

Baldwin County Commission

Baldwin County Commission
Regular
Meeting Minutes
Wednesday, January 2, 2019 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

Ronald J. Cink, County Administrator

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

A WELCOME, 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, Ron Cink, County Administrator/Budget Director, and David Conner, County Attorney.

The Chairman called the meeting to order at 8:30 a.m. and introduced Reverend Alan Akin, Music Minister at Fairhope Avenue Baptist Church, Fairhope, who appeared before the Commission and led the Commission in prayer. After the Pledge of Allegiance led by Commissioner Billie Jo Underwood, the Commission transacted the following business to-wit:

ADOPTION OF MINUTES

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adopt the minutes of the December 18, 2018, Baldwin County Commission Regular meeting.

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 CONSENT

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to approve the consent agenda.

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

BA ADMINISTRATION

BA1 Resolution #2019-001 of the Baldwin County Commission - Reconfirming the "Divisional Resolution of the Baldwin County Commission" [19-0414](#)

Take the following actions:

- 1) Due to scrivener's error in the "Divisional Resolution of the Baldwin County Commission," codified as Resolution #2019-001 of the Baldwin County Commission, which was adopted November 14, 2018, correct certain dates (month/year) in the rotation schedule listed for the Baldwin County Commission Work Session meetings.
- 2) Reconfirm the "Divisional Resolution of the Baldwin County Commission," codified as Resolution #2019-001 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.

BA2 City of Fairhope - Annexation Notification [19-0446](#)

Authorize the placement of the City of Fairhope's Annexation Ordinance No. 1629, Amending Ordinance No. 1253, annexing property into the corporate limits of the City of Fairhope, Alabama, into the minutes of the January 2, 2019, Baldwin County Commission regular meeting with the proper notifications to the following departments/organizations:

Baldwin County Departments:
Baldwin County Commission
Building Inspection Department
Communication/Information Systems Department
Environmental Management/Solid Waste Department
Highway Department

Planning and Zoning Department

Elected Officials:

Baldwin County Revenue Commission

Baldwin County Sheriff's Office

Other Agencies:

Board of Registrar's Office

Emergency 911

South Alabama Regional Planning Commission

BA3 Town of Loxley - Annexation Notification

[19-0428](#)

Authorize the placement of the Town of Loxley's Annexation Ordinances No. 2018-14, Ordinance No. 2018-19, Ordinance No. 2018-20, Ordinance No. 2018-21 and Ordinance No. 2018-22, annexing properties into the corporate limits of the Town of Loxley, Alabama, into the minutes of the January 2, 2019, Baldwin County Commission regular meeting with proper notifications to the following departments/organizations:

Baldwin County Departments:

Baldwin County Commission

Building Inspection Department

Communication/Information Systems Department

Environmental Management/Solid Waste Department

Highway Department

Planning and Zoning Department

Elected Officials:

Baldwin County Revenue Commission

Baldwin County Sheriff's Office

Other Agencies:

Board of Registrar's Office

Emergency 911

South Alabama Regional Planning Commission

BP PERSONNEL

BP1 Commission Administration - Employment of One (1) Administrative Support Specialist III Position

[19-0436](#)

Approve the employment of Michelle Howard to fill the open Administrative Support Specialist III position (PID #5436) at a grade I-EL (\$15.629 per hour/\$32,508.32 annually) to be effective no sooner than January 7, 2019.

BP2 Highway Department (Bay Minette) - Promotion of Employee into Operator Technician II Position [19-0439](#)

Approve the promotion of Matthew McFarland from the Operator Technician I position (PID #614) grade G-EL (\$12.967 per hour/\$26,971.36 annually) to fill the open Operator Technician II position (PID #248) at a grade H-EL (\$14.246 per hour/\$29,631.68 annually) to be effective no sooner than January 7, 2019.

BP3 Highway Department (Construction) - Promotion of Employee into Engineering Technician II Position [19-0438](#)

Approve the promotion of Christopher Byrd from the Engineering Technician I position (PID #865) grade H-03 (\$15.343 per hour/\$31,913.44 annually) to fill the open Engineering Technician II position (PID #4037) at a grade J-EL (\$17.176 per hour/\$35,726.08 annually) to be effective no sooner than January 7, 2019.

BP4 Highway Department (Parks) - Employment of One (1) Part-time Gate Attendant Position [19-0440](#)

Approve the employment of Mikayla Morgan to fill the open part-time Gate Attendant position (PID #PT35) at a grade E-EL (\$10.781 per hour) to be effective no sooner than January 7, 2019.

BP5 Solid Waste Department (Collections/Collection Administration) - Position Changes [19-0441](#)

Take the following actions:

1) Approve the employment of Christopher Sledge to fill the Solid Waste Technician position (PID #5245) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually) in the Solid Waste Collections Department (54800); and

2) Approve the employment of Rebecca Steadham to fill the Billing Account Specialist I position (PID #1018) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually) in the Solid Waste Collections Administration Department (54801).

These recommendations will be effective no sooner than January 7, 2019.

C PRESENTATIONS

D PUBLIC HEARINGS

DA ADMINISTRATION

Chairman Gruber opened the public hearing at 8:34 a.m. and asked if there is anyone present who wishes to speak.

Ms. Janice Vargas, the applicant, appeared before the Commission and said this is her second business location. They have a business in Gulf Shores and this one will be in Lillian.

Mr. Timothy Lett appeared before the Commission and said he is a resident of Lillian and he is in favor of the liquor license request.

There being no further requests to address the Commission, Chairman Gruber closed the public hearing at 8:35 a.m.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to consider the 020 - Restaurant Retail Liquor license application for The Pirate's Cantina Mexican Grill, LLC d/b/a The Pirate's Cantina Mexican Grill located at 33802 US Highway 98, Lillian, Alabama 36549, and approve the issuance of said license(s) by the Alabama Beverage Control (ABC) Board.

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

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills

19-0420

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III, to pay bills totaling \$3,676,745.60 (three million, six hundred seventy-six thousand, seven hundred forty-five dollars and sixty cents) with the exception of those vendors Commissioners request to be pulled, which are listed in the Baldwin County Accounts Payable Payments.

Of this amount, \$2,254,503.47 (two million, two hundred fifty-four thousand, five hundred three dollars and forty-seven cents) is payable to the Baldwin County Board of Education for its 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

[19-0421](#)

Ron Cink, County Administrator/Budget Director, informed the Commission that the Baldwin County Commission Interim Payments - January 2, 2019, made by the Clerk/Treasurer totaling \$1,633,370.27 (one million, six hundred thirty-three thousand, three hundred seventy dollars and twenty-seven cents) are a part of the record.

EB ROAD AND BRIDGE DIVISION

F ELECTED OFFICIAL REQUESTS

G OTHER STAFF RECOMMENDATIONS

GQ PLANNING AND ZONING

GQ1 Actions Pertaining to Case No. Z-18049 - Easy Like That Properties, LLC Property Rezoning, Case No. Z-18051 - Willis Property Rezoning and Case No. Z-18052 - Marina Holdings WE, LLC Property Rezoning

[19-0443](#)

Vince Jackson, Planning Director, appeared before the Commission and said this action is a follow-up to actions taken during the December 18, 2018, Baldwin County Commission meeting. The three listed cases were tabled at that time, so they could be re-advertised and returned to the Planning and Zoning Commission for additional consideration. Mr. Jackson said because public hearings were opened on each case, there is a requirement that action must be taken by the County Commission within 60 days. Also, because of the advertising requirements and scheduling, the meeting date by which the Commission would have to take action falls outside of the 60 days. In order to be consistent with the action that was taken on December 18th and avoid running the risk of placing the applicants in a situation where the current applications would need to be denied, staff is requesting the Commission to allow the applicants to withdraw the current applications and waive the application fees in order to submit new applications to be consistent with the action taken on December 18th.

Chairman Gruber asked if the Commissioners need to vote separately on each request, to which David Conner, County Attorney, replied that is correct.

Chairman Gruber asked if Mr. Jackson had the applicants' requests to withdraw, to which Mr. Jackson replied "yes."

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, and at the request of the Planning and Zoning Department staff, take the following actions related to the public hearing held by the Baldwin County Commission during its regularly scheduled meeting on December 18, 2018:

- 1) Allow Case No. Z-18049 - Easy Like That Properties, LLC Property Rezoning to withdraw the current application; and
- 2) Waive the application fees for this respective applicant in order to allow a new application, which would be consistent with the County Commission's actions taken on December 18, 2018, to be submitted.

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	

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, and at the request of the Planning and Zoning Department staff, take the following actions related to the public hearing held by the Baldwin County Commission during its regularly scheduled meeting on December 18, 2018:

- 1) Allow Case No. Z-18051 - Willis Property Rezoning to withdraw the current application; and
- 2) Waive the application fees for this respective applicant in order to allow a new application, which would be consistent with the County Commission's actions taken on December 18, 2018, to be submitted.

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	

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, and at the request of the Planning and Zoning Department staff, take the following actions related to the public hearing held by the Baldwin County

Commission during its regularly scheduled meeting on December 18, 2018:

- 1) Allow Case No. Z-18052 - Marina Holdings WE, LLC Property Rezoning to withdraw the current application; and
- 2) Waive the application fees for this respective applicant in order to allow a new application, which would be consistent with the County Commission's actions taken on December 18, 2018, to be submitted.

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

Mr. Jackson thanked the Commissioners and wished them a Happy New Year.

H COMMISSIONER REQUESTS

HA COMMISSION DISTRICT 1

HB COMMISSION DISTRICT 2

HC COMMISSION DISTRICT 3

HD COMMISSION DISTRICT 4

I ADDENDA

J ADMINISTRATIVE REPORT

K COUNTY ATTORNEY'S REPORT

David Conner, County Attorney, said he has a recommendation for an executive session to discuss a few items. There will be no action required to be taken from the executive session. If Chairman Gruber would like to conclude the meeting, the Commissioners can adjourn from the executive session.

L ANNOUNCEMENTS

M PUBLIC COMMENTS

N PRESS QUESTIONS

O COMMISSIONER COMMENTS

Commissioner Ball wished the citizens of Baldwin County and County staff a Happy New Year. He is looking forward to getting into the weeds and starting over fresh.

Commissioner Davis said he was excited to run for this job and after five weeks, he is even more excited. The County has so much that is going on that is really good. The Commissioners have developed a good teamwork approach to getting things done and he commends Chairman Gruber for that. Commissioner Davis said he looks forward to working with everyone this year.

Commissioner Underwood wished everyone a Happy New Year and said she is excited about the journey the Commissioners are embarking on. She appreciates everyone's comments on what the Commissioners are doing. Commissioner Underwood thanked everyone for their thoughts and prayers.

Chairman Gruber wished everyone a Happy New Year and said he is looking forward to a new journey with his fellow colleagues. They are going to have a good year. Chairman Gruber said he is looking forward to working with everyone as the Commissioners move forward into 2019.

P ADJOURNMENT

David Conner, Count Attorney, recommended the Commission adjourn into an executive session to discuss the general reputation and character, physical condition, professional competence, or mental health of individuals, or, subject to the limitations set out herein, to discuss the job performance of certain public employees and 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. Mr. Conner said it is anticipated the executive session will last approximately 30 minutes, at which time the Commissioners can adjourn from the executive session. He makes the oral declaration that the discussion is appropriate for the executive session.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adjourn into an executive session at 8:45 a.m. for approximately 30 minutes to discuss the general reputation and character, physical condition, professional competence, or mental health of individuals, or, subject to the limitations set out herein, to discuss the job performance of certain public employees and 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

Chairman Gruber said the Commission will adjourn into an executive session at 8:45 a.m. for approximately 30 minutes.