

# Baldwin County Commission

Baldwin County Commission  
Regular  
Meeting Minutes  
Tuesday, February 5, 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, Budget Director

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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.

## 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, 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, provided information on his church and led the Commission in prayer. After the Pledge of Allegiance led by Commissioner Joe Davis, III, 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 January 15, 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, Budget Director, noted there are a replacement agenda for Item BH1 - Creation of Baldwin County Commission Media Streaming Channel and a replacement attachment for Item BM1 - Alabama Department of Revenue Reciprocal Agreement - Removal and Addition of Individuals.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve the consent agenda including replacement Item BH1 and the replacement attachment to Item BM1.

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** City of Daphne - Annexation Notification

[19-0638](#)

Authorize the placement of the City of Daphne's Annexation Ordinance 2017-82, Ordinance 2018-15 and Ordinance 2018-44, annexing these properties into the corporate limits of the municipality of the City of Daphne, Alabama, into the minutes of the February 5, 2019, Baldwin County Commission meeting with proper notifications to the following department/organizations:

Baldwin County Commission Departments:

Baldwin County Commission

Baldwin County Building Inspection Department

Communications/Information Systems Department

Baldwin County Environmental Management/Solid Waste

Baldwin County Highway Department

Baldwin County Planning and Zoning Department

Elected Officials:

Baldwin County Revenue Commission

Baldwin County Sheriff's Office

Other Agencies:

Board of Registrars Office

Emergency 911

South Alabama Regional Planning Commission

**BA2** City of Foley - Annexation Notification

**19-0598**

Authorize the placement of the City of Foley's Annexation Ordinance No. 18-2025-ORD, No. 18-2029-ORD, No. 18-2031-ORD, annexing properties into the city limits of the City of Foley, Alabama, into the minutes of the February 5, 2019, Baldwin County Commission regular meeting with the proper notifications to the following departments/organizations:

Baldwin County Departments:

Baldwin County Commission

Building Inspection Department

Communications/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 Registrars Office

Emergency 911

South Alabama Regional Planning Commission

**BA3** Acknowledgment of Tax Abatement - The Fairhope Brewing Company, LLC

**19-0594**

In observance with §40-9B-5(d), Code of Alabama (1975), take the following actions:

- 1) Acknowledge the receipt, on January 14, 2019, and by certified mail, of a Resolution, by the Fairhope Industrial Development Board, Fairhope, Alabama, granting a Tax Abatement to The Fairhope Brewing Company, LLC; and
- 2) Forward to the Office of the Revenue Commissioner of Baldwin County and Office of Probate Judge of Baldwin County the Resolution and associated attachments informing the Baldwin County Commission of the aforementioned grant of such Tax Abatement.

**BA4** Krewe of Mullet Mates 19th Annual Mardi Gras Parade

**19-0548**

Approve the requested parade route for the Krewe of Mullet Mates (KOMM) 19th Annual Mardi Gras Parade on March 2, 2019. The parade route will begin at 2:00 p.m. starting at Mullet Point Park, traveling South along County Road 1, past Mary

Ann Beach Road and continuing to Pelican Point Park (Weeks Bay) parking lot.

The Baldwin County Sheriff's Office will assist with the traffic control and the Boy Scouts will provide clean up after the parade.

**BA5** 15th Annual Tour de L.A.D.R. (Lower Alabama Doctors) Bike Ride and Run

[19-0656](#)

Approve the requested route for the 15th Annual Tour de L.A.D.R. (Lower Alabama Doctors) Bike Ride and Run on Saturday, March 30, 2019. The ride will begin at 7:30 a.m., starting at the Grand Hotel in Point Clear, traveling on Scenic Highway 98 onto County Road 1 to Pelican Point and back to the Grand Hotel in Point Clear. The bike and run route will finish by 10:00 a.m.

The Baldwin County Sheriff's Office, along with the City of Fairhope Police Department, will assist with traffic control and security.

**BA6** 30th Annual St. Patrick's School Leprechaun Chase 10K, 5K and 2 Mile Fun Color Run

[19-0575](#)

Approve the request from Sr. Margaret Harte, Principal of St. Patrick Catholic School, to temporarily close County Road 52 and County Road 55 in Robertsdale to hold the 30th Annual St. Patrick's School Leprechaun Chase 10K, 5K and 2 Mile Fun Color Run, on Sunday, March 10, 2019, beginning at 8:00 a.m.

The Sheriff's Office will provide security for the event if the Commission approves the route, as per policy.

**BA7** Rosinton Elementary School's 14th Annual 5K Armadillo Dash

[19-0600](#)

Approve the request from Rosinton Elementary School to use County Road 64, County Road 69, County Road 62 and County Road 71 in Robertsdale to hold its 14th Annual 5K Armadillo Dash on Saturday March 30, 2019, at 8:30 a.m. until 10:00 a.m. with the Baldwin County Sheriff's Office providing the necessary security.

**BA8** Acceptance of a Donation - Original Painting by Mr. Dean Mosher of the 1813 Massacre at Fort Mims from the Baldwin County Legislative Delegation to the Baldwin County Commission

[19-0628](#)

In an effort to promote Baldwin County's history and to commemorate Alabama's 200 years of statehood, take the following actions:

1) Accept the donation, to Baldwin County, Alabama, from the Baldwin County Legislative Delegation, of an original painting entitled "1813 Massacre at Fort

Mims" by Mr. Dean Mosher and unveiled on January 4, 2019; and

2) Authorize the Chairman of the Baldwin County Commission to execute a Deed of Gift form transferring the ownership, and full ownership rights with all prints, images, taken and/or made of said original painting, from the Baldwin County Legislative Delegation, to Baldwin County, Alabama; and

3) Authorize the Baldwin County Department of Archives and History to facilitate the transfer of said original painting "1813 Massacre of Fort Mims" from the Baldwin County Legislative Delegation, to the Baldwin County Commission and the display of said painting in a public place as designated by the Baldwin County Commission; and

4) Authorize staff to obtain quotes to insure the original painting in the amount of \$50,000.00, which reflects the full cost of the painting, paid entirely with public funds (\$25,000.00 paid by the Alabama Department of Tourism and \$25,000.00 paid by funds obtained through Baldwin County Legislative Delegation).

**BA9** Consideration for Rescheduling the Baldwin County Commission Regular Meeting in March 2019

[19-0634](#)

Adopt Resolution #2019-039 which approves the following:

1) The March 5, 2019, Regular meeting of the Baldwin County Commission is rescheduled to instead, be held and conducted on Wednesday, March 6, 2019, at 8:30 a.m., in the County Commission Chambers in the Baldwin County Administration Building as located at 322 Courthouse Square, Bay Minette, Alabama.

**BA10** Letter of Support - Mobile River Bridge and Bayway Project - INFRA Grant Program

[19-06](#)

Authorize the Chairman to execute a Letter of Support to the Alabama Department of Transportation (ALDOT) for the Baldwin County Commission's continued support of ALDOT's INFRA Grant Program to the U. S. Department of Transportation for the I-10 Mobile River and Bayway Project.

**BA11** Lillian Recreational Center, Inc. Lease Agreement

[19-0627](#)

Approve a Lease Agreement between the Baldwin County Commission and Lillian Recreational Center, Inc., for the Lillian Recreational Center, Inc. to lease six (6) acres, more or less, of county property known as the Lillian Recreational Center Park in Lillian for the purposes of providing a public park and a recreational facility. The term of the lease shall begin upon the date of full execution and expire five (5) years thereafter, unless sooner terminated by either party

according to the terms contained in the agreement.

This agreement shall supersede and make null and void, any previous Lease Agreements between the Baldwin County Commission and Lillian Recreational Center, Inc., related to the County property known as the Lillian Recreational Center Park in Lillian.

**BA12** Purchase of Video Equipment for Central Annex Auditorium and Video Recording of Baldwin County Planning and Zoning Commission Meetings

[19-0629](#)

Take the following actions:

- 1) Authorize the expenditure from the CATV License tax proceeds in the amount not to exceed \$7,195.34 to purchase on-location video recording equipment for the Central Annex Building (Auditorium) located in Robertsedale; and
- 2) Authorize County staff to record the monthly meetings of the Baldwin County Planning and Zoning Commission and the distribution of the meeting videos to the public on the County website, Facebook, YouTube and other available media resources.

**BC ARCHIVES AND HISTORY**

**BC1** Alabama 200 Bicentennial and Archives Public Outreach Events for 2019

[19-0637](#)

In observance of the Alabama 200 Bicentennial Celebration and in promoting Archives and the work of archivists who preserve the history of Baldwin County, approve the Baldwin County Department of Archives and History staff and the AL 200 Baldwin County Bicentennial Committee to host/promote on-site, off-site, and non-standard hours events to include the following:

- 1) Bicentennial History Fair at Daphne High School on Friday, February 22, 2019, from 6:30 a.m. - 4:00 p.m.
- 2) School Days at Fort Mims - Wednesday, February 6, 2019 - Friday, February 8, 2019.
- 3) Bicentennial Pre-Easter Festival at Bicentennial Park in Stockton on Sunday, April 14, 2019 from 1:00 p.m. - 4:00 p.m.
- 4) Removal of the County Seat Re-enactment on Thursday, October 10, 2019, from 5:00 p.m. - 8:00 p.m.
- 5) 9th Annual Haunted Hay Rides at Bicentennial Park on Friday and Saturday, October 18 and October 19, 2019, from 5:00 p.m. - 9:00 p.m.



**BE4**     Competitive Bid #WG19-13 - Provision of Police Vehicle Equipment (Brake Rotors/Pads) for the Baldwin County Commission     [19-0582](#)

Take the following actions:

- 1) Approve the Purchasing Director to re-bid for the Provision of Police Vehicle Equipment (Brake Rotors/Pads); 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.

**BE5**     Competitive Bid #WG19-14 - Provision of Motorgrader Blades for the Baldwin County Commission     [19-0583](#)

Award Bid #WG19-14 to the lowest bidder, Thompson Tractor Company, Inc., as per the Award Listing for the provision of motorgrader blades.

**BE6**     Competitive Bid #WG19-15 - Provision of Tree Removal and Disposal Services for the Baldwin County Commission     [19-0584](#)

Award Bid #WG19-15 to Asplundh Tree Experts, LLC, for the provision of tree removal services as per the Award Listing.

**BE7**     Competitive Bid #WG19-16 - Provision of Roadway Pipe for the Baldwin County Commission     [19-0585](#)

Award Bid #WG19-16 for the provision of roadway pipe to the lowest bidders, Alabama Pipe & Supply Co., Inc., Evans and Company, Inc., and Fortiline Waterworks, as per the Award Listings.

**BE8**     Competitive Bid #WG19-22 - Provision of Uniforms for the Baldwin County Sheriff's Office and Corrections Center     [19-0586](#)

Take the following actions:

- 1) Approve the specifications for the Provision of Uniforms for the Baldwin County Sheriff's Office and Corrections Center and authorize the Purchasing Director to place a competitive bid; 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.



**BE9** Competitive Bid #WG19-23 - Provision of Off-Site Printing, Mailing and Automated Management of the Quarterly Statements/Late Notices for Baldwin County Solid Waste Collections

[19-0587](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for Provision of Off-Site Printing, Mailing and Automated Management of the Quarterly Statements/Late Notices for Baldwin County Solid Waste Collections; 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.

**BH COMMUNICATIONS/INFORMATION SYSTEMS (CIS)**

**BH1** \*Creation of Baldwin County Commission Media Streaming Channel

[19-0652](#)

Take the following actions:

- 1) Adopt Resolution #2019-047, which amends the Baldwin County Fiscal Year 2019 Budget; and
- 2) Authorize Communications and Information Systems (CIS) to begin Phase II of the video production and streaming of Baldwin County Commission Content.

**BL ENVIRONMENTAL MANAGEMENT**

**BL1** J.M. Wood Auction Company, Inc. - Equipment Auction List

[19-0590](#)

Approve the sale by auction of the list of Solid Waste Department equipment at the J.M. Wood Auction facility in Montgomery, Alabama, on March 19-22, 2019.

**BL2** Mandatory Garbage Fees - Low Income Exemption Applications 2018

[19-0596](#)

Take the following actions related to the persons who have applied to be exempt from the Baldwin County mandatory garbage fees by the Baldwin County Low Income Exemption program:

4th Quarter Ending December 31, 2018  
Approve 42 and Deny 10 Low Income Applicants

**BL3** Mandatory Garbage Fees - Social Security Exemption Applications 2018

[19-0595](#)

Take the following actions related to persons that have applied to be exempt from the Baldwin County mandatory garbage fees by the State granted exemption:

4th Quarter Ending December 31, 2018

Approve 293 and Deny 53 Social Security Exemption Applications

## **BM FINANCE AND ACCOUNTING**

### **BM1 \*Alabama Department of Revenue Reciprocal Agreement - Removal and Addition of Individuals**

**19-0616**

Related to Alabama Department of Revenue Reciprocal Agreement, take the following actions:

1) Approve the updated list of Commissioners, County officers, and employees who are authorized to discuss tax information relating to the Reciprocal Agreement between the Alabama Department of Revenue and Baldwin County; and

2) Forward the State of Alabama Revenue Nonemployee Confidentiality and Disclosure Statements for the new County Commissioners (the Honorable James E. Ball, the Honorable Billie Jo Underwood, and the Honorable Joe Davis, III); Jennifer Forsman, Audit Compliance Officer; Ebony Yelding, License Inspector I; Amber Riley, Audit Compliance Officer; the Honorable Harry D'Olive, Judge of Probate; and Edward (Dean) Mott, Chief Clerk.

The list below will remove and add the following individuals:

Remove:

Honorable Frank Burt, Commissioner  
Honorable Tucker Dorsey, Commissioner  
Honorable Chris Elliott, Commissioner  
Susan Marino, Deputy License Inspector  
Honorable Tim Russell, Probate Judge  
Patsy Clark, Chief Clerk  
Ben Powell, Administrator of Personal Property

Add:

Honorable James E. Ball, Commissioner  
Honorable Billie Jo Underwood, Commissioner  
Honorable Joe Davis, III, Commissioner  
Ebony Yelding, License Inspector I  
Amber Riley, Audit Compliance Officer  
Jennifer M. Forsman, Audit Compliance Officer

**BN HIGHWAY**

**BN1**    Execution of IRS Form 8283 for a Donated Right-of-Way on Hoyle Bryars Road Bridge Replacement over Bushy Creek West (Tract No. 2)    [19-0644](#)

Take the following actions:

- 1) Accept 0.168 acres on Hoyle Bryars Road Bridge Replacement over Bushy Creek West (Tract No. 2) as a right-of-way donated to Baldwin County by Shelby D. Eiland, Jr. on November 16, 2018 (Instrument No. 1730341 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.

**BN2**    Execution of IRS Form 8283 for a Donated Right-of-Way on Hoyle Bryars Road Bridge Replacement over Bushy Creek East - Project No. 0218117 (Tract No. 2)    [19-0647](#)

Take the following actions:

- 1) Accept 0.112 acres on Hoyle Bryars Road Bridge Replacement over Bushy Creek East - Project No. 0218117 (Tract No. 2) as a right-of-way donated to Baldwin County by the Joint Revocable Trust of Fred S. Edwards and Vera F. Edwards of January 18, 2010, and Vera F. Edwards on December 27, 2018 (Instrument No. 1737808 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.

**BN3**    Execution of IRS Form 8283 for a Donated Right-of-Way on Mateja Road (Tract No. 1)    [19-0646](#)

Take the following actions:

- 1) Accept 0.358 acres on Mateja Road (Tract No. 1) as a right-of-way donated to Baldwin County by Charles Edward Chavis, Jr. and Mary Elizabeth Gates on January 23, 2019 (Instrument No. 1739950 of Baldwin County Judge of Probate); and
- 2) Related to the aforesaid, authorize the Chairman to execute IRS Form 8283 for the donated right-of-way.

- BN4**    Execution of IRS Form 8283 for a Donated Right-of-Way on Mateja Road - Project No. 0209619 (Tract No. 2)    [19-0648](#)
- Take the following actions:
- 1) Accept 0.267 acres on Mateja Road - Project No. 0209619 (Tract No. 2) as a right-of-way donated to Baldwin County by Russell D. Mateja on January 22, 2019 (Instrument No. 1739851 of Baldwin County Judge of Probate); and
  - 2) Related to the aforesaid, authorize the Chairman to execute IRS Form 8283 for the donated right-of-way.
- BN5**    Intergovernmental Service Agreement with the City of Fairhope for the Construction of a Roundabout at Twin Beach Road and County Road 13    [19-0636](#)
- Approve an Intergovernmental Service Agreement with the City of Fairhope for the construction of a roundabout at Twin Beach Road and County Road 13.
- The term of this Agreement shall be for thirty-six (36) months from its effective date. This document may be amended only upon written approval by the parties hereto, and any such amendment shall be approved by the same method by which this original Agreement has been approved by the parties.
- BN6**    Resolution #2019-040 and Intergovernmental Service Agreement with the City of Fairhope for the Maintenance of Portions of Kirkman Lane, Kirkman Lane North and Taylor Street    [19-0633](#)
- Adopt Resolution #2019-040 and an Intergovernmental Service Agreement between the City of Fairhope and Baldwin County for the transfer of maintenance of Kirkman Lane from Marietta Drive to approximately 396 feet east of Marietta Drive, Kirkman Lane North from Kirkman Lane to approximately 210 feet north of Kirkman Lane and Taylor Street from Main Street to end of maintenance.
- BP    PERSONNEL**
- BP1**    Highway Department (Foley) - Promotion of Employee to Operator Technician IV Position    [19-0622](#)
- Approve the promotion of Jeffrey Rose from the Operator Technician III position (PID #295) grade I-08 (\$19.045 per hour/\$39,613.60 annually) to fill the open Operator Technician IV position (PID #887) at a grade J-07 (\$20.404 per hour/\$42,440.32 annually) to be effective no sooner than February 18, 2019.
- BP2**    Highway Department (Traffic Operations) - Employment of One (1) Traffic Control Technician II Position    [19-0624](#)
-

Approve the employment of Reginald Ervin to fill the Traffic Control Technician II position (PID #503) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually) to be effective no sooner than February 11, 2019.

**BP3** Highway Department (Parks) - Updated Position Descriptions

[19-0642](#)

Take the following actions:

- 1) Approve the updated position description for Landscape Technician I; and
- 2) Approve the updated position description for Landscape Technician II.

**BP4** Revenue Commission (Re-Appraisal) - Employment of One (1) Real Property Appraiser Trainee Position

[19-0625](#)

Approve the employment of Charles Rose to fill the Real Property Appraiser Trainee position (PID #5332) at a grade I-EL (\$15.629 per hour/\$32,508.32 annually) to be effective no sooner than February 11, 2019.

**BP5** Sales, Use, and License Tax Department - Position Change

[19-0620](#)

Take the following actions:

- 1) Abolish the Deputy License Inspector II position (PID #900) grade J (grade J range: \$35,726.08 - \$58,489.60 annually); and
- 2) Create a Revenue Compliance Officer position (PID #TBD) at a grade I (grade I range: \$32,508.32 - \$53,239.68 annually); and
- 3) Approve the position description for the Revenue Compliance Officer; and
- 4) Approve the updated organizational chart for the Sales, Use, and License Tax Department.

**BP6** Solid Waste Department (Collections) - Employment of One (1) Solid Waste Technician Position

[19-0623](#)

Approve the employment of Jonathan Prestage to fill the Solid Waste Technician position (PID #5251) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually) to be effective no sooner than February 11, 2019.

**C PRESENTATIONS**

## **D PUBLIC HEARINGS**

### **DA ADMINISTRATION**

#### **DA1** Case No. LV-18012 - Alcohol License Application for Cancun Mexican Bar and Grill, LLC d/b/a Cancun Mexican Bar and Grill

[19-0544](#)

Chairman Gruber asked if the applicant was present.

The applicant was not present for the public hearing.

Chairman Gruber opened the public hearing at 8:37 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 Joe Davis, III, to consider the 020 - Restaurant Retail Liquor license application for Cancun Mexican Bar and Grill, LLC d/b/a Cancun Mexican Bar and Grill located at 8695 State Highway 59, Suite B, Foley, Alabama 36535, and approve the issuance of said license 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

#### **DA2** Case No. LV - 19001 - Alcohol License Application for Bar Code Sports Bar and Lounge, LLC d/b/a Bar Code Sports Bar and Lounge

[19-0535](#)

Mr. Ronald Harris, the applicant was present to answer any questions.

Chairman Gruber opened the public hearing at 8:38 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 8:38 a.m.

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, to consider the 010 - Lounge Retail Liquor - Class I license application for Bar Code Sports Bar and Lounge, LLC d/b/a Bar Code Sports Bar and Lounge located at 9402 Upper Bryants Landing Road, Stockton, Alabama 36579, and approve the issuance of said license 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

**DD BALDWIN REGIONAL AREA TRANSIT SYSTEM (BRATS)**

**DD1** Public Hearing for Fare and Service Changes for Baldwin Regional Area Transit System (BRATS) [19-0631](#)

Chairman Gruber asked Chandra Middleton, Assistant Baldwin Regional Area Transit System (BRATS) Director, if she had anything she wanted to add or say, to which Ms. Middleton replied "no."

Chairman Gruber opened the public hearing at 8:41 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 8:41 a.m.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III, to approve the transit fare and service changes listed below for Baldwin Regional Area Transit System (BRATS), effective March 1, 2019:

Fare increases for Baylinc Routes:

Fairhope Hub to Bienville will change from \$3.00 to \$3.50

Daphne Library to Bienville will change from \$2.50 to \$3.00

Spanish Fort Connection to Bienville will change from \$2.00 to \$2.50

Additional fare levels added to the current fare structure:

50.1 - 60 Miles One Way will change from \$7.00 to \$7.50

Over 60.1 Miles One Way will change from \$7.00 to \$10.00

Service changes are the elimination of the following routes:

Northlinc Routes 1 & 2 AM & PM

Baylinc 2 & 3 AM

Baylinc 2 PM

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

## **DQ PLANNING AND ZONING**

### **DQ1 Case No. Z-19003 - Gleaves Property Rezoning**

[19-0640](#)

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

Chairman Gruber opened the public hearing at 8:43 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 8:43 a.m.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to adopt Resolution #2019-037, which approves Case No. Z-19003, Gleaves Property, as it pertains to the rezoning of 5 acres, more or less, as located in Planning (Zoning) District 10, from RSF-E, Residential Single-Family 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

## **E COMMITTEE REPORTS**

### **EA FINANCE/ADMINISTRATION DIVISION**

#### **EA1 Payment of Bills**

[19-0577](#)

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to pay bills totaling \$10,546,727.90 (ten million, five hundred forty-six thousand, seven hundred twenty-seven dollars and ninety cents) with the



exception of Vendors 6, 44 and 116, which are listed in the Baldwin County Accounts Payable Payments - February 5, 2019, for a revised total of \$10,445,233.32.

Of this amount, \$8,314,679.43 (eight million, three hundred fourteen thousand, six hundred seventy-nine dollars and forty-three 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

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III, to pay vendors 6 and 44, in the total amount of \$100,898.71.

Vendor 6: Administrative Office of Courts - \$100,590.94  
Vendor 44: Ball, James E. - \$307.77

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 116 in the amount of \$595.87.

Vendor 116: Davis, Joseph Lee, III - \$595.87

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

[19-0578](#)

Ron Cink, Budget Director, informed the Commission that the Baldwin County Commission Interim Payments - February 5, 2019, made by the Clerk/Treasurer totaling \$2,596,710.41 (two million, five hundred ninety-six thousand, seven hundred ten dollars and forty-one cents) are a part of the record.

**EB ROAD AND BRIDGE DIVISION**

**F ELECTED OFFICIAL REQUESTS**

**G OTHER STAFF RECOMMENDATIONS**

**GA ADMINISTRATION**

**GA1** Approval of Appointment of Three Deputy Coroners of Baldwin County, Alabama

[19-0619](#)

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, as requested, in writing to the Baldwin County Commission, by the Coroner of Baldwin County, the Honorable Dr. Brian Pierce, and pursuant to Section 11-5-34 of the Code of Alabama (1975), approve:

1) The appointment of Stan Vinson as Deputy Coroner of Baldwin County, Alabama, further, approve Deputy Coroner Vinson's compensation at \$500.00 per month and eligible personal car mileage at the prevailing IRS rate in the official performance of the duties of Deputy Coroner, said appointment, salary, compensation and eligibility applicable car mileage becoming effective February 5, 2019; and

2) The appointment of Daren Keith Montgomery as Deputy Coroner of Baldwin County, Alabama, further, approve Deputy Coroner Montgomery's compensation at \$1,000.00 per month and eligible personal car mileage at the prevailing IRS rate in the official performance of the duties of Deputy Coroner, said appointment, salary, compensation and eligibility applicable car mileage becoming effective February 5, 2019; and

3) The appointment of Troy Dyess as Deputy Coroner of Baldwin County, Alabama, further, approve Deputy Dyess' compensation at \$1,250.00 per month and eligible personal car mileage at the prevailing IRS rate in the official performance of the duties of Deputy Coroner, said appointment, salary, compensation and eligibility applicable car mileage becoming effective February 5, 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

**GA2** Request for an Advisory Opinion Regarding the Use of County Vehicles  
by County Commissioners and Officials/Employees

**19-0645**

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III, to authorize the County Attorney to send correspondence to the Alabama Attorney General's Office and Alabama Ethics Commission to request for an advisory opinion regarding the use of County vehicles by County Commissioners and Officials/Employees.

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

**GN HIGHWAY**

**GN1** Emergency Watershed Protection (EWP) Funding for Damage to  
Watersheds Resulting from Tropical Storm Gordon

**19-0632**

Joey Nunnally, County Engineer, appeared before the Commission and said the Emergency Watershed Protection (EWP) project is for two roads. One road is off Etta Smith Road in Marlow and the second road is off Tuberville Lane in Spanish Fort. Mr. Nunnally presented a slideshow on the EWP Funding for Damage to Watersheds Resulting from Tropical Storm Gordon. Mr. Nunnally said he is asking the Commission's permission to send letters requesting funds. Both of the repairs are estimated to be approximately \$250,000.00. The Natural Resources Conservation Services (NRCS) will match the construction costs at a 75/25. The County will have to pay for the design and perform the inspection. Mr. Nunnally said he has been working with Ron Cink, Budget Director, to identify funds for staff to be able to do that.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to approve the Chairman to submit letters to the Natural Resources Conservation Services requesting Emergency Watershed Protection (EWP) funding for repairs to two (2) Watersheds located in Baldwin County.

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

**GN2** City of Daphne - Corte Road and Austin Road Improvements - Fiscal Year  
2019 Budget Amendment

**19-0639**

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, to adopt Resolution #2019-041 amending the Fiscal Year 2019 Budget (Resolution # 2018-118 adopted September 18, 2018) to authorize the movement of \$200,000.00 from Highway Fund (Account 111.35000) to Corte Road - Road Materials (Account 0205217.5213) for the Corte Road and Austin Road Improvements project.

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, before the vote, Chairman Gruber said he wants to make sure this goes out the right way. This is still a County maintained road, at this point.

Joey Nunnally, County Engineer, appeared before the Commission and said that is correct. This is currently a County maintained road. It is one of the only dirt roads on the west side of Highway 181 in that area. The City of Daphne approached the County about this project. Mr. Nunnally said the City of Daphne took the lead on it and asked for the County's assistance. The City of Daphne has agreed to maintain this after the County helps with the project. This will no longer be a County maintained road after the project is complete.

Commissioner Davis said this is a unique project because all of the players came to the table, including a developer. Connecting Highway 181 with Austin Road will greatly improve north/south traffic as well as east/west traffic. Commissioner Davis said this is a good example of all of the players coming to the table and "ponying" up to make this happen.

Chairman Gruber asked if the City of Daphne will do the work on this? Has the City hired a contractor? Will the project be completed under the old agreement with the County doing a part of it?

Mr. Nunnally said the County agreed to help with the equipment and labor, but the City chose a different path. The City chose to let the project out to a contractor. This has already been done and the contractor is currently working on the road.

Chairman Gruber said the County is basically paying the \$200,000.00 to pave the County's portion of the road, to which Mr. Nunnally replied that is correct.

## **H COMMISSIONER REQUESTS**

**HA COMMISSION DISTRICT 1**

**HB COMMISSION DISTRICT 2**

**HC COMMISSION DISTRICT 3**

**HD COMMISSION DISTRICT 4**

**I ADDENDA**

**IA1** Life, Accidental Death & Dismemberment, Short and Long-Term Disability Insurance Consideration - Award to Vendor [19-0661](#)

Chairman Gruber said this came up late, but there was a timeline on it. This is why it did not go to the work session and is before the Commissioners today for discussion.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to take the following actions:

- 1) Terminate the agreement with Companion Life for County sponsored and Voluntary Life, Accidental Death & Dismemberment, and Short and Long-Term Disability Insurance, said termination date effective January 1, 2019; and
- 2) Authorize the Chairman to execute a notification of termination letter to Companion Life; and
- 2) Award the County sponsored and Voluntary Life, Accidental Death & Dismemberment, and Short and Long-Term Disability Insurance to Lincoln Financial Group with said coverage to be effective January 1, 2019, for a two-year rate guarantee; and
- 3) Authorize the Chairman to sign all documents related to the County sponsored and Voluntary Life, Accidental Death & Dismemberment, and Short and Long-Term Disability Insurance with Lincoln Financial Group.

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

**IA2** Request for Leave of Absence [19-0666](#)

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, at the request of the County Engineer, approve a Leave of Absence for employee #133727 beginning February 5, 2019, for 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."

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

## **J ADMINISTRATIVE REPORT**

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

David Conner, County Attorney, said there are several items to be discussed during an executive session, but there is no action to be taken after the executive session. If Chairman Gruber would like to conclude the meeting, the Commissioners can enter into an executive session and adjourn from there.

Chairman Gruber said the Commissioners will finish the agenda.

## **L ANNOUNCEMENTS**

## **M PUBLIC COMMENTS**

### Public Comments

**19-0699**

Mr. Calvin Bemis appeared before the Commission and said he is a resident of Bon Secour, Alabama; his family has been there since 1890. There is a public dock there that was built before 1979. Bon Secour fishermen built the dock for the community. The dock could support a semi-truck filled with ice that weighed 300 pounds. Mr. Bemis said now, a person cannot step on the dock. However, the dock is still leased for \$100.00. The dock belongs to the County, but an individual was supposed to maintain the dock and its safety, and this has not been done. The individual has leased the docks all of these years and the residents cannot use it. The wharf used to be 10 x 10, now it is 30 x 70. The right-of-way went all the way down to the dock, now it appears the individual owns all of the right-of-way,

but that is not so, and the residents cannot use it. Mr. Bemis said he would like for someone to come and re-build the dock. When the dock was leased, the individual stated he would maintain the dock, but that has not been done.

Commissioner Ball asked if this is something that will need to be discussed during a work session.

Chairman Gruber said it will not hurt to bring it to a work session. He has spoken with Mr. Bemis. The individual has a lease through the Alabama Department of Conservation and Natural Resources (ADCNR). ADCNR owns the dock, not Baldwin County.

Mr. Bemis said he has the paperwork.

Chairman Gruber said the lease is paid to ADCNR every year.

Mr. Bemis said the individual transferred the lease to his sons.

Chairman Gruber said the lease is still in effect and is leased through the same department.

Mr. Bemis said it will come due again this year, by August 10th.

David Conner, County Attorney, said this was discussed with the previous Commission regarding the ownership, the right-of-way, the property and the dock itself. It will be appropriate to receive the information from Mr. Bemis and bring it back to a work session in order for staff to explain the overlay. Mr. Conner said his recollection was that the State of Alabama, the County and maybe the Industrial Development Board were at play. There were several different agencies involved in that issue. Staff can pull it back up and explain this to the Commissioners, so they can have that background.

Chairman Gruber asked will staff have enough time to place this on the agenda for next week's work session, to which Ron Cink, Budget Director, replied "yes."

Commissioner Ball said it will be beneficial because the work session will be in Foley.

Chairman Gruber said the work session will be held in Foley next Tuesday.

Mr. Bemis said he will come back next Tuesday.

Chairman Gruber asked Mr. Bemis to give his paperwork to staff and they will prepare an agenda item.

Commissioner Davis asked if it is possible for staff to contact the governmental agencies and allow them to have a representative at the work session to explain their status? It will be helpful for everyone, to which Mr. Cink replied "yes."

Commissioner Underwood said the Commission needs to look into this for sure, it sounds like a valid concern.

## **N PRESS QUESTIONS**

## **O COMMISSIONER COMMENTS**

Commissioner Underwood said she just returned from an exciting adventure. She was invited to a Distinguished Visitor embark on the USS Abraham Lincoln which is the aircraft carrier that is currently in the Atlantic Ocean and is a part of the Carrier Strike Group 12. Commissioner Underwood said that was one of the most amazing 24-hour trips she has ever taken. She does not have a military background, but she has a completely different viewpoint of how the U.S. Navy operates. This warship is not a luxury cruise liner; she still gets chill bumps talking about it and fleet of ships around it. Their presence is a deterrent for enemies. Commissioner Underwood said that warship is unmatched by anything else in the world. Nothing can describe the smell, the sound and the blast of watching the F-18s take off and land. The landing and take-off were adventurous. She may never get to do it again, but that one time was worth the endurance of sleeping on a warship. Commissioner Underwood said she is thankful for that opportunity and if she were younger, she would enlist. Commissioner Underwood encouraged the younger viewing public to consider enlisting in the Navy. She has pictures on her Facebook page of this.

Chairman Gruber thanked staff for getting the agenda together for today's meeting. Mr. Calvin Bemis' concerns with the dock in Bon Secour will be discussed at the next work session.

## **P ADJOURNMENT**

David Conner, County 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, 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 and 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. He makes the oral declaration the discussion is appropriate for an executive session. The executive session will last approximately 35 minutes at which time the Commission can adjourn from the executive session because no action will be taken. There is one item he has a conflict of interest on and Mr. Brad Hicks, with Stone Crosby, is here to act as Conflicts Counsel for that item.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adjourn into an executive session at 9:12 a.m. for approximately 35 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, 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 and 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.



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 9:12 a.m. for approximately 35 minutes.