

Baldwin County Commission

Baldwin County Commission Regular
Meeting Minutes
Tuesday, June 18, 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 8:35 a.m. and introduced Joey Nunnally, County Engineer, who appeared before the Commission and led the Commission in prayer. After the Pledge of Allegiance led by Commissioner Billie Jo Underwood, the Commission transacted the following business to-wit:

ADOPTION OF MINUTES

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adopt the minutes of the June 4, 2019, Baldwin County Commission Regular meeting.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

B CONSENT

Wayne Dyess, County Administrator, said there is a replacement attachment in paper form before the Commissioners for the following item:

Item BA8 - Resolution #2019-096 of the Baldwin County Commission - September 17, 2019, Special School Tax Election Regarding the Adoption, Levy, Assessment and Collection of a Special Three (3) Mill Ad Valorem Tax in the District 9 (Am. 382) School Tax District in Baldwin County (Fairhope), Alabama.

Mr. Dyess said there are replacement agendas for the following items:

BM13 - Submission of Fiscal Year 2020 Section 5311 Rural Public Transportation Grant Application; and

IA1 - Baldwin County Sewer Service Utility Lease Request - Magnolia Landfill.

Mr. Dyess said the following items have been requested to be removed from the consent agenda:

BA4 - Baldwin County Board of Equalization - Submission of Nominees to Represent the Baldwin County Commission; and

BA8 - Resolution #2019-096 of the Baldwin County Commission - September 17, 2019, Special School Tax Election Regarding the Adoption, Levy, Assessment and Collection of a Special Three (3) Mill Ad Valorem Tax in the District 9 (Am. 382) School Tax District in Baldwin County (Fairhope), Alabama; and

BA9 - Resolution #2019-097 of the Baldwin County Commission - September 17, 2019, Special School Tax Election Regarding the Adoption, Levy, Assessment and Collection of a Special Three (3) Mill Ad Valorem Tax in the District 7 (Am. 382) School Tax District in Baldwin County (Spanish Fort), Alabama; and

BM10 - Speed Limits on Various Roads.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve the consent agenda including the replacement attachment to Item BM13 and excluding Items BA4, BA8, BA9 and BM10.

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 Request by the Committee on Public Art (Bay Minette Beautification Committee) - Placement of Public Art in Bay Minette

[19-1480](#)

Approve the request by the Bay Minette Beautification Committee, Committee on Public Art (COPA), to place a metal sculpture on the Bay Minette Courthouse Square in the center of the flower bed on the curb in front of the County Administration Building.

COPA will purchase/sponsor the custom 3D metal sculpture, designed and constructed by artist Ryan Carney with AAA Iron Works, and be responsible for all costs for the placement and maintenance of the sculpture.

BA2 Consideration of Consent to Merger - Request by AltaPointe Health Systems, Inc. to Merge with Mobile Association of Retarded Citizens (ARC), Inc.

[19-1483](#)

Related to the AltaPointe Health Systems, Inc. (a 310 Board), and pursuant to the provisions of Section 22-51-7, Code of Alabama (1975), take the following action:

1) Adopt Resolution #2019-104, which approves and gives the consent of the Baldwin County Commission, for AltaPointe Health Systems, Inc. to amend its Articles of Incorporation and approves the merger of AltaPointe Health Systems, Inc. with Mobile Association for Retarded Citizens, Inc. in order to provide services in Mobile, Alabama.

BA3 Baldwin County Emergency Communication District (911 Board) - Board Appointments

[19-1460](#)

Related to the Baldwin County Emergency Communication District (911 Board), take the following actions:

1) Re-appoint Mr. Raymond (Tony) A. Lovell, as a member of the Board, for a four (4) year term, said term continuing from January 1, 2017, and expiring on January 1, 2021; and

2) Re-appoint William Pappas, as a member of the Board, for a four (4) year term, said term continuing from March 19, 2019, and expiring on March 19, 2023; and

3) Re-appoint Paul Mueller, as a member of the Board, for a four (4) year term, said term continuing from March 19, 2019, and expiring on March 19, 2023.

BA5 Space Allocation in County Facilities - Allocation of Space at the Baldwin County Annex I Building in Bay Minette, Alabama and Adoption of Resolution #2019-099

[19-1476](#)

Baldwin County Annex I Building - Bay Minette

In the City of Bay Minette, and pursuant to the authority granted the Baldwin County Commission at § 11-3-11 (a) (1) of the Code of Alabama 1975 and Section 6 of Act No. 239 (1931), as amended, and without limitation, adopt Resolution #2019-099 of the

Baldwin County Commission, which designates the rooms to be occupied in the Baldwin County Bay Minette Annex I Building and further, to authorize the space allocations and offices applicable to the Baldwin County Bay Minette Annex I Building.

(Resolution #2019-099 repeals Resolution #2019-074, adopted by the Baldwin County Commission on April 16, 2019.)

BA6 Revision of Baldwin County Commission Policy #2.23 - Reservation of Live Oak Landing and Bicentennial Park Facilities

[19-1471](#)

Adopt the revised Baldwin County Commission Policy #2.23 - Reservation of Live Oak Landing and Bicentennial Park Facilities, with policy changes effective July 1, 2019, and incorporate the revised policy into the Baldwin County Policies and Procedures Book.

BA7 Absentee Election Duties Related to the September 17, 2019, Special Elections - Baldwin County Public Schools - Special Tax District 7 (Spanish Fort) and Special Tax District 9 (Fairhope)

[19-1484](#)

Related to the 2019 Special Elections - Baldwin County Public Schools - Special Tax District 7 (Spanish Fort) and Special Tax District 9 (Fairhope), on September 17, 2019, take the following actions:

1) Pursuant to Section 17-11-14 of the Code of Alabama (1975), determine the amount of compensation to be paid to the Absentee Election Manager, the Honorable Jody Wise, and for the applicable absentee election time period recognized by law during the September 17, 2019 Special Elections - Baldwin County Public Schools - Special Tax District 7 (Spanish Fort) and Special Tax District 9 (Fairhope), effective at 12:01 a.m. on August 3, 2019, for the September 17, 2019, election, to be the same pay as a Precinct Inspector for federal/state/statewide elections provided at (Baldwin County Commission) Policy #2.10 [\$125.00 per day with eligibility for an additional \$25.00 per day worked if certified as a qualified poll worker or completing a local election school] which is compliant to Section 17-8-12 of the Code of Alabama 1975; and

2) Pursuant to Section 17-11-2 of the Code of Alabama (1975), recognize the performance at and designate the place/office where the Absentee Election Manager shall perform such public duties for the applicable absentee election time period recognized by state law during the 2019 Special Election - Baldwin County Public Schools - Special Tax District 7 (Spanish Fort) and Special Tax District 9 (Fairhope), (September 17, 2019), as follows:

Place: Baldwin County (Main) Courthouse at the County Seat in Bay Minette
Office: Office of Circuit Clerk of the 28th Judicial Circuit
8:00 AM - 4:30 PM (Monday - Friday)

3) Approve the request of the Absentee Election Manager, the Honorable Jody Wise,

and authorize the execution of a Contract for Services with Evelina Hernandez for her services as Assistant to the Absentee Election Manager at a rate of compensation of \$75.00 per day worked [as paid from Baldwin County Budget Line Item 51910.5150] for the applicable absentee election time period recognized by law during the 2019 Special Election - Baldwin County Public Schools - Special Tax District 7 (Spanish Fort) and Special Tax District 9 (Fairhope), (September 17, 2019). The term of the Contract shall commence no earlier than 12:01 a.m. on August 3, 2019, and expire no later than September 17, 2019, unless sooner terminated as set forth in the Contract.

BB ANIMAL CONTROL

BB1 Baldwin County Trap-Neuter-Return (TNR) - Renewal of Bay Minette Animal Clinic and Colony Animal Clinic Agreements

[19-1479](#)

Approve and authorize the Chairman to execute a Professional Service Agreement renewal for the Trap-Neuter-Return (TNR) Program services with Bay Minette Animal Clinic and Colony Animal Clinic. The agreements shall commence on June 18, 2019, and continue for a period of ninety (90) days, expiring September 18, 2019, with an automatic renewal for one additional ninety (90) day term (expiring December 18, 2019), unless terminated by either party in accordance with the terms of the Agreement.

BC ARCHIVES AND HISTORY

BC1 Request from Fort Mims Restoration Association - Reenactment and Living History Event at Fort Mims on August 24-25, 2019

[19-1390](#)

Related to the Fort Mims Restoration Association's Fort Mims Reenactment and Living History event on August 24-25, 2019, take the following actions:

- 1) Approve the Maintenance Paint Crew (Highway Department) to mark/paint the parking lot at the Fort Mims State Historic Site just prior to the event; and
- 2) Approve the Parks Crew (Highway Department) to clean up at the Fort Mims State Historic Site just prior to the event; and
- 3) Request Southeast Mosquito Control to provide mosquito spraying for the Fort Mims State Historic Site just prior to the event; and
- 4) Authorize an expenditure of public funds in the amount of \$1,290.00 to be paid to A & M Portables, Inc. for the use of five (5) handicap portable toilets (equipped with toilet paper, hand cleaner, and a sink outside for handwashing) to be delivered to the event site on Friday, August 23, 2019, and picked up on Monday, August 26, 2019; and
- 5) Approve the use of forty-five (45) large rolling garbage carts from the Solid Waste Department, for use throughout the Fort Mims State Historic Site for the event, at a cost totaling \$55.00 (\$10.00 delivery fee, \$1.00 per cart); and

6) Approve the use of one (1) Baldwin Regional Area Transit System (BRATS) bus on August 24, 2019, for 8 hours and August 25, 2019, for 7 hours, at a cost of \$1,108.00 (\$73.86 per hour) to transport attendees.

BD BUDGET/PURCHASING

BD1 Competitive Bid #WG18-34 - Provision of Industrial Fittings, Hoses and Accessories for the Baldwin County Commission [19-1451](#)

Extend Bid #WG18-34 - Provision of Industrial Fittings, Hoses and Accessories with Bay Side Rubber & Products, Inc., for an additional twelve (12) months at the same prices and terms stated in the bid specifications as awarded on August 7, 2018. The extension will expire on August 7, 2020.

BD2 Competitive Bid #WG19-37 - Purchase of Ninety (90) Jersey Barriers for the Baldwin County Commission [19-1452](#)

Take the following actions:

- 1) Reject the bid received and authorize the Purchasing Director to re-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.

BD3 Competitive Bid #WG19-45 - Purchase of One (1) Chemical Injector System Upgrade to Mid-Tech TASC 6300 and Upgrade to Front Bumper Mounted/Extended Boom Radial Mount Spray Heads or Equal for the Baldwin County Commission [19-1453](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the Purchase of One (1) Chemical Injector System Upgrade to Mid-Tech TASC 6300 and Upgrade to Front Bumper Mounted/Extended Boom Radial Mount Spray Heads or Equal; 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.

BD4 Competitive Bid #WG19-46 - Provision of Instant Precooked Meals for the Baldwin County Commission [19-1454](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the Provision of Instant Precooked Meals; and
- 2) Further, authorize the Chairman/Purchasing Division Commissioner for the Baldwin County Commission to approve any necessary addendums or clarifications if required after the bid is advertised.

BD5 Competitive Bid #WG19-47 - Annual Scrap Metal and White Good Recycling Services for the Baldwin County Commission

[19-1455](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the Annual Scrap Metal & White Good Recycling Services for the Baldwin County Commission; and
- 2) Further, authorize the Chairman/Purchasing Division Commissioner for the Baldwin County Commission to approve any necessary addendums or clarifications if required after the bid is advertised.

BD6 Rental of Four (4) Copy Machines for Various Baldwin County Commission Departments

[19-1456](#)

Approve and authorize the Chairman to execute the rental agreements with Sharp Electronics Corporation for the rental of four (4) new copy machines off the State of Alabama bid for thirty-six (36) months effective the date of execution as follows:

Baldwin County Administration Department - Bay Minette

Model: Sharp MX-6071

Price: \$246.27

Excess Charge/copy: B/W \$0.0054/copy Color \$0.0400/copy

Baldwin County Budget/Purchasing Department - Bay Minette

Model: Sharp MX-60701

Price: \$233.92

Excess Charge/copy: B/W \$0.0054/copy Color \$0.0400/copy

Baldwin County Building Inspection Department - Foley

Model: Sharp MX-60701

Price: \$214.97

Excess Charge/copy: B/W \$0.0054/copy Color \$0.0400/copy

Baldwin County Building Inspection Department - Fairhope

Model: Sharp MX-6071

Price: \$210.91

Excess Charge/copy: B/W \$0.0054/copy Color \$0.0400/copy

BD7 Request for Proposals (RFP) for Hazardous Waste Cleanup Services for the Baldwin County Commission

[19-1457](#)

Award the Request for Proposals (RFP) for Hazardous Waste Cleanup Services to PPM Consultants, Inc., and authorize the Chairman to execute the contract for thirty-six (36) months. (Contract effective upon full execution.)

BD8 Payment Questionnaire related to Kane County, Utah v. United States Case Nos. 17-739C and 17-1991C (Consolidated), United States Court of Federal Claims - Class Action Lawsuit regarding Payment in Lieu of Taxes Act (PILT)

[19-1450](#)

Confirm and ratify the submission of the Payment Questionnaire related to Kane County, Utah v. United States Case Nos. 17-739C and 17-1991C (Consolidated), United States Court of Federal Claims - Class Action Lawsuit regarding Payment in Lieu of Taxes Act (PILT) in order to receive PILT payment(s).

BK ENVIRONMENTAL MANAGEMENT

BK1 Baldwin County Solid Waste Standard On-call Contracts for Engineering and Related Services

[19-1461](#)

Based on Baldwin County Policy #9.10, take the following actions related to standard on-call contracts for engineering and related services:

1) Make the following standard Master On-Call Contracts for Professional Services part of the record:

1. Aptim Government Solutions, LLC
2. CDG Engineers and Associates
3. Cornerstone Environmental Group, LLC
4. Environmental Business Services
5. Goodwyn, Mills and Cawood, Inc.
6. Green Electric
7. Highlands Technical Services, Inc.
8. Payne Environmental Services
9. SCS Field Services
10. Thompson Engineering, Inc.
11. Volkert BG, Inc.

2) Approve each contract including the attached Exhibit A, Insurance Requirements, with each contract.

BK2 Baldwin County Solid Waste Uncollectible Residential Accounts

[19-1464](#)

Approve the uncollectible residential garbage accounts list for write-offs in the amount of \$1,950.70.

BM HIGHWAY

BM1 Lillian United Methodist Women - Request to Place Cement Bench at Lillian Boat Launch

[19-1470](#)

Approve the request from Ms. Betty Irwin, with the Lillian United Methodist Women, to place a cement bench at the Lillian Boat Launch in honor of the State of Alabama's Bicentennial.

BM2 Stapleton Elementary School - Request to Stripe Parking Lot

[19-1474](#)

Approve Traffic Operations to stripe parking lot for the Stapleton Elementary School for an estimated cost of \$360.00 for labor. The Baldwin County Board of Education will furnish all materials for the project and be invoiced the actual cost of labor upon completion of the project.

BM3 Stream-gaging Station on County Road 32 over Fish River - Gulf of Mexico Energy Security Act (GOMESA) Grant Agreement

[19-1472](#)

Take the following action(s):

- 1) Authorize the Chairman to execute a Gulf of Mexico Energy Security Act (GOMESA) Grant Agreement for the installation, operation and maintenance of a stream-gaging station on County Road 32 over Fish River; and
- 2) Authorize the Chairman to execute any other project related documents.

BM4 Weeks Bay Foundation - Request to Install Signage at Several County Maintained Boat Ramps in Baldwin County

[19-1469](#)

Approve the request from Ms. Yael Girard, Executive Director of the Weeks Bay Foundation, to install signage regarding derelict vessels in waterways at the following county maintained boat ramps:

Cliff's Landing
Byrne's Lake
Seminole Boat Launch
Lillian Boat Launch
Yupon Street Water Access / Boat Launch
Josephine Park

Fish Trap Access and Boat Launch

The Weeks Bay Foundation will provide the signs for the project and the Highway Department will install the signs.

BM5 Alabama Department of Environmental Management (ADEM) Stormwater Inspection Forms

[19-1343](#)

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

County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-10-26
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-11-02
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-11-09
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-11-14
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-12-03
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-12-17
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-12-21
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2018-12-31
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2019-01-24
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2019-02-27
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2019-03-15
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2019-04-05
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2019-04-15
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2019-04-19
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2019-04-26
County Road 9 Bridge Replacement - Permit No. ALR10BCH3 - 2019-05-13

County Road 26 from County Rd 95 to Breman Road - Permit No. ALR10BEL1 - 2019-04-08

County Road 26 from County Rd 95 to Breman Road - Permit No. ALR10BEL1 - 2019-04-26

County Road 26 from County Rd 95 to Breman Road - Permit No. ALR10BEL1 - 2019-05-13

County Road 32 at County Rd 55 Intersection - Permit No. ALR10BDJY - 2019-01-23
County Road 32 at County Rd 55 Intersection - Permit No. ALR10BDJY - 2019-02-01
County Road 32 at County Rd 55 Intersection - Permit No. ALR10BDJY - 2019-03-01
County Road 32 at County Rd 55 Intersection - Permit No. ALR10BDJY - 2019-03-29
County Road 32 at County Rd 55 Intersection - Termination Request

Old Brady Road Pit - Permit No. ALR6850034 - 2019-01-24
Old Brady Road Pit - Permit No. ALR6850034 - 2019-02-04
Old Brady Road Pit - Permit No. ALR6850034 - 2019-02-27
Old Brady Road Pit - Permit No. ALR6850034 - 2019-03-05
Old Brady Road Pit - Permit No. ALR6850034 - 2019-04-22

Old Brady Road Pit - Permit No. ALR6850034 - 2019-04-26

Old Brady Road Pit - Permit No. ALR6850034 - 2019-05-13

Poser Road from Charolais Rd to Brewer Road - Permit No. ALR10BEL0 - 2019-03-15

Poser Road from Charolais Rd to Brewer Road - Permit No. ALR10BEL0 - 2019-04-08

Poser Road from Charolais Rd to Brewer Road - Permit No. ALR10BEL0 - 2019-04-15

Poser Road from Charolais Rd to Brewer Road - Permit No. ALR10BEL0 - 2019-04-26

Poser Road from Charolais Rd to Brewer Road - Permit No. ALR10BEL0 - 2019-05-13

Bridge Replacement on Hoyle Bryars Road over Bushy Creek W - Permit No.

ALR10BE20 - 2019-04-08

Bridge Replacement on Hoyle Bryars Road over Bushy Creek W - Permit No.

ALR10BE20 - 2019-04-15

Bridge Replacement on Hoyle Bryars Road over Bushy Creek W - Permit No.

ALR10BE20 - 2019-05-13

BM6 Addition of Road to County Maintained Road List - Greenhouse Lane from County Road 26 to End of Maintenance

[19-1473](#)

Approve the addition of Greenhouse Lane from County Road 26 to the end of maintenance (a distance of 0.25 Miles) to the County Maintained Road List.

BM7 Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0203718 - Intersection Improvements on County Road 32 from County Road 32 to County Road 55 North (Tract 2A)

[19-1374](#)

Take the following actions:

1) Accept 0.012 acres on County Road 32 as a right-of-way donated to Baldwin County by Jonathan J. Walker and Kelly L. Cooksey-Walker on May 13, 2019 (Instrument No. 1759540 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.

BM8 Highway Department - Resurfacing of Sunsreign Drive

[19-1399](#)

Approve resurfacing Sunsreign Drive from 2nd Street to the end of maintenance at a material cost of \$7,686.50 from Budget Line Item: 0213019.5213.

BM9 S-15010 - Wahoo Plaza - Release Maintenance Bond

[19-1475](#)

Authorize staff to release the Surety Document (Maintenance Bond) from Federal Mutual Insurance Company on behalf of Twin Oaks Company, Inc. for Wahoo Plaza in the amount of \$166,525.00 to guarantee the workmanship and materials of the roadway and

drainage improvements within the public right-of-way as shown on the approved Final Plat and “As-Built” construction plans.

BM11 Baldwin Regional Area Transit System - Extension of License Agreement between Baldwin County Commission and Cypress Spanish Fort III, LLC for Spanish Fort Transit Hub

[19-1466](#)

Approve the extension of the License Agreement between the Baldwin County Commission and Cypress Spanish Fort III, LLC, with the location amendment, for the Spanish Fort Transit Hub at no cost to the County. (The term of this extended Agreement shall commence on July 1, 2019, and terminate on June 30, 2020.)

BM12 Submission of Fiscal Year 2020 Section 5307 Urbanized Public Transportation Grant Application

[19-1467](#)

Take the following actions:

- 1) Adopt Resolution No. 2019-102 authorizing the Baldwin County Commission to commit up to \$293,231.00 as local non-federal match for operations, planning, and capital expenditures under the Section 5307 Urbanized Area Public Transportation Program during Fiscal Year 2020; and
- 2) Adopt Resolution No. 2019-103 authorizing the execution and submittal of a Fiscal Year 2020 Section 5307 Grant Application to the Alabama Department of Transportation (ALDOT) relating to public transportation; and
- 3) Authorize the Chairman to sign the application and any related documents, any related award documents, and any related reporting documents; and
- 4) Authorize Baldwin Regional Area Transit System (BRATS) staff to submit the Fiscal Year 2020 Section 5307 agreement to ALDOT.

BM13 *Submission of Fiscal Year 2020 Section 5311 Rural Public Transportation Grant Application

[19-1468](#)

Take the following actions:

- 1) Adopt Resolution No. 2019-100 authorizing the Baldwin County Commission to commit up to \$1,489,245.00 as local non-federal match for operations, administration, and capital expenditures under the Section 5311 Non-Urbanized Area Public Transportation Program during Fiscal Year 2020; and
- 2) Adopt Resolution No. 2019-101 authorizing the execution and submittal of a Fiscal Year 2020 Section 5311 Grant Application to the Alabama Department of Transportation relating to public transportation; and

- 3) Authorize the Chairman to sign the application and any related documents, and related award documents, and any related reporting documents; and
- 4) Authorize Baldwin Regional Area Transit System (BRATS) staff to submit the Fiscal Year 2020 Section 5311 Agreement to Alabama Department of Transportation (ALDOT).

BO PERSONNEL

BO1 Building Inspection Department - Employment of One (1) Office Assistant III Position [19-1486](#)

Approve the employment of Fabia Waters to fill the open Office Assistant III position (PID #5447) at a grade E-09 (\$13.465 per hour/\$28,007.20 annually), with said salary due to experience, to be effective no sooner than June 24, 2019.

BO2 CIS Department - Employment of One (1) Software Developer Position [19-1488](#)

Approve the employment of Stephanie Phillip to fill the open Software Developer position (PID #3068) at a grade EC-07 (\$44,476.00 annually) to be effective no sooner than June 24, 2019.

BO3 Council on Aging - Employment of One (1) Office Assistant IV Position [19-1489](#)

Approve the employment of Melinda Boggs to fill the open Office Assistant IV position (PID #5121) at a grade F-EL (\$11.810 per hour/\$24,564.80 annually) to be effective no sooner than June 24, 2019.

BO4 Highway Department (Bay Minette) - Employment of One (1) Operations Support Specialist I Position [19-1425](#)

Approve the employment of Megan Johnson to fill the Operations Support Specialist I position (PID #5387) at a grade F-EL (\$11.810 per hour/\$24,564.80 annually) in the Bay Minette Highway Department (53111) to be effective no sooner than June 24, 2019.

BO5 Highway Department (Traffic Operations) - Personnel Changes [19-1426](#)

Take the following actions:

- 1) Approve the employment of James Martin to fill the open Traffic Control Technician II position (PID #5172) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually); and
- 2) Approve the employment of James Blair to fill the open Laborer position (PID #4047) at a grade E-EL (\$10.781 per hour/\$22,424.48 annually); and
- 3) Approve the employment of Frank Smith to fill the open Operator Technician I - BBE

position (PID #5287) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually).

These changes will be effective no sooner than June 24, 2019.

BO6 Personnel Department - Clerk/Treasurer Position Description

[19-1492](#)

Approve the updated Clerk/Treasurer position description.

BO7 Personnel Department - Employee Handbook Bereavement Leave Changes

[19-1491](#)

As authorized pursuant to Section 45-2-120, et.seq., Code of Alabama 1975, and without limitation, and related to the Baldwin County Commission Employee Handbook, approve revisions, effective June 18, 2019, to the policy IV.E. Bereavement Leave/Funeral Leave, as set forth in the Employee Handbook as expressly amended by these provisions. All other terms, provisions and policies contained in the Employee Handbook shall remain in full force and effect. In the event of a conflict between the amended provisions and the remaining provisions contained in the Employee Handbook, the amended provisions shall govern, and the contrary or conflicting provision in the Employee handbook shall be deemed repealed.

BO8 Probate Office - Promotion of Two Employees into License Revenue Officer II Positions

[19-1490](#)

Take the following actions:

- 1) Approve the promotion of Janice Sibley from the License Revenue Officer I (PID #2092) grade G-06 (\$15.038 per hour/\$31,279.04 annually) to fill the open License Revenue Officer II position (PID #568) at a grade H-05 (\$16.104 per hour/\$33,496.32 annually); and
- 2) Approve the promotion of Heather Taylor from the License Revenue Officer I (PID #3017) grade G-08 (\$15.806 per hour/\$32,876.48 annually) to fill the open License Revenue Officer II position (PID #626) at a grade H-07 (\$16.930 per hour/\$35,214.40 annually).

These actions will be effective no sooner than June 24, 2019.

BO9 Solid Waste Department (Collections) - Personnel Changes

[19-1427](#)

Take the following actions:

- 1) Approve the employment of Jason Walker to fill the Solid Waste Driver I position (PID #5144) at a grade H-EL (\$14.246 per hour/\$29,631.68 annually); and

- 2) Approve the employment of Daniel Leslie to fill the Solid Waste Technician position (PID #5246) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually); and
- 3) Approve the employment of Trevor Thomas to fill the Solid Waste Technician position (PID #5244) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually).

These actions will be effective no sooner than June 24, 2019.

BA4 Baldwin County Board of Equalization - Submission of Nominees to Represent the Baldwin County Commission

[19-1465](#)

Wayne Dyess, County Administrator, said the recommendation is to remove this item from the agenda and discuss it at the next work session. There are currently two nominees, and the Commission is looking for the third nominee to send to the Alabama Department of Revenue.

BM10 Speed Limits on Various Roads

[19-1446](#)

Mr. Edward Parker appeared before the Commission and said he lives off Rigsby Road and he uses County Road 54 and Rigsby Road quite frequently. The speed limit is currently 55 MPH. He contacted Commissioner Davis about the excessive speed limit in that area. Mr. Parker said he cannot tell the Commissioners how many near misses he has almost been involved in or almost witnessed. There have been numerous commercial vehicles, in that stretch, wreck in the last three years; the most recent one was further down the road. The point is that vehicles are coming in going 65 MPH because that highway has a 55 MPH speed limit and it needs to come down. He encourages the Commissioners to bring that number down. Mr. Parker said according to Joey Nunnally, County Engineer, the Commission is in the process of doing this. Mr. Parker encouraged the Commission to make the public aware that those speeds are coming down because it is excessive and there is a school that is coming in. Mr. Parker said he knows the area is in transition as far as what the Highway Department wants to do, but it has been too high for too long and it needs to come down.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to approve lowering the speed limits on the following roads:

Charolais Road between County Road 65 and South Hickory Street from 45 MPH to 35 MPH; and

County Road 64 between Rigsby Road and County Road 54 East from 55 MPH to 45 MPH.

The motion passed by the following votes:

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

Nay: 0

Absent: 0

Abstain: 0

C PRESENTATIONS

CA GENERAL

CA1 Alabama 200 - Baldwin County Bicentennial Steering Committee Presentation

[19-1212](#)

Felisha Anderson, Archives Director, appeared before the Commission and thanked them for the opportunity to update them on the Alabama Bicentennial projects. Alabama will turn 200 years old on December 14th. It deserves a great, big celebration. Ms. Anderson said this has been a three-year long celebration that began in March 2017, and it will end this year. On January 17, 2017, the Commission appointed 12 members from Baldwin County to steer a committee to organize events to celebrate this Bicentennial. Ms. Anderson said she has four of those members here today. The following are the project leaders for Baldwin County: Ms. Ashley Jones-Davis, Executive Director for North Baldwin Chamber of Commerce, is the project leader for the Book Publication and Publicity; Ms. Claudia Campbell, President of Fort Mims Restoration Association, is the project leader for the Historical Paintings and Historic Marker programs and Mr. Mike Bunn, Director of Historic Blakeley State Park, is the project leader for the Curriculum component.

Ms. Anderson said also on the Steering Committee are: Judge Charles Partin, Dr. Phyllis French, Mr. Bert Blackmon, Ms. Kelly Stewart, Mr. Herman Arrington, Ms. Harriet Outlaw, Ms. Coletta Bailey, Ms. Shannon Spivey, Mr. Guy Busby, Mr. Al Guarisco, Mr. Ken Balme, and Ms. Christie Shannon. Ms. Anderson said they have also picked up 12 local committees. Baldwin County has set a high standard throughout the State and they are very proud of what Baldwin County is doing.

Ms. Campbell appeared before the Commission and said the Baldwin County Bicentennial Committee has been busy. The work began in May 2016, before there was a Baldwin County Committee, when the Baldwin County Historic Development Commission came up with a plan for the historic markers. They have been busy since that point. Ms. Campbell commented on the events that have taken place around Baldwin County, the historical paintings and the marker programs. Ms. Campbell said Baldwin County is leading the State in Bicentennial activities. The Committee is very proud of the many activities that have come along. Ms. Campbell handed out a brochure for the upcoming Huntsville event, "We the People" to the Commissioners.

Mr. Bunn appeared before the Commission and said the Committee members are not bragging, but they are truly leading the State in Bicentennial events. Baldwin County is really setting the example. Mr. Bunn said he was honored to be a part

of the Steering Committee. He is a part of the Curriculum Committee which impacts schools and he has had the pleasure to lead. Mr. Bunn commented on what the Curriculum Committee does to help enlighten students and thanked the Commissioners for their support.

Ms. Davis appeared before the Commission and thanked the Commissioners for allowing her to serve on the Bicentennial Steering Committee. It has been a fun four years working for Ms. Anderson. Ms. Davis said she has been a part of the Book Committee and commented on the Bicentennial book that is in production and should be in their hands by November 2019. Earlier, Ms. Anderson said Ms. Davis was the project leader on the publicity side, but she gives Ms. Anderson that credit. Ms. Davis said Ms. Anderson has been a wonderful leader. Placing this Committee under Ms. Anderson's department has been a blessing to the County.

Ms. Anderson presented a slideshow presentation on the "Alabama Bicentennial AL 200." The Committee wants the Commissioners to understand what the Baldwin County Steering Committee is doing. They still have a few months to go. The Committee is building a Bicentennial float and creating a seal. Ms. Anderson encouraged everyone to join in with this celebration and said the Baldwin County Commission departments have been supportive and the Committee could not have done this as a team, without them.

Commissioner Ball thanked Ms. Anderson for all that she does and said everyone is excited. This is an exciting time and event for Baldwin County. Ever since he knew this was happening and what has kept the Commissioners going and driving is Ms. Anderson's and the Committee's passion to make this an event. That is why Baldwin County is standing out above all others in the State. Commissioner Ball said Baldwin County has the passion to bring it to life. He thanks Ms. Anderson for her leadership in making this happen and it is an honor to work with her.

Commissioner Davis said he echoes Commissioner Ball's comments regarding being a good leader and the series of leadership roles they all get a chance to play. Nothing happens because one person does things. It happens because Baldwin County has a great team in virtually everything it does. Baldwin County tries to do things well and better than it was previously done. He is proud and proudly wears his Alabama 200 pin. Everyone should continue to make sure citizens are aware of how significant this anniversary is. Commissioner Davis thanked Ms. Anderson for her leadership and for being a part of the County's key team.

Commissioner Underwood thanked Ms. Anderson and said it has been a joy in getting to know her. She is thankful to have Ms. Anderson leading the charge on this great project for Baldwin County and the State of Alabama. Commissioner Underwood said the markers are nice. She has a vision for a tour to go around and visit all of the County markers and Ms. Campbell could be the tour guide.

There is more to Baldwin County than the beaches. The residents know this because they live here and know what paradise is. Commissioner Underwood thanked the Committee for what they have done and said she has learned a lot about Baldwin County just from some of the markers.

Chairman Gruber thanked Ms. Anderson and said she and the other Committee members have done a fantastic job on this project. They have put the rubber to the road. It was because of their leadership that everything has been taken care of. Baldwin County is leading the pack. There is so much history here than in any other county because of its size; it makes a big difference. The Committee has identified just about every resource out there. That makes it great and it is what this is all about. Chairman Gruber said the Commissioners are proud of Ms. Anderson's selection to lead this. The Committee has done a fantastic job. They took it to their heart and did a good job and he is thankful for that.

D PUBLIC HEARINGS

DA ADMINISTRATION

DA1 Case No. LV-19002 - Alcohol License Application for Dolgencorp, LLC
d/b/a Dollar General Store #20146 in Foley, Alabama

[19-0954](#)

Chairman Gruber opened the public hearing at 9:00 a.m. and asked if there is anyone present who wishes to speak.

Ms. Dawn Orr, a representative for the applicant, appeared before the Commission and said she is asking the Commission to approve this request.

There being no further requests to address the Commission, Chairman Gruber closed the public hearing at 9:01 a.m.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to consider the 050 - Retail Beer (Off Premises Only) and 070 - Retail Table Wine (Off Premises Only) license application(s) for Dolgencorp, LLC d/b/a Dollar General Store #20146, located at 17940 County Road 12 South, Foley, Alabama 36535, and approve the issuance of said license(s) by the Alabama Beverage Control (ABC) Board.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

DP PLANNING AND ZONING

DP1 Case No. Z-19015 - Stimpson Property - Rezoning Request

[19-1493](#)

Wayne Dyess, County Administrator, said this request has been withdrawn. However, because it has been advertised, staff is recommending the Commission open and close the public hearing.

Mr. Vince Jackson, Planning Director, appeared before the Commission and provided background information on the subject property.

Chairman Gruber opened the public hearing at 9:03 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 9:03 a.m.

DP2 Case No. Z-19016 - Fountain 38 LLC, Property - Rezoning Request

[19-1481](#)

Wayne Dyess, County Administrator, said this case is like the previous case. The applicant has withdrawn the rezoning request, but the public hearing was advertised prior to the withdrawal.

Linda Lee, Planner, appeared before the Commission and provided background information on the subject property.

Chairman Gruber opened the public hearing at 9:04 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 9:04 a.m.

DP3 Case No. Z-19017 - Childress Property - Rezoning Request

[19-1477](#)

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

Chairman Gruber opened the public hearing at 9:05 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 9:06 a.m.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adopt Resolution #2019-087, which approves Case No. Z-19017, Childress Property, as it pertains to the rezoning of 5.4 acres, more or less, as located in Planning (Zoning) District 12, from RA, Rural Agriculture District, to B-4, Major Commercial 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

DP4 *Case No. Z-19019 - Breedin Property - Rezoning Request

[19-1482](#)

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

Chairman Gruber opened the public hearing at 9:08 a.m. and asked if there is anyone present who wishes to speak.

Mr. Larry Smith, the agent for the applicant, appeared before the Commission and said he lives in Fairhope. Mr. Smith thanked the Commissioners for the opportunity to speak and said he understands there were some concerns during the work session as to why the applicant is going for a rezoning versus a conditional use. He wants to explain how the applicant came upon this path. The applicant knew there were two options given. Mr. Smith said his client is a veterinary clinic owner who owns a clinic in Mobile and has been searching for a piece of property in the Daphne area. The applicant has not nailed down the design for the facility, but he has been approved for a \$2 million loan from the bank to construct his building. The applicant is currently at a work shop to work out the exact ins and outs of how he wants the veterinary clinic to operate. Mr. Smith said the design for the building and the site, for which the conditional use will be site plan specific, is a large expense. The applicant started down this path towards rezoning to make sure that before he goes too far down the money trail on the design, he wants to make sure he can get the veterinary clinic and the kennels on the property by right. Mr. Smith said when the applicant did not receive any kickbacks, they proceeded down this route. He sent an email out to staff late yesterday summarizing what the applicant wants and providing photographs of the property. He hopes the Commissioners will take this into consideration. The applicant hopes to close on the property next week and they are at the end of the due diligence period. It would be a burden on the applicant to step back and start the conditional use process. Mr. Smith said he hopes the Commissioners will take this into consideration and he will be glad to answer any questions.

Commissioner Underwood said a rezoning is a path that takes much longer than a conditional use request. Whereas a conditional use request would have just gone to the Planning and Zoning Commission and that would have been the end would have made that the much faster tract. Commissioner Underwood said it was presented to the Planning and Zoning Commission that the City of Daphne has property zoned across the street as B-3. However, it was never brought up that the City's B-3 zoning is different from the County's B-3 zoning. That zoning is for offices. The only problem she has with this request is that it could have been accomplished with a conditional use. It would have been a much faster process.

She has been inquiring about the footprint of a site plan and if the applicant could expand the kennels. The pictures are awesome and they look great, she has no problem with that. Commissioner Underwood said the pictures do not preclude what could have been built there in case the applicant decides not to build there. If the Commission rezones that property, that rezoning will stand. The Commissioners are here for checks and balances. If it were simply a "rubber stamp" every time the Commission went through this, then there would be no reason for it to continue on this path. Commissioner Underwood said it does bother her that a conditional use could have been accomplished with this. A rezoning is much more stringent and allows for other things to be put on the property under the rezoned request. She will always be an advocate for conditional use if it could be accomplished because if the applicant builds the kennel, it will be there for a long time. However, what if kennel is not built there and instead something is built that is incompatible to the people around the property. Commissioner Underwood said that is the problem she has with this. She is sorry Mr. Smith did not have any questions asked of him before and that is why the Commission make the steps up to this point. Mr. Smith may say there were no questions asked previously, but that was all cut and dry. Commissioner Underwood said maybe Mr. Smith thought this one was pretty cut and dry and it may end up being that way, but she wanted to make sure she made the statement publicly and on the record as to why there were questions asked about it last week.

Mr. Smith said he appreciates Commissioner Underwood's comments and he understands. As far as processes go, it is quicker to ask for a conditional use, Commissioner Underwood is absolutely correct. However, the design portion would have held the applicant up and the applicant would still be outside of the due diligence period. That is why they went this route. A conditional use is site plan specific. The applicant is still trying to work out how all of this will function. The design events the applicant is attending were already scheduled so everything could not be fit within the timeframe of the due diligence. Mr. Smith said Commissioner Underwood is also correct about the B-3 zoning, the City's B-3 zoning is different than the County's B-3 zoning. Ms. Adrienne Jones, with the City of Daphne, reviewed this and had no issues and the staff report states the City of Daphne had no issues.

Commissioner Underwood said the City of Daphne may not have had any issues with an animal clinic, but she does not know that the City would have an issue with any of the other things that could be placed there under the B-3 designation. She has an email from Mr. Smith stating the City had no problem with it, but she does not have anything from the City of Daphne stating it has no problem with it.

Mr. Smith said an email came from the County to the City of Daphne. He would have to ask staff how it was presented and whether the City was okay with the zoning or the clinic. He is unsure how it was presented to Ms. Jones.

Commissioner Underwood said she will rest her case on this. She just wanted to go on the record.

Mr. Smith said he understands and he appreciates Commissioner Underwood's comments.

Commissioner Davis asked if Mr. Smith's client understands the changes that will be taking place in the roads around Milton Jones Road? There is a fire station that is under construction west of that area and the intersection will have heavy traffic. He hopes the applicant has planned for how this will mesh with the future road. Commissioner Davis said he is about turn lanes and acceleration lanes and he feels that everyone that is on the road that will be improved should be at the table to not only plan how it will work, but also participate in making it happen. He is sure Mr. Smith's client knows this, but he wanted to mention it. Commissioner Davis said he is familiar with that property. He drove by the property and saw there was a trucking operation to the north of the subject property, a restaurant further up and a good bit of property all around it. He was blessed to be on the Daphne City Council and has worked with Ms. Jones. Commissioner Davis said Ms. Jones is very adept at not only looking at what the request is, but what future use could be there. He feels that if Ms. Jones had any concerns she would have expressed it to the applicant. Commissioner Davis said more importantly, he and Ms. Jones have a good relationship and he feels she would have expressed it to him.

Mr. Edward Parker appeared before the Commission and said he lives in Belforest, north of the subject property off Rigsby Road. This particular piece of property is basically surrounded by rural agriculture and the applicant's area is quite flat. The only thing he would advise the Commission is that if this area develops and remains within the Commissioners purview, what will the applicant do with the water. If the surrounding properties develop into residential, make sure the County watches what is done with the water. That is pretty much a flat area and he has seen a lot of water move through that area at times. Mr. Parker said the area is flat and the water does not go anywhere. If the Commissioners have any purview over future development on this property, his only concern is for the Commissioners to make sure the applicant is containing the water and knows where it is going.

There being no further requests to address the Commission, Chairman Gruber closed the public hearing at 9:18 a.m.

Ms. Boykin said when there is a major land use or commercial land use, the applicant has to submit a drainage plan/calculation and one of the engineers in the Highway Department reviews it. Ms. Jones did send a list of things that are allowed within the City of Daphne's B-3 zoning. Ms. Boykin said there can be

offices, city halls, police stations, fire stations and dental offices. If the City of Daphne's Planning Commission approved the B-3 designation, there could be hospitals, clinics and nursing homes on the property. There is a range of what is allowed on property zoned as B-3.

Commissioner Underwood said she appreciates that and she is not opposed to an animal clinic in this location. When this was presented to the Planning and Zoning Commission, there was no indication that there was a difference between the County's B-3 designation and the City's B-3 designation. Maybe there was a reason why there were no questions asked.

Commissioner Davis said he feels this project will be a great addition down Highway 181 and a service to the community. It is not only a good investment for the property owner, but it is a good investment for the County and the City.

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, to adopt Resolution #2019-088, which approves Case No. Z-19019, Breedin Property, as it pertains to the rezoning of 4.3 acres, more or less, as located in Planning (Zoning) District 15, from B-2, Neighborhood Business District, to B-3, General Business District.

The motion passed by the following vote:

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

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills

[19-1429](#)

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to pay bills totaling \$3,504,639.04 (three million, five hundred four thousand, six hundred thirty-nine dollars and four cents) with the exception of Vendor 30, which is listed in the Baldwin County Accounts Payable Payments - June 18, 2019, for a revised total of \$3,504,378.56.

Of this amount, \$280,239.19 (two hundred eighty thousand, two hundred thirty-nine dollars and nineteen 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 Vendor 30 in the amount of \$260.48.

Vendor 30: Ball, James E. - \$260.48

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

EA2 Notification of Interim Payments Approved by Clerk/Treasurer as Allowed Under Policy 8.1 [19-1430](#)

Wayne Dyess, County Administrator, informed the Commission that the Baldwin County Commission Interim Payments - June 18, 2019, made by the Clerk/Treasurer totaling \$2,727,043.19 (two million, seven hundred twenty-seven thousand, forty-three dollars and nineteen cents) are a part of the record.

EB ROAD AND BRIDGE DIVISION

F ELECTED OFFICIAL REQUESTS

G OTHER STAFF RECOMMENDATIONS

GA ADMINISTRATION

GA1 Rails to Trails Project in Baldwin County - Grant Application Submission to National Park Service - Rivers, Trails and Conservation Assistance (RTCA) Program [19-1448](#)

Wayne Dyess, County Administrator, said this is a grant from the National Park Service. There is no funding from the County involved, this is basically a free grant.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve the application submittal to the National Park Service - Rivers, Trails and Conservation Assistance (RTCA) Program for a consultation planning grant related to a proposed Rails to Trails pathway 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

GO PERSONNEL

GO1 One-time Additional Paid Holiday for County Employees and Closing of Certain County Commission Offices and Buildings [19-1498](#)

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

1) In accordance with the Baldwin County Commission Employee Handbook, Policy IV, F. Holidays, approve a one-time additional paid holiday for Baldwin County employees to be observed on Friday, July 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

After the motion and before the vote, Chairman Gruber said this action will give County employees an extra day off on the Friday after July 4th. The State is doing this so the County is following what the State is doing.

Wayne Dyess, County Administrator, said this approval adopts Resolution #2019-111 which formalizes that request.

After the vote, Chairman Gruber asked if the resolution should be adopted.

Commissioner Underwood asked if she needed to amend her motion.

Wayne Dyess, County Administrator, said "yes." The resolution should be adopted.

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

1) Adopt Resolution #2019-111, in regard to exercising the authority provided at Section 11-1-8 of the Code of Alabama 1975, and without limitation, to close certain public buildings and/or offices owned or leased by and under the control of the Baldwin County Commission only, on Friday, July 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

H COMMISSIONER REQUESTS

I ADDENDA

IA1 Baldwin County Sewer Service Utility Lease Request - Magnolia Landfill

19-1501

Mr. Brad Hicks, Conflicts Counsel, appeared before the Commission and said Terri Graham, Development and Environmental Director, is out of town and could not be here today. He is here because he has the second most knowledge on this subject. Mr. Hicks said he drafted a 30-year license agreement that is renewable with 10-year terms if it is not terminated. It is a \$15,000.00 payment upfront for the license and \$1.00 a year, after that. A part of what staff tried to accomplish initially was to work with Baldwin County Sewer Service to accept some of the lechate eventually from the Landfill. Mr. Hicks said unfortunately, that is a complicated, technical process that is beyond his limited engineering degree, which he does not have. Ms. Graham is working towards this still, but she wanted to move forward with this in hopes that it would enable that lechate disposal in the future. He will be happy to answer any questions.

Chairman Gruber said this is something the Landfill has worked on for a few years. He hopes this will lead to help with the lechate. It will help the Landfill's system too. The water is clean and not contaminated, but it needs to go to a plant.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III, to approve a License and Use Agreement between the Baldwin County Commission and the Baldwin County Sewer Service for a 40'x40' utility agreement for the installation of a lift station on county owned property adjacent to Magnolia Landfill (northeast corner of PIN 213289) on County Road 28.

The term of this Agreement shall be for thirty (30) years from the date of last execution, with automatic renewal terms of ten (10) years each unless cancelled in writing by one or more parties no later than 180 days prior to the end of the term then in effect, unless terminated sooner in accordance with Paragraph 9 of the agreement.

BCSS shall make a payment to the County of \$15,000.00 within two (2) days of the Effective Date and one and no/100 dollar (\$1.00) payable every year thereafter on the 18th day of June during the term of this Agreement.

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

K COUNTY ATTORNEY'S REPORT

KA1 Executive Session

19-1584

David Conner, County Attorney, recommended the Commission enter into an executive session to discuss the general reputation and character, physical condition, professional competence, or mental health of individuals, or, subject to the limitations set out herein, to discuss the job performance of certain public employees, to discuss with their attorney the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action 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 meeting will reconvene. He makes the oral declaration that the discussion is appropriate for an executive session.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to enter into an executive session at 9:29 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 Commissioners will enter into an executive session for approximately 25 minutes and then return to the meeting.

The meeting reconvened at 9:58 a.m.

BA8 *Resolution #2019-096 of the Baldwin County Commission - September 17, 2019, Special School Tax Election Regarding the Adoption, Levy, Assessment and Collection of a Special Three (3) Mill Ad Valorem Tax in

19-1495

the District 9 (Am. 382) School Tax District in Baldwin County (Fairhope),
Alabama

Wayne Dyess, County Administrator, said earlier in the meeting, the Commission deferred two items from the Consent Agenda to the Addendum section. Those two items are BA8 and BA9.

David Conner, County Attorney, said these items are the Board of Education's attempts, at the request of local municipalities, to address questions and provide for a program where local municipalities and communities can request a special school tax district to allow for financing of projects or programs within those districts to those schools that are located within that district. The City of Fairhope, along with 231 qualified electors in a petition, has requested the Board of Education call for such election. The statute says the Board can make the request, or it can be done with petitions. The Commission has both and can call and order the election as part of that process. Mr. Conner said the district is not County-wide. It is only related to the schools in the feeder pattern and the district as defined for the City of Fairhope and its surrounding communities. It does not apply County-wide. It will be a three mil ad valorem tax. If it is approved, by the voters in an election that will be held on September 17, 2019, the voters have the absolute authority to either accept or reject that tax. All the Commission is doing, by statute, is the administrative function of calling the election after the request has been made by the petition of the citizens as well as the request of the Board of Education. Mr. Conner said this is for public school purposes and again it must be approved by the majority of electors, not County-wide, but just the qualified electors presiding in the district. It will not affect any other citizens as it relates to their taxes.

Mr. Conner read the staff recommendation and said it is his understanding that the petition of qualified electors has been certified through the Board of Registrars. This agenda action item is set for the Commissioners' consideration.

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

1) Pursuant to a May 16, 2019, Baldwin County Board of Education resolution submitted to the Baldwin County Commission on May 23, 2019, adopt Resolution #2019-096 of the Baldwin County Commission which authorizes, among other things associated thereto, the submission of the question if a special ad valorem district school tax shall be levied and collected annually in District 9 (Am. 382) School Tax District in Baldwin County, Alabama, pursuant to Amendment No. 382 to the Constitution of Alabama of 1901, as amended, and in addition to all ad valorem taxes now or hereafter levied in the District, for public school purposes in the District at the uniform rate of thirty cents (\$0.30) on each one hundred dollars of taxable property in the District for a period of thirty (30) years beginning with the levy for the tax year October 1, 2019, to September 30, 2020 (the tax for which year becoming due and payable on October 1, 2020) and ending with the levy for the tax year October 1, 2048, to September 30, 2049 (the tax for which year becoming due and payable

on October 1, 2049).

Said matter shall be put to a vote of the qualified electors of District 9 (Am. 382) School Tax District in Baldwin County, Alabama at the special election to be held on September 17, 2019, with said tax proceeds used, less the cost of collection, exclusively for educational purposes.

2) Memorialize for the record, a Petition signed by 231 qualified electors of Baldwin County, Alabama, which was filed and presented to the Baldwin County Commission, requesting that the Commission call and order an election to be held in said District 9 (Am. 382) School Tax District in Baldwin County, Alabama on the 17th day of September 2019, to determine whether or not a special ad valorem district school tax shall be levied and collected annually in District 9 (Am. 382) School Tax District in Baldwin County, Alabama for the support and furtherance of education within said 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

BA9 Resolution #2019-097 of the Baldwin County Commission - September 17, 2019, Special School Tax Election Regarding the Adoption, Levy, Assessment and Collection of a Special Three (3) Mill Ad Valorem Tax in the District 7 (Am. 382) School Tax District in Baldwin County (Spanish Fort), Alabama

[19-1496](#)

Wayne Dyess, County Administrator, said this recommendation is related to the school tax for the City of Spanish Fort.

David Conner, County Attorney, said like the previous item, this is a special school tax for the City of Spanish Fort and its surrounding communities. The district has been established by the Board of Education and it only serves and provides funding to those schools that are located within the Spanish Fort special tax district. The petition has been submitted from the qualified electors within that district calling for the special election and the Board of Education, through its local program, is submitting the request on behalf of the City of Spanish Fort and the surrounding communities for the election to be held on September 17, 2019.

Mr. Conner said for the record, he wants to make sure it is clear that the difference between the previous item and this one is the City of Fairhope asked for a thirty (30) year term and the City of Spanish Fort asked for a ten (10) year term. The City of Spanish Fort put the further request on its election provision ballot that the funds be used for academic enhancement programs and life skills programs. Mr. Conner said that is the reflected change between the two documents that he is aware of and will be

set forth on the ballots as well.

Mr. Conner said for the record, as the Commissioners know, he is the City Attorney for the City of Spanish Fort, but he has not perceived this to be, nor has anyone else perceived it to be, a conflict of interest as this is just an administrative function that the Board of Education has. Once the election is requested by the Board of Education and/or the petition, it is then an administrative function. The Commission's duty is to call for the election. If anyone sees this as a conflict, please let him know. In this case he does not so he will proceed at this point in time with this matter. Mr. Conner read the staff recommendation and said it will only be for those electors residing in the City of Spanish Fort district feeder pattern that will vote. If it is passed by the majority of electors, there will be a three (3) mil levy that is only levied against those properties located in that district.

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

1) Pursuant to a June 6, 2019, Baldwin County Board of Education resolution submitted to the Baldwin County Commission on June 10, 2019, adopt Resolution #2019-097 of the Baldwin County Commission which authorizes, among other things associated thereto, the submission of the question if a special ad valorem district school tax shall be levied and collected annually in District 7 (Am. 382) School Tax District in Baldwin County, Alabama, pursuant to Amendment No. 382 to the Constitution of Alabama of 1901, as amended, and in addition to all ad valorem taxes now or hereafter levied in the District, for academic enhancement and life skills programs in the District at the uniform rate of thirty cents (\$0.30) on each one hundred dollars of taxable property in the District for a period of 10 years beginning with the levy for the tax year October 1, 2019, to September 30, 2020 (the tax for which year becoming due and payable on October 1, 2020) and ending with the levy for the tax year October 1, 2028, to September 30, 2029 (the tax for which year becoming due and payable on October 1, 2029).

Said matter shall be put to a vote of the qualified electors of District 7 (Am. 382) School Tax District in Baldwin County, Alabama at the special election to be held on September 17, 2019, with said tax proceeds used, less the cost of collection, exclusively for educational purposes.

2) Memorialize for the record, a Petition signed by 222 qualified electors of Baldwin County, Alabama, which was filed and presented to the Baldwin County Commission, requesting that the Commission call and order an election to be held in said District 7 (Am. 382) School Tax District in Baldwin County, Alabama on the 17th day of September 2019, to determine whether or not a special ad valorem district school tax shall be levied and collected annually in District 7 (Am. 382) School Tax District in Baldwin County, Alabama for the support and furtherance of education within said 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

Chairman Gruber said these were brought to the Commission to be adopted. By law, once it is brought to the Commission, the Commissioners have to take action on it.

J ADMINISTRATIVE REPORT

L ANNOUNCEMENTS

M PUBLIC COMMENTS

N PRESS QUESTIONS

K COUNTY ATTORNEY'S REPORT

KA2 Proposed Settlement Agreement for Tax Payer in Baldwin County

[19-1513](#)

David Conner, County Attorney, said staff submitted to the Commissioners a Proposed Settlement Agreement and Release between the Taxpayer and the Baldwin County Commission, Baldwin County Sales and Use Tax Department, to approve a settlement agreement of an outstanding tax issue. A copy of the proposed settlement agreement and general release is before the Commission. Staff recommends the Commission approve and authorize the settlement agreement on behalf of Baldwin County.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to authorize the Chairman to execute the Proposed Settlement Agreement and Release between a Taxpayer and the Baldwin County Commission, Baldwin County Sales and Use Tax Department, regarding an outstanding tax issue.

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 Cancellation of June 27, 2019, Baldwin County Commission Special Work Session

19-1587

Commissioner Davis asked if action needed to be taken to cancel the June 27, 2019, Baldwin County Commission Special Work Session.

Chairman Gruber said the Commission scheduled a meeting to be held on Thursday, June 27th. However, due to circumstances in trying to have this meeting, other organizations have called and asked the Commission to hold off on the meeting until more information is obtained. Those organizations want to help the Commission

obtain that information. Chairman Gruber said he is asking the Commission to reschedule the meeting to a date that will be announced once the Commissioners have met with the people who want to have input on this issue.

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, to postpone/defer the June 27, 2019, Baldwin County Commission Special Work Session until a later date, at which time, the Commissioners will be better prepared to answer questions and move forward.

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

O COMMISSIONER COMMENTS

Commissioner Underwood said the Sales and Use Tax Department has started an electronic newsletter. The first edition went out this past Monday. It is primarily a very short, four topic newsletter to help the businesses and accountants who help people prepare different sales and use taxes. Commissioner Underwood said it is a very complicated law associated with sales and use taxes in the State of Alabama and Baldwin County. She hopes this will be an avenue people will seek knowledge on this topic to help be in better compliance. Earlier in the meeting, there was a settlement with a business due to sales taxes. The Commission wants the businesses to be more informed so they will not end up in an undesirable situation. If anyone wants to be on the list, they can contact the County. Right now, it will be a monthly e-newsletter.

Chairman Gruber thanked staff for preparing the agenda and said he did not know if everyone was aware, but the agenda was 1,294 pages the Commission had to approve today. This is the amount of work staff prepares for the meeting. Chairman Gruber thanked Felisha Anderson, Archives Director, and the Baldwin County Bicentennial Steering Committee for promoting the Bicentennial events like they have. It is fantastic, and he cannot say enough about it.

P ADJOURNMENT

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to adjourn the June 18, 2019, Baldwin County Commission Regular meeting at 10:13 a.m.

The motion passed by the following vote:

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

Chairman Gruber said the June 18, 2019, Baldwin County Commission Regular meeting is adjourned at 10:13 a.m.

