

Baldwin County Commission

Baldwin County Commission Regular
Meeting Minutes
Tuesday, January 15, 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

Wayne A. Dyess, 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 Mel Hacker, Pastor of New Day Ministries, Bay Minette, Alabama, who appeared before the Commission and led the Commission in prayer. After the Pledge of Allegiance led by Commissioner James E. Ball, the Commission transacted the following business to-wit:

ADOPTION OF MINUTES

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, to adopt the minutes of the January 2, 2019, 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

Ron Cink, County Administrator/Budget Director, asked the Commissioners to pull Item BE4 - Competitive Bid #WG19-01 - Annual Generator Preventive Maintenance Services

for the Baldwin County Commission, from the Consent Agenda to discuss in an executive session with the County Attorney.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to adopt the consent agenda with the exception of Item BE4.

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 Baldwin County Intracoastal Waterway (ICW) Boat Launch Project [19-0534](#)

Authorize the Chairman to execute any extensions to the Purchase and Sale Agreement, originally approved during the October 2, 2018, Baldwin County Commission regular meeting related to the purchase of 45 acres of property on the Gulf Intracoastal Waterway.

BA2 CARE House, Inc. Transparenting Seminars Schedule for 2019 [19-0505](#)

Approve the Care House, Inc. to use the Commission Chambers in the Baldwin County Administration Building, in Bay Minette, Alabama, for its 2019 Transparenting Seminars as requested.

BA3 City of Robertsdale Utilities - Participation in the Neighbors Helping Neighbors Program [19-0509](#)

Approve the Baldwin County Commission's continued participation in the City of Robertsdale Utilities Department's utility assistance program which benefits the Neighbors Helping Neighbors Program, a 501(c)(3) not-for-profit foundation, which provides financial assistance to local charities and service organizations as well as individuals in need.

BA4 Order Granting License to Establish Private Cemetery - Mustin Family Cemetery, Perdido, Baldwin County, Alabama [19-0466](#)

Memorialize for the record, the Order Granting License to Establish Private Cemetery (Case No. 36488) from the Baldwin County Judge of Probate, dated December 19, 2018, granting a license to Mickey L. Mustin, owner of the real property upon which the proposed cemetery will be situated, to establish a private cemetery on the property of Mickey L. Mustin, in Perdido, Baldwin County, Alabama, said family cemetery to be located at 53931 Modelle Bryars Road in Perdido (Baldwin County), Alabama, and to be known as "Mustin Family Cemetery."

BA5 Request from Baldwin County Board of Education for Approval on Renovations at the Baldwin County Board of Education Building Located in Bay Minette

[19-0502](#)

Per the request of the Baldwin County Board of Education, approve the Baldwin County Board of Education to replace existing flooring and paint the interior walls in the original Superintendent's Office wing at the Baldwin County Board of Education Building Located at 2600 Hand Avenue, Bay Minette, Alabama. The Baldwin County Board of Education will incur all expenses of said renovations.

BA6 Request from Cindy Haber Center, Inc. to Provide Case Management Services for Mobile County

[19-0501](#)

Pursuant to §22-51-7, Code of Alabama 1975, adopt Resolution #2019-038 of the Baldwin County Commission approving a proposal by the Cindy Haber Center, Inc. as being in the public interest to expand the area in which the Cindy Haber Center, Inc. provides case management services to individuals with intellectual or developmental disabilities so as to encompass Baldwin, Clarke, Washington and Mobile Counties and approving an amendment of its Certificate of Incorporation to reflect this expansion.

BA7 Town of Summerdale - Annexation Notification

[19-0476](#)

Authorize the placement of the Town of Summerdale's Annexation Ordinance No. 601-18, annexing the property into the corporate limits of the Town of Summerdale, Alabama, into the minutes of the January 15, 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

BE BUDGET/PURCHASING**BE1** Competitive Bid #WG17-03A - Provision of Fence Installation and Repair on County Right-of-Ways for the Baldwin County Commission [19-0477](#)

Extend Competitive Bid WG17-03A for the provision of fence installation and repair on County right-of-ways with Warriner Construction for an additional twelve (12) months at the same prices and terms stated in the original bid award on January 17, 2017. The new Contract extension will expire on January 17, 2020.

BE2 Competitive Bid #WG17-08 - Provision of Telecommunication Materials for the Baldwin County Commission [19-0478](#)

Extend Competitive Bid #WG17-08 for the provision of telecommunication materials with Graybar Electric Company for an additional twelve (12) months at the same prices, terms and conditions stated in the bid specifications as awarded on February 7, 2017. The extension will expire on February 7, 2020.

BE3 Competitive Bid #WG18-43A - Provision for Rental of Solar Powered Portable Message Signs for the Baldwin County Commission [19-0479](#)

Award Bid #WG18-43A to C & H Construction, Services, LLC, for the provision for rental of solar powered portable message signs:

Product: Solar Tech/Full-Matrix Silent Messenger
Daily Rate: \$ 450.00
Weekly Rate: \$1,000.00
Monthly Rate: \$3,200.00

BE5 Competitive Bid #WG19-03 - Labor and Incidental Materials for Roof Restoration at the Baldwin County Corrections Center Administration Building Located in Bay Minette, Alabama [19-0481](#)

Award Bid #WG19-03 to the lowest bidder for roof restoration at the Baldwin County Corrections Center Administration Building to E. Cornell Malone Corporation as per the Award Listing and authorize the Chairman to execute the Contract. (The Contract shall commence immediately upon the same date as its full execution, and shall terminate upon either the expiration of not more than sixty (60) days after the notice to proceed is given.)

BE6 Competitive Bid #WG19-05 - Labor and Incidental Materials for Roof Restoration at the Baldwin County Board of Education Administration Building Located in Bay Minette, Alabama [19-0482](#)

Award Bid #WG19-05 to the lowest bidder for labor & incidental materials for roof restoration at the Baldwin County Board of Education Administration building to E.

Cornell Malone Corporation as per the Award Listing and authorize the Chairman to execute the Contract. (The Contract shall commence immediately upon the same date as its full execution, and shall terminate upon either the expiration of not more than sixty (60) days after the notice to proceed is given.)

BE7 Competitive Bid #WG19-06 - Labor and Incidental Materials for Roof Restoration at the Baldwin County Highway Barn Located in Bay Minette, Alabama

[19-0483](#)

Award Bid #WG19-06 to the lowest bidder for labor and incidental materials for roof restoration at the Baldwin County Highway Barn located in Bay Minette to Porter Roofing Contractors, Inc. in the base bid amount of \$8,970.00 with a completion of thirty (30) days and authorize the Chairman to execute the Contract. (The Contract shall commence immediately upon the same date as its full execution, and shall terminate upon either the expiration of not more than thirty (30) days after the notice to proceed is given.)

BE8 Competitive Bid #WG19-11 - Provision of Pavement Markers and Bituminous Adhesive for the Baldwin County Commission

[19-0484](#)

Award Bid #WG19-11 for the provision of pavement markers and bituminous adhesive as per the Award Listing for each category of headings to the lowest bidders, Vulcan Signs and Ennis-Flint, Inc.

BE9 Competitive Bid #WG19-12 - Provision of Janitorial Services for the Baldwin County Commission

[19-0485](#)

Award Bid #WG19-12 to the lowest bidders, Enmon Enterprises, LLC d/b/a Jani-King of Mobile and TTB Inc. d/b/a Service Master Action Cleaning, Jazzy Clean Janitorial for the provision of janitorial services as per the Award Listing.

BE10 Competitive Bid #WG19-17 - Provision of Police Vehicle Equipment for the Baldwin County Commission

[19-0486](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of police vehicle equipment for the Baldwin County Commission; 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.

BE11 Competitive Bid #WG19-18 - Provision of Police Vehicle Accessories for

[19-0487](#)

the Baldwin County Commission

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of police vehicle accessories for the Baldwin County Commission; 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.

BE12 Competitive Bid #WG19-19 - Provision of Cooked Meals for the Baldwin County Solid Waste Department

[19-0488](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of cooked meals for the Baldwin County Solid Waste Department; 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.

BE13 Competitive Bid #WG19-20 - Provision of Rental Equipment for the Baldwin County Commission

[19-0489](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of rental equipment; 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.

BE14 Competitive Bid #WG19-21 - Provision of Off-site Printing, Mailing and Automated Management of the Baldwin County Probate Renewal Notices

[19-0490](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of off-site printing, mailing and automated management of the Probate Renewal Notices; 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.

BE15 Project No. BCP 0218017 - Bridge Replacement on Hoyle Bryars Road over Bushy Creek West for the Baldwin County Commission

[19-0491](#)

Award the bid for Project No. BCP 0218017 for the bridge replacement on Hoyle Bryars Road over Bushy Creek West to the lowest bidder, Pope Contracting, Inc., in the bid amount of \$602,179.44; Construction Time: 100 working days; and authorize the Chairman to execute the contract.

BE16 Architectural Services to Design the Completion of the Second Floor of the Baldwin County Fairhope Satellite Courthouse

[19-0492](#)

Authorize the Purchasing Director to solicit a quote for architectural services to renovate the second floor of the Fairhope Satellite Courthouse and bring the architect proposal back to the Commission for approval.

BE17 Lease of One (1) Folder Inserter Machine for the Baldwin County Solid Waste Collections Department

[19-049](#)

Authorize the Chairman to execute the lease agreement with Neopost USA, Inc., (Accurate Control) for the lease of one (1) folder inserter machine for the Baldwin County Solid Waste Collections Department for thirty-six (36) months, lease agreement effective upon signing by both parties as follows:

Neopost Model DS65INT 1 Document Feeder Folder Inserter
Full Coverage Maintenance Contract
\$919.86 per quarter - \$3,679.44 per year

BE18 Purchase and Installation of HVAC System and Control Package at the Baldwin County Corrections Center Located in Bay Minette, Alabama for the Baldwin County Commission

[19-0498](#)

Approve and authorize the Chairman to execute the agreement with Trane U. S. Inc., d/b/a Trane for the purchase and installation of HVAC System and Control Package at the Baldwin County Corrections Center located in Bay Minette, Alabama, off the U. S. Communities Joint Purchasing Contract as follows: (Estimated completion time of 75 days once equipment is received.)

Total Price (1-year parts and labor equipment warranty) \$491,750.00
Optional Add (5-year parts and labor equipment warranty) \$12,083.00
Total Amount \$503,833.00

BE19 Quotes for Painting and Replacing the Carpet in the Upstairs District Attorney Offices Located in the Baldwin County Courthouse

[19-0499](#)

Take the following actions:

1) Approve the quote and authorize the Purchasing Director to issue a purchase order to Spanish Fort Painting and Construction, LLC in the amount of \$11,728.00 for painting the interior offices in the upstairs District Attorney's area located in the Bay Minette Courthouse.

2) Approve the quote and authorize the Purchasing Director to issue a purchase order to Delta Flooring, Inc. in the amount of \$12,939.00 for the purchase and installation of new carpet for upstairs District Attorney's area located in the Bay Minette Courthouse.

Funding source will be Building Maintenance budget (51995.5231)

BF BUILDING INSPECTION

BF1 Alabama Department of Environmental Management (ADEM) Contractual Agreement - Coastal Program, Fiscal Year 2018-2019

[19-0530](#)

Authorize the Chairman to execute the Contractual Agreement Between the Baldwin County Commission and the Alabama Department of Environmental Management in the amount of \$35,000.00 relating to the Baldwin County Coastal Area Program being delegated to issue Coastal Area Management Program Non-Related Use Permits for new construction, repair and reconstruction activities on properties intersected by the Construction Control Line (CCL) within the geographic jurisdiction of unincorporated Baldwin County, and to monitor and inspect coastal activities.

The Agreement shall begin on the date of execution and shall terminate on September 30, 2019, with the understanding that the Agreement is subject to earlier termination as otherwise provided within the Agreement.

BJ ELECTED OFFICIALS

BJ1 Sale of Vehicles on GovDeals.com by the Baldwin County Revenue Commission Department

[19-0500](#)

Authorize the sale of four (4) vehicles from the Baldwin County Revenue Commission with the revenue from the sale of these vehicles to be deposited into Re-appraisal Funds:

2009 Ford Ranger - Vin #1FTYR14DX9PA62599 (AKA #3)
2009 Ford Ranger - Vin #1FTYR14D89PA62598 (AKA #4)
2009 Ford Ranger - Vin #1FTYR14D69PA62597 (AKA #5)
2009 Ford Ranger - Vin #1FTYR14D49PA62596 (AKA #6)

BL ENVIRONMENTAL MANAGEMENT

BL1 Baldwin County Solid Waste Uncollectible Residential Accounts

19-0512

Approve the uncollectible residential garbage accounts list for write-offs in the amount of \$739.90.

BL2 Discontinuation of Garbage Pickup and Disposal by the Baldwin County Solid Waste Department in the Corporate Limits of the Town of Loxley

19-0507

As requested by the Town of Loxley by Resolution #2018-27, discontinue garbage pickup and disposal by the Baldwin County Solid Waste Department within in the corporate limits of the Town of Loxley effective on April 1, 2019, specifically in the Stonebridge Subdivision, as described in the Town of Loxley's Resolution #2014-30, adopted December 8, 2014.

BN HIGHWAY

BN1 Alabama Department of Environmental Management (ADEM) Stormwater Inspection Forms

19-0523

Approve making the Alabama Department of Environmental (ADEM) forms listed below part of the record:

County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-05-21
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-06-06
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-06-12
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-06-13
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-07-03
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-07-16
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-08-07
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-08-09
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-08-14
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-08-15
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-08-21
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-08-23
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-09-04
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-09-06
Old Brady Road Pit - Permit No. ALR6850034 - 2018-05-31
Old Brady Road Pit - Permit No. ALR6850034 - 2018-06-04
Old Brady Road Pit - Permit No. ALR6850034 - 2018-06-11
Old Brady Road Pit - Permit No. ALR6850034 - 2018-06-13
Old Brady Road Pit - Permit No. ALR6850034 - 2018-07-18
Old Brady Road Pit - Permit No. ALR6850034 - 2018-08-01
Old Brady Road Pit - Permit No. ALR6850034 - 2018-08-09
Old Brady Road Pit - Permit No. ALR6850034 - 2018-08-20
Old Brady Road Pit - Permit No. ALR6850034 - 2018-08-21

Old Brady Road Pit - Permit No. ALR6850034 - 2018-09-05
Old Brady Road Pit - Permit No. ALR6850034 - 2018-09-06
Old Brady Road Pit - Permit No. ALR6850034 - 2018-09-11
Old Brady Road Pit - Permit No. ALR6850034 - 2018-09-12
Old Brady Road Pit - Permit No. ALR6850034 - 2018-09-24
Old Brady Road Pit - Permit No. ALR6850034 - 2018-09-25
Old Brady Road Pit - Permit No. ALR6850034 - 2018-09-28
Old Brady Road Pit - Permit No. ALR6850034 - 2018-10-01

BN2 Alabama Forestry Commission - Contract for Prescribed Burn at Mega-site

[19-0520](#)

Approve a contract with the Alabama Forestry Commission (AFC) for a prescribed burn of approximately 716 acres at the Baldwin County Mega-site for a total cost not to exceed \$12,835.00.

BN3 Fiscal Year 2019 Resurfacing Projects - Request for Permission to Advertise Group 1

[19-0517](#)

Take the following actions:

- 1) Authorize the Purchasing Director to place a competitive bid for Fiscal Year 2019 Resurfacing Projects, Group 1, as the design plans are completed; and
- 2) Authorize the Chairman to execute any project related documents.

BN4 Highway Area 300 - 2019 Freightliner M2 106 Truck - Specification Change

[19-0475](#)

Approve the request from the County Engineer to change the specifications for the purchase of a 2019 Freightliner M2 106 Truck (approved for Fiscal Year 2019) from a single cab to a 4-door crew cab for an additional cost of \$6,303.00 from Budget Line Item: 53113.5560.

BN5 J.M. Wood Auction Company, Inc. - Equipment Auction List

[19-0516](#)

Approve the sale by auction of the list of Highway Department equipment at the J.M. Wood Auction facility in Montgomery, Alabama, on March 13-16, 2019.

BN6 Stapleton Elementary School - Request to Construct and Pave Parking Lot

[19-0518](#)

Approve the Highway Department to construct and pave a parking lot for the Stapleton Elementary School on property owned by the Stapleton Methodist Church. The Baldwin County Board of Education will furnish all materials for the project and the County will donate labor and equipment.

BN7 Execution of IRS Form 8283 for a Donated Right-of-Way on Jerry Stewart Road between Splinter Hill Road and End of Maintenance - (Tract 1)

[19-0529](#)

Take the following actions:

- 1) Accept 0.059 acres on Jerry Stewart Road between Splinter Hill Road and End of Maintenance (Tract 1) as a right-of-way donated to Baldwin County by Jerry C. Stewart and Helen R. Stewart on April 23, 2018 (Instrument No. 1692400 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.

BN8 Execution of IRS Form 8283 for a Donated Right-of-Way on Jerry Stewart Road between Splinter Hill Road and End of Maintenance - (Tract 2)

[19-0531](#)

Take the following actions:

- 1) Accept 0.085 acres on Jerry Stewart Road between Splinter Hill Road and End of Maintenance (Tract 2) as a right-of-way donated to Baldwin County by Jerry Hall and Callie Fretwell Hall on April 23, 2018 (Instrument No. 1692398 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.

BN9 Execution of IRS Form 8283 for a Donated Right-of-Way on Carlee Lane

[19-0532](#)

Take the following actions:

- 1) Accept 1.22 acres on Carlee Lane from Pine Grove Road Extension North running north 1,195 feet as a right-of-way donated to Baldwin County by Sandra Annette Jones and Arlene Ruth Stewart on June 21, 2018 (Instrument No. 1703806 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.

BP PERSONNEL

BP1 Animal Control Department - Employment of One (1) Animal Control Technician Position

[19-0504](#)

Approve the employment of Amber Turberville to fill the open Animal Control Technician position (PID #5358) at a grade F-EL (\$11.810 per hour/\$24,564.80 annually) to be

effective no sooner than January 22, 2019.

BP2 Highway Department (Pre-Construction) - Position Change

[19-0508](#)

Take the following actions:

- 1) Abolish the Design Technician II position (PID #5017) (grade J range: \$35,726.08 - \$58,489.60 annually); and
- 2) Create a Design Technician I position (PID #TBD) (grade I range: \$32,508.32 - \$53,239.68 annually);
- 3) Approve the employment of Zachary Bodle to fill the Design Technician I position (PID #TBD) at a grade I-EL (\$15.629 per hour/\$32,508.32 annually) to be effective no sooner than January 22, 2019; and
- 4) Approve the updated organizational chart for the Highway Pre-Construction Department.

BP3 Solid Waste Department (Collections) - Employment of Two (2) Solid Waste Technician Positions

[19-0506](#)

Take the following actions:

- 1) Approve the employment of Derrick Ndario to fill the Solid Waste Technician position (PID #855) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually); and
- 2) Approve the employment of Clinton Brock to fill the Solid Waste Technician position (PID #854) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually).

These recommendations will be effective no sooner than January 22, 2019.

C PRESENTATIONS

CA GENERAL

CA1 Baldwin County Coroner's Annual Report - Fiscal Year 2018

[19-0503](#)

Ron Cink, County Administrator/Budget Director, said the Coroner has requested that his presentation be postponed until a future Commission meeting date.

D PUBLIC HEARINGS

DQ PLANNING AND ZONING

DQ1 Case No. Z-18041 - Dorgan Property Rezoning

[19-0513](#)

Vince Jackson, Planning Director, appeared before the Commission and provided the

staff report on the subject property.

Chairman Gruber opened the public hearing at 8:36 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 8:37 a.m.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to adopt Resolution #2019-013, which approves Case No. Z-18041 - Dorgan Property, as it pertains to the rezoning of approximately 1.04 acres, located in Planning (Zoning) District 26, from B-2, Neighborhood Business District, to RSF-2, Single Family District.

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

DQ2 Case No. Z-18047 - Stapleton Property Rezoning

[19-0515](#)

Vince Jackson, Planning Director, appeared before the Commission and provided the staff report on the subject property.

Chairman Gruber opened the public hearing at 8:39 a.m. and asked if there is anyone present who wishes to speak.

Mr. Ron Wallace appeared before the Commission and said he is a realtor with Keller Williams Realty, and he is representing the Stapletons. He is here in case the Commissioners have any questions.

There being no further requests to address the Commission, Chairman Gruber closed the public hearing at 8:40 a.m.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III, to adopt Resolution #2019-020, which approves Case No. Z-18047, Stapleton Property, as it pertains to the rezoning of approximately six (6) acres, located in Planning (Zoning) District 15, from RA, Rural Agricultural District, to RR, Rural District.

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

DQ3 Case No. Z-18054 - Prewett Property Rezoning Request

19-0510

Celena Boykin, Planner, appeared before the Commission and provided the staff report on the subject property.

Chairman Gruber opened the public hearing at 8:42 a.m. and asked if there is anyone present who wishes to speak.

Mr. Travis Prewett, the applicant, appeared before the Commission and said he is here to answer any questions the Commissioners may have.

There being no further requests to address the Commission, Chairman Gruber closed the public hearing at 8:43 a.m.

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, to adopt Resolution #2019-033, which approves Case No. Z-18054, Prewett Property, as it pertains to the rezoning of 8.74 acres, more or less, as located in Planning District 15, from RSF-2, Single Family District, to B-1, Professional Business District.

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

19-0473

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to pay bills totaling \$8,034,844.22 (eight million, thirty-four thousand, eight hundred forty-four dollars and twenty-two cents) with the exception of Vendors 31 and 84, which are listed in the Baldwin County Accounts Payable Payments - January 15, 2019, for a revised total of \$8,033,819.76.

Of this amount, \$5,379,354.01 (five million, three hundred seventy-nine thousand, three hundred fifty-four dollars and one cent) 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

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III, to pay Vendor 31 in the amount of \$552.05.

Vendor 31: Ball, James E. - \$552.05

The motion passed by the following vote:

Aye: 3 - Joe Davis III, BillieJo Underwood, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 1 - James E. Ball

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to pay Vendor 84 in the amount of \$472.41.

Vendor 84: Davis, Joseph Lee III - \$472.41

The motion passed by the following vote:

Aye: 3 - James E. Ball, BillieJo Underwood, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 1 - Joe Davis III

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

[19-0474](#)

Ron Cink, County Administrator/Budget Director, informed the Commission that the Baldwin County Commission Interim Payments - January 15, 2019, made by the Clerk/Treasurer totaling \$5,150,690.19 (five million, one hundred fifty thousand, six hundred ninety dollars and nineteen cents) are a part of the record.

EB ROAD AND BRIDGE DIVISION

F ELECTED OFFICIAL REQUESTS

G OTHER STAFF RECOMMENDATIONS

GA ADMINISTRATION

Mr. Wallace Lindenmuth, President, Sonnenschein Region Porsche Club of America Autocross, appeared before the Commission and said he understands there have been a couple of complaints about the Club's use of the parking lot. They have been using the parking lot for over seven years. In that seven years, the Club has given donations of approximately \$3,000.00 to the Baldwin County Library Cooperative for the use of the parking lot. Mr. Lindenmuth said the Club members clean the parking lot, use it and do not go over 45 MPH. He has never turned anyone away from going to the recycle bin. The priest from the Catholic Church has come and driven on the course and the Club members stopped and let him take his recycling. There are two complaints, but he fully understands where they are coming from. In his opinion, no one has ever been stopped from recycling. The Club has a safe event and has asked people to sign a release form. The Club provides liability insurance to the County for any damages or injuries. Mr. Lindenmuth asked if the Commissioners has any questions.

Commissioner Underwood said she was not aware this was going on. She is thankful that there has not been an incident in seven years. She was approached the first day she walked into her office by people complaining about the event. Commissioner Underwood said there are two people who have sent emails to the Commissioners, for the record, complaining about the event. That is a small example of the complaints she has received from the people who live in the area and the people who work in the building. Most of the people who work in the building were complaining because they felt if they made any type of a statement against this, there would be some type of retaliation against them. Commissioner Underwood said she has not witnessed any of this, but she feels that since it has been brought to her attention, she does not see where this event is a benefit to the County. It opens the County up to a precedent of anyone asking to use the parking lot for whatever reason. There are some valid complaints against this event. Some people did not want to be put on the record, but they have expressed their viewpoints to her. Commissioner Underwood said she has not heard one positive comment, so far.

Mr. Lindenmuth said he is sorry Commissioner Underwood received those types of comments. He has not seen this, and he has been running the event for over seven years. The Club members have allowed everyone to go to the recycling bin. They have even stopped the event and carried items there themselves for the people's safety.

Commissioner Underwood said she is thankful there has not been any accidents so far. There is a lot of public concern that this is not something that should continue. She wants to listen to the public, as well.

Commissioner Davis asked if there is a policy the Commission is acting under or is this a "per request" event? He feels the Commission should address future requests under a policy statement. Once a precedent is set, people will try and utilize it as a reason for whatever their event need might be. Commissioner Davis said he is not opposed to this event, necessarily, but he wants the Commission to have a good plan

in place to deal with the utilization of the County's parking lots for any activities. While this event does benefit a charity, it concerns him that the Commission may be hit with additional requests.

Chairman Gruber said he does not know of any policy.

David Conner, County Attorney, said Chairman Gruber is correct. As it relates to this type of activity, he is unaware of any policy that addresses it. It is handled on a case-by-case basis as it relates to the type of activity that is involved. Mr. Conner said there are certain recurring activities and things that occur that the Commission has established policies for. For example, there are fishing tournaments at Live Oak Landing, the use of public pavilions and picnic tables and certain parks that are used over and over again. The Commission has established general rules for those types of activities that occur on a recurring basis. Mr. Conner said this particular activity is done on a yearly basis and there is not a policy that addresses it at this point in time. If the Commissioners want to talk about this, it is something that can be discussed in a work session to address all of the County facilities.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to deny the request from the Sonnenschein Region of the Porsche Club of America to use the rear parking lot at the Baldwin County Central Annex building, located at 22251 Palmer Street in Robertsedale.

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

GA2 Request for the Use of the Baldwin County Central Annex Auditorium for Baldwin County Veterans Court Graduation

[19-0511](#)

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve the request of the Honorable Michelle Thomason, Presiding District Court Judge, to use the Baldwin County Central Annex Auditorium on February 19, 2019, beginning at 6:00 p.m., for the Veterans Court Graduation.

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

Commissioner Ball asked if the Commission could skip to Addendum Agenda Item IA1 to discuss the advertisement of three vacant positions.

IA1 Discussion Regarding Appointed Contract Employees - County
Administrator, Personnel Director and Emergency Management Agency
Director Positions

19-0545

Commissioner Ball said the Commissioners are here today, before the public, to announce an opening for a County Administrator, a Personnel Director, and an Emergency Management Agency Director positions. The positions will be advertised with a salary range the Commissioners feel will be good for each job.

Commissioner Davis said he wants to identify what he perceives as the process the Commissioners will be going through. The process will include an announcement, the advertisement, the recruitment, the screening of applicants, the interviewing of candidates and the hiring of the employee. What the Commission needs to do now is set in motion that process by officially acknowledging the openings and pursue the process he has just described.

David Conner, County Attorney, asked if the Commissioners would like to set a timeframe within which they would like to advertise and receive applications, or would they like to establish a general schedule or procedure.

Commissioner Ball said Commissioner Underwood has some timeframes.

Commissioner Underwood said she has some information she drafted to share with the Commissioners. There was a request for guidance on the posting of the Director positions. This is her suggested course of action:

1) Post the job for three weeks on the County's website, but also on the following websites to get a broad range of applicants: the International City/County Managers Association; the National League of Cities; and the Alabama League of Municipalities. The Personnel Director position should also be posted on the Society for Human Resource Management website. The Emergency Management Agency Director should also be posted on the National Emergency Management Association and the International Association of Emergency Managers websites.

2) Continue to forward the applications to the Commissioners as described through their tracking system.

3) Prior to posting, Commissioner Underwood would like for the Commissioners to review the job announcement that will be posted once they decide how it will be posted. This review could be an informal review, via email. Once reviewed, the posting should be made as soon as possible.

4) The job description for the County Administrator should accurately describe the fact that the County Administrator is more of a Director/Coordinator, who coordinates across all departments, but has no direct responsibility over the other Contract Directors who report directly to the Commissioners. She wants to make sure when the jobs are posted these

things are adequate. A lot of places are different than the way Baldwin County is set up.

5) When the job closes, she would like to review all of the applications.

6) For the hiring process, each Commissioner will rank their top 10 applicants with a rating of 1-10. The top five vote getters will be requested to sit for an interview with each Commissioner individually. Individual interviews could be consecutive and in different rooms or throughout the day at different locations, if desired.

7) If an applicant drops out or declines the position, the applicant who received the next highest votes take their spot. At the next Commission meeting, each Commissioner will rank their top five, selecting the applicant with the highest votes. If the Commission cannot come to terms, then they will move to the next highest vote getter.

Commissioner Underwood said these are just suggestions and a request for guidance. She sent this information to the Commissioners to review.

Commissioner Davis said he concurs with what Commissioner Underwood has outlined. There is uniqueness of the Personnel Director handling the paperwork for that position. He does not want to put that individual or job slot in jeopardy or in question. Commissioner Davis said there is a parallel system that Sheriff's Office utilizes. This could be utilized to ensure the process is done openly and appropriately, if in fact that is an option for it. There are Interim Directors who will be candidates, but he wants to make sure the Interim Personnel Director is not placed in an awkward position.

Chairman Gruber said he spoke with the Interim Personnel Director, who reached out to the Baldwin County Sheriff's Office Personnel Director. Sheriff Huey Hoss Mack requested Chairman Gruber put his request in writing, so he sent a note to the Sheriff yesterday requesting the Sheriff's Office to allow the County Commission to use their system. Chairman Gruber said the Sheriff's Office will handle all of the applicants for the Personnel Director's position. The County's Personnel Department will not have anything to do with those applications.

Commissioner Underwood said this is an effort she feels is important to have an open, objective process in selecting these important positions for Baldwin County.

Mr. Conner said based on that discussion and if there are no other items or procedures to discuss, he will take a shot on making a staff recommendation for the Commissioners to consider, based on everything they have heard and as it relates to the advertisement of the three positions. The Commissioners can then come back and discuss the salaries for the three positions after that. If he leaves something out, the Commissioners may feel free to add it.

Mr. Conner recommended the Commission take the following actions based on the discussion held by the County Commission and applicable to the County Administrator, Personnel Director and Emergency Management Agency Director positions:

1) Prepare a notice of advertisement for the County Administrator, Personnel Director,

and Emergency Management Agency Director positions, along with the job descriptions to be reviewed by the County Commission; and

2) Post the approved position descriptions and notice for three consecutive weeks in all areas normally posted by the County Commission for job postings and in addition to the County's website, post the positions in the following websites as stated by Commissioner Underwood, including, but not limited to the International City/County Administrators; the Alabama League of Municipalities; the National League of Cities and other websites listed by Commissioner Underwood; and

3) Engage in a ranking process once the applications are received to determine which applicants will receive job interviews, based on the outline set forth by Commissioner Underwood, and that all applications be handled and processed the same way as they are for other job applications with the exception of the applications for the Personnel Director which will run through the parallel system operated by the Sheriff's Department and Sheriff's Office.

Chairman Gruber said the Association of County Commissions of Alabama should be added to the list.

Commissioner Underwood said Deidra Hanak, Interim Personnel Director, stated that website is utilized as well as Indeed.com.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to take the following actions based on the discussion held by the County Commission and applicable to the County Administrator, Personnel Director and Emergency Management Agency Director positions:

1) Prepare a notice of advertisement for the County Administrator, Personnel Director, and Emergency Management Agency Director positions, along with the job descriptions to be reviewed by the County Commission; and

2) Post the approved position descriptions and notice for three consecutive weeks in all areas normally posted by the County Commission for job postings and in addition to the County's website, post the positions in the following websites as stated by Commissioner Underwood, including, but not limited to the International City/County Administrators; the Alabama League of Municipalities; the National League of Cities, the Association of County Commissions of Alabama and other websites listed by Commissioner Underwood; and

3) Engage in a ranking process once the applications are received to determine which applicants will receive job interviews, based on the outline set forth by Commissioner Underwood, and that all applications be handled and processed the same way as they are for other job applications with the exception of the applications for the Personnel Director which will run through the parallel system operated by the Sheriff's Department and Sheriff's Office.

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 vote, Mr. Conner said the Commissioners now want to discuss the salaries related to the three positions unless they would rather do that at the work session. It is up to the Commissioners.

Commissioner Ball said the only reason he thought that would be done at a work session is because the Commissioners may have to go back to the white board again.

Mr. Conner said it is completely up to what the Commissioners feel comfortable with.

Commissioner Davis said the salary range should be at a level to attract qualified candidates and at the same time, make sure the Commissioners are meeting the legal requirements, budget requirements and the like.

Mr. Conner said it is completely up to the Commissioners. At one time, there was a discussion about doing it here, but if the Commissioners want to discuss it at the work session, that is perfectly fine.

Commissioner Davis asked if the Commissioners will all come up with a number and then discuss them to figure out the range.

Chairman Gruber said that will be at the work session on Tuesday.

GA3 *Appointed Contract Employees - Budget Director - Considerations
Related to Employment Contract

[19-0514](#)

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, and related to the Employment Contracts between the Baldwin County Commission and the Appointed Contract Employees, authorize and approve the execution of a new Employment Contract (including the replacement Addendum attachment which outlines the job description for the Budget Director) between the Baldwin County Commission and Ronald J. Cink applicable to the position of Budget Director at an annual compensation of \$121,500.00. This contract will be effective on January 15, 2019.

In accordance with Ala. Code Section 45-2-120.12 (1975), as amended, and the terms of the present Employment Contract between the Baldwin County Commission and Ronald J. Cink, the Baldwin County Commission hereby cancels any previous Employment Contract between the Baldwin County Commission and Ronald J. Cink.

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 vote, Chairman Gruber read, for the record, a Letter of Request from County Commission Chairman related to the duties of the County Administrator and said this letter ensures the Commissioners will have someone to take care of the Administrator's duty until the vacancy is filled.

Commissioner Davis asked who the letter was from, to which Chairman Gruber replied it is from him, as Chairman.

Chairman Gruber said he wants the letter for the record.

Ron Cink, County Administrator/Budget Director, said for the record, that letter is necessary because certain documents require the attestation of the County Administrator. It is necessary to conduct the County's business.

GA4 Appointed Contract Employees - Building Official - Considerations Related to Employment Contract

[19-0521](#)

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, and related to the Employment Contracts between the Baldwin County Commission and the Appointed Contract Employees, authorize and approve the execution of a new Employment Contract between the Baldwin County Commission and Michael Howell applicable to the position of Building Official at an annual compensation of \$109,000.00. This contract will be effective on January 15, 2019.

In accordance with Ala. Code Section 45-2-120.12 (1975), as amended, and the terms of the present Employment Contract between the Baldwin County Commission and Michael Howell, the Baldwin County Commission hereby cancels any previous Employment Contract between the Baldwin County Commission and Michael Howell.

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

GA5 *Appointed Contract Employees - Clerk/Treasurer - Considerations Related to Employment Contract

[19-0522](#)

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, and related to the Employment Contracts between the Baldwin County Commission and the Appointed Contract Employees, authorize and approve the execution of a new Employment Contract between the Baldwin County Commission and Kimberly Witherington Creech applicable to the position of Clerk/Treasurer at an annual compensation of \$120,000.00.

This contract will be effective on January 15, 2019.

In accordance with Ala. Code Section 45-2-120.12 (1975), as amended, and the terms of the present Employment Contract between the Baldwin County Commission and Kimberly Witherington Creech, the Baldwin County Commission hereby cancels any previous Employment Contract between the Baldwin County Commission and Kimberly Witherington Creech.

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

GA6 Appointed Contract Employees - Communication and Information Systems
Director - Considerations Related to Employment Contract

[19-0524](#)

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III, and related to the Employment Contracts between the Baldwin County Commission and the Appointed Contract Employees, authorize and approve the execution of a new Employment Contract between the Baldwin County Commission and Brian Peacock applicable to the position of Communication and Information Systems Director at an annual compensation of \$125,000.00. This contract will be effective on January 15, 2019.

In accordance with Ala. Code Section 45-2-120.12 (1975), as amended, and the terms of the present Employment Contract between the Baldwin County Commission and Brian Peacock, the Baldwin County Commission hereby cancels any previous Employment Contract between the Baldwin County Commission and Brian Peacock.

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

GA7 Appointed Contract Employees - County Engineer - Considerations
Related to Employment Contract

[19-0525](#)

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, and related to the Employment Contracts between the Baldwin County Commission and the Appointed Contract Employees, authorize and approve the execution of a new Employment Contract between the Baldwin County Commission and Joey D. Nunnally applicable to the position of County Engineer at an annual compensation of \$154,000.00. This contract will be effective on January 15, 2019.

In accordance with Ala. Code Section 45-2-120.12 (1975), as amended, and the terms of the present Employment Contract between the Baldwin County Commission and Joey D. Nunnally, the Baldwin County Commission hereby cancels any previous Employment Contract between the Baldwin County Commission and Joey D. Nunnally.

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

GA8 Appointed Contract Employees - Development and Environmental Director
(Solid Waste) - Considerations Related to Employment Contract

[19-0526](#)

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III, and related to the Employment Contracts between the Baldwin County Commission and the Appointed Contract Employees, authorize and approve the execution of a new Employment Contract between the Baldwin County Commission and Terri Lynn Graham applicable to the position of Development and Environmental Director at an annual compensation of \$112,000.00. This contract will be effective on January 15, 2019.

In accordance with Ala. Code Section 45-2-120.12 (1975), as amended, and the terms of the present Employment Contract between the Baldwin County Commission and Terri Lynn Graham, the Baldwin County Commission hereby cancels any previous Employment Contract between the Baldwin County Commission and Terri Lynn Graham.

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

GA9 Appointed Contract Employees - Juvenile Detention Director -
Considerations Related to Employment Contract

[19-0528](#)

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, and related to the Employment Contracts between the Baldwin County Commission and the Appointed Contract Employees, authorize and approve the execution of a new Employment Contract between the Baldwin County Commission and Ronald J. Ballard, Jr. applicable to the position of Juvenile Detention Director at an annual compensation of \$90,000.00. This contract will be effective on January 15, 2019.

In accordance with Ala. Code Section 45-2-120.12 (1975), as amended, and the terms of

the present Employment Contract between the Baldwin County Commission and Ronald J. Ballard, Jr., the Baldwin County Commission hereby cancels any previous Employment Contract between the Baldwin County Commission and Ronald J. Ballard, Jr.

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

H COMMISSIONER REQUESTS

HA COMMISSION DISTRICT 1

HB COMMISSION DISTRICT 2

HC COMMISSION DISTRICT 3

HD COMMISSION DISTRICT 4

I ADDENDA

IA2 Probate Office - Personnel Changes

[19-0546](#)

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

- 1) Approve the promotion of Tanzie Shoots from the License Revenue Officer I position (PID #992) grade G-08 (\$15.806 per hour/\$32,876.48 annually) to fill the open License Revenue Officer II position (PID #161) at a grade H-07 (\$16.930 per hour/\$35,214.40 annually) to be effective no sooner than February 4, 2019; and
- 2) Approve the employment of Kim Ard to fill the open License Revenue Officer I position (PID #992) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually) to be effective no sooner than January 28, 2019.

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, Commissioner Ball recognized in the audience the Honorable Harry D'Olive, Judge of Probate and welcomed him to the meeting. Judge D'Olive was recently sworn in to office. Commissioner Ball thanked Judge D'Olive for hanging out with the Commissioners today.

J ADMINISTRATIVE REPORT

K COUNTY ATTORNEY'S REPORT

Executive Session

David Conner, County Attorney, said there are several items for an executive session today and the Commissioners will be required to come back and take action after the executive session. If the Commissioners want to enter into an executive session now and come back to complete the meeting, they can do so, or they can hold the executive session until the end. It is the Commissioners' decision.

Chairman Gruber said if the Commission has to come back, they can go ahead and enter into the executive session.

Mr. Conner recommended the Commission enter 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, 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, to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property and to discuss preliminary negotiations involving matters of trade or commerce in which the governmental body is in competition with private individuals or entities or other governmental bodies in Alabama or in other states or foreign nations or to discuss matters or information of the character defined or described in the Alabama Trade Secrets Act.

Mr. Conner said Mr. Lee Lawson, President of the Baldwin County Economic Development Alliance, will come forward and make the oral declaration for this matter.

Mr. Lawson appeared before the Commission and said he has been involved in the recruitment effort of a business or industry. He has personal knowledge that the discussion will involve matters or information of the character defined or described in the Alabama Trade Secrets Act and he makes the oral declaration that the discussions will have a detrimental effect upon the competitive position of a party to the negotiations or upon the location of a business industry in this area served by this governmental body if disclosed outside of an executive session.

Mr. Conner asked how long will Mr. Lawson need, to which Mr. Lawson replied 30 to 35 minutes.

Mr. Conner said it is anticipated the executive session will last approximately one hour. He makes the oral declaration that all of the other items are appropriate for an executive session in which time, at the conclusion of the executive session, the Commission will need to reconvene and conclude the meeting at that point in time.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to enter

into an executive session at 9:20 a.m. for approximately one hour 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, 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, to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property and to discuss preliminary negotiations involving matters of trade or commerce in which the governmental body is in competition with private individuals or entities or other governmental bodies in Alabama or in other states or foreign nations or to discuss matters or information of the character defined or described in the Alabama Trade Secrets Act.

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

The meeting reconvened at 10:55 a.m.

IA3 Case No. CV-2017-901454 – Baldwin County Commission vs. Michael A. Tobias, Jr.

[19-0563](#)

David Conner, County Attorney, said he has a recommendation related to a lawsuit involving a zoning issue. The case is Baldwin County Commission v. Michael A. Tobias, Jr. The County has reached a proposed settlement with Mr. Tobias regarding zoning violations related to property he owns in the county. Mr. Conner recommended the Commission take the following actions:

- 1) Approve the settlement in that certain case styled Baldwin County Commission v. Michael A. Tobias, Jr., Civil Action No. CV-2017-901454, in accordance with the proposed Consent Decree attached hereto as Exhibit A, subject to any changes deemed necessary by the Chairman; and
- 2) Authorize the Chairman, County Attorney and staff to take any and all action and execute any and all documents deemed necessary to effect the aforementioned settlement.

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

- 1) Approve the settlement in that certain case styled Baldwin County Commission v. Michael A. Tobias, Jr., Civil Action No. CV-2017-901454, in accordance with the proposed Consent Decree attached hereto as Exhibit A, subject to any changes deemed necessary by the Chairman; and

2) Authorize the Chairman, County Attorney and staff to take any and all action and execute any and all documents deemed necessary to effect the aforementioned settlement.

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

BE4 Competitive Bid #WG19-01 - Annual Generator Preventive Maintenance Services for the Baldwin County Commission

[19-0480](#)

Wanda Gautney, Purchasing Director, appeared before the Commission and said this is Competitive Bid #WG19-01 - Annual Generator Preventive Maintenance Services for the Baldwin County Commission. Staff's recommendation is to take the following actions:

1) Terminate the contract without cause with 30 days written notice between the Baldwin County Commission and Taylor Power Systems, Inc. for the annual generator preventive maintenance services as outlined on Page 3, Section 18 of the Professional and Construction Services Contract, with a termination date to be effective February 15, 2019, with no work or payment being rendered to date; and

2) Authorize the Purchasing Director to re-bid for the services and bring it back to the Commission at a later date.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III, to take the following actions:

1) Terminate the contract without cause with 30 days written notice between the Baldwin County Commission and Taylor Power Systems, Inc. for the annual generator preventive maintenance services as outlined on Page 3, Section 18 of the Professional and Construction Services Contract, with a termination date to be effective February 15, 2019, with no work or payment being rendered to date; and

2) Authorize the Purchasing Director to re-bid for the services and bring it back to the Commission at a later date.

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

L ANNOUNCEMENTS

N PRESS QUESTIONS

M PUBLIC COMMENTS

Mr. John Lassiter with Power Systems, Inc. appeared before the Commission and asked if Item BE4 will be re-bid?

Chairman Gruber said the Commission is rejecting the original bid and authorizing the Purchasing Director to re-bid the project.

Mr. Lassiter said he understood the staff recommendation earlier was to accept the second lowest bid. That is the company he is representing.

Chairman Gruber said the Commission has rejected all bids and will re-bid the entire thing.

O COMMISSIONER COMMENTS

Commissioner Ball thanked the Commissioners for the work they have put in to get to this meeting. Although they sometimes agree to disagree, that is all a part of it.

Commissioner Ball thanked the employees and their patience in waiting for the Commissioners to make the decisions on their contracts. There has been a lot of work behind the scenes, but the Commissioners got it accomplished.

Commissioner Davis said he would like to share with the public how excited the Commissioners all are to work as a team to move things forward in every avenue and opportunity coming down the road. He does not have to tell people about the County's growth and the challenges that come with growth. With that growth comes wonderful opportunities for young people and down the road, the opportunities in the County will be bountiful. Commissioner Davis said their job, as a Commission, is to work and make sure the Commissioners move it forward in a way everyone will be proud of, both short-term and long-term.

Commissioner Underwood thanked the Commissioners for all of the hard work they have put in. It is a lot to learn and they are learning new things every day.

Chairman Gruber thanked staff for organizing the meeting for the Commissioners to present it to the public. Staff does an outstanding job.

P ADJOURNMENT

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, to adjourn the January 15, 2019, Baldwin County Commission Regular meeting at 11:01 a.m.

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 meeting is adjourned at 11:01 a.m.

 