

Baldwin County Commission

Baldwin County Commission Regular
Meeting Minutes
Tuesday, July 16, 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 Rebecca Gaines, County Attorney.

The Chairman called the meeting to order at 8:30 a.m. and introduced Miranda McKinnon, Baldwin County Commission Administrative Support Specialist III, who appeared before the Commission and led the Commission in prayer. After the Pledge of Allegiance led by Commissioner James E. Ball, the Commission transacted the following business to-wit:

ADOPTION OF MINUTES

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

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

B CONSENT

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, 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 Baldwin County Animal Control Advisory Board - Board Appointment

[19-1669](#)

Related to the Baldwin County Animal Control Advisory Board, take the following action:

1) Appoint Amy Jernigan Parlier as a member of the board (as District Attorney Wilters' designee) to fill the vacant place seat formerly held by Lauren Ollinger for a pro-rata reduced four (4) year term, said term to commence on July 16, 2019, and expire on February 7, 2023.

BA2 Baldwin County Commission District No. 1 Planning (Zoning) District Board of Adjustment (Greater North Baldwin County Area) - Board Appointment

[19-1656](#)

Related to the Baldwin County Commission District No. 1 Planning (Zoning) District Board of Adjustment (Greater North Baldwin County Area), take the following actions:

1) Accept the resignation of Mr. Thomas Mitchell Broughton, effective June 19, 2019, and thank him for his former civic service as a regular member (Planning District 4 designee) of the board; and

2) Appoint Ms. Christine Sullivan as a regular member (Planning District 4 designee), to fill the place seat formerly held by Mr. Thomas Mitchell Broughton, for a pro-rata reduced three (3) year term, said term commencing July 16, 2019, and expiring on October 17, 2021.

BA3 Baldwin County Commission District No. 2 Planning (Zoning) District Board of Adjustment (Greater Eastern Shore Baldwin County Area) - Board Appointment

[19-1658](#)

Related to the Baldwin County Commission District No. 2 Planning (Zoning) District Board of Adjustment (Greater Eastern Shore Baldwin County Area), take the following action:

1) Appoint Ms. Mary Shannon Hope as a regular member (Planning District 26 designee), to fill the vacant place seat formerly held by Mr. Carl Torbert, for a pro-rata reduced three (3) year term, said term commencing July 16, 2019, and expiring on November 7, 2020.

BA4 Baldwin County Commission District No. 4 Planning (Zoning) District Board of Adjustment (Greater South Baldwin County Area) - Board Appointments

[19-1657](#)

Related to the Baldwin County Commission District No. 4 Planning (Zoning) District Board of Adjustment (Greater South Baldwin County Area), take the following actions:

- 1) Reappoint Mr. Robert E. Broseus as a regular member (Planning District 23 designee) for a three (3) year term, said term continuing from June 20, 2019, and expiring on June 20, 2022; and
- 2) Reappoint Ms. Johanna Moloney as a regular member (Planning District 32 designee) for a three (3) year term, said term continuing from June 20, 2019, and expiring on June 20, 2022; and
- 3) Reappoint Mr. John Hilderbrandt as a regular member (Planning District 33 designee) for a three (3) year term, said term continuing from June 20, 2019, and expiring on June 20, 2022; and
- 4) Remove the name of Mr. Hugh William Helms as an alternate board member (Planning District 29), leaving the place seat vacant.

BA5 Cindy Haber Center, Inc. - Board Appointment

[19-1637](#)

Related to the Cindy Haber Center, Inc., take the following action:

Adopt Resolution #2019-119, which appoints Ms. Gillian Hartman as a member of the Board of Directors to the vacant place seat formerly held by Ms. Peggy Vanover Barnes, for a pro-rata reduced six (6) year term, said term to commence July 16, 2019, and expire April 1, 2023.

BA6 Beach Club West National Fish and Wildlife Foundation (NFWF) Project - Letter of Support

[19-1630](#)

Authorize the Chairman to execute a letter of support for the Beach Club West National Fish and Wildlife Foundation (NFWF) Project.

BA7 Request from Cub Scout Pack 321 - Waiving of Usage Fees at Baldwin County Bicentennial Park

[19-1668](#)

At the request of Ms. Kathi Hadden with the Cub Scout Pack 321, waive Baldwin County Policy 2.23 - Reservation of Live Oak Landing and Bicentennial Park Facilities, and allow the Cub Scout Pack 321 to use the grounds of the Bicentennial Park free of charge, on November 8-10, 2019 (Friday-Sunday) for the Cub Scouts annual Rain Gutter Regatta Races, Bobcat Ceremony and first camp out of the year.

As a service project, the Cub Scout Pack 321 will be cleaning up the park and retiring flags during a campfire meeting while on premises during the camp out.

This approval is contingent upon the requestor/responsible parties executing the Bicentennial Park Facility Reservation Request Form.

BB ANIMAL CONTROL

BB1 Baldwin County Trap-Neuter-Return (TNR) Program - Renewal of Robertsdale Animal Clinic and Baldwin Animal Clinic Agreements [19-1650](#)

Approve and authorize the Chairman to execute a Professional Service Agreement renewal for the Trap-Neuter-Return (TNR) Program services with Robertsdale Animal Clinic and Baldwin Animal Clinic. The Agreements shall commence on July 16, 2019, and continue for a period of ninety (90) days, expiring October 16, 2019, with an automatic renewal for one additional ninety (90) day term (expiring January 16, 2020), unless terminated by either party in accordance with the terms of the Agreement.

BD BUDGET/PURCHASING

BD1 Competitive Bid #WG19-33 - Interior Renovations of Courtroom No. 7 in the Baldwin County Courthouse Located in Bay Minette, Alabama for the Baldwin County Commission [19-1634](#)

Approve Change Order #1 in the amount of \$1,923.15 with E-J Builders, Inc., for the Interior Renovations of Courtroom No. 7 in the Baldwin County Courthouse Located in Bay Minette, Alabama and authorize the Chairman to execute Change Order.

BD2 Competitive Bid #WG18-36 - Provision of Fiber Optic Network-Maintenance and Locates for the Baldwin County Commission [19-1638](#)

Extend Bid #WG18-36 for the provision of fiber optic network-maintenance and locates with Two-Way Communications, Inc., d/b/a 2-Way, Inc., for an additional twelve (12) months at the same prices and terms stated in the bid specifications as awarded on September 18, 2018. The Contract extension will expire on September 18, 2020.

BD3 Competitive Bid #WG19-43 - Provision of Pest Control for the Baldwin County Commission [19-1641](#)

Award Bid #WG19-43 to the lowest bidder, Bay Pest Control Company, Inc., for the provision of pest control services as per the Award Listing.

BD4 Competitive Bid #WG19-44 - Provision of Bottled Water for the Baldwin County Commission [19-1642](#)

Award Bid #WG19-44 to the lowest bidder, Coca-Cola Bottling Co. United for the provision of bottled water as per the Award Listing.

BD5 Competitive Bid #WG19-48 - Purchase of One (1) New Police Interceptor Utility K8A Vehicle for the Baldwin County Sheriff's Department

[19-1643](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the purchase of one (1) new Police Interceptor Utility K8A Vehicle for the Baldwin County Sheriff's Department; and
- 2) Further, authorize the Chairman/Purchasing Division Commissioner for the Baldwin County Commission to approve any necessary addendums or clarifications if required after the bid is advertised.

BD6 Competitive Bid #WG19-49 - Purchase and Installation of Audio/Video Systems for the Courtrooms Located in the Baldwin County Courthouse, Fairhope Satellite Courthouse and Foley Satellite Courthouse for the Baldwin County Commission

[19-1644](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the purchase and installation of audio/video systems for the Courtrooms located in the Baldwin County Courthouse, Fairhope Satellite Courthouse and Foley Satellite Courthouse; 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 Copy Machine Rental for the Baldwin County Judge of Probate Office, Fairhope Commission Office, Planning & Zoning Department and the Council on Aging Department

[19-1645](#)

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:

Location: Judge of Probate, Tag Section - Bay Minette, Alabama

Model: MX-M6070

Price: \$134.42/month

Excess Charge/copy: \$0.0049 BW

Location: Commission Office - Fairhope, Alabama
Model: MX-4071
Price: \$166.05/month
Excess Charge/copy: \$0.0065 BW/ \$0.0450 Color

Location: Planning & Zoning Department - Robertsedale, Alabama
Model: MX-6071
Price: \$243.25/month
Excess Charge/copy: \$0.0054 BW/ \$0.0400 Color

Location: Council on Aging Department - Robertsedale, Alabama
Model: MX-M5050
Price: \$106.74/month
Excess Charge/copy: \$0.0049 BW

BD8 Pre-qualification of Contractors for the Interior Build-out of the Second Floor of the Baldwin County Satellite Courthouse Located in Fairhope, Alabama [19-1649](#)

Take the following actions:

- 1) Reject all five (5) applications received due to incomplete proposals on the interior build-out of the second floor of the Baldwin County Satellite Courthouse located in Fairhope, Alabama project; and
- 2) Authorize the Purchasing Director to re-advertise the pre-qualification of contractors for the interior build-out of the second floor of the Baldwin County Satellite Courthouse located in Fairhope, Alabama.

BD9 Request for Proposals (RFP) for Developing a Baldwin County Solid Waste Gas-to-Energy Project Located at the Magnolia Sanitary Landfill [19-1647](#)

Authorize the Purchasing Director to solicit a Request for Proposals (RFP) for developing a Baldwin County Solid Waste Landfill Gas-to-Energy project.

BD10 Request for Qualifications for the 2020 Digital Orthophoto Acquisition [19-1648](#)

Authorize the Purchasing Director to release a Request for Qualifications (RFQ) to Consultants for the acquisition of countywide orthophotos and optional building footprint data.

BF BUILDING MAINTENANCE

BF1 County Fixed Asset Change - 2006 Chevrolet C1500 ½ Ton Truck and 2003 Ford F-150 [19-1672](#)

Take the following actions:

- 1) Authorize the transfer of one (1) 2006 Chevrolet C1500 ½ Ton Truck (VIN #1GCEC14X56Z147820) from the Building Maintenance Department to the Administration Department; and
- 2) Authorize the transfer of one (1) 2003 Ford F-150 Truck (VIN #1FTRF17W73NB39099) from the Building Maintenance Department to the Administration Department.

BG COMMUNICATIONS/INFORMATION SYSTEMS (CIS)

BG1 Oracle True-up Authorization

[19-1636](#)

Approve and authorize Chairman to execute an Agreement and Modifications to the Agreement for true-up of pricing for time and attendance licensing and support (Oracle License and Services Agreement) provided to Baldwin County Commission by Oracle America, Inc. in the amount of \$25,963.11.

BG2 Sands Tech AV, LLC, Request for Termination of Contract

[19-1635](#)

Take the following actions:

- 1) Approve request from Sands Tech AV, dated June 27, 2019, to exercise the 30-day termination clause (XVIII. Termination of Services) as stated within the active video broadcast contract between Baldwin County Commission and Sands Tech AV.
- 2) Authorize the Chairman to notify Sands Tech AV, LLC, of Commission's approval of the termination, effective July 27, 2019.

The Communications and Information Systems (CIS) staff will assume production of the regularly scheduled meetings starting July 14, 2019.

BL FINANCE AND ACCOUNTING

BL1 Sales & Use Tax Collection Software Agreement Addendum

[19-1673](#)

Related to the Sales & Use Tax collection software, take the following actions:

- 1) Approve the Computer Software Support Agreement with Delta Computer Systems, Inc., commencing on the first day of the delivery of the software or upon acceptance of the addendum(s) by both parties and shall remain in effect for one year. This agreement shall remain in effect for one year and automatically renew annually; and
- 2) Authorize the Chairman to sign the Computer Software Support Agreement Addendum with Delta Computer Systems with the new monthly rate in the amount of

\$1,025.00, effective October 1, 2019.

BM HIGHWAY

BM1 Advertising Amendments to the Baldwin County Subdivision Regulations [19-1653](#)

Authorize staff to advertise for a public hearing to be held on August 6, 2019, for the Baldwin County Commission to consider amending the Baldwin County Subdivision Regulations.

BM2 Bridge Replacement on County Road 9 over Barner Branch - Resolution #2019-120 and Construction Funding Agreement [19-1294](#)

Approve Resolution #2019-120 and an agreement with the Alabama Department of Transportation (ALDOT) for the financing of construction cost associated with the County Road 9 Bridge Replacement over Barner Branch. Funding is subject to availability of Federal Aid Funds at the time of authorization. (Agreement shall be effective date of the approval of the Governor of Alabama and may be terminated by either party upon the delivery of a thirty (30) day notice of termination.)

BM3 General Canby Drive - Block Party [19-1666](#)

Approve the request from Ms. Deanna Jones to close General Canby Drive, from 57 General Canby Drive to 63 General Canby Drive, on July 20, 2019, from 10:00 a.m. until 1:00 p.m. for a block party.

BM4 Little River Community Center Property Clearing [19-1621](#)

Approve the Area 100 Highway Department to clear trees and vegetation from the property recently acquired by Baldwin County for the new Little River Community Center for an estimated cost of \$14,676.00 for labor and equipment from Budget Line Item: 51990.5500.001.

BM5 Morgantown Boardwalk Coastal Grant Application [19-1667](#)

Take the following actions:

- 1) Confirm, ratify, and approve the grant application documents submitted to U.S. Fish and Wildlife Service for the Morgantown Boardwalk Coastal Grant Application executed by the Chairman on July 3, 2019; and
- 2) Authorize the Chairman to sign any additional grant application documents required regarding the above grant.

BM7 Project No. 0206818 - County Road 64 Capacity Improvements - Design [19-1626](#)

Services

Waive Baldwin County Commission Policy #9.10 - Engineering and Surveying Services and approve on-call consultant Volkert, Inc. to perform design services for the County Road 64 Capacity Improvements Project, with design fees not to exceed \$526,142.00. The Eastern Shore Metropolitan Planning Organization (ESMPO) will fund 80% of the design fees and the County will provide the 20% local match.

BM8 Resolution #2019-121 - Fiscal Year 2020 High Risk Rural Roads (HRRR) Traffic Control Device Project - County Road 112 from US Highway 31 to Alabama/Florida Stateline [19-1623](#)

Adopt Resolution #2019-121 and submit a Letter of Intent to apply for Federal Funds for the Installation of Traffic Control Devices (Thermoplastic Striping) on County Road 112 from US Highway 31 to the Alabama/Florida Stateline.

BO PERSONNEL

BO1 Animal Shelter/Control - Personnel Changes [19-1639](#)

Take the following actions:

- 1) Approve the employment of Kaitlin Coggin to fill the open full-time Animal Control Technician (PID #5358) at a grade F-EL (\$11.810 per hour/\$24,564.80 annually); and
- 2) Approve the employment of Shealyn Flowers 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 July 22, 2019.

BO2 BRATS - Transfer of Employee from Part-time Bus Driver to Full-time Bus Driver [19-1631](#)

Approve the transfer of Shannon Dumas from the part-time BRATS Bus Driver position (PID #PT06) G-02 (\$13.620 per hour) to fill the full-time BRATS Bus Driver position (PID #439), with no change in hourly pay to be effective no sooner than July 22, 2019.

BO3 Emergency Management Agency - Updated Position Description for Deputy EMA Director [19-1640](#)

Approve the updated position description for Deputy Emergency Management Agency (EMA) Director.

BO4 Highway Department (Silverhill) - Personnel Changes [19-1629](#)

Take the following actions:

- 1) Approve the promotion of Brian Tackett from the Laborer position (PID #927) grade E-02 (\$11.324 per hour/\$23,553.92 annually) to fill the open Operator Technician I position (PID #3079) grade G-EL (\$12.967 per hour/\$26,971.36 annually); and
- 2) Approve the promotion of Jared Caswell from the Operator Technician I position (PID #684) grade G-04 (\$14.314 per hour/\$29,773.12 annually) to fill the open Operator Technician II position (PID #288) at a grade H-03 (\$15.343 per hour/\$31,913.44 annually); and
- 3) Approve the employment of James King to fill the open Operator Technician I position (PID #684) at a grade G-03 (\$13.962 per hour/\$29,040.96 annually), with said salary due to experience; and
- 4) Approve the promotion of Calvin Glass from the Operator Technician II position (PID #440) at a grade H-06 (\$16.503 per hour/\$34,326.24 annually) to fill the open Operator Technician III position (PID #3004) grade I-05 (\$17.697 per hour/\$36,809.76 annually).

These actions will be effective no sooner than July 22, 2019.

B05 Personnel Department - Social Security Disability Extension Premium for COBRA Enrollees

[19-1627](#)

Take the following actions:

- 1) Approve the change for the Social Security Disability extension premium for COBRA Enrollees from 150% to 102%; and
- 2) Authorize the Chairman to execute a letter related to said County sponsored health insurance policy change.

B06 Solid Waste Department (Collections) - Employment of Two (2) Solid Waste Driver I Positions

[19-1628](#)

Take the following actions:

- 1) Approve the employment of Scott Conroy to fill the Solid Waste Driver I position (PID #5442) at a grade H-EL (\$14.246 per hour/\$29,631.68 annually); and
- 2) Approve the employment of Robert Taylor to fill the Solid Waste Driver I position (PID #657) at a grade H-EL (\$14.246 per hour/\$29,631.68 annually).

These actions will be effective no sooner than July 22, 2019.

CA GENERAL

CA1 Resolution #2019-123 Commending Ms. Mary Kemp - 2019 National Senior Games

[19-1660](#)

Ms. Mary Kemp appeared before the Commission to accept the resolution as presented by Chairman Gruber, on behalf of the Commission.

After Wayne Dyess, County Administrator, read the resolution, Chairman Gruber said this is a token which commends Ms. Kemp for what she has done which is remarkable. Chairman Gruber asked Ms. Kemp to let everyone know how she managed to accomplish this.

Ms. Kemp commented on how she started on her journey, her family and her life. Ms. Kemp said she is so enthused about this and she appreciates everyone who has helped her.

Kelly Childress, Council on Aging Director, appeared before the Commission and said Ms. Kemp's son, Glen, has also received many medals in basketball. He and Ms. Kemp traveled to New Mexico where Ms. Kemp won two gold medals and a bronze medal at 97 years old and a World War II veteran. Ms. Childress said she sings Ms. Kemp's praises. Ms. Kemp and her son are the roots of Baldwin County. Ms. Childress introduced Ms. Lisa Bond and said Ms. Bond went with Ms. Kemp to New Mexico and pushed her and supported her all the way.

Ms. Bond appeared before the Commission and said she works with seniors in Baldwin County. Ms. Bond thanked the Commissioners for recognizing the "diamond" they have in Ms. Kemp. Ms. Bond commented on how she met Ms. Kemp and said Baldwin County is a unique area. Seniors come to Baldwin County not to retire, but to continue living. The resources the Commissioners have through the Area Agency on Aging makes a difference for the seniors. There is not another county that offers what Baldwin County offers through the Area Agency on Aging and the seniors are empowered because of it. Ms. Bond said for Ms. Kemp to fly to New Mexico at 97 years old, and run three races in that altitude, this is the Commissioners' "daughter" and "diamond." Ms. Kemp is a World War II veteran with a ton of personality and she is very proud of her. Ms. Bond commented on the Swanson Award and said out of 200 nominations, only 10 people were chosen as finalists and Ms. Kemp was the only finalist from Alabama. Ms. Kemp was 2nd in the nationwide voting. Ms. Bond congratulated Baldwin County for promoting healthy lifestyles for its seniors.

Chairman Gruber said it is a privilege to have senior citizens who are so active. It is not only Ms. Kemp, but all of the County's senior citizens. The County is fortunate to have Ms. Childress as the Council on Aging Coordinator; she does a great job. Chairman Gruber asked everyone to give Ms. Kemp another standing ovation because she deserves it.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to adopt Resolution #2019-123 commending Ms. Mary Kemp of Fairhope, Alabama, for her accomplishments in representing Baldwin County and the State of Alabama in the 2019 National Senior Games in Albuquerque, New Mexico in June 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, before the vote, Commissioner Ball said he would like for Ms. Kemp to attend every meeting because she could put the Commissioners in a positive mood. He does not know how anyone can be around Ms. Kemp and not be happy all of the time. Ms. Kemp's accomplishments are amazing. Commissioner Ball thanked Ms. Childress for all she does for the seniors of Baldwin County and said he is unsure if people know how hard she and her staff work. They do amazing work.

Commissioner Davis said he is 71 years old and he cannot hold a candle to the 96-year-old he just heard from. It has inspired him to do things better. Commissioner Davis said everyone should take a page from Ms. Kemp. It is an inspiration to hear and see someone like Ms. Kemp, where she has been and what she has gone through. Everyone should be proud of where they have been, where they are and more importantly, where they can be. Commissioner Davis said Ms. Kemp is his new "Chic Fil A." At Chic Fil A, employees either love what they do, or they act like they love what they do. Ms. Kemp inspires him to do better. He appreciates the opportunity to say this. Everyone should reflect inward and try and do something good every day.

Commissioner Underwood said Ms. Kemp is so blessed and she is a blessing to everyone else. She had no idea she would get to witness this today. Ms. Kemp has inspired her. Commissioner Underwood said there are so many people out there who will see Ms. Kemp and be inspired because so many people have lost hope. Commissioner Underwood said she cannot wait for the nursing home residents to see this meeting. They may get inspired to get moving, complete their rehab and leave. She receives so many positive phone calls about Ms. Childress and the Council on Aging staff. Commissioner Underwood said everyone watching should find out about what the Council on Aging Office does; the office is located in Robertsedale. Commissioner Underwood said she received a call this week praising one of the Council on Aging staff members. Ms. Childress and her staff have helped so many people. Ms. Kemp has inspired her to get back out there.

Chairman Gruber thanked Ms. Kemp for attending today's meeting and bringing "life" to the Commission.

D PUBLIC HEARINGS

DP PLANNING AND ZONING

DP1 *Case Z-19008 - Kircharr Rezoning Request

[19-1662](#)

Wayne Dyess, County Administrator, said the Commissioners have a memorandum from Vince Jackson, Planning Director, before them in paper form. There has been a request to withdraw this request. However, that request came in within seven days of the public hearing and it is at the discretion of the Commission.

Chairman Gruber said there is a request to withdraw Item DP1. The Commission still has to hold the public hearing.

Mr. Jackson appeared before the Commission and provided background information on the subject property.

Commissioner Davis asked what are the timelines for the property owners to bring this back up.

Mr. Jackson said when an application is withdrawn, the applicant can bring it back up at any time. There was a meeting held yesterday and he anticipates that before anything is resubmitted, there will be some meetings with staff to address some of the issues brought up and perhaps submit something that will address those issues and present something that will be better received. Mr. Jackson said in talking with the applicants yesterday, he feels it will be a little while.

Commissioner Davis said as the County grows, he wants to make sure the proposed site is dealt with in a professional and proper manner. There must be and usually is, a plan for storm water run-off, utility connection and all of the other things. The Commissioners have to make sure the problem is not passed down. That is his personal approach to problems like this.

Chairman Gruber opened the public hearing at 8:55 a.m. and asked if there is anyone present who wishes to speak.

There being no requests to address the Commission, Chairman Gruber closed the public hearing at 8:55 a.m.

Chairman Gruber said there is a letter of request to withdraw the case.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to accept the letter of withdrawal for Case #Z-19008, Kircharr Property, as it pertains to the rezoning of approximately 148.55 acres located in Planning (Zoning) District 15.

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

DP2 *Case Z-19011 - Savannah Estates Planned Residential Development (PRD) Site Plan Approval

[19-1663](#)

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

Chairman Gruber opened the public hearing at 8:56 a.m. and asked if there is anyone present who wishes to speak.

There being no requests to address the Commission, Chairman Gruber closed the public hearing at 8:56 a.m.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III, to honor the applicant's request to withdraw Case #Z-19011, Savannah Estates Planned Residential (PRD) Site Plan Approval, as it pertains to the approval of a 39- lot Planned Residential Development to be known as Savannah Estates.

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

DP3 Case Z-19022 - Hayes Rezoning Request

[19-1661](#)

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

Commissioner Underwood said she received an email from the applicant, requesting the application to be tabled. Commissioner Underwood said she spoke with Mr. Jackson about this and if that is the case, that action will give the Commissioners 60 days.

Mr. Jackson said once the public hearing is opened, the Commissioners will have 60 days in which to make a decision.

Commissioner Underwood said because the request is within the seven days of

the meeting, it is at the discretion of the Commission. She wants the audience to know the Commissioners have received a request to table this. This request was not in the agenda because it came yesterday. She wants the public to know a request has been made to the Commission.

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

Ms. Donna Hinote appeared before the Commission and said she lives in Rosinton; her property adjoins County Road 68. The Commissioners have read her request in opposition of this. Ms. Hinote said her thoughts have not changed, neither have the residents she represents. She represents the concerned citizens who have the same concerns she has regarding crime, traffic and pollution. They are asking the Commissioners to take their concerns to heart when they vote on this now, or in 60 days. Ms. Hinote asked what does 60 days mean?

Commissioner Underwood said it means the Commissioners have to make a decision to approve or deny the request within 60 days, unless the applicant asks to withdraw the application. If there was a request to withdraw the application, it would be off the table and the Commissioners would not make a decision on it one way or another. Commissioner Underwood said at this point in time, tabling the request will not make it go away. It only means the applicant may wish to present something different. If something different is presented, it may constitute having to go back to the Planning and Zoning Commission if it is a zoning request that is different than the request at hand. The Commissioners have to make a decision within 60 days of today if it is tabled.

Ms. Hinote asked if it is tabled to any meeting within the 60 days, to which Commissioner Underwood replied it would be heard at a regular Commission meeting. Ms. Hinote said this cannot be held at a meeting the public is unaware of. Commissioner Underwood said the Commissioners are prohibited from that. Ms. Hinote said she did not know which meeting it would be tabled to.

Commissioner Underwood said she was personally contacted about this yesterday. It was not an open meeting and she did not have to talk about it. Staff may want to look at the calendar to determine the date if Ms. Hinote is interested in that.

Ms. Hinote said that is what she needed to know.

David Conner, County Attorney, said the public hearing is being held now. Unless there is a substantial change in the application that would require it to be re-noticed, the public hearing will not be re-advertised. The public will have to keep up with the County Commission agenda as to which meeting it will be discussed. A decision has to be made within 60 days. There will not be another

mail-out to the property owners before it is done. The public will have to keep up with this within the 60 days. If the applicant withdraws, then that will take place. If the applicant changes it significantly, then staff will have to re-advertise and start over. Mr. Conner said he wants to make sure everyone is clear about this.

Mr. Jackson said the last Commission meeting within that 60-day timeframe would be the September 3, 2019, meeting.

Ms. Marilyn Crawford appeared before the Commission and said she has been in the Rosinton community for years. She lives on Patterson Road at the Wilcox exit and there are three RV parks in her area. There are some good people there, but there are also some "riff-raff." There was abuse and murder of an infant that was in a travel trailer on Patterson Road. The criminal activity is a real threat. Ms. Crawford said she is unsure of how it works and does not know if the RV parks check for a criminal background, but there are sex offenders there. Her concern is that this will invite a lot of unwanted people in the community. They want the children and the community to be safe. Ms. Crawford said as a concerned citizen, she wanted the Commissioners to know this.

Mr. Dan Middleton appeared before the Commission and said he expressed his concerns at the last meeting and he is sure the Commissioners know how he and the community feel. Mr. Middleton said with the request to table this, he hopes the applicant's heart changes and he will do something of quality, or not do anything at all. The residents are concerned with the safety of the children, grandchildren and the community. Baldwin County is a beautiful, wonderful county the residents live in. Mr. Middleton said he asked who polices this to which Mr. Jackson replied that is done on a call basis. The County is getting a lot of RV parks, it may be time for someone to consider actually policing them to hold crime down and keep the public safe. Mr. Middleton said he appreciates everything the Commissioners do, and he does not have anything else to say until the next meeting.

Ms. Carolyn King appeared before the Commission and said she lives around the corner from the subject property. She appreciates the chance to speak because it is a very real issue, not just for the community, but for the County. Ms. King said she realizes this will be tabled, but like Mr. Middleton, she hopes something of quality is brought forth. What the residents have seen and have had to live with is just the opposite. That was one of the biggest concerns because the residents knew what was going in. It was already there, it has cleaned up a bit lately, but that is a real concern. Ms. King said she was at the meeting last Tuesday and a lot of issues were brought up regarding the infrastructure, the environmental issues, draining, flooding and the compounding of traffic already there due to the new Buc-ees. The residents' safety should be the number one issue. Ms. King said Commissioner Davis often says how Baldwin County is paradise, she is imploring the Commissioners to not take that away from them. There is a quality

of life the residents do not want changed. Ms. King asked the Commissioners to consider the residents, their community and the way of life they all enjoy. They do not want what they have in Baldwin County degraded.

Mr. Eric Russell appeared before the Commission and said he lives on one of the properties totally surrounded by the subject property. He is originally from New York state. He loves this area and he moved here because it is rural. He has spoken to RV owners and it was reiterated to him that RV parks are noisy and messy, even the best parks. What the applicant has proposed is a parking lot. If the RV park is going to be of high quality, it will need amenities. Mr. Russell said there should be a reason for people to be there. This is not good for the community. It is also going to be a commercial property in the middle of residential properties. It will be a bad precedence. Mr. Russell said all of the people in this area are residents there, he moved there 13 years ago. He does not want to leave, but something like this will cause him to go and he does not want to do that.

Mr. Steven Hinote appeared before the Commission and said he lives just east of the subject property. The RV park will not benefit the community in any way. It will only benefit one person and that is the applicant. Why would the Commissioners approve something for someone who did not follow any rules and regulations in the beginning when it was up for rezoning? The applicant was moving in RVs and mobile homes. Why reward the bad behavior to one man when there is the entire community that has come together against this? That is a lot of votes for people who sit in elected positions. Mr. Hinote said he feels his family will not be safe with this next door to his property. He has two small children, livestock and a lot of money and time invested on his property. He nor the community want or need this in their backyards. Mr. Hinote said he feels this should be denied today and not tabled until the next meeting.

Mr. Scott Hamilton appeared before the Commission and said he lives on Daughtry Lane. He moved here 12 years ago. He has three acres and a nice, small brick home. He cuts his yard on a riding lawnmower every week. Mr. Hamilton said he moved here from Birmingham, Alabama, where he lived in a 250 mobile home park for many years. He kept his lot up and it was a real respectable park with good rules. However, in a mobile home/RV park, once it is set up, there are no guidelines on the clientele or the type of people the park gets. People will move into an RV and make it their home. Mr. Hamilton said he has nothing against this, but he still owns a mobile home on the farm he was raised on. When he left his mobile home park, it was in pretty good shape and it was located within a half-mile of the biggest shopping mall in Jefferson County. Now, that park is a rat hole. When RVs are brought in and it is not set-up to entice people to come in with \$50,000.00 RVs to stay, it will become a drug hole with crackheads. That is the fear. Mr. Hamilton said he moved here for the residential property, not commercial. What is the point of having a residential zoning for what they have?

What is the point of people buying or building their homes? There is a 60-acre property next to him where the owner is building a \$300,000.00 home in the middle of it. Mr. Hamilton said he feels secure his home will retain its value. However, if the applicant is able to put a mobile home on the property 1/2 mile from him, and sells it later on, the residents do not know who will manage it. It will be out of their control. There are a lot of nice RV parks, but there are no guarantees and the residents want to keep their residential status with houses and try to keep it safe for their families. If a drug user moves into the park, there will be traffic in and out from people buying or selling drugs. He has lived through this process and have shut things down by not going to the local police. He deals with the Alabama Bureau of Investigation where his identity is protected and the only thing needed is probable cause. Mr. Hamilton said all he has to do is stand up during the trial and swear to give them probable cause so the offenders can be prosecuted. He understands the law. He is associated with his family's plumbing company. He is not doubting that people are working for a living, but in his industry, there is not much to choose from as far as employees. Mr. Hamilton said he does not need those types of employees living next door to him. They cannot drive a company truck because of the liability, but they can show up on new home construction sites and no one complains and the residents are not responsible. Mr. Hamilton said he has lived in a mobile home park and seen it turn into a rat hole. He has seen the drugs and the police come in and he was glad to get out of there. Mr. Hamilton said he does not want this in his neighborhood. He lives in a nice house and tries to keep it up. It is not the fanciest house in the world, but it is not a trash dump and he does not want one next door to him. Mr. Hamilton thanked the Commissioners for listening to him and said that is how he feels about it. He wishes the Commissioners would deny it today because he feels if it is tabled, then the residents will be out of the loop and will not be able to come back and say anything. Mr. Hamilton said it is nothing personal, but he has heard rumors the applicant is connected to the Planning and Zoning Commission. He does not know if there is someone who thinks they are powerful enough politically with the people they associate with. Those are the rumors he has heard. He is not trying to assassinate the applicant's character. Mr. Hamilton said he deals with plumbing, but he has also dealt with inspectors who will pass inspection on anything. He has seen everything. He does not know who the applicant knows and how he is tied up in politics. Mr. Hamilton said he did not know there was a rezoning request. He does not mean to insult or slander anyone, but the residents do not need this pushed on them.

Mr. Marvin Hayes, the applicant, appeared before the Commission and said the reason he is asking for the Commission to table his request is because he would like to do a compatible study on the RV sites that have been approved and the RA zoning. He has heard the community speak and he wants to do what is right for the community. He grew up in the community and is in the process of restoring the old baseball park there. This has been one of his dreams. Mr. Hayes said he does not want to see anything bad happen to the community he grew up in.

Commissioner Underwood said staff does a staff analysis and findings and there are questions. One of the last questions deals with other matters which may be appropriate. During the first public hearing, this was not brought up. This is the second public hearing, but it was brought up during the work session which is a quasi-public hearing. One of the questions in the staff analysis and findings is "Is the requested change compatible with the existing development pattern and the zoning of nearby properties?" Commissioner Underwood said then comes the question as to what is compatibility and exactly how is compatibility derived at? Is the surrounding property rural agricultural with the request to change the use to an RV park? The Baldwin County Zoning Ordinance states that an RV park is considered a major commercial use. In major commercial districts, this should be limited to property fronting on principle arterials, major arterials or minor arterials. Commissioner Underwood said she has had some discussions with the applicant and it is only fair to Mr. Hayes that he has a total understanding of what a compatibility analysis is. This was brought to him when he attended the work session last week, which is not an official public hearing. Therefore, tabling this request is by no means a denial or approval. It is simply a tabling of the request and she feels the residents should realize the Commissioners want to work with everyone including the citizens of Rosinton and Mr. Hayes to do what is best for that piece of property to determine if it should be rezoned or not. Commissioner Underwood said she respects the citizens' interest and has talked to many of them. She wants them to know the Commissioners want to do the right thing by the citizens and Mr. Hayes. A little more time is not something that is a bad thing and she wants to let the citizens know that this had not been brought out before and that staff is telling the Commissioners to make their decision based on the public hearing. Whereas, it was recommended for approval, sometimes things can come out in a public hearing that could definitely make a difference in the decision. Commissioner Underwood said just because staff originally made a recommendation does not mean that something may not have happened in the public hearing during the Planning and Zoning Commission meeting or today's public hearing. She wanted those statements to be made during the public hearing because she feels the Commissioners owe it to the applicant if they ask for this request if there is a misunderstanding about something.

Mr. Hayes said if they are willing, he would like to sit down with Mr. Middleton, Ms. Christine Darby and Ms. Hinote after today's meeting.

There being no further requests to address the Commission, Chairman Gruber closed the public hearing at 9:26 a.m.

Mr. Jackson said staff is agreeable to the request to table this and it is up to the discretion of the Commission. If it is tabled, the last Commission meeting date in which the Commissioners will have to take action will be September 3, 2019.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III,

to table Case #Z-19022, Hayes Property, as it pertains to the rezoning of approximately 26.93 acres located in Planning (Zoning) District 12, until no later than September 3, 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

David Conner, County Attorney, asked Mr. Jackson if the Commissioners need to pick a date certain as to when this will come back up in order for everyone to know?

Mr. Jackson said that is up to the Commission, it has to come back by September 3rd.

Mr. Conner said it has to come back at the end of the 60-day timeframe. He feels for the purposes of notice and unless the Commissioners feel differently, it would be nice to peg down the date on which the Commission will make its decision on this item as well as the others in order to let everyone know.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to table Case #Z-19022, Hayes Property, as it pertains to the rezoning of approximately 26.93 acres located in Planning (Zoning) District 12, to the September 3, 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

Chairman Gruber said it is now set for September 3rd.

Commissioner Davis said he wants everyone to understand that his colleague mentioned the work sessions. Those are meetings that are open to the public. The Commissioners do not vote on anything. These meetings are where the Commissioners "get in the weeds" to find out facts and determine options. The Commissioners have worked on this project for a while and will continue to do it because they want the applicant and the residents to be pleased with it. The public is welcomed to attend any of the meetings, but the Commissioners do not vote on anything during the work sessions. It is a fact-finding sort of thing.

Vince Jackson, Planning Director, appeared before the Commission and provided background information on the subject property. Mr. Jackson said he spoke to the applicant prior to the meeting who indicated he might be willing or interested in tabling his application. They initially talked about tabling it for two weeks, but there will not be a Commission meeting held two weeks from now. The next meeting will be August 6th. Mr. Jackson said in talking with the applicant further, he feels a little more time may be beneficial. The Commission could either table the application until its second meeting in August, which will be August 20th or until the September 3rd meeting as was done with the previous case. Mr. Jackson said because the request came less than seven days prior to the public hearing, it is up to the Commissioners' discretion whether or not to table this application.

Chairman Gruber opened the public hearing at 9:31 a.m. and asked if there is anyone present who wishes to speak.

Mr. Chuck Milan appeared before the Commission and said he is the Homeowners Association President for Meadow Run Estates. It is the subdivision directly north of the subject property. He read the transcripts from the last public meeting and he is sure the Commissioners have read it as well. Mr. Milan said a mile and a half west of the subdivision on County Road 12, there is already a RV boat storage facility that is being built right now. From what he has seen within a five-mile radius of the subdivision is when it comes to the RV/boat storage, they start out as a nice project, but turns into a lemon lot. The property becomes overgrown and the trailers and RVs become dilapidated, in that matter. Mr. Milan said where will this property be two or three years from now if it is changed from a residential designation to a commercial designation. Prior to this, the applicant wanted to leave the property to his children. Parents do not always know what their children will do once they graduate from school. They may not want anything to do with Baldwin County. If the applicant loses interest in the piece of property, where will it go from there? Mr. Milan said there are 81 homes in his subdivision. The Cottages on the Green Subdivision, which is a half-mile east of the subject property has over 90 homes. There are a few of its residents here who may want to speak as well. The last time, he spoke for both subdivisions. Mr. Milan said he does not feel another RV/boat storage facility directly across from his subdivision will be very beneficial to that part of County Road 12. Everything else on County Road 12 is residential. If this is opened up to one commercial project, how many other commercial projects will that residential area get? If the applicant wants to table this for 60 days, Mr. Milan said he will wait until that time to entertain the Commissioners with his opposition to it. The Commissioners can also read over the transcripts from the public hearing held in Robertsedale as well.

Mr. Ralph Brock appeared before the Commission and said if the Commissioners read the transcript from the Planning and Zoning Commission meeting, they would know the residents dealt with facts. They took the Planning and Zoning Commission's

outline and what it looks for and went item by item by item. Everything around the subject property is zoned residential. The residents do not like the idea of a boat/RV storage at the entrance of the subdivision; of course, that is their personal problem. Mr. Brock asked is this the highest and best use for this plan? It will appreciate the applicant's property by having commercial zoning, but will it affect another 300 homes? There have been discussions on the Meadow Run subdivision and the Cottages on the Green subdivision, but there are other subdivisions out there too. There are three smaller subdivisions that will all be affected by having commercial property there. Mr. Brock said they are dealing with facts rather than emotions. This will improve the applicant's property, but it will take away from the other residents' properties.

Mr. Paul Shoenight, the applicant, appeared before the Commission and said Mr. Greg Jones was here to speak in favor of the request. However, he advised Mr. Jones that he could leave, he did not realize Mr. Jones would have the opportunity to speak. Mr. Shoenight said he understands the concerns of the residents of the Meadow Run subdivision one hundred percent. He has seen it time and time again how the establishments do not go well. He would love to sit with the residents to discuss their concerns. The goal for this is to look good and represent the area in the best way possible. He will be glad to go into detail with this. The area is growing from a farmland. He and his wife knew at some point in time they would have to do something with the property. Five years ago, they started talking about doing this project and it would be a great income for the property. Mr. Shoenight said right now, the property is not making them any income at all. He has the 25 acres that was left to him from his father. The rest of the property has been divided out for whatever reasons throughout the years. He wants to keep his 25 acres, but he needs it to make some type of income. Mr. Shoenight said he has a lot of plans for the project and how it will look. Again, he understands the residents' concerns and he will be glad to sit and speak with them to go over the project with them and work together on how it will look. The overall goal is to keep the 25 acres. The only other option they have is to sell the property and he would like to keep the property he grew up on. Mr. Shoenight said he would like to go with the request to table this.

Commissioner Underwood asked Mr. Shoenight to clarify if he is the applicant.

Mr. Shoenight said yes, he is the applicant. He originally got up to explain why Mr. Jones was not here and he failed to introduce himself.

Mr. Johnny Enzier appeared before the Commission and said he is President of the Homeowners Association for the Cottages on the Green subdivision on County Road 12 and an RV owner himself. Everywhere he has lived, he has had to store his RV because he has mostly lived in Planned Unit Developments (PUD) over the years. He is used to RV storage facilities. When he chooses an RV storage facility, it is important to him that security and isolation are provided because most RV owners are concerned about break-ins. He has not seen Mr. Shoenight's final plans and he has

questions about it. Mr. Enzier said he pays \$50.00 to store his RV and when the storage fee went up, he looked around at other facilities. He has not found another one that he would trust to keep his RV. He is unsure as to what Mr. Shoenight will charge for his storage facility, but he has learned that anywhere from \$25.00 to \$30.00 is what most makeshift storage facilities charge. Mr. Enzier said anyone can go by those facilities and look at what is stored there. It is an eyesore, mostly, for this to be a half mile from his facility. There are 204 lots in the Cottages on the Green subdivision, with 91 homes occupied and 33 homes under construction. Most of the people moving to this area are moving for a nicer place. Residents from along the beaches have been trying to move there since the oil spill, but were unable to sell their homes because of the oil spill. Now they are able to sell. Mr. Enzier said the Cottages on the Green and Meadow Run subdivisions are two of the nicer subdivisions in the City of Foley. The City of Foley is now a city and not a "beach place." He does not have to tell the Commissioners how well the City of Foley is doing, but it is because of the ordinances and other things that it is attracting the right people. Mr. Enzier said the City of Foley is annexing the property around this area. The property immediately adjacent to James Road will be in the City's jurisdiction tomorrow. The City of Foley will be zoning those annexes tomorrow. He has an idea of what those zones will be. He feels they will be agriculture. There is a lot of property north of the Meadow Run subdivision that will be annexed. There will be an RV resort behind the new putt-putt golf course. Mr. Enzier said because the City is extending the road into the property and out to County Road 59, it will be zoned with a business designation. There will be a nice RV lot within a half mile of Mr. Shoenight's property that will also have a storage facility. There is also another storage facility that is approximately a mile and a half west of Mr. Shoenight's property. The residents of the Cottages on the Green subdivision are concerned about the aesthetics and traffic. He met with the City of Foley's Highway Department. The residents have been asking for County Road 12 between Highway 59 and the expressway to be widened because there is no turn lane into the neighborhood. All of the cars are registered in the neighborhood because it is a gated community; there are over 200 cars in the neighborhood. Mr. Enzier said it is really important to widen the road. He found out that it would not happen anytime soon, the City will repave it, but not widen it. The City will expand the turn lanes from County Road 12 to the expressway because of the traffic. There are a lot of commercial vehicles on County Road 12 because Highway 98 and Highway 59 do not allow turns on to those streets and traffic is increasing there. Mr. Enzier said the process of turning into residents' property and into the subject property will be a serious problem, especially if someone is pulling an RV. His RV is 25 feet long and his vehicle is 18 feet long, he will be out in the road if he has to pull in, stop and open the gate. During the snowbird season, traffic increases a lot. He knows Fern Avenue has been widened to help that situation, but emergency vehicles cannot get down to County Road 12 so traffic is a concern. Mr. Enzier said one of the reasons the City of Foley has taken so long to do anything with County Road 12 is, it is considered as a dam. All the water from the expressway east of them and all the water from Juniper Road north of them runs to County Road 12 and it has to get through a three-foot pipe to get to Bon

Secour River. When the area gets a lot of rain, County Road 12 floods right at where the subject property is located. Mr. Enzier said this is another concern for the residents. He is unsure of what the construction will look like, but water will run off the property because it is not a pasture anymore and it will be another issue there. The part of this area that floods is in the County's jurisdiction. He is unsure of what it will do for the area when the City of Foley annexes those properties. He hopes the Commissioners will accept staff's recommendation to deny Mr. Shoenight's request to rezone his property. Mr. Enzier said for security reasons, he would not want to live next to where Mr. Shoenight will put these properties.

Commissioner Underwood said just like the previous application, if the Commission approved the request, it would be approved, if they denied it, the applicant would have to wait a year. It is only fair for the applicant to request more time in order to bring forth more information. Staff is recommending for the Commission to honor this request. What is on the table now, if it is the Commissioners desire, is to give the applicant the opportunity to table this. This is the public hearing and it is the opportunity for people to speak on this request. The request has been recommended for denial and the Commissioners are looking at something that is more objective rather than a feel-good thing where everyone either likes or dislikes something. Commissioner Underwood said the objective issue here is, is this a compatible use that is being requested versus the surrounding area. She does not want to get into a long discussion about this because that is what has been going on. She wants to save time because there are more public hearings coming up. Commissioner Underwood said she appreciates the discussion, but anytime someone comes up and requests the Commissioners to table a request, it is not an indication one way or another if the Commission will or will not make any changes. If the applicant decides to withdraw his request, he can. If the applicant decides to make a major change, he will have to go back to the Planning and Zoning Commission. In this tabling process, if the applicant decides on anything other than what is requested, the process starts over. It does not give the applicant the finality of a denial where he cannot do anything for 365 days for that particular property. Commissioner Underwood said she does not feel that is fair to an applicant who has requested to withdraw it.

Mr. Enzier thanked the Commissioners for their time.

Mr. Shoenight said he feels everyone has the same exact concerns. He had the same concerns when the Meadow Runs Subdivision was built. He was one voice with concerns about the flooding and increase in traffic. He was concerned would the subdivision continue to look good over the years and it has. The traffic has increased in a lot of subdivisions. He has a detailed email he submitted to the City of Foley about the normal water flow, flood water flow and what comes after the development of subdivisions. He lost his driveway three times in one year because there was only a three-foot culvert and not a large open ditch. His fix was to concrete the driveway. Mr. Shoenight said the development to the west of him was not developed. It was going to be a subdivision and would have been a nightmare because it was low land

and should not have been developed. The backside was all pasture and the front was deemed as wetlands. This proposed subdivision caused major issues with floodwater backing up into his yard.

Commissioner Underwood said staff agreed prior to the meeting to have a special meeting with Mr. Shoenight. It would be permissible for one of the Commissioners to attend that meeting if Mr. Shoenight wanted them to. The Commissioners want to work out his questions.

Mr. Shoenight said he would like to meet with the residents of the Meadow Run subdivision.

There being no further requests to address the Commission, Chairman Gruber closed the public hearing at 9:53 a.m.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to table Case #Z-19023, Shoenight Property, as it pertains to the rezoning of 4.5 acres, more or less, of a 25-acre parcel, as located in Planning (Zoning) District 30, to the September 3, 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

After the motion, before the vote, Commissioner Ball said he wants to make sure the record reflects that he stated the date of September 3rd as the date for this to be resolved and the Commission will not have to re-vote on another date.

DP5 Case Z-19027 - Fountain 38 LLC Rezoning Request

[19-1655](#)

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

Chairman Gruber opened the public hearing at 9:56 a.m. and asked if there is anyone present who wishes to speak.

Mr. Bruce Austin appeared before the Commission and said he is one of the property owners on Breman Road. He wants to reiterate some things that were brought up during the work session and the two previous meetings. This thing is about 60 days old and it is getting long in the tooth. Mr. Austin said desire has a lot to do with this request on both sides and what they have heard so far. Words and grammar mean a lot when discussing codes and the law. Section 19.1 is what dictates amending the plan. The plan and zoning are already there. This is what dictates changing that plan. Mr. Austin said in only eight lines of text in Section 19.1, the word "necessary"

is mentioned three times. In all of these meetings, nothing has been brought up to constitute that this change is necessary except to fill the budget needs of the applicant. Section 19.6 (a) also speaks to compatibility. Is it compatible with the current development that is there? The current development is large, residential lots. He provided the Commissioners with a map during the work session. There were 11 subdivisions that were zoned RSF-1 and RSF-E. It is totally contrary to what is being proposed here. Mr. Austin said one of the compatibilities that was brought up is that maybe the Town of Elberta should be brought in to see if it helps the compatibility. This cannot be done, the Town of Elberta is incorporated and is an urban development. Mr. Austin said urban, incorporated areas cannot be compared with rural, unincorporated areas. By definition, that is not comparable. Traffic is another factor in Section 19.6 and this request will increase traffic. Staff has done the math on it and it was discussed during the work session. Mr. Austin said Section 19.6 also discusses timing as a factor. Is the timing of the request appropriate given the development trends in the area? He supplied the Commissioners with a list of recent sales on Breman Road with 10 lots that have sold equal to two acres or larger. The Commissioners should consider what is going on now and what is already there is incompatible and the applicant has failed to show that this change is necessary other than to fulfill a budgetary requirement for them.

Mr. Jerry Schoen appeared before the Commission and said he lives on Frank Road and he is the fourth generation to live on Schoen Farm. They are pecan farmers. His family has always taken their neighbors respect in how they conduct their farming. They rent out row crop and have had some recent developments on Breman Road and Frank Road. They have some awesome neighbors. Mr. Schoen said he highly opposes this request because of the trash. He has some neighbors who will walk along the road and pick-up garbage every morning. He is highly concerned that the subdivision will add the watershed, garbage and animals. He is highly opposed to this. Mr. Schoen said his oldest son is building a house on Schoen property. It is a family-oriented two to five acres property. He has no problem with two to five acres. That is how the residents would like to keep it. The surrounding areas are also two to five acres.

Mr. Paul Hammock appeared before the Commission and said he is one of the 10 people who purchased property on Breman Road in March 2019. He has a three-acre tract in the John Dorn subdivision, which has covenants. This is what he and his wife were looking for. Mr. Hammock said he currently resides in Chilton County, Alabama, in Thorsby. He is planning to build his retirement home on that lot. They were in the permit process when he recently heard about the proposed rezoning. He looked a long time for some acreage and had attended the Elberta Sausage Festival for 20 years. He and his wife decided they wanted to stay in Baldwin County because they loved it. They looked for property in the Elberta community. When he heard about this, it made him have second thoughts. He is leaving his home to come to a new home. He has met a lot of people and he is about to make a large investment. He is about to retire and he and his wife are going to sell

their security to come to Baldwin County. He is concerned about the traffic and congestion when attempting to get on to Highway 98. Mr. Hammock said he likes the outdoors. This is a beautiful community and he looks forward to moving here. He hopes the rezoning request is denied.

Mr. David Brown appeared before the Commission and said the picture is worth a thousand words. He referred to the map shown and asked the Commissioners to imagine that area divided into 58 compartments. When looking at the other lots, how could this be congruent with the surrounding areas? Mr. Brown said he is a retired engineer and from an engineering perspective, it is about profit. He is not anti-profit because profit is what makes this country great. He is not anti-profit or anti-business, but profit is maximized to a point and then that is all. Mr. Brown said the access point is to Breman Road because that is a low-cost alternative compared to coming out on Highway 98 and dealing with the State Highway Department. He is asking the Commissioners to use some common sense, do what is right by the residents and follow the Planning and Zoning Commission's recommendation for denial. Mr. Brown said he holds the Commissioners accountable not only for zoning and keeping the residents in a law abiding, safe area, but also for looking out for the residents' quality of life. Their quality of life also includes population density, to some degree. Unfettered growth is not good for anyone.

Ms. Lydia Franz, the applicant, appeared before the Commission and thanked the Commissioners for placing the zoning cases first on their agenda. The staff analysis asks "Is the requested change compatible with the existing development pattern and the Master Plan?" The Master Plan has the designation of future use for residential. It is not specific to the density or the zoning. None of the properties up Breman Road, Schoen Road, Frank Road and County Road 87 have public utilities available to them. That is a material factor that has changed in the condition since the property was last rezoned. It was an automatic rezoning to RSF-1 when the seven lots were split off of Breman Road. At that time, there were still no public utilities available on Highway 98. Ms. Franz said there is a 60-foot access piece that was kept out when the property was subdivided because it was always a plan for it to be developed at a later date when public utilities were available. This would make it financially feasible to be able to develop it into a subdivision. Ms. Franz said she is not asking for a commercial designation. There is a commercial property across the street from the subject property. She originally submitted the first request that was withdrawn before it went to the Planning and Zoning Commission because she found it to be more of a demand for residential subdivision lots. The first request was for a B-3 designation on the frontage piece and RV-1. In an effort to try and compromise, she withdrew that request. She found there was a good demand and did not want to make unnecessarily extreme changes. The request was modified to the RSF-4 designation and they received a lot of objections to it. However, the RSF-3 designation would still work from the financial, development, feasibility standpoint. Ms. Franz said regarding the compatibility study issue, it is a great idea, but she had not heard of it until last week. In researching it she found that it is not actually a standard practice, at this

time. It does not have any calculations for surrounding commercial uses. It looks strictly at residential and does not take any of the other factors into consideration such as being on a major commercial corridor like Highway 98. Ms. Franz said all of the variables have not been identified to be able to fully apply the compatibility study. In the Zoning Ordinance, the word "compatibility" shows up four times. Three out of the four times, it is in regard to commercial use adjacent to residential use. The fourth time it is in regard to cellphone towers. Ms. Franz said compatibility is a great idea, but there is no established standard of practice yet. The feasibility of being able to conduct something like this within another 60-day period or a week, is impossible. She has contacted the South Alabama Regional Planning Commission, commercial appraisers and commercial bankers and no one ever heard of it. It is a relatively new thing and a great idea, but it is not a complete standard at this point. There are many standards of practice that have been established and have clear rules to go by. Once the compatibility study is established to a point where it has clear rules, she will be more than happy to exercise it before she ever brings it before the Commissioners. Ms. Franz said she is all about having a rule book, it is hard to play without one. As for the highest and best yield of the property, one of the conditions to be able to apply for a variance is if the applicant is unable to achieve the highest and best yield of the property based on the strict conformance with the current zoning. Based on a financial feasibility for development, it will not work for anything less than an RSF-3. Staff stated they would recommend the RSF-2 designation, but it will not support it. Ms. Franz said she is not asking for the highest and best use for the property based on the physical or location attributes. She is looking to compromise and be able to do a similar use that is still residential but with modified lot sizes. Ms. Franz said there are standards established for this. She is not asking for a huge change and there is a demand for it. There have been 10-two acre lots on Breman Road sold in the last 12 months. There have been 38 residential lots in the 36530 zip code that have sold in the last 12 months. There have been 96 homes on under one-half acre lots that have sold in the 36530 zip code in the last 12 months. Ms. Franz said there is a mix of demand. The number one key factor for this property is the accessibility to public utilities. That is what makes a difference to be able to do smaller lot sizes. It does not go against the Master Plan. It does not harm anyone, it is not a health or safety issue. The Commissioners still have full control over the subdivision process and approvals. Ms. Franz said to establish a precedent of not allowing a zoning change in order to meet the development standards for properties on a major corridor like Highway 98 could possibly be considered suppressing the value of the other large, rural, agricultural parcels on a U.S. highway.

There being no further requests to address the Commission, Chairman Gruber closed the public hearing at 10:14 a.m.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to deny Case #Z-19027, Fountain 38 LLC Property, as it pertains to the rezoning of 22.9 acres, more or less, as located in Planning (Zoning) District 22.

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

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills

[19-1615](#)

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to pay bills totaling \$3,273,368.55 (three million, two hundred seventy-three thousand, three hundred sixty-eight dollars and fifty-five cents).

Of this amount, \$815,497.85 (eight hundred fifteen thousand, four hundred ninety-seven dollars and eighty-five cents) is payable to the Baldwin County Board of Education for its portion of the County Sales and Use Tax.

The motion passed by the following vote:

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

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

[19-1616](#)

Wayne Dyess, County Administrator, informed the Commission that the Baldwin County Commission Interim Payments - July 16, 2019, made by the Clerk/Treasurer totaling \$1,937,686.29 (one million, nine hundred thirty-seven thousand, six hundred eighty-six dollars and twenty-nine cents) are a part of the record.

EB ROAD AND BRIDGE DIVISION

GA ADMINISTRATION

GA1 Appropriation of Funds for the Mobile Bay National Estuary Program for a Production of a Short Film Related to Coal Ash

[19-1670](#)

Ms. Roberta Swann, Director of Mobile Bay National Estuary Program (MBNEP), appeared before the Commission and said it is a program that is organized to promote the wise stewardship of the water quality and living resources of

Alabama's estuaries and coast. To that extent, there is an issue before many of the communities right now related to the coal ash pond closure situation with Alabama Power at Barry Steam Plant in Bucks, Alabama. The MBNEP has been requested by many elected officials that participate in the management conference to produce some scientifically accurate and unbiased information to help educate the public and elected officials about the issue of the coal ash pond closure and the Coal Combustion Residuals (CCR) rules. Ms. Swann said to do this, the MBNEP would have to remain very independent and would not be able to raise funding from very many sources to produce the film. The MBNEP has found this film to be the most expediate way to communicate very complex information in a short time period. The MBNEP is asking both Mobile and Baldwin Counties to help fund the production of this film. Ms. Swann said the goal would be to produce the film by August 30th so that it could be out in the public realm to educate people about the two options, not just digging up and relocating the coal ash, but also to provide information related to the closure and place option that Alabama Power is currently considering.

Commissioner Underwood said she has spoken extensively to Ms. Swann and she has no questions. She did not know during the work session that there were questions and she is wondering if any of the Commissioners still have questions.

Chairman Gruber said Mobile County has agreed to pay its \$15,000.00 and will vote next week. It will be a regional partnership between the Counties.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to authorize the Chairman to execute an Agreement between the Baldwin County Commission and the Mobile Bay National Estuary Program, which appropriates \$15,000.00 from the Commission Contingency Fund - General Contingency, in Baldwin County Fiscal Year 2018-2019, to the Mobile Bay National Estuary Program for a production of a short film which will promote wise stewardship of the water quality and living resources of Alabama's estuaries and coast and to highlight the varying perspectives related to the fate of the 600-acre Barry Steam Plant coal ash pond.

The motion passed by the following vote:

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

After the motion, before the vote, Commissioner Davis said it is good to see Ms. Swann, they have worked together on many projects. From his perspective, he wants to make sure the Commissioners know where the Environmental Protection Agency (EPA) stands. His latest information on this is that EPA sees two ways this can be done. Commissioner Davis said he is from that region and has had the occasion to

talk to some of his colleagues in Clarke County about a number of topics. He asked them where they would like their coal ash stored and was told they did not want it stored near them. When looking at the options to move the coal ash, it will take a heck of a selling job to have any of those rural communities agree to that. Commissioner Davis said they may be forced to agree to it, but he is not about forcing people to do things like that. If the film does a fair presentation, where the County is not picking a choice, he will be in favor of the Commission doing that. Unfortunately, things are put forward as facts and then they grow and magnify in a variety of ways. He likes the idea of getting good information out and he hopes the film will end with letting people make their own decisions. Unless the EPA selects one of those two, and his vote, as a citizen and a resident of that area will center around what the EPA suggests. What will be the timeline for this?

Ms. Swann said the goal is to have the film finished by the end of August. They have been doing a lot of research on the topic and on the two options. The MBNEP is going to slowly start disseminating some of the information they have collected to date on its social media pages. However, the goal for the film itself is August 30th. Ms. Swann said Commissioner Underwood and Mobile County Commissioner Merceria Ludgood are the two co-chairs of the Government Network Committee which brings elected officials from both counties together with personnel from State agencies. They would be happy to share the final draft of the film with both of the co-chairs to make sure it is right before it is released to the public. Ms. Swann said it will give the Commissioners the opportunity to review and comment.

Commissioner Davis said he has been told by people who should know, that it will take 3 ½ minutes a load, 10 hours a day for 27 years to move 200 million tons of coal ash. It should be determined where the coal ash will be taken and the site should be ready. Imagine that type of traffic on the roads and the possibility of something bad happening. He is not trying to promote one over the other, but at the same time, 27 years is a long time. How far will this be taken if the power company is determined to own the land? Commissioner Davis said when he spoke with his colleagues in his home county, they were not excited about having it any place. Before this is placed anywhere, the MBNEP needs to make sure it has input from the people it will be near, whatever is there.

Commissioner Underwood said Ms. Swann may want to discuss some of the people who are interested in being in this film. The film is not bringing a pro or a con, it is more of a presentation of unbiased facts.

Ms. Swann said the film will look at the issue from a couple of different perspectives. The MBNEP has already interviewed a local environmentalist who is very intricately connected with the delta who will present the value of the delta and the importance of protecting it into perpetuity. Ms. Swann said a proxy for Alabama Power will also be interviewed. Alabama Power and the Mobile Baykeeper will not be interviewed. They will be looking for proxies from both an environmental perspective and from the

industry perspective. The last interview will either be with EPA or the Alabama Department of Environmental Management (ADEM). She has a phone call scheduled with ADEM this morning regarding interviewing someone from there. A representative from the CCR rule was filmed. The representative was asked to attend the last Government Network meeting because of the concerns from the elected officials. The representative provided great information about the situation at Barry Steam Plant. The MBNEP hopes to either use the film or interview another official from ADEM to provide the ADEM perspective as a proxy for EPA.

Commissioner Davis asked if the proxy for the company choose that person or did someone else?

Ms. Swann said the MBNEP is pursuing the Electric Power Research Institute (EPRI) who will be going to people and have providing the risk assessment tool that many of the utility companies are using to determine what the best options are in terms of relocation or removal.

Commissioner Underwood said she has spent a lot of time calling power company officials, environmentalists and engineers from other states that have nothing to do with the local areas. It is very hard for her because it is not something that is her profession. Commissioner Underwood said she was very excited when she heard of this opportunity to get some information. That is where she stands.

Commissioner Davis said his point is not that he thinks it will not be a good thing to have. He feels it will be very critical. He has also done his homework relative to looking at all aspects of this. It is very important to be able to present a fair presentation. It depends on how a question is asked as to what type of answer is received. The public could take those answers and turn them into whatever topic they want. Commissioner Davis said he is not about creating a forum for someone to be the bully pulpit. He wants the focus to be on getting facts and getting it out without making a recommendation one way or another. If the EPA recommends only one way to do this, then he will change his position. However, right now, the EPA states there are two acceptable ways and the public needs to know the details about each of them. That is where he is coming from. Commissioner Davis said Ms. Swann knows he supports her efforts.

Ms. Swann said the goal is to provide unbiased information in defense of both options and address the environmental impact of both options.

David Conner, County Attorney, said in light of the conversation that has just taken place, he has a comment for the Commissioners. The Commission has assurances that the film will be unbiased and presented that way and the Commission will provide some funding for it. Without knowing what the finished product is, how and to what extent does the Commission want the MBNEP to recognize the Baldwin County Commission as a contributor or sponsor?

Chairman Gruber said it should be stated that the Commission is doing this for educational purposes and not for anything else.

Commissioner Underwood said there should be a disclaimer statement that the Commissioners are not taking a side and the Commission is doing this for educational purposes. Maybe Mr. Conner can help with that.

Mr. Conner said he will be glad to help. Mr. Conner asked Ms. Swann to get with staff so they can make the appropriate statement regarding the Commission's involvement.

Chairman Gruber said that statement should be made at the beginning of the film. He does not want anyone to say the Commission is favoring someone. This is an issue where there are not enough facts out there for anyone to make a judgement call.

Ms. Swann said she would welcome any language the Commission would want to provide for the disclaimer and she is sure Mobile County will ask for the same.

Commissioner Davis said it is interesting that the cost is split 50/50, but the per capita would create a different scenario.

Commissioner Underwood said they are asking for a little more.

Ms. Swann said related to the funding, the MBNEP has targeted four different funding sources, so the amount would be up to \$15,000.00. The amount would be divided equally across the four different entities.

Commissioner Davis asked who are the other two entities?

Ms. Swann said the MBNEP is requesting funding from the Baldwin County Legislative Delegation as well as the Mobile County Legislative Delegation, in addition to Mobile and Baldwin Counties.

F ELECTED OFFICIAL REQUESTS

G OTHER STAFF RECOMMENDATIONS

GD BUDGET/PURCHASING

GD1 Signage for Fort Mims on Highway 59

[19-1582](#)

Motion by Commissioner Joe Davis, III, seconded by Commissioner BillieJo Underwood, to authorize a payment of \$4,100.00 from Highway Funds (line item - SWA) to the Alabama Department of Transportation (ALDOT) for signage related to Fort Mims on Highway 59. The Baldwin County Historical Development Commission (BCHDC) will reimburse the County for the cost.

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-17020 - Canaan Place, Phase 2 - Release Maintenance Surety

[19-1652](#)

Joey Nunnally, County Engineer, appeared before the Commission and said staff has inspected the construction and it is in good shape. This is just standard procedures to release the surety bond.

David Conner, County Attorney, said he has a conflict on this item, but Mr. Brad Hicks has acted as Conflicts Counsel to review this item.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to authorize staff to release the Surety Document (Irrevocable Standby Letter of Credit) from National Bank of Commerce on behalf of Breland Homes, LLC in the amount of \$81,717.76 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.

The motion passed by the following vote:

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

GM2 Speed Limits on County Road 112

[19-1613](#)

Joey Nunnally, County Engineer, appeared before the Commission and said staff has received complaints about speeders on this road. A speed study was conducted and staff has two recommendations.

Commissioner Davis asked if flags are placed on new signs to draw attention to them? He has found in other settings he has worked in, that people who are new to the area look for the speed limit, people who live here think they know the speed limit. Sometimes the signage may need attention called to it. Is that a practice the County can do?

Mr. Nunnally said staff normally does this with stop signs for safety reasons. However, staff can do this for the speed limits for a couple of weeks to let

everyone know.

Commissioner Davis said he feels that will be advisable for the locals who are used to traveling at one speed. They need to have their attention called to a different speed limit.

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

- 1) Approve establishing a 35 MPH speed limit on County Road 112 between US Highway 31 and Lac Road; and
- 2) Approve establishing a 45 MPH speed limit on County Road 112 between Lac Road and Horseneck Road.

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

H COMMISSIONER REQUESTS

I ADDENDA

IA GENERAL

BM6 *Old Mobile Road - Detour Road Use and Resurfacing Agreement

[19-1622](#)

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to authorize the Chairman to execute an agreement between H. O. Weaver and Sons, Inc. and Baldwin County for the following:

- 1) Use of Old Mobile Road as a "Local Traffic Only" detour during the installation of a new drainage pipe under US Highway 31; and
- 2) The resurfacing of Old Mobile Road upon completion of the project.

The motion passed by the following vote:

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

See the August 20, 2019, Baldwin County Commission meeting minutes, more specifically

Item BM11 which **rescinds** actions taken during this July 16, 2019, meeting, relevant to this Item BM6.

IA1 Termination of Agreement for Official Payments Corporation and Baldwin County, Alabama - in the Office of the Baldwin County Revenue Commission

[19-1609](#)

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, as requested by the Honorable Teddy Faust, Baldwin County Revenue Commissioner, to take the following actions related to Official Payments Services Agreement between the Baldwin County Commission and Official Payments Corporation, which was originally approved by the Commission on October 21, 2014:

- 1) Terminate the Agreement between Official Payments Corporation and Baldwin County Commission for the provision of credit card services at the Baldwin County Revenue Commission Office, as authorized in section 6.2.3 of the Agreement, related to the provisions of credit card services; and
- 2) Authorize the Chairman to execute a written notification of termination to Official Payments Corporation terminating the Agreement between the parties. Upon the expiration of the 60-day written notice, the Agreement shall be terminated.

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 Provision of Credit Card Services to Citizens in the Office of the Baldwin County Revenue Commission

[19-1676](#)

Wayne Dyess, County Administrator, said there is a slight change to staff's recommendation.

David Conner, County Attorney, said this was an added item, an addendum. In reviewing the two agreements he noticed there was a little conflict as to when and how it could be terminated. One agreement was for three years and it could be terminated with 60-days notice prior to the end of the term. The other agreement stated it could be terminated on 30-days notice regardless. Mr. Conner said there is also a confidentiality provision. With the Commissioners' permission, he suggests they approve this agreement and authorize the Chairman to make any changes deemed necessary. The reason for this is that Revenue Commissioner Teddy Faust wants to have this in place by October 1. This contract states it has to be terminated with a 60-days notice. Mr. Conner said there was discussion to place this on the special

call meeting on the 24th, but for whatever reason, Revenue Commissioner Faust wanted to have it on today. Adding the approval for the Chairman was the reason for the change.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, as requested by the Honorable Teddy Faust, Baldwin County Revenue Commissioner, to take the following actions:

1) Authorize the Chairman to execute an instrument entitled Certified Payments Service Provider Agreement (Agreement) between Certified Payments, a division of Accelerated Card Company, LLC and the Baldwin County Commission, subject to any changes as deemed necessary by the Chairman.

This Agreement shall be in effect for three (3) years from the effective date of this Agreement ("Term"). Thereafter, the term will automatically extend for consecutive one (1) year periods, unless either party provides the other with written notice of termination at least sixty (60) days prior to the end of the then-current term.

2) Authorize the Chairman to execute an instrument entitled Certified Payments ACH Processing Services Agreement (Agreement) between Accelerated Card Company, LLC d/b/a Certified Payments and the Baldwin County Commission, subject to any changes as deemed necessary by the Chairman.

This Agreement shall become effective once it has been signed by an authorized representative of both Certified and Baldwin County, Alabama. The term shall continue from the date of this Agreement until thirty (30) days after such time as either Certified or Baldwin County, Alabama has notified the other party in writing of its decision to terminate.

3) Authorize the Chairman to execute any other documentation related to the above Agreements.

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

IA3 Resolution #2019-126, which Repeals 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

[19-1686](#)

David Conner, County Attorney, said this action will approve Resolution #2019-126 and repeal Resolution #2019-097 of the Baldwin County Commission related to the

Spanish Fort special school tax. The only change made in the Resolution is the purpose for the use of the funds. When the Board of Education approved both the Fairhope and Spanish Fort elections at the same time, they used a similar form. Mr. Conner said the City of Spanish Fort City Council and the people requiring the petition stated that instead of being used just similarly for public school purposes, Spanish Fort's petition further defined it as for public school purposes for academic enhancements and life skills programs. The Board of Education sent a resolution stating that was its intention and this recommendation will correct that item, the notice and the ballot for that election.

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

1) Pursuant to a June 6, 2019, Baldwin County Board of Education resolution, submitted to the Baldwin County Commission on June 10, 2019, and a June 20, 2019, Baldwin County Board of Education resolution, submitted to the Baldwin County Commission on July 15, 2019, adopt Resolution #2019-126 of the Baldwin County Commission which repeals Resolution #2019-097 (adopted by the Baldwin County Commission on June 18, 2019) and 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 the public school purposes of 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.

The motion passed by the following vote:

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

J ADMINISTRATIVE REPORT

K COUNTY ATTORNEY'S REPORT

David Conner, County Attorney, said there are two small items for an executive session. There will be no action taken. Chairman Gruber can complete the meeting

and the Commission can adjourn into the executive session.

L ANNOUNCEMENTS

M PUBLIC COMMENTS

N PRESS QUESTIONS

O COMMISSIONER COMMENTS

Chairman Gruber thanked staff for their hard work in putting the agenda together. Chairman Gruber thanked the citizens for turning out for today's public hearings. The public hearings can get lengthy, but when the Commissioners listen to what the public has to say and give them time to speak, the public appreciates it. The meetings go a little longer, but it is worth the time of allowing the citizens and the applicants to be heard.

Wayne Dyess, County Administrator, said Anu Gary, Administration/Records Manager, Monica Taylor, Assistant Records Manager, and the Administration staff do a fantastic job with the agenda. It is a lot of time and effort that goes into getting the agenda together. Mr. Dyess said as a person in a new position, the Administration staff has been an invaluable help to him and he appreciates them.

Chairman Gruber said staff is fantastic. He received a call from a citizen asking why the Commission is publishing something that has been already approved. Chairman Gruber said he explained that the recommendations are written in the affirmative because staff does not have time to produce the documents after the meeting. If the recommendation is not approved, the resolution is not approved. That is why he stated there is a lot of work that goes into getting the agenda together.

Commissioner Davis said the County will be losing a key employee with the retirement of Gloria Bitto, Administrative Support Specialist III, at the Fairhope Satellite Courthouse. Ms. Bitto runs the Fairhope Courthouse and he merely works in the office behind her. Staff will go through the process to have someone follow Ms. Bitto, but no one can replace her. Commissioner Davis said the country is celebrating the 50th anniversary of the first space walk and what it has done to change everyone's life. He wants to point out that this process is what brought the Ball family to Alabama. Commissioner Ball's grandfather was a part of Dr. Wernher von Braun's team that came from Germany to help put the project together. He knows Commissioner Ball is proud of it, but upset with Commissioner Davis for bringing it up. Commissioner Davis said that is okay because the public needs to recognize and remember what everyone's forefathers have done to make this country what it is. Commissioner Davis asked Commissioner Ball to pass along to his family how much everyone appreciates the fact that Dr. von Braun chose to bring his grandfather as a part of the team.

Commissioner Underwood asked the public to please keep Mr. Walter Mackey's family in their thoughts and prayers. Mr. Mackey was a 25-year County employee and he recently passed away. Her heart is heavy right now.

Chairman Gruber said Mr. Mackey did a fantastic job. He re-wrote the bridge inspections manual for the State of Alabama. Mr. Mackey was admired by many and he set the example for Baldwin County. Chairman Gruber said he sends his condolence to Mr. Mackey's family and is thankful for all he did for Baldwin County.

P ADJOURNMENT

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 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. It is anticipated the executive session will last approximately 20 minutes. Mr. Conner said he makes the oral declaration that the discussion is appropriate for an executive session. The Commission can adjourn the meeting into the executive session.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Joe Davis, III, to adjourn into an executive session at 10:50 a.m. for approximately 20 minutes to discuss the general reputation and character, physical condition, professional competence, or mental health of individuals, or, subject to the limitations set out herein, to discuss the job performance of certain public employees and to discuss 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 10:50 a.m. for approximately 20 minutes.

Three handwritten signatures in black ink, likely representing the commissioners mentioned in the vote tally.