harry D'Olive

The Honorable Harry D'Olive, Probate Judge, appeared before the Commission and administered the Oath of Office to Coroner Dr. Brian Pierce as Baldwin County Coroner.

Dr. Pierce thanked his wife, Chief Deputy Troy Dyess and Executive Assistant Brandy Byrd for their support. Dr. Pierce shared the mission and vision statements of the Baldwin County Coroner's Office.

After the Oaths of Office, the Commission transacted the following business to-wit:

**A ADOPTION OF MINUTES**

January 3, 2023, Regular Meeting

Motion by Commissioner James E. Ball, seconded by Commissioner Billie Jo Underwood, to adopt the minutes of the January 3, 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**

**23-0483**

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 [23-0482](#)

No action taken.

## C CONSENT

Commissioner Ball noted the Consent Agenda includes any staff notes.

Motion by Commissioner James E. Ball, seconded by Commissioner Billie Jo Underwood, to approve the Consent Agenda, which includes Items CA1 - CR2, with the correction to the staff recommendation of Item CB1 to correct the name from Happy Acres Veterinary Services to Happy Acres Veterinary Clinic, and the Replacement Item for Item CQ3.

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** Fort Morgan 4th Annual Mardi Gras Parade [23-0475](#)

Approve the requested route for the Fort Morgan 4th Annual Mardi Gras Parade on Sunday, February 19, 2023, beginning at 1:00 p.m. and closure of roads (Ponce de Leon, Triple Tail Lane, and Bernard Court East) from 12:00 p.m. to 2:30 p.m. during the event.

The Fort Morgan Volunteer Fire Department will assist with traffic control and safety for the duration of the parade.

The Baldwin County Sheriff's Office will provide security for the event.

**CA2** Consideration for Rescheduling Baldwin County Commission February 22, 2023, Work Session Meeting and February 22, 2023, Regular Meeting

[23-0488](#)

Adopt Resolution #2023-050 which approves the following:

1) The February 22, 2023, Work Session Meeting of the Baldwin County Commission is rescheduled to instead, be held and conducted on Friday, February 24, 2023, at 8:30 a.m., in the County Commission Meeting Chambers - 2nd Floor in the Baldwin County Fairhope Satellite Courthouse as located at 1100 Fairhope Avenue, Fairhope, Alabama; and

2) The February 22, 2023, Regular Meeting of the Baldwin County Commission is rescheduled to instead, be held and conducted Friday, February 24, 2023, at 10:00 a.m., in the County Commission Meeting Chambers - 2nd Floor in the Baldwin County Fairhope Satellite Courthouse as located at 1100 Fairhope Avenue, Fairhope, Alabama.

**CA3** Letter to Alabama Department of Economic and Community Affairs - Volunteer Fire Departments/Fire Departments/Search and Rescue Units

[23-0520](#)

Authorize the Chairman to execute a letter to the Alabama Department of Economic and Community Affairs (ADECA) to make eligible the provision of surplus equipment from the State of Alabama to Baldwin County's volunteer fire departments, fire departments and search and rescue units for calendar year 2023.

**CB ANIMAL CONTROL**

**CB1** Veterinary Service Agreements for the Baldwin County Animal Shelter

[23-0417](#)

Approve and authorize the Chairman to execute the Professional Services Agreements between the Baldwin County Commission (Baldwin County Animal Shelter) and the following Veterinary Clinics for services outlined in the agreement for dogs and cats delivered to the Veterinarians' office by the county:

Happy Acres Veterinary Clinic  
Bay Minette Animal Clinic  
Baldwin Animal Clinic  
Central Baldwin Veterinary Hospital  
Dykes Veterinary Clinic

The Agreements shall commence on January 17, 2023, and continue for a period of two years (2) years expiring January 17, 2025, with an automatic renewal for one (1) year expiring January 17, 2026, unless terminated by either party by giving a sixty (60) day written notice of such termination.

These agreements hereby supersede and replace in their entirety the original

agreements set to expire January 21, 2023.

## **CC ARCHIVES AND HISTORY**

### **CC1** OnCell Systems, Inc. - Agreement for Professional Services for the Baldwin County Historic Tours App

[23-0400](#)

Approve the Agreement for Professional Services between the Baldwin County Commission (Baldwin County Archives Department) and OnCell Systems, Inc. for OnCell Yearly Subscription - Local & Specialty Plan which allows use of STQRY website service to create tours and apps at a cost of \$1,188.00 annually.

This agreement supersedes the agreement dated February 18, 2021, and shall commence on February 17, 2023, and shall terminate upon the expiration of twelve (12) months, on February 17, 2024, with an option to renew (not exceeding thirty-six (36) months).

## **CE BUDGET/PURCHASING**

### **CE1** Competitive Bid #WG23-05A - Provision of Instant Pre-cooked Meals for the Baldwin County Commission

[23-0515](#)

Take the following actions:

- 1) Authorize the Purchasing Director to re-bid the Provision of Instant Pre-cooked Meals; 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.

### **CE2** Competitive Bid #WG23-07 - Provision of Police Vehicle Equipment (Brake Rotors/Pads) for the Baldwin County Commission

[23-0529](#)

Award Bid #WG23-07 for the Provision of Police Vehicle Equipment (Brake Rotors/Pads) to the lowest responsible bidder, who met all the specifications, TPH Holdings, LLC d/b/a The Parts House, per the Award Listing.

### **CE3** Competitive Bid #WG23-09 - Purchase of One (1) New 2023 Chevrolet Tahoe 4WD Z71 or Equivalent for the Baldwin County Commission

[23-0507](#)

Take the following actions:

- 1) Award Bid #WG23-09 for the purchase of one (1) New 2023 Chevrolet Tahoe 4WD Z71 to Donohoo Chevrolet, LLC, for District 3 Commissioner as follows:

Make/Model: 2023 Chevrolet Tahoe 4WD 4dr Z71

Amount Bid: \$67,546.50

Delivery Time: 90 days; and

2) Authorize the Chairman to execute the County Fixed Asset Change Form, for the sale of one (1) 2020 Chevrolet Tahoe VIN #1GNSKBKCOLR309044 from District 3 Commissioner in the amount of \$35,000.00 to the Baldwin County Solid Waste Recycling Department.

**CE4**    Competitive Bid #WG23-10 - Provision of Delineator Posts and Mounting Kits for the Baldwin County Commission

[23-0531](#)

Take the following actions:

1) Authorize the Purchasing Director to re-bid the Provision of Delineator Posts and Mounting Kits; 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.

**CE5**    Contract Extension for Professional Services to Support IBM I Servers (AS400) for the Baldwin County Commission

[23-0528](#)

Extend the Professional Services Contract with 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, for an additional twelve (12) months at the same terms and conditions as stated in the original contract award on January 5, 2021.

The contract extension will expire on January 19, 2024.

**CE6**    Quote for Repairs to the Baldwin County Annex IV Elevator Located in Bay Minette, Alabama for the Baldwin County Commission

[23-0522](#)

Approve and authorize the Chairman to execute the Public Works Contract and Certificate of Compliance with Otis Elevator Company in the amount of \$34,900.00 for repairs to the elevator located in the Annex IV Building in Bay Minette, Alabama.

**CK**    **EMERGENCY MANAGEMENT AGENCY (EMA)**

**CK1**    Memorandum of Understanding with Alabama Department of Human Resources and City of Robertsedale to use Baldwin County Coliseum as a Medical Needs Shelter

[23-0476](#)

Approve the Memorandum of Understanding (MOU) between the Baldwin County Commission, the Alabama Department of Human Resources and the City of Robertsdale to permit the use of the Baldwin County Coliseum as a Medical Needs Shelter in the event of a disaster declaration.

The term of this MOU shall commence on the date of full execution and shall continue in force and remain binding until or unless decided by the Baldwin County Commission or the City of Robertsdale's governing body.

This MOU hereby supersedes and replaces in its entirety the original MOU between the Alabama Department of Human Resources and Baldwin County Commission, dated February 18, 2020.

## **CL ENVIRONMENTAL MANAGEMENT**

**CL1** Baldwin County Solid Waste Uncollectible Residential Accounts - January 2023 [23-0487](#)

Approve the uncollectible residential garbage accounts list for write-offs in the amount of \$316.00.

## **CN HIGHWAY**

**CN1** Execution of IRS Form 8283 for Donated Right-of-Way on Project No. HW22149 - Blueberry Lane (Tract 1) [23-0521](#)

Take the following actions:

1) Accept 2.263 acres on Blueberry Lane (Tract 1) as a right-of-way donated to Baldwin County by Fairhope Single Tax Corporation on July 6, 2022 (Instrument No. 2010106 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.

**CN2** Execution of IRS Form 8283 for Donated Right-of-Way on Project No. HW21177 and HW08392 - Boros Road (Tract 1) [23-0489](#)

Take the following actions:

1) Accept 1.675 acres on Boros Road (Tract 1) as a right-of-way donated to Baldwin County by James C. Kaiser and Susan H. Kaiser a/k/a Susan M. Kaiser on October 13, 2022 (Instrument No. 2028812 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.

**CN3**    Execution of IRS Form 8283 for Donated Right-of-Way on Project No.  
HW21177 - Boros Road (Tract 2)

[23-0490](#)

Take the following actions:

- 1) Accept 0.459 acres on Boros Road (Tract 2) as a right-of-way donated to Baldwin County by The William E. and Emilie F. Gahnstrom Revocable Trust dated May 21, 2014, on December 5, 2022 (Instrument No. 2037929 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.

**CN4**    Execution of IRS Form 8283 for Donated Right-of-Way on Project No.  
HW21177 - Boros Road (Tract 4)

[23-0491](#)

Take the following actions:

- 1) Accept 0.459 acres on Boros Road (Tract 4) as a right-of-way donated to Baldwin County by Martha C. Bender Early, Margaret Susann Neubert, Katherine Louise Suggs and Emilie Frances Gahnstrom on November 14, 2022, November 28, 2022, November 30, 2022, and December 5, 2022 (Instrument No. 2037930 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.

**CN5**    Execution of IRS Form 8283 for Donated Right-of-Way on Project No.  
HW21177 - Boros Road (Tract 6)

[23-0493](#)

Take the following actions:

- 1) Accept 0.155 acres on Boros Road (Tract 6) as a right-of-way donated to Baldwin County by Joseph Martin Guthrie and F.P. Guthrie as Trustees under The Guthrie Living Trust dated January 8, 2014, on October 25, 2022 (Instrument No. 2030930 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.

**CN6**    Execution of IRS Form 8283 for Donated Right-of-Way on Project No.  
HW08392 - Boros Road (Tract 7)

[23-0495](#)

Take the following actions:



1) Accept 0.655 acres on Boros Road (Tract 7) as a right-of-way donated to Baldwin County by The Marshal M. Holman and Cheryl W. Holman Joint Revocable Trust Agreement dated October 19, 2020, on October 17, 2022 (Instrument No. 2029042 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.

**CN7**    Execution of IRS Form 8283 for Donated Right-of-Way on Project No. HW08392 - Boros Road (Tract 9)

[23-0498](#)

Take the following actions:

1) Accept 0.073 acres on Boros Road (Tract 9) as a right-of-way donated to Baldwin County by William C. Atkins and Mary E. Atkins on September 28, 2022 (Instrument No. 2026026 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.

**CN8**    Execution of IRS Form 8283 for Donated Right-of-Way on Project No. HW08392 - Boros Road (Tract 12)

[23-0499](#)

Take the following actions:

1) Accept 0.811 acres on Boros Road (Tract 12) as a right-of-way donated to Baldwin County by LBS Farms, LLC, a Florida Limited Liability Company, on December 21, 2022 (Instrument No. 2039843 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.

**CN9**    Execution of IRS Form 8283 for Donated Right-of-Way on Project No. HW08392 - Boros Road (Tract 13)

[23-0519](#)

Take the following actions:

1) Accept 0.942 acres on Boros Road (Tract 13) as a right-of-way donated to Baldwin County by Gary Baxter Froeba and Lynne Kaiser Froeba as Co-Trustees of The Gary and Lynne Froeba Revocable Trust dated August 12, 2019, on October 3, 2022 (Instrument No. 2028318 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.

**CN10** Execution of IRS Form 8283 for Donated Right-of-Way on Project No.  
HW22010 - Canyon Drive (Tract 1)

[23-0523](#)

Take the following actions:

- 1) Accept 0.226 acres on Canyon Drive (Tract 1) as a right-of-way donated to Baldwin County by Fairhope Single Tax Corporation on April 14, 2022 (Instrument No. 2003016 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.

**CN11** Execution of IRS Form 8283 for Donated Right-of-Way on Project No.  
HW22010 - Canyon Drive (Tract 2)

[23-0524](#)

Take the following actions:

- 1) Accept 0.210 acres on Canyon Drive (Tract 2) as a right-of-way donated to Baldwin County by Fairhope Single Tax Corporation on April 14, 2022 (Instrument No. 2003017 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.

**CN12** Execution of IRS Form 8283 for Donated Right-of-Way on Project No.  
HW22010 - Canyon Drive (Tract 3)

[23-0525](#)

Take the following actions:

- 1) Accept 0.192 acres on Canyon Drive (Tract 3) as a right-of-way donated to Baldwin County by Fairhope Single Tax Corporation on April 14, 2022 (Instrument No. 2003018 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.

**CN13** Execution of IRS Form 8283 for Donated Right-of-Way on Project No.  
HW22020 - Paul Cleverdon Road (Tract 2)

[23-0526](#)

Take the following actions:

- 1) Accept 0.603 acres on Paul Cleverdon Road (Tract 2) as a right-of-way donated to Baldwin County by Daniel K. Stella on August 12, 2022 (Instrument No. 2017527 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.

**CN14** Execution of IRS Form 8283 for Donated Right-of-Way on Project No. HW19121000/0212119 - Russian Road (Tract 18)

[23-0527](#)

Take the following actions:

1) Accept 0.061 acres on Russian Road (Tract 18) as a right-of-way donated to Baldwin County by Rhonda Pierce on September 26, 2022 (Instrument No. 2025521 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.

**CN15** Case No. S-19028 - Hill Top Subdivision, Phase One - Release Maintenance Bond

[23-0477](#)

Authorize staff to release the Surety Document (Maintenance Bond) from FCCI Insurance Company on behalf of Baldwin Road Builders, Inc. for Hill Top Subdivision, Phase One, in the amount of \$134,290.90 which guarantees the workmanship and materials of the roadways and drainage improvements within the public rights-of-way as shown on the approved Final Plat and "As-Built" construction plans.

**CO JUVENILE DETENTION**

**CO1** Alabama Department of Youth Services (DYS) Part 1 and Part 2 Grant Subsidy Agreement Fiscal Year 2022 - 2023

[23-0544](#)

Take the following actions:

1) Approve and authorize the Chairman to execute the Alabama Department of Youth Services (DYS) Part 1 Grant / Subsidy Agreement Fiscal Year 2022 - 2023 and any related documents, which awards the Baldwin County Regional Juvenile Detention Center (JDC) \$14,000.00 per county for providing seven (7) counties at a minimum of one bed per day per county for a total of \$98,000.00 for the following counties:

Baldwin, Choctaw, Clarke, Conecuh, Escambia, Monroe, and Washington; and

2) Approve and authorize the Chairman to execute the Alabama Department of Youth Services (DYS) Part 2 Grant / Subsidy Agreement Fiscal Year 2022 - 2023 and any related documents, which awards the Baldwin County Regional Juvenile Detention Center (JDC) \$151,678.00 for the population of the regional service area. The formula provides \$0.43209043024445 per person based on the 2020 United States Census.

**CQ PERSONNEL**

**CQ1** Building Inspection Department - Employment of Two (2) Building Inspector III Positions

**23-0539**

Take the following actions:

- 1) Approve the employment of Tracy Fisher to fill the Building Inspector III position (#5605), grade 315 (\$24.51 per hour / \$50,980.80 annually); and
- 2) Approve the employment of Grady Booker to fill the Building Inspector III position (#5606), grade 315 (\$24.51 per hour / \$50,980.80 annually).

These actions will be effective no sooner than January 23, 2023.

**CQ2** Highway Department (Foley) - Employment of One (1) Operator Technician III Position

**23-0502**

Approve the employment of Valdemuir Daniels to fill the open Operator Technician III position (#329) at a grade 310 (\$18.28 per hour / \$38,022.40 annually) to be effective no sooner than January 23, 2023.

**CQ3** \*Highway Department (Silverhill) - Personnel Changes

**23-0503**

Take the following actions:

- 1) Approve the employment of Bryan Conway to fill the open Operator Technician Trainee position (#5489) at a grade 306 (\$14.90 per hour / \$30,992.00 annually) to be effective no sooner than January 23, 2023; and
- 2) Approve the employment of Luis Diosdado to fill the open Operator Technician Trainee position (#5488) at a grade 306 (\$14.90 per hour / \$30,992.00 annually) to be effective no sooner than January 23, 2023; and
- 3) Approve the promotion of Freddie Williams from the Operator Technician Trainee position (#927) grade 306 (\$14.90 per hour / \$30,992.00 annually) to fill the open Operator Technician I position (#675) at a grade 308 (\$16.42 per hour / \$34,153.60 annually) to be effective no sooner than January 30, 2023; and
- 4) Approve the promotion of Cory Homan from the Operator Technician Trainee position (#5490) grade 306 (\$14.90 per hour / \$30,992.00 annually) to fill the open Operator Technician I position (#649) at a grade 308 (\$16.42 per hour / \$34,153.60 annually) to be effective no sooner than January 30, 2023; and
- 5) Approve the promotion of Daniel Ruiz from the Operator Technician Trainee position (#5488) grade 306 (\$14.90 per hour / \$30,992.00 annually) to fill the open Operator Technician I position (#684) at a grade 308 (\$16.42 per hour / \$34,153.60 annually) to

be effective no sooner than January 30, 2023.

**CQ4** Highway Department (Traffic Operations) - Personnel Changes

**23-0504**

Take the following actions:

- 1) Approve the employment of Jerald Akins to fill the open Operator Technician I position (#5687) at a grade 308 (\$16.42 per hour / \$34,153.60 annually) to be effective no sooner than January 23, 2023; and
- 2) Approve the promotion of Nicholas McCawley from the Traffic Control Technician III position (#914) grade 310 (\$19.41 per hour / \$40,372.80 annually) to fill the open Traffic Control Technician IV position (#5383) at a grade 312 (\$20.96 per hour / \$43,596.80 annually) to be effective no sooner than January 30, 2023.

**CQ5** Juvenile Detention Center - Employment of One (1) Part-Time Detention Worker I Position

**23-0505**

Approve the employment of Leon Poellnitz to fill the part-time Detention Worker I position (#21) at a grade 308 (\$16.42 per hour) to be effective no sooner than January 23, 2023.

**CQ6** Probate Office - Personnel Changes

**23-0510**

Take the following actions:

- 1) Approve the employment of Andrea Carr to fill the open Recording Officer position (#579) at a grade 306 (\$14.90 per hour / \$30,992.00 annually); and
- 2) Approve the employment of Shana Pimperl to fill the open Recording Officer position (#309) at a grade 306 (\$14.90 per hour / \$30,992.00 annually); and
- 3) Approve the employment of Melissa Adams to fill the open License Revenue Officer I position (#5368) at a grade 306 (\$14.90 per hour / \$30,992.00 annually).

These actions shall be effective no sooner than January 23, 2023.

**CQ7** Probate Office - Request for Leave of Absence

**23-0530**

At the request of the Probate Judge, approve a Leave of Absence for employee #145816 beginning January 9, 2023, for up to an eight-week period as outlined in the Baldwin County Employee Handbook, Section IV.I. "If an employee exhausts all of his or her annual, sick and FMLA leave and still needs additional time off for personal or health reasons, he or she may apply for an unpaid leave of absence for a period of up to three (3) months. The request for leave must be given to the employee's supervisor and

Appointed Department Head at least thirty (30) days prior to the start of the requested leave date unless the leave is an emergency. Any request for leave of absences must be approved or denied by the County Commission."

**CQ8** Probate Office - Request for Leave of Absence

[23-0509](#)

At the request of the Probate Judge, approve a Leave of Absence for employee #193522 beginning February 15, 2023, for up to a 3-month period as outlined in the Baldwin County Employee Handbook, Section IV.I. "If an employee exhausts all of his or her annual, sick and FMLA leave and still needs additional time off for personal or health reasons, he or she may apply for an unpaid leave of absence for a period of up to three (3) months. The request for leave must be given to the employee's supervisor and Appointed Department Head at least thirty (30) days prior to the start of the requested leave date unless the leave is an emergency. Any request for leave of absences must be approved or denied by the County Commission."

**CQ9** Sales & Use Tax/License Inspection Department - Request for Leave of Absence

[23-0512](#)

At the request of the Budget Director, approve a Leave of Absence for employee #193463 beginning February 1, 2023, for up to a 3-month period as outlined in the Baldwin County Employee Handbook, Section IV.I. "If an employee exhausts all of his or her annual, sick and FMLA leave and still needs additional time off for personal or health reasons, he or she may apply for an unpaid leave of absence for a period of up to three (3) months. The request for leave must be given to the employee's supervisor and Appointed Department Head at least thirty (30) days prior to the start of the requested leave date unless the leave is an emergency. Any request for leave of absences must be approved or denied by the County Commission."

**CQ10** Association of County Commissions of Alabama Liability Self Insurance, Property and Content, Inland Marine / Equipment, Auto / Vehicle and Canine Insurance Coverage - Continuance of Coverage

[23-0506](#)

Take the following actions:

- 1) Authorize payment to the Association of County Commissions of Alabama (ACCA) Liability Self Insurance Fund (CRS, Inc.) in the amount of \$957,603.82 from the Baldwin County Fiscal Year 2022-2023 budget line items various department accounts #52720, related to the continued provision of certain liability insurance coverage to the Baldwin County Commission for the period of January 1, 2023, to January 1, 2024; and
- 2) Approve the January 1, 2023, through January 1, 2024, annual premium contribution payments for Property and Content including towers with ACCA standard deductible \$10,000.00 / 2% named storm in the amount of \$852,939.16; and

- 3) Approve the January 1, 2023, through January 1, 2024, Inland Marine / Equipment with ACCA - (\$5,000.00 / \$10,000.00 deductible) - \$205,798.03; and
- 4) Approve the January 1, 2023, through January 1, 2024, Automobile / Vehicle with ACCA Comprehensive and Collision- (\$40,000.00 deductible collision) (\$5,000.00 deductible comprehensive) - \$143,669.16; and
- 5) Approve the January 1, 2023, through January 1, 2024, Canine with ACCA - (\$1,000.00 deductible) - \$6,590.60; and
- 6) Authorize the Chairman to execute the corresponding declarations page for the period of January 1, 2023, through January 1, 2024; and
- 7) Authorize the Clerk / Treasurer to make a payment to the ACCA Liability Self Insurance Fund (CRS, Inc.) in the amount of \$2,166,600.77.

**CQ11** Maritime Employer's Liability Policy Renewal

[23-0508](#)

Take the following actions:

- 1) Approve the December 31, 2022, through December 31, 2023 annual premium to Robertson Insurance Agency, Inc. for Maritime Employer's Liability insurance coverage in the amount of \$4,193.00; 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 31, 2023, to Robertson Insurance Agency, Inc. in the amount of \$4,193.00.

**CR PLANNING AND ZONING**

**CR1** Baldwin County Commission Board of Adjustment #2 - Board Appointment(s)

[23-0409](#)

Related to the Baldwin County Commission Board of Adjustment #2, take the following actions:

- 1) Accept the resignation of Mr. James W. Koeppen, effective February 9, 2023, and thank him for his prior civic service as a regular member (Planning District 21 Designee); and
- 2) Appoint Mr. Michael G. Swansburg as a regular member (Planning District 21 Designee) for a pro-rata reduced three (3) year term, to fill the place seat formerly held by Mr. James W. Koeppen, said term commencing February 9, 2023, and expiring March 16, 2024.



Appoint Charles F. Gruber, Baldwin County Commission Chairman, as the Municipal Separate Storm Sewer Systems (MS4) Phase II Permit Responsible Official to execute all documents required by the Alabama Department of Environmental Management (ADEM) for the County's MS4 Permit ALR #40042.

## **D PRESENTATIONS**

### **DA GENERAL**

#### **DA1** Employees of the Quarter for 4th Quarter 2022

**23-0514**

Deidra Hanak, Personnel Director, appeared before the Commission to recognize the Employees of the Quarter for 4th Quarter 2022. Ms. Hanak said the goal of the Employee of the Quarter Program is to publicly recognize outstanding employees and acknowledge their accomplishments and contributions to the Baldwin County Commission as a whole. This offers the opportunity for employees to recognize their peers for exceptional job performance and citizens the opportunity to recognize County employees who exhibit exceptional customer service. Ms. Hanak explained employees are selected based on factors such as improving services, work processes, and performing at a level above and beyond. Ms. Hanak said the County website has a link for the public, employees, or supervisors to nominate exemplary employees.

Joey Nunnally, County Engineer, and Beth Hodges, Chief Accountant (Highway Department), appeared before the Commission and presented an Employee of the Quarter certificate to lessha Armstead, Custodian.

Ms. Hodges said Ms. Armstead has been with the Highway Department since May 2021, has become a part of the Highway family and her work is very much appreciated.

Brian Peacock, CIS Director, appeared before the Commission and presented an Employee of the Quarter certificate to Cliff Milton, Parks Supervisor. Mr. Peacock discussed Mr. Milton's leadership qualities, his willingness to get the job done, and the support he gives to his staff.

Mr. Milton thanked the Commission for setting aside this day to recognize the employees of the quarter.

Revenue Commissioner Teddy Faust, Jr., appeared before the Commission and presented an Employee of the Quarter certificate to Dana Cortez, Assessment Support Technician I. Revenue Commissioner Faust said Ms. Cortez handles her work with pride and the Revenue Commission is blessed to have her.



The Commissioners congratulated the Employees of the Quarter and thanked them for their hard work and dedication to the County.

## **E PUBLIC HEARINGS**

### **ER PLANNING AND ZONING**

#### **ER1** Case No. Z22-18 - Davis Property Rezoning

[23-0478](#)

Celena Boykin, Senior Planner, appeared before the Commission and provided background information on the subject property.

Chairman Gruber opened the public hearing at 10:36 a.m. and asked if there is anyone present who wishes to speak.

There being no requests to address the Commission, Chairman Gruber closed the public hearing at 10:36 a.m.

Motion by Commissioner James E. Ball, seconded by Commissioner Billie Jo Underwood, to adopt Resolution #2023-033, which approves Case No. Z22-18, Davis Property Rezoning, as it pertains to the rezoning of 4.1 acres, more or less, as located in Planning (Zoning) District 15, from RSF-E, Single Family Estate District and B-1, Professional Business District, to B-2, Neighborhood Business 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**

### **FA ADMINISTRATION**

#### **FA1** Amendment to Lease Agreement with Robert A. Wills for Office Space for the Baldwin County Legislative Delegation in Bay Minette, Alabama

[23-0497](#)

Motion by Commissioner James E. Ball, seconded by Commissioner Matthew P. McKenzie, to approve an Amendment to the Lease Agreement between Robert A. Wills, Sr. and the Baldwin County Commission for the Baldwin County Legislative Delegation, originally approved on November 16, 2022, to utilize office space in the building located at 125 D'Olive Street, Bay Minette, Alabama, in the amount of \$1,750.00 per month.

The term of this Lease shall be for a period of five (5) years beginning on January 1, 2023, and terminating on December 31, 2027, at 12:00 midnight, unless sooner terminated as provided herein.

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

Ron Cink, Budget Director/Interim County Administrator, noted Item FA1 has a typographical error, a missing zero in one of the insurance amounts, to be corrected in the lease agreement.

**FA2** Review of Proposed Revisions to Policy #2.9 - Official and Employee County Owned Cars

[23-0001](#)

Motion by Commissioner James E. Ball to approve Item FA2 as discussed during the Work Session.

After the motion, and before the second, Brad Hicks, County Attorney, said after the discussion during the Work Session meeting earlier, he recommends adopting the revised policy with the following changes:

- 1) Remove the sentence in the second paragraph that states the following: "Unless driven to and from the residence of authorized personnel, use of vehicles is not considered part of an employees' compensation and must not be used as an inducement for employment;" and
- 2) In paragraph 6 on the second page, add the words "or conducting" after the word "attending."

Commissioner Ball restated his motion as follows:

Motion by Commissioner James E. Ball, seconded by Commissioner Billie Jo Underwood, to approve the revisions to Policy #2.9 reflective of the County Attorney's amendments, which include the following changes:

- 1) Remove the sentence in the second paragraph that states the following: "Unless driven to and from the residence of authorized personnel, use of vehicles is not considered part of an employees' compensation and must not be used as an inducement for employment;" and
- 2) In paragraph 6 on the second page, add the words "or conducting" after the word "attending."

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

**FE BUDGET/PURCHASING**

**FE1** Construction of a New Baldwin County Animal Shelter Intake Building Located in Summerdale, Alabama, for the Baldwin County Commission [23-0517](#)

No action taken.

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

**GA GENERAL**

**GA1** AIA Agreement for Architectural Services for the Design of Protective Partitions in Various Buildings for the Baldwin County Commission [23-0513](#)

Motion by Commissioner James E. Ball, seconded by Commissioner Billie Jo Underwood, to approve and authorize the Chairman to execute the AIA Professional Services Contract with PH & J Architects, Inc., in the amount of 6.5% of the construction cost for the Design of Protective Partitions in various Baldwin County Commission facilities. Funding will be from the American Rescue Plan Act (ARPA) funds.

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** Allocation of American Rescue Plan Act (ARPA) Funds for Baldwin County Commission Staff Administrative Costs [23-0501](#)

Motion by Commissioner Billie Jo Underwood, seconded by Commissioner James E. Ball, to approve the allocation of "real" American Rescue Plan Act (ARPA) funds in the amount of \$18,564.09 to cover direct administrative costs for Baldwin County Commission staff from October 1, 2022, through December 31, 2022.

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** \*Request for Proposals (RFP) for Magnolia Material Recovery Facility  
Equipment Design, Procurement, and Installation for the Baldwin County  
Commission

**23-0553**

Motion by Commissioner James E. Ball, to approve Item GA3 contingent upon legal review.

Brad Hicks, County Attorney, said for the record the language in the agenda item has been amended to reflect the flexibility that will provide between Title 41 and Title 39 so there is time to make that final determination.

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

- 1) Reject all the proposals received for the Request for Proposals (RFP) for the Engineering of Magnolia Material Recovery Facility Equipment Design, Procurement, and Installation; and
- 2) Authorize the Purchasing Director to advertise the competitive bid as required in Code of Alabama Title 39 Public Works Law, or Title 41 Competitive Bid Law, after final approval of the appropriate statute and bid documents by the Association of County Commissions of Alabama (ACCA) and the County Attorney.

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

**GA4** Resolution #2023-039 - Allocation of Interest Earned from the American  
Rescue Plan Act (ARPA) Funds for the Lehman Road Project

**23-0500**

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

- 1) Approve the allocation of interest earned from the American Rescue Plan Act (ARPA) funds in the amount of \$10,084.00 to East Central Baldwin County Water, Sewer, and Fire Protection Authority for the Lehman Road project; and
- 2) Approve payment to the East Central Baldwin County Water, Sewer, and Fire Protection Authority in the amount of \$10,084.00 for the Lehman Road Project; and

3) Adopt Resolution #2023-039 of the Baldwin County Commission allocating up to \$10,084.00 of interest earned from the American Rescue Plan Act (ARPA) funds to East Central Baldwin County Water, Sewer, and Fire Protection Authority for the Lehman Road project.

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

**GA5** American Rescue Plan Act (ARPA) Program Update

[23-0516](#)

No action taken.

## **H ADDENDA**

### **HA GENERAL**

**HA1** Sublease Agreement with Highland Construction, LLC d/b/a The Addison Group for Office Space for Baldwin County Legislative Delegation

[23-0555](#)

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

1) Rescind the action taken by the Commission on December 20, 2022, which approved as follows:

"Approve a Sublease Agreement between the Baldwin County Commission and Highland Construction, LLC, an Alabama limited liability company d/b/a The Addison Group, for office space in The First Bank Building, located at 25556 Canal Road in Orange Beach, Alabama, to be utilized by the Baldwin County Legislative Delegation, in the monthly amount of \$391.00, paid by the Baldwin County Legislative Delegation.

The Lease Agreement will be effective on February 1, 2023, and continue for four (4) years unless sooner terminated by either party as provided in the agreement."

2) Approve a Sublease Agreement between the Baldwin County Commission and Highland Construction, LLC, an Alabama limited liability company d/b/a The Addison Group, for office space in The First Bank Building, located at 25556 Canal Road in Orange Beach, Alabama, to be utilized by the Baldwin County Legislative Delegation, in the monthly amount of \$391.00, paid by the Baldwin County Legislative Delegation.

The Lease Agreement will be effective on March 1, 2023, and continue for four (4) years unless sooner terminated by either party as provided in the agreement.

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

**HA2** Baldwin Regional Area Transit System - Transportation for United States Army Old Guard Fife and Drum Corps

[23-0557](#)

Motion by Commissioner Billie Jo Underwood, seconded by Commissioner James E. Ball, to approve the request for the use of two Baldwin Regional Area Transit System (BRATS) buses to provide transportation for members of the United States Army Old Guard Fife and Drum Corps to perform at various Baldwin County Public Schools on Thursday, February 9, 2023, at an estimated cost of \$1,434.93.

After the motion and second, and before the vote, Chairman Gruber noted the United States Army Old Guard Fife and Drum Corps are fantastic.

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

**HA3** \*Purchase of One (1) 2023 Dump Truck for the Baldwin County Highway Department

[23-0560](#)

Motion by Commissioner Matthew P. McKenzie, seconded by Commissioner Billie Jo Underwood, to authorize the Purchasing Director to issue a Purchase Order to Kenworth of Birmingham (Truckworx) for the purchase of one (1) 2023 Kenworth T880S Dump Truck with a 16' Steel Dump Body for the Area 300 Maintenance Facility, using \$40,000.00 Self Insurance funds (deductible) and \$194,259.00 estimated Insurance Recovery funds.

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**

Commissioner Underwood suggested there is a need to review some boards, specifically the Animal Control Advisory Committee, as she feels it is not functioning as originally intended.

Commissioner Ball asked staff to compile a list of boards that potentially could be dissolved if allowed by the statute.

Commissioner Underwood said she is disappointed not to be moving forward with the Foley Public Library Cooperative. The main purpose of the Library Cooperative is to serve the citizens by providing the interlibrary loan system and online card catalog. Commissioner Underwood noted the City of Foley will be building a new multi-purpose building and is offering space for the Library Cooperative.

## **J SENIOR STAFF REPORT**

Zach Hood, EMA Director, appeared before the Commission and provided an update on recent severe weather events where EMA provided mutual aid assistance to Coosa County. Mr. Hood discussed the benefits of mutual aid agreements between counties. Mr. Hood noted the Sons of the American Revolution visited the Emergency Operations Center and issued a commendation for the EOC's display of the American flag. Mr. Hood reminded everyone of the importance to check the condition of their flags and to remember what is honored when flying the American flag.

Chairman Gruber commented on the importance of the mutual aid agreements between counties.

## **K COUNTY ATTORNEY'S REPORT**

None.

## **L PUBLIC COMMENTS**

Mr. Francis P. Ripp appeared before the Commission and asked what was amended on Item FA1, to which

Brad Hicks, County Attorney, replied the Legislative Delegation is requesting to rent less space which results in a reduced rent payment.

Mr. Ripp asked if the Attorney General's office has been contacted regarding this lease being an ethics violation, to which Mr. Hicks replied no. Mr. Ripp said he feels the lease sets a dangerous precedence.

Joe Davis, III, former Baldwin County Commissioner, appeared before the Commission and congratulated the Commissioners on their new terms and for the work they do.

## **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 January 17, 2023, Baldwin County Regular meeting at 10:59 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

After the vote, Chairman Gruber said the January 17, 2023, Regular meeting is adjourned at 10:59 a.m.

A handwritten signature in blue ink, appearing to read "Charles F. Gruber".