

Baldwin County Commission

Baldwin County Commission Regular
Meeting Minutes
Tuesday, May 7, 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, Wayne Dyess, County Administrator, and David Conner, County Attorney.

The Chairman called the meeting to order at 8:30 a.m. and introduced Minister Robert M. Seaborn, Jr., of the North American Mission Board of the Baptist Church, who appeared before the Commission and led the Commission in prayer. After the Pledge of Allegiance led by Commissioner Billie Jo Underwood, the Commission transacted the following business to-wit:

ADOPTION OF MINUTES

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to approve the minutes of the April 16, 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

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

The motion passed by the following vote:

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

BA ADMINISTRATION

BA1 City of Fairhope - Annexation Notification

[19-1092](#)

Authorize placement of the City of Fairhope Annexation Ordinance No. 1644, an Ordinance Amending Ordinance No. 1253 known as the Zoning Ordinance, annexing the property into the corporate limits of the municipality of the City of Fairhope, Alabama, into the minutes of the May 7, 2019, Baldwin County Commission meeting with proper notification to the following departments/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 Resolution #2019-084 of the Baldwin County Commission - Amending the "Divisional Resolution of the Baldwin County Commission"

[19-1145](#)

Take the following action:

1) Adopt Resolution #2019-084 (Divisional Resolution of the Baldwin County Commission), which amends Resolution #2019-001 of the Baldwin County Commission, said amendment related to revising the location where the Baldwin County Commission Road and Bridge Division meetings shall be held.

BD BUDGET/PURCHASING

19-1128

19-1129

19-1130

19-1131

19-1133

19-1134

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- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the purchase of ninety (90) Jersey Barriers; 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.

BD7 Lease of Bay Minette Storage Building for the Baldwin County
Budget/Purchasing Department

[19-1135](#)

Approve and authorize the Chairman to execute the lease agreement with FileSafe, LLC, in the amount of \$8,700.00 annually for three (3) years payable in quarterly installments of \$2,175.00 commencing May 1, 2019, for the storage of equipment and surplus furniture. (Contract term is for thirty-six (36) months effective upon the same date as the full execution.)

BD8 Lease of Postage Machines for the Bay Minette Mail Room and Sales &
Use Tax Department for the Baldwin County Commission

[19-1136](#)

Authorize the Chairman to execute the lease agreement with Neopost USA, Inc., (Accurate Control) for the lease of two (2) postage machines off the State of Alabama bid for the Bay Minette Mail Room and Robertsedale Sales & Use Tax Department for thirty-six (36) months effective upon full execution of agreements as follows:

Bay Minette Mail Room - Annex 1 Building:

Neopost IS-6000 210 Digital Mailing System

IS-5000/6000 Dynamic Weighing Module

IS Series 30 lb. Weigh Platform

IS-5000/6000 Conveyor Stacker

104" Custom Workstation w/Risers, Locking Doors

IS-490/5000/5500/6000 Remote Label Dispenser w/Stand

IS-6000 e-RR Feature Activation & Starter Kit w/Bar Code Scanner

Fuller Coverage Maintenance Contract

\$2,924.55 per quarter - total per year \$11,698.20

Sales & Use Tax Department - Robertsedale Central Annex II:

Neopost IN750 Series Digital Mailing System

INWP10 IN Series 10 lb Weighing Platform

DT-ECert e-Certify Configuration Fee

Dt-ECert2KAS e-Certify Subscription - Level 3 (up to 2,000 e-Certs per year)

Full Coverage Maintenance Contract

\$1,099.92 per quarter - total per year \$4,399.68

#10 Double Window Certified/Return Receipt Envelopes \$56.00/bx x 3 boxes = \$168.00 per year

BD9 Rental of Eight (8) Copy Machines for Various Baldwin County Departments

[19-1138](#)

Approve and authorize the Chairman to execute the rental agreements with Sharp Electronics Corporation for the rental of eight (8) new copy machines off the State of Alabama Contract for thirty-six (36) months for the list of copy machines effective the date of execution.

BD10 Quotes for Cleaning the Heating and Air Conditioning Ducts in the Baldwin County Central Annex II Building Located in Robertsdale, AL

[19-1139](#)

Award the lowest quote to Star Service, Inc. of Mobile, in the amount of \$33,992.00 for cleaning the heating and air conditioning ducts in the Central Annex II building located in Robertsdale, Alabama and authorize the Chairman to execute the Public Works Contract and Certificate of Compliance. (Contract shall be effective and commence immediately upon the same date as its full execution, and shall terminate upon either the expiration of no more than thirty (30) days after the notice to proceed is issued.)

BD11 Memorandum of Understanding Between the City of Foley and the Baldwin County Commission for Funding Towards a Tri-city Animal Shelter Needs Assessment

[19-1144](#)

Approve the Memorandum of Understanding between the City of Foley and the Baldwin County Commission for an appropriation of \$5,000.00 to be used towards a tri-city animal shelter needs assessment.

The Memorandum of Understanding (MOU) will be effective the day and date last signed and executed by the duly authorized representatives of the parties to this MOU and the governing bodies of the respective parties and remain in full force until September 30, 2019, or until terminated with or without cause by either party upon sixty (60) days written notice.

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

BG1 Bi-directional Amplified System (BDA) for Foley and Fairhope Satellite Courthouse

[19-1089](#)

Approve and authorize the chairman to sign all related documents pertaining to the purchase of bi-directional amplifiers needed to enhance coverage for court security and other law enforcement agencies utilizing the 700mhz public safety frequencies within the Foley and Fairhope Courthouse.

BG2 Lynx Systems Facility-wide Duress and Emergency Notifications

[19-1059](#)

Approve and authorize the Chairman to sign all documents related to the purchase and installation of Lynx Duress and Emergency Notification system that will provide County

and State personnel within County operated facilities the ability to request help and receive emergency notifications.

BI ELECTED OFFICIALS

BI1 Sale of Surplus Equipment on GovDeals.com (Probate Office) [19-1114](#)

Authorize the sale of the following equipment from the Baldwin County Probate Office on GovDeals.com:

One (1) old map printer/plotter, Model # HP T1300 / Serial # SG15619011.

BJ EMERGENCY MANAGEMENT AGENCY (EMA)

BJ1 Correspondence to State Agencies - Point of Contact for Baldwin County Emergency Management Agency [19-1120](#)

Authorize the Chairman to sign correspondence to Alabama Emergency Management Agency and Alabama Department of Homeland Security establishing Zachary M. Hood as Baldwin County point of contact.

BK ENVIRONMENTAL MANAGEMENT

BK1 Mandatory Garbage Fees - Low Income Exemption Applications 2019 [19-1152](#)

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:

1st Quarter Ending March 31, 2019:
Approve 57 and Deny 11 Low Income Applicants

BK2 Mandatory Garbage Fees - Social Security Exemption Applications 2019 [19-1151](#)

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:

1st Quarter Ending March 31, 2019:
Approve 339 and Deny 52 Social Security Exemption Applications

BL FINANCE AND ACCOUNTING

BL1 Resolution #2019-076 - School Items Annual Sales Tax Holiday 2019 - July 19-21, 2019 [19-1141](#)

Adopt Resolution #2019-076 of the Baldwin County Commission, which, pursuant to the Code of Alabama 1975, as amended by §40-23-210 through §40-23-213 and Act No.

2017-120, and without limitation hereby exempts covered items from all County Sales and Use Taxes with said exemption commencing at 12:01 a.m. on the third Friday in July, 2019 (July 19, 2019) and expiring at midnight on the following Sunday in July, 2019 (July 21, 2019).

Act No. 2017-120 amended §40-23-211 through §40-23-213 by replacing the exemption period from the first full weekend of August to the third full weekend of July.

The resolution meets the requirements of the Code of Alabama 1975, as amended, by Title §40-23-210 through §40-23-213 and Act No. 2017-120, and without limitation.

BL2 Taxpayer Audit Penalties Waiver Request

19-1140

In accordance with Baldwin County Commission Policy #8.17 - Waiver of Penalties for Late Filing, take the following actions related to rental and sellers use tax audit penalties owed to Baldwin County in the amount of \$62,533.88 by Taxpayer #17638:

- 1) Waive Rental Tax Audit Penalties in the amount of \$61,768.04; and
- 2) Waive Sellers Use Tax Audit Penalties in the amount of \$765.84.

BM HIGHWAY

BM1 Request from American Legion Post 44 - Transportation for the American Legion Boys State Program Baldwin County Delegates

19-1159

Approve the request from the American Legion Post 44 to utilize a Baldwin Regional Area Transit System (BRATS) bus for transporting 20-30 young men to the American Legion State Program at the University of Alabama in Tuscaloosa on Sunday, May 26, 2019, and transporting them back to Baldwin County on Saturday, June 1, 2019. The estimated cost for transportation is \$1,525.00 with the Alabama American Legions funding \$500.00 and the Baldwin County Commission funding the remaining portion not to exceed \$1025.00 from Budget Line Item 51105.5290 (General Contingency Fund).

BM2 Traffic Light Installation at the Intersection of County Road 34 (Old Battles Road) and U.S. Highway 98 - Project Agreements

19-1160

Take the following actions:

- 1) Approve Resolution #2019-079 and a Construction Funding Agreement between the Baldwin County Commission and the Alabama Department of Transportation (ALDOT) for the installation of a traffic signal at the intersection of County Road 34 (Old Battles Road) and U.S. Highway 98 using 80% Federal funds and 20% local matching funds; and
- 2) Approve an Intergovernmental Service Agreement between Baldwin County and the City of Fairhope for the installation of a traffic signal at the intersection of County Road 34 (Old Battles Road) and U.S. Highway 98, with the City of Fairhope providing the local

matching funds estimated at \$70,000.00, with any overruns being split 50/50 between Baldwin County and the City of Fairhope. Baldwin County will provide services as project manager during Design and Construction of the signal and be responsible for maintenance of the signal after construction; and

3) Approve Resolution # 2019-080 and an Agreement between Baldwin County and the Alabama Department of Transportation (ALDOT) for the installation and maintenance of a traffic signal at the Intersection of County Road 34 (Old Battles Road) and U.S. Highway 98.

BO PERSONNEL

BO1 Animal Shelter/Control Department - Personnel Changes

[19-1157](#)

Take the following actions:

- 1) Approve the employment of Hali Thomas to fill the open full-time Animal Control Technician (PID #5439) at a grade F-EL (\$11.810 per hour/\$24,564.80 annually); and
- 2) Approve the employment of Michelle Killian to fill the open part-time Animal Control Technician (PID #PT53) at a grade F-EL (\$11.810 per hour).

These actions will be effective no sooner than May 13, 2019.

BO2 Archives Department - Employment of One (1) Part-Time Gate Attendant Position

[19-1156](#)

Approve the employment of George Mosley to fill the open part-time Gate Attendant position (PID #PT35) at a grade E-EL (\$10.781 per hour) to be effective no sooner than May 13, 2019.

BO3 CIS Department - Promotion of Employee into Information Systems Manager Position

[19-1153](#)

Take the following actions:

- 1) Approve the promotion of Jonathan Fail from the Systems Administrator position (PID #983) grade EC-08 (\$57,619.04 annually) to fill the open Information Systems Manager position (PID #405) at a grade EC-09 (\$64,045.00 annually) to be effective no sooner than May 13, 2019; and
- 2) Approve the updated position description for the Information Systems Manager and Systems Administrator.

BO4 Highway Department (Foley) - Transfer of One (1) Employee into Operator Technician I Position

[19-1154](#)

Approve the transfer of Charles Crawford from the Landscape Technician I position (PID #5181) grade G-01 (\$13.287 per hour/\$27,636.96 annually) in the Parks Department (144/57200P) to fill the open Operator Technician I position (PID #638), with no change in salary, in the Foley Highway Department (111/53113) to be effective no sooner than May 13, 2019.

BO5 Highway Department (Maintenance) - Employment of One (1) Engineering Technician I Position

[19-1149](#)

Approve the employment of Alfreda Jeffords to fill the open Engineering Technician I position (PID #5432) at a grade H-03 (\$15.343 per hour/\$31,913.44 annually), with said salary due to experience, to be effective no sooner than May 13, 2019.

BO6 Highway Department (Traffic Operations) - Personnel Changes

[19-1158](#)

Take the following actions:

- 1) Approve the employment of Mark Brannan to fill the open Traffic Control Technician II position (PID #5384) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually); and
- 2) Approve the employment of James Weyler to fill the open Laborer position (PID #4047) at a grade E-EL (\$10.781 per hour/\$22,424.48 annually).

These changes will be effective no sooner than May 13, 2019.

BO7 Highway Department (Pre-Construction) - Reclassifying the Pre-Construction Manager Position

[19-1148](#)

Take the following actions:

- 1) Reclassify the Pre-Construction Manager position (PID #2077) from a salary grade EC-08 (EC-08 range: \$53,372.00 - \$84,542.00 annually) to a salary grade EC-09 (EC-09 range: \$64,045.00 - \$101,449.00 annually); and
- 2) Approve the updated position description for Pre-Construction Manager.

BO8 Revenue Commission - Personnel Changes

[19-1150](#)

Take the following actions:

- 1) Create two (2) Real Property Appraiser I positions (PID #TBD) (grade J range: \$35,726.08 - \$58,489.60 annually); and
- 2) Create one (1) Mapping Support Specialist position (PID #TBD) (grade H range:

\$29,631.68 - \$48,642.88 annually); and

3) Approve the promotion of Lynzie Clark from the Real Property Appraiser Trainee position (PID #5334) grade I-02 (\$16.421 per hour/\$34,155.68 annually) to fill the open Real Property Appraiser I position (PID #TBD) at a grade J-01 (\$17.602 per hour/\$36,612.16 annually); and

4) Approve the promotion of Christopher Bell from the Real Property Appraiser Trainee position (PID #5335) grade I-02 (\$16.421 per hour/\$34,155.68 annually) to fill the open Real Property Appraiser I position (PID #TBD) at a grade J-01 (\$17.602 per hour/\$36,612.16 annually); and

5) Approve the promotion of Danielle Caprara from the Mapping Support Technician I position (PID #5338) grade G-09 (\$16.195 per hour/\$33,685.60 annually) to fill the open Mapping Support Specialist position (PID #TBD) at a grade H-08 (\$17.354 per hour / \$36,096.32 annually); and

6) Approve the promotion of Tracy Denson from the Mapping Support Technician I position (PID #5339) grade G-04 (\$14.314 per hour/\$29,773.12 annually) to fill the open Mapping Support Specialist position (PID #5142) at a grade H-03 (\$15.343 per hour/\$31,913.44 annually); and

7) Approve the updated organizational chart for the Revenue Commission, Mapping and Appraisal section.

These actions shall be effective no sooner than May 13, 2019.

B09 Solid Waste Department (Collections) - Personnel Changes

19-1155

Take the following actions:

1) Approve the promotion of James Holt from the Solid Waste Driver I position (PID #5144) grade H-01 (\$14.600 per hour/\$30,368.00 annually) to fill the open Solid Waste Driver II position (PID #5422) at a grade I-EL (\$15.629 per hour/\$32,508.32 annually); and

2) Approve the employment of Anthony Lee to fill the open Solid Waste Driver I position (PID #5420) at a grade H-EL (\$14.246 per hour/\$29,631.68 annually); and

3) Approve the employment of Gregory Blair to fill the Solid Waste Technician position (PID #868) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually); and

4) Approve the employment of Jimmy Brannum to fill the Solid Waste Technician position (PID #864) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually); and

5) Approve the employment of DeWayne Bosby to fill the Solid Waste Technician

position (PID #3020) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually).

These actions will be effective no sooner than May 13, 2019.

C PRESENTATIONS

CA GENERAL

CA1 Proclamation - National Safe Boating Week - May 18-24, 2019

19-1005

Ms. Pat Brewer appeared before the Commission to accept the proclamation as presented by Commissioner Ball on behalf of the Commission.

After Wayne Dyess, County Administrator, read the proclamation for the record, Ms. Brewer read a prepared statement on safe boating education and thanked the Commissioners for the proclamation.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adopt a Proclamation which proclaims the week of May 18-24, 2019 as "National Safe Boating Week" in Baldwin County, Alabama.

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 Davis said for those who drive cars there are a series of things they are supposed to do. Those who drive and ride in boats have a similar list. Everyone must continue to communicate this to all segments of society, particularly the younger people because they will watch the adults. If the adults are not doing it right, it is possible the younger people will not do it right. Commissioner Davis said everyone should take responsibility to share this information at every opportunity. Commissioner Davis thanked Ms. Brewer for what she does.

CA2 Resolution #2019-081 - Stepping Up Initiative: A National Initiative to Reduce the Number of People with Mental Illnesses in Jails

19-1171

Representatives from Leadership Baldwin County appeared before the Commission to accept the resolution as presented by Sheriff Huey Hoss Mack and Commissioner Underwood on behalf of the Commission.

After Wayne Dyess, County Administrator, read the resolution, Commissioner Underwood said the representatives are from the Leadership Baldwin Class of 2019 who will graduate this week. Commissioner Underwood said they came to her a few weeks ago and said the Commissioners and Baldwin County should be more aware of this issue. Sheriff Mack may want to say something because this initiative will be a work in progress and everyone

will have to work together. This is a big problem that is just getting bigger.

Mr. Steve Carey appeared before the Commission and introduced Mr. John Hicks, Ms. Christina Brazell, Ms. Claire Blackwell and Ms. Lee Ann Cain. Mr. Carey said a year ago when this path with Leadership Baldwin County started, no one had an appreciation for the mental health issues the County has. They now realize it is a problem that cannot be solved with one or two organizations. Mr. Carey said he read a study that stated most of the solutions to mental health occur when there is a large political body or a large organization that can get their arms around it. Throughout the rest of the State, this action started with the County Commission. That is why they are here to talk with the Commissioners. Mr. Carey said the Commissioners must ask themselves if they are committed to do something about this? Data must be collected and something has to be done with that data. This will come from the Commission. It is a long path and will take many years to fix the system that has atrophied over the last decade. This is a problem that everyone has to pay attention to because it will cost a great deal of time and heart moving forward if no one gets serious about mental health across the board.

Sheriff Mack said May is National Mental Health Awareness month. Today, in the United States of America, over 50 million individuals suffer from mental illness. Over the past few years, there has been a 300 percent increase in the involuntary commitments in Baldwin County as well as a rise of mental health issues among the inmates in the County jail. Sheriff Mack said the "Stepping Up" initiative has actually been in the process for several years across the United States, most recently making its way to Alabama. Baldwin County is actually only one of four Sheriff's Offices in the State that has decided to take on this project. The Sheriff's Office will work closely with Shelby County and Morgan County; they are two counties that are a little further along in the process than Baldwin County. Sheriff Mack said there are only six questions in the project, and the "Stepping Up" initiative's goal is a data-base driven research project to identify ways to evaluate, access and secure, and procure treatment for those individuals as either an alternative to incarceration or to follow-up with them after their release from jail. That is why there has to be a partnership and more people will be brought into this fold as the Sheriff's Office attempts to identify the resources and those plans to do this. Currently, in Alabama, there is only 20 percent of the treatment beds the State had 20 years ago. Alabama is down 80 percent from what it was then. While a lot of the individuals do not go to treatment beds, it is the lack of the treatment beds that force the individuals with issues back into the community that is eating up the local resources. This gives fewer alternatives to address some of the mental issues and the Sheriff's Office will be working on this. Sheriff Mack said he appreciates Commissioner Underwood taking this on and her interest in this. He appreciates Leadership Baldwin County for looking at this issue and stepping up to partner and he appreciates the future partners. As a past graduate of Leadership Baldwin County, he feels it always shows that when a community comes together to address an issue, it will be taken care of. Sheriff Mack said he is very excited about the County's partnership and what everyone will be able to do with this in the future.

Commissioner Underwood said this was not her group, but she is so proud to be able to help them with their projects. Her project is on workforce development. Commissioner Underwood asked the public to check out the workforce development billboard in Robertsedale and thanked the Leadership Baldwin County representatives for coming.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adopt Resolution #2019-081 of the Baldwin County Commission which supports the Stepping Up Initiative: A National Initiative to Reduce the Number of People with Mental Illnesses in Jails.

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, Chairman Gruber said he appreciates Leadership Baldwin County stepping up and taking this on because like Sheriff Mack said, there are a lot of people out there who need help. When the State shut down most of its treatment facilities several years ago it fell on private industries and other organizations that are trying to deal with it. Jail is not the place for someone with mental issues. Sheriff Mack and Leadership Baldwin County have discovered this. Chairman Gruber thanked everyone for taking this project on to help with this program.

Commissioner Underwood said the Commission may reach out to Leadership Baldwin County to be on some of the committees.

D PUBLIC HEARINGS

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills

[19-1104](#)

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to pay bills totaling \$11,690,144.35 (eleven million, six hundred ninety thousand, one hundred forty-four dollars and thirty-five cents) with the exception of Vendors 5, 39 and 103 which are listed in the Baldwin County Accounts Payable Payments - May 7, 2019, for a revised total of \$11,598,253.15.

Of this amount, \$9,462,242.64 (nine million, four hundred sixty-two thousand, two hundred forty-two dollars and sixty-four 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 5 and 39 in the total amount of \$91,156.32.

Vendor 5: Administrative Office of Courts - \$90,710.48

Vendor 39: Ball, James E. - \$445.84

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 103 in the amount of \$704.88.

Vendor 103: Davis, Joseph Lee III - \$704.88

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

[19-1105](#)

Wayne Dyess, County Administrator, informed the Commission that the Baldwin County Commission Interim Payments - May 7, 2019, made by the Clerk/Treasurer totaling \$2,557,837.91 (two million, five hundred fifty-seven thousand, eight hundred thirty-seven dollars and ninety-one cents) are a part of the record.

EB ROAD AND BRIDGE DIVISION

F ELECTED OFFICIAL REQUESTS

G OTHER STAFF RECOMMENDATIONS

GA ADMINISTRATION

GA1 Petition for Establishment of Memento Mori Cemetery (a Private, Family Cemetery), Magnolia Springs, Baldwin County, Alabama

[19-1181](#)

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

1) Waive Baldwin County Commission Policy #2.7 - Licensing of Cemeteries, pursuant to an email from the Alabama Department of Public Health, dated December 30, 2011, which recognizes that a family burial plot on an individual's private property is not to be considered a cemetery for the purpose of regulation under Section 22-20-4, Code of Alabama 1975, unless the County or municipality has promulgated an ordinance that may include family burial plots within the definition of a cemetery; and

2) Pursuant to the request from the Judge of Probate Office to consider an Amended Petition for Family Cemetery, submitted by Benjamin E. Merrill and Diane C. Merrill, owners of the real property upon which the proposed cemetery will be situated, approve the establishment of Memento Mori, a family cemetery on the property of Benjamin E. Merrill and Diane C. Merrill, in Magnolia Springs, Baldwin County, Alabama, said family cemetery to be located consistent with said Petition. The property is located at 12774 County Road 49, Parcel B, Magnolia Springs, Alabama; and

3) Authorize the Chairman to execute any and all necessary documents and/or orders related to the Baldwin County Commission's approval to establish the Memento Mori Cemetery.

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

GM HIGHWAY

GM1 *S-17014 - Hidden Lakes, Phase II - Surety for Turn Lane on County Road 65

[19-1193](#)

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to accept the Surety (Performance Bond) on behalf of D.R. Horton in the amount of \$436,976.25 to guarantee the workmanship and materials of the roadways and drainage improvements within the public rights-of-way for the turn lane located at the intersection of County Road 65.

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

GP PLANNING AND ZONING

GP1 *Case No. Z-19009 - Seaglade at St. Andrews Bay Planned Residential Development (PRD) Site Plan

19-1178

David Conner, County Attorney, said he has a conflict of interest on this item. Mr. Brad Hicks with Stone Crosby has been representing the County in this matter. At this time, Mr. Conner left the Chambers and the meeting and did not participate in any discussion regarding Item GP1.

Vince Jackson, Planning Director, appeared before the Commission and provided background information on the subject property. Mr. Jackson said staff has spent a good bit of time on this. Yesterday, the Commissioners received an email from concern citizens in the area and he was copied on that email. Mr. Jackson said he wanted to point out that the email mentioned there was missing information. There was no missing information; had there been missing information, staff would have never brought it forward. Mr. Jackson said there is a good bit of information that goes into staff's file that is not included in the Commissioners' or the Planning Commissioners' packets. Most of the PRD applications staff deals with involves much larger projects. The most recent one he handled was for 600 lots. Mr. Jackson said sometimes the projects involve mixtures of land uses, they may include some commercial areas and they may include multi-families in addition to single-family. In those instances, there are additional details staff looks at. Also, some of the information staff receives is more relevant to the subdivision process. For example, there are utility plans, build-ups of the roads, contour information and those given things. Mr. Jackson said they are submitted to staff on large sheets and it is not feasible for staff to give the Commissioners all this information. What the Commissioners are asked to approve is the layout and it is depicted on the site plan. Staff understands and appreciates the concerns expressed to them and that Fort Morgan is a unique area and the various environmental and safety concerns and traffic access need to be carefully considered. Mr. Jackson said staff feels that with this development there should be no adverse impacts. He has been in contact with Mr. Bill Lynn with the U.S. Fish and Wildlife Service and included some of the emails he received from Mr. Lynn with the information provided to the Commission. Mr. Lynn is satisfied with the applicants' effort. Mr. Jackson said Mr. Lynn has worked with the applicants for over two years and has stated the applicant has done everything he has asked them to do. Mr. Lynn has worked with the applicants on other projects in which they did everything he asked them to do. Mr. Jackson said Mr. Lynn stated to him that if the Commission approves this Site Plan, this will be the Site Plan he will approve in issuing the Incidental Take Permit. That process will take approximately six months to one year, so there will be other things that will need to be done. The applicants will have to go through the subdivision process. At the point the applicants are ready to build houses on the 27 lots, if they are approved, if the applicants come to the Planning and Zoning Department for a Land Use Certificate, which is the first step in issuing a building permit, staff will not issue anything unless all of the approvals are in place. Mr. Jackson said staff will make sure the applicants are following the Site Plan, if it is approved. Staff will make sure that all zoning requirements are followed. He feels comfortable with what has been submitted and staff stands by its recommendation. Mr. Jackson said in looking to the future, staff

is working on possible zoning amendments to the local provision for Planning District 25. Staff is also looking at some master planning efforts. Staff plans to go back to the Fort Morgan Zoning Committee next month to begin discussions with the Committee and residents. Staff is working on things that will help address some of the concerns. He feels the residents will be pleased with the planning efforts going forward. Mr. Jackson said in the original recommendation, staff included a condition pertaining to the access drive being paved with either asphalt or concrete. He also recommends another condition pertaining to the number of stories. Staff previously limited the number of stories in single-family dwellings to two and a half, but that requirement was removed in 2009. Ten years later in looking back at it, staff will probably reinstate that requirement. Mr. Jackson said if the Commissioners are inclined to approve this development, he feels it will be a good idea if the Commissioners included an additional condition that the height, in terms of number of stories, be limited to two and a half to be consistent with the original requirement and with the requirement staff will probably have going forward. As the final voting authority on a PRD Site Plan, the Commissioners can impose additional conditions if they see fit. Staff recommends approval with the requirement that the private drive be paved with either asphalt or concrete and also with the condition that the number of stories be limited to two and a half. Mr. Jackson said those are all of his comments and he will be happy to answer any questions.

Commissioner Underwood asked if the applicants are okay with Mr. Jackson's last condition, to which Mr. Jackson replied "yes." Mr. Jackson said he mentioned that to the applicants and he discussed it with Wayne Dyess, County Administrator.

Commissioner Underwood thanked Mr. Jackson and said when the Commissioners tabled this before, it was a lot to have in just a few days. When the Commissioners were bombarded from residents of the community, she felt it was important to take additional time to look over this and understand it. Commissioner Underwood thanked Mr. Jackson and said he has done an excellent job in helping her to understand it so that she can make sure the Commissioners take the right action. She is very comfortable in understanding that what the Commissioners are asked to do is to approve a Site Plan.

Chairman Gruber said a public hearing has been held, but he wants to see if there is anyone present who wishes to speak on this. Hearing none, Chairman Gruber called for a motion.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to adopt Resolution #2019-053, which approves, with the condition that the access road be paved with either asphalt or concrete as required by the US Fish and Wildlife Service and with the condition that the height, in terms of number of stories be limited to two and a half stories, Case Z-19009, Seaglade at St. Andrews Bay Property, as it pertains to Planned Residential Development (PRD) Site Plan approval for Seaglade at St. Andrews Bay, which would include approximately 10.53 acres located in Planning (Zoning) District 25.

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

HA1 Re-structuring of Certain Baldwin County Departments

At this time, David Conner, County Attorney, returned to the Chambers and the meeting.

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

- 1) Move the Parks Department and the Baldwin Regional Area Transit System (BRATS) Department from the Highway Department to the Office of County Administrator; and
- 2) Update the Organizational Chart that will reflect the same; and
- 3) Move the function of the Subdivision Plan Review and supporting staff from the Highway Department to the Planning Department effective September 6, 2019. The relocation of the Subdivision Plan Review will not change the construction inspection process and is only intended to affect the planned review of subdivisions which are heard by the Baldwin County Planning Commission and administrative extraterritorial jurisdiction (ETJ) review prior to construction; and
- 4) Amend the Subdivision Regulations to reflect changes of the new review structure.

The motion passed by the following vote:

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

After the motion, before the vote, Commissioner Underwood said there has been some information that this is the desire of the Planning Department to have these functions brought back together related to subdivisions. After talking with both the County Engineer and the Planning Director, it will be a good move to do this and staff will have the summer to get things worked out. This would not take effect until September 6, 2019.

Chairman Gruber said this item is on the next work session in order to discuss what this will entail. He does not have all of the information at this point. He was not involved in none of the decision making. Chairman Gruber said he feels the

Commissioners should take this to a work session so everyone can look at this and make sure they are comfortable with what is going on. This will only be one week's difference in discussion and two weeks before it is approved. He feels that if everyone sits down together to go over this, the Commission will be a lot better off than just trying to make rash decisions with just a couple of people sitting down to decide this is the way it is going to be. Chairman Gruber said he appreciates the Commissioners looking at this, but he feels it is something that needs to have an agenda. This is set up to be on the next work session. Chairman Gruber called for the vote.

After the vote, Chairman Gruber said he is voting "no" because it is not the right thing to do. Without discussing this amongst themselves, the Commission is haphazardly doing something that could have waited one more week in order for the Commissioners to discuss this. Chairman Gruber said he feels this is not the right way to do this.

Commissioner Davis said in talking with the County Administrator and the Commissioners heading into the budgeting process, he feels it is critical for the Commission to have simple reports relative to revenue projections and where the Commission stands six months into the year of where it is operating now. In order for the Commissioners to move forward in creating a budget, he feels the Commission should see where it is on the revenue side relative to the income for the first six months of this fiscal year. He feels this will enable the Commissioners to make better decisions moving forward. Commissioner Davis asked the County Administrator to communicate this with the Budget Director and other necessary personnel. This will be valuable for him and he hopes it will be valuable for everyone else to have this information to add it to the budget process.

I ADDENDA

J ADMINISTRATIVE REPORT

Wayne Dyess, County Administrator, said he will be working with Vince Jackson, Planning Director, on the proposed amendments to the Zoning Regulations and to the Master Plan. They will be proposing some changes soon for discussion. He hopes it will help guide some of the decision making in areas like Fort Morgan that are highly sensitive from the standpoint of environmental factors and evacuations and other things like this that are important.

Chairman Gruber said he hopes this is done so that everyone will have an opportunity to see what is going on.

Mr. Dyess said they will bring it back for discussion. He and Mr. Jackson feel these changes will be received well and will provide further clarification and guidance in areas like Fort Morgan which is very sensitive.

K COUNTY ATTORNEY'S REPORT

David Conner, County Attorney, said there are several items for discussion during an

executive session. If Chairman Gruber would like to complete the meeting, the Commissioners can adjourn from the executive session at that time.

L ANNOUNCEMENTS

M PUBLIC COMMENTS

N PRESS QUESTIONS

O COMMISSIONER COMMENTS

Commissioner Davis said everyone will see more and more information regarding the Census process. Everyone needs to be actively involved in making sure there is an accurate reflection of the number of people living in this County. Baldwin County is the fastest growing county and the Census is critical to the State. Commissioner Davis said currently, Alabama has two Senators which structure will remain as long as Alabama is a State, but the House of Representatives is based on population and every household needs to be counted. The credibility of the Federal government is at one of its low points relative to people sharing information. In order for the County to maximize its representation and the ability to attract Federal money, every household should be counted. This is a process that people will hear more and more about. This should be done for the County's best interest. It is not helping Washington, DC, it is helping the County get the things it needs from Washington, DC. Commissioner Davis said he will continue to make this comment from time-to-time. This Census is something critical for the County to move forward on. It is next year, but the planning process has started.

Commissioner Underwood said she was at the Census meeting with Chairman Gruber and Commissioner Davis. She was excited to see that the Census wants this to be treated like an election campaign and that they have a Facebook page. She shared a post about this last night and there have been 11 shares from that post. Commissioner Underwood encouraged everyone to continue to help the Commissioners spread the word. It will be easier than ever to do this, it is in an electronic format now. A postcard will be mailed with a code on it and there is the possibility that this will be address driven; she does not have the exact details yet. The Census is also looking for people to work it and is taking applications now. The pay range is between \$14 and \$17 an hour. Commissioner Underwood asked everyone to help get the word out. Alabama counts, but Baldwin County counts even more based on some of the recent legislation passed. Everything Baldwin County needs relates to growth. Commissioner Underwood said this weekend she and Chairman Gruber attended a markers dedication in Lillian, Alabama; she learned a lot about Lillian. She would like to thank the Bicentennial Committees that are around the State, especially in Baldwin County. The Lillian Bicentennial Committee did a great job in gathering support from the community. Alabama is so special, especially to those who were born and raised here. It must also be special to other people because they keep moving in. Commissioner Underwood thanked everyone for allowing her the opportunity to share this information today.

Chairman Gruber thanked staff for getting the agenda ready, allowing the Commissioners to conduct the business of the County.

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. Mr. Conner said it is anticipated the executive session will last approximately 25 minutes at which time the Commission can adjourn the meeting. He makes oral declaration that the discussions are appropriate for an executive session and Mr. Craig Dillard is here on behalf of Webb & Ely to participate in the executive session.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adjourn into an executive session at 9:18 a.m. for approximately 25 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 9:18 a.m.