

Baldwin County Commission

Baldwin County Commission Regular
Meeting Minutes
Tuesday, March 17, 2020
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 Brad Hicks, County Attorney.

The Chairman called the meeting to order at 8:33 a.m. and introduced Reverend Richard Harvey, Pastor, Eastwood Baptist Church, Bay Minette, Alabama, who appeared before the Commission and led the Commission in prayer. After the Pledge of Allegiance led by Commissioner Charles F. Gruber, the Commission transacted the following business to-wit:

ADOPTION OF MINUTES

March 3, 2020, Regular Meeting

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adopt the minutes of the March 3, 2020, 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 Charles F. Gruber, seconded by Commissioner James E. Ball, to approve the consent agenda.

The motion passed by the following vote:

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

BA ADMINISTRATION

BA1 Baldwin County Commission District No. 3 Planning (Zoning) District Board of Adjustment (Central Baldwin County Area) - Board Appointment(s) [20-0956](#)

Related to the Baldwin County Commission District No. 3 Planning (Zoning) District Board of Adjustment (Central Baldwin County Area), take the following actions:

- 1) Reappoint Mr. Donnie Waters as a regular member (Planning District 31 designee) for a three (3) year term, said term continuing from January 2, 2020, and expiring on January 2, 2023; and
- 2) Reappoint Ms. Donna Givens as an alternate board member (Planning District 31 designee), for a three (3) year term, said term continuing from January 2, 2020, and expiring on January 2, 2023.

BA2 Request from the Baldwin County Board of Education - Refinancing Long Term Debt and Levying of Taxes [20-0958](#)

As requested by the Baldwin County Board of Education, adopt Baldwin County Commission Resolution #2020-076 (Ordinance) consenting to the pledge by the County Board of Education of Baldwin County, Alabama (the "Board") of the proceeds of various local school taxes levied by the Baldwin County Commission allocable to the Board and making further provision thereof.

BA3 Request from Robertsdale Rotary Club to Place a Bench at Central Annex in Robertsdale, Alabama [20-0963](#)

Accept the donation of an outdoor metal bench by the Robertsdale Rotary Club, to be installed on the grounds at Baldwin County Central Annex in Robertsdale. The Robertsdale Rotary Club will deliver and install the bench on County property, at no cost to the County.

BA4 Resolution #2020-072 Amending Resolution #2002-31 and Settlement Agreements - Service Area Amendment for East Central Baldwin County Water, Sewer and Fire Protection Authority [20-0961](#)

Related to Case No. CV-2009-901240.80, take the following actions:

- 1) Adopt Resolution #2020-072, which amends Resolution #2002-31, reducing a portion of the service area granted to East Central Baldwin County Water, Sewer and Fire Protection Authority; and
- 2) Authorize the Chairman to execute the City of Robertsdale Mediation Settlement Agreement related to Case No. CV-2009-901240.80; and
- 3) Authorize the Chairman to execute the Town of Summerdale Settlement Agreement related to Case No. CV-2009-901240.80.

BA5 Resolution #2020-073 of the Baldwin County Commission - Act No. 90-449 (Fire Tax) - Approval of Use of Fire Tax Proceeds

[20-0960](#)

At the request of the Baldwin County Fire Chiefs' Association, take the following actions:

- 1) Adopt Resolution #2020-073 of the Baldwin County Commission which provides the Baldwin County Commission's required approval for an exception to the Baldwin County Local Act No. 90-449 (1990) to allow Baldwin County fire departments in good standing, to utilize their proceeds of taxes derived by Act. No. 90-449 to purchase contracts to provide aeromedical services to members which provides a service to the Baldwin County fire departments (volunteer fire fighters); and
- 2) Authorize the Baldwin County Commission Chairman to execute any other necessary documentation related to the adoption of Resolution #2020-073.

This approval does not in any way constitute any financial involvement or obligation of the Baldwin County Commission.

BA6 Space Allocation in County Facilities - Allocation of Space at the Baldwin County Courthouse in Bay Minette, Alabama and Adoption of Resolution #2020-069

[20-0954](#)

Baldwin County Courthouse - Bay Minette

In the City of Bay Minette, and pursuant to the authority granted the Baldwin County Commission at §11-3-11 (a) (1) of the Code of Alabama 1975 and Section 6 of Act No. 239 (1931), as amended, and without limitation, adopt Resolution #2020-069 of the Baldwin County Commission, which designates the rooms to be occupied in the Baldwin County Courthouse and further, to authorize the space allocations and offices applicable to the Baldwin County Courthouse.

(Resolution #2020-069 repeals Resolution #2020-057, adopted by the Baldwin County Commission on February 4, 2020.)

BD BALDWIN REGIONAL AREA TRANSIT SYSTEM (BRATS)

- BD1** Request from City of Fairhope for Baldwin Regional Area Transit System (BRATS) Transporting Citizens - Fairhope 2020 Earth Day Celebration [20-0966](#)

Approve the request from the City of Fairhope to utilize two Baldwin Regional Area Transit System (BRATS) buses for transporting citizens from Big Lots on Highway 98 in Fairhope to the Fairhope Municipal Pier (South Beach) to attend the 2020 Earth Day Celebration, Saturday, April 18, 2020. This transportation will be paid for by the City of Fairhope at a cost of \$80.00 per hour per bus for a total of approximately \$1,484.00 for both buses.

BE BUDGET/PURCHASING

- BE1** Competitive Bid #WG18-18 - Pre-Event Debris Removal and Disposal Services from the County Right-of-Ways within Unincorporated Baldwin County for the Baldwin County Commission [20-0941](#)

Extend Competitive Bid #WG18-18 for pre-event debris removal and disposal services from the County right-of-ways within Unincorporated Baldwin County, with CrowderGulf, LLC, for an additional twelve (12) months at the same prices, terms and conditions stated in the original bid specifications that was awarded on May 15, 2018. The Contract extension will expire on May 15, 2021.

- BE2** Competitive Bid #WG19-23 - Provision of Off-Site Printing, Mailing and Automated Management of the Quarterly Statements/Late Notices for Baldwin County Solid Waste Collections [20-0944](#)

Extend Bid #WG19-23 for the provision of off-site printing, mailing and automated management of the quarterly statements/late notices for Baldwin County Solid Waste Collections with SouthData, Inc., for an additional twelve (12) months at the same prices and terms stated in the original bid specifications awarded on April 2, 2019. The extension will expire on April 2, 2021.

- BE3** Competitive Bid #WG20-08A - Purchase of One (1) New 2019 Honda Odyssey EX 5-Door Wagon/Minivan or Equivalent for the Baldwin County Sheriff's Office [20-0940](#)

Award Bid #WG20-08A to Long-Lewis of the River Region, for the purchase of one (1) new Honda Odyssey EX 5-Door Wagon/Minivan for the Baldwin County Sheriff's Office as follows:

Make/Model: 2020 Honda Odyssey EX
Amount Bid: \$32,922.21
Delivery Time: 20-25 Days

BE4 Competitive Bid #WG20-13B - Provision of Cooked Meals for the Baldwin County Solid Waste Department

[20-0943](#)

Take the following actions:

- 1) Authorize the Purchasing Director to re-bid for the provision of cooked meals for the Baldwin County Solid Waste Department; and
- 2) Further, authorize the Chairman/Purchasing Division Commissioner for the Baldwin County Commission to approve any necessary addendums or clarifications if required after the bid is advertised.

BE5 Competitive Bid #WG20-23 - Provision of On-site Crushing of Concrete at Various Baldwin County Locations for the Baldwin County Commission

[20-0947](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of on-site crushing of concrete at various Baldwin County locations for the Baldwin County Commission; and
- 2) Further, authorize the Chairman/Purchasing Division Commissioner for the Baldwin County Commission to approve any necessary addendums or clarifications if required after the bid is advertised.

BE6 Competitive Bid #WG20-24 - Provision of Ready-Mixed Concrete for the Baldwin County Commission

[20-0949](#)

Take the following actions:

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

BE7 Competitive Bid #WG20-25 - Provision of Mower Blades for the Baldwin County Commission

[20-0950](#)

Take the following actions:

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

BE8 Architectural Services for the Design of a New Baldwin County Area 100 Highway Maintenance Facility for the Baldwin County Commission [20-0948](#)

Approve the AIA Contract for the architectural services with Watermark Design Group, LLC, for the design of a new Baldwin County Area 100 Highway Maintenance Facility located in Bay Minette, Alabama in the amount of 6% of the construction cost for the new plus normal reimbursable expenses and authorize the Chairman to execute the Contract.

BE9 Architectural Services for the Design of a New Baldwin County Area 200 Highway Maintenance Facility for the Baldwin County Commission [20-0946](#)

Approve the AIA Contract for the architectural services with Watermark Design Group, LLC, for the design of a new Baldwin County Area 200 Highway Maintenance Facility located in Silverhill, Alabama in the amount of 6% of the construction cost for the new plus normal reimbursable expenses and authorize the Chairman to execute the Contract.

BE10 Rental of One (1) Copy Machine for the Baldwin County Commission Office at the Satellite Courthouse Located in Foley, Alabama [20-0945](#)

Approve and authorize the Chairman to execute the rental agreement with Sharp Electronics Corporation for the rental of one (1) new copy machine off the State of Alabama bid for thirty-six (36) months effective the date of execution as follows:

Baldwin County Commission Office Satellite Courthouse, Foley, AL

Model: MX-5071

Price: \$201.55 per month

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

BK EMERGENCY MANAGEMENT AGENCY (EMA)

BK1 Fiscal Year 2020 Joint Funding Agreement between the Baldwin County Commission and the U.S. Geological Survey [20-0939](#)

Take the following actions:

1) Approve the annual U.S. Department of the Interior U.S. Geological Survey Joint Funding Agreement for Water Resources Investigations between the Baldwin County Commission and the U.S. Department of the Interior U.S. Geological Survey in the amount of \$22,100.00 to be funded by the Baldwin County Commission. This funding provides for the continued operation of the continuous-record stage gauging stations at Magnolia River at U.S. Highway 98 near Foley, Styx River at County Road 64 near

Loxley, Styx River at Seminole, and a continuous-record rain gauge at Fish River near Silverhill; and

2) Authorize the Chairman to sign the Joint Funding Agreement between the Baldwin County Commission and the U.S. Department of the Interior U.S. Geological Survey, and related documentation to cover the period from October 1, 2019, to September 30, 2020.

BL ENVIRONMENTAL MANAGEMENT

BL1 Application for Certificate of Exception from Garbage Pick-up [20-0971](#)

Take the following action:

As authorized by Section 22-27-3 of the Code of Alabama 1975, and without limitation, approve the Application for Certificate of Exception from Garbage Pick-up as permitted by, and applicable to, as follows:

Approve for a period not to exceed one (1) year commencing February 19, 2020:

John Sanders
14730 Ridge Road
Summerdale, Alabama 36580

BL2 Baldwin County Solid Waste Uncollectible Residential Accounts [20-0955](#)

Approve the uncollectible residential garbage accounts list for write-offs in the amount of \$1,226.00.

BL3 Mandatory Garbage Fees - Low Income Exemption Applications Fiscal Year 2020 [20-0965](#)

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

4th Quarter Ending December 31, 2019:
Approve 39 and Deny 7 Low Income Applicants

BM FINANCE AND ACCOUNTING

BM1 Annual Agreement with Department of Examiners of Public Accounts for the Audit of Federal Assistance Received by Baldwin County [20-0968](#)

Take the following actions:

1) Approve the Agreement with the Department of Examiners of Public Accounts for the

annual audit of federal assistance received by the Baldwin County Commission during the period of October 1, 2018, to September 30, 2019, for the amount not to exceed \$15,480.00; and

- 2) Authorize an interim check in the amount of \$12,384.00 (80% of \$15,480.00); and
- 3) Authorize the Chairman and Clerk/Treasurer to sign the Fiscal Year 2019 Audit Management Representation Letter at completion of audit work.

BN HIGHWAY

BN1 Corte Road and Austin Road Improvements - Intergovernmental Service Agreement between Baldwin County and the City of Daphne [20-0959](#)

Take the following actions:

- 1) Rescind the action taken by the Baldwin County Commission, during its regularly scheduled meeting on June 6, 2017, more specifically, the staff recommendation regarding Agenda Item GA1, which approved as follows:

“Approve an Intergovernmental Service Agreement between the Baldwin County Commission and the City of Daphne for road bed preparation and right-of-way acquisition on Phase I and right-of-way acquisition on Phase II of the Corte Road and Austin Road Improvement Project.”

- 2) Approve and authorize the Chairman to execute an Intergovernmental Service Agreement with the City of Daphne which will rescind the previous agreement, approved during the June 6, 2017, Baldwin County Commission Regular meeting, and establish new responsibilities for the proposed improvements to Corte Road and Austin Road.

BN2 Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0210619 - Flowers Road from U.S. Highway 90 to Board of Education Property [20-0962](#)

Take the following actions:

- 1) Accept 0.427 acres on Flowers Road (Tract 1) as a right-of-way donated to Baldwin County by Michael Alan Rhodes and Carol Dawn Rhodes on March 22, 2019 (Instrument No. 1749586 of Baldwin County Judge of Probate); and
- 2) Related to the aforesaid, authorize the Chairman to execute IRS Form 8283 for the donated right-of-way.

BN3 Linholm Road Bridge Replacement - Permission to Advertise [20-0957](#)

Take the following actions:

- 1) Approve the Purchasing Manager to place a competitive bid for the Linholm Road Bridge Replacement Project; and
- 2) Approve the Chairman to execute any project related documents.

BN4 Resolution #2020-070 - Highway Safety Improvements Program (HSIP)
Traffic Control Device Project - County Road 112 from U.S. Highway 31
to Alabama/Florida State Line

[20-0953](#)

Adopt Resolution #2020-070 and submit a letter of intent to apply for Federal Funds for the installation of traffic control devices on County Road 112 from U.S. Highway 31 to the Alabama/Florida State Line.

BQ PERSONNEL

BQ1 Building Inspections Department - Personnel Changes

[20-0951](#)

Take the following actions:

- 1) Approve the employment of Murray Authement to fill the Chief Building Inspector position (PID #5539) grade EC-07 (\$57,465.00 annually); and
- 2) Approve the employment of Mindy Smith to fill the Permit Administrator position (PID #5538) grade EC-06 (\$47,888.00 annually).

These actions will be effective no sooner than March 23, 2020.

BQ2 Communications and Information Systems (CIS) Department - Personnel
Changes

[20-0929](#)

Take the following actions:

- 1) Approve the voluntary demotion of Nestor Garcia from the Systems Administrator position (PID #983) salary grade EC-08 (\$53,372.00 annually) to fill the Communications Technician III position (PID #5147) at an hourly grade L-06 (\$24.033 per hour/\$49,988.64 annually); and
- 2) Approve the promotion of Ahmed Elkordi from the Communications Technician III position (PID #5147) hourly grade L-EL (\$20.723 per hour/\$43,103.84 annually) to fill the Systems Administrator position (PID #983) salary grade EC-08 (\$53,372.00 annually).

These actions shall be effective no sooner than March 30, 2020.

BQ3 Highway Department (Construction) - Updated Position Description for Engineering Technician I Position (Construction Option) [20-0931](#)

Approve the updated position description for the Engineering Technician I (Construction Option).

BQ4 Highway Department (Foley) - Personnel Changes [20-0930](#)

Take the following actions:

1) Approve the employment of Brian Lunsford to fill the open Laborer position (PID #5495) at a grade E-EL (\$10.781 per hour/\$22,424.48 annually) to be effective no sooner than March 23, 2020; and

2) Approve the updated position description for the Laborer position.

BQ5 Highway Department (Geospatial) - Promotion of Employee [20-0932](#)

Approve the promotion of Randy Black from the Traffic Control Technician IV position (PID #5383) grade J-03 (\$18.489 per hour/\$38,457.12 annually) in the Highway Traffic Operations Department (53135) to fill the Survey Manager position (PID #1099) at a grade M-EL (\$22.758 per hour/\$47,336.64 annually), in the Highway Geospatial Department (53151) to be effective no sooner than March 30, 2020.

BQ6 Planning and Zoning Department - Position Change [20-0937](#)

Take the following actions:

1) Reclassify/retitle the Planner position (PID #1087), grade EC-07, to Development Review Planner at a grade EC-08; and

2) Approve the position description for the Development Review Planner; and

3) Approve the updated organizational chart for the Planning and Zoning Department.

BQ7 Revenue Commission - Creation of One (1) Assessment Support Technician I Position [20-0938](#)

Take the following actions:

1) Approve the creation of an Assessment Support Technician I position grade G (grade G range: \$26,971.36 - \$44,231.20 annually); and

2) Approve the updated organizational chart for the Revenue Commission (Assessment Division).

BQ8 Solid Waste Department - Personnel Changes

[20-0935](#)

Take the following actions:

- 1) Approve the employment of Chris Ryals to fill the Solid Waste Technician position (PID #5239) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually), in the Solid Waste Collections Department (54800) to be effective no sooner than March 23, 2020; and
- 2) Approve the transfer of Christopher Hansen from the Animal Control Technician position (PID #5438) grade G-EL (\$12.967 per hour/\$26,971.36 annually) at the Animal Shelter (109/55410) to fill the Solid Waste Technician position (PID #868), with no change in pay, in the Solid Waste Collections Department (511/54800), to be effective no sooner than March 30, 2020; and
- 3) Approve the promotion of Edward Sanders Jr. from the Solid Waste Technician position (PID #5230) grade G-EL (\$12.967 per hour/\$26,971.36 annually) at the Magnolia Landfill (54300) to fill the Landfill Equipment Operator Technician II position (PID #5502) at a grade H-EL (\$14.246 per hour/\$29,631.68 annually) to be effective no sooner than March 30, 2020.

BQ9 Personnel Department - Baldwin County Emergency Communication District Request for Employee Assistance Program

[20-0942](#)

Approve adding Baldwin County Emergency Communication District to the County's Employee Assistance Program as a separate division.

C PRESENTATIONS

D PUBLIC HEARINGS

DR PLANNING AND ZONING

DR1 Case No. Z-20002 - Foster Property Rezoning

[20-0952](#)

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

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

There being no requests to address the Commission, Chairman Underwood closed the public hearing at 8:42 a.m.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adopt Resolution #2020-061, which approves Case No. Z-20002 - Foster Property, as it pertains to the rezoning of approximately five (5) acres, located in Planning (Zoning)

District 15, from RSF-E, Residential Single Family Estate District, to B-3, General Commercial District.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills

[20-0924](#)

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, to pay bills totaling \$5,381,259.88 (five million, three hundred eighty-one thousand, two hundred fifty-nine dollars and eighty-eight cents) with the exception of Vendor #87, which is listed in the Baldwin County Accounts Payable Payments - March 17, 2019, for a revised total of \$5,380,779.85.

Of this amount, \$684,688.04 (six hundred eighty-four thousand, six hundred eighty-eight dollars and four cents) is payable to the Baldwin County Board of Education and \$40,324.83 (forty thousand, three hundred twenty-four dollars and eighty-three cents) is payable to the Gulf Shores Board of Education for their portion of the County Sales and Use Tax.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to pay Vendor #87 in the amount of \$480.03.

Vendor #87: Davis, Joseph Lee III - \$480.03

The motion passed by the following vote:

Aye: 3 - James E. Ball, BillieJo Underwood, and Charles F. Gruber

Nay: 0

Absent: 0

Abstain: 1 - Joe Davis III

EA2 Notification of Interim Payments Approved by Clerk/Treasurer as Allowed Under Policy 8.1 [20-0922](#)

Wayne Dyess, County Administrator, informed the Commission that the Baldwin County Commission Interim Payments - March 17, 2020, made by the Clerk/Treasurer totaling \$2,520,045.78 (two million, five hundred twenty thousand, forty-five dollars and seventy-eight cents) are a part of the record.

EB ROAD AND BRIDGE DIVISION

F ELECTED OFFICIAL REQUESTS

G OTHER STAFF RECOMMENDATIONS

GA ADMINISTRATION

GA1 Baldwin County Intracoastal Waterway (ICW) Boat Launch Project - Making Final Recorded Documents a Part of the Record [20-0885](#)

Motion by Commissioner Charles F. Gruber, seconded by Commissioner Joe Davis, III, to make the recorded Statutory Warranty Deed (Instrument No. 1791221) and all associated documents for the purchase of 45 acres of property on the Gulf Intracoastal Waterway, a part of the record.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

GA2 Little River S.A.I.L. Center (Ferguson Property Purchase) - Making Final Recorded Documents a Part of the Record [20-0889](#)

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to make the Statutory Warranty Deed (Instrument No. 1767749) and all associated documents for the purchase of the Ferguson property in Little River, Alabama a part of the record.

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

GE BUDGET/PURCHASING

GE1 American Battlefield Protection Program - Grant Application for the
Battlefield Land Acquisition Grant

[20-0964](#)

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

- 1) Authorize staff to submit a Grant Application for the Battlefield Land Acquisition Grant to the Department of the Interior, National Park Service, on behalf of the Baldwin County Legislative Delegation. The Baldwin County Commission will be the legal entity accepting and administering this grant; and
- 2) Authorize the Chairman to execute any other necessary supporting documentation related to this grant application.

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

GL ENVIRONMENTAL MANAGEMENT

GL1 Purchase of Property Adjacent to 17917 CC Road, Elberta, Alabama,
Eastfork Landfill

[19-0792](#)

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

- 1) Adopt Resolution #2020-077, which:
 - a) Approves the Contract for Purchase and Sale between the Estate of Joseph James Gottler, Jr. and the Baldwin County Commission; and
 - b) Authorizes the Chairman to execute the Contract for Purchase and Sale on behalf of the Baldwin County Commission and to take such other action on behalf of the County in connection with the property, including, but not limited to, the execution of additional documents, to purchase the property, and to do all those things necessary and required by the Contract for Purchase and Sale.
- 2) Approve and authorize the Chairman to execute the Contract of Purchase and Sale for the property (approximately 5.09 acres) adjacent to 17917 CC Road, Elberta, in

Baldwin County, Alabama, Parcel: 49-07-36-0-000-002.000, PPIN No.: 065261, for the purchase price of \$35,000.00; and

3) Authorize the Clerk/Treasurer to issue an interim check payable to Professional Land Title, Inc., in the amount of \$500.00 for an earnest money deposit.

The motion passed by the following vote:

Aye: 3 - James E. Ball, Joe Davis III, and BillieJo Underwood

Nay: 0

Absent: 0

Abstain: 1 - Charles F. Gruber

H COMMISSIONER REQUESTS

HA1 Authorization Necessary for the Continued Operation of the Baldwin County Commission

[20-1026](#)

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to authorize the Chairman to pay all bills and make all payments necessary for the continued operation of the Baldwin County Commission, the Baldwin County Board of Education, and all other governmental entities that receive funding from the Commission, provided that the following conditions exist:

- 1) The state of local emergency declared by the Baldwin County Commission on March 14, 2020 has not expired; and
- 2) The Commission is precluded from voting on such bills and payments due to a lack of quorum at a meeting of the Commission; and
- 3) The Chairman makes a written determination that the payments are:
 - a) Incurred in the ordinary course of business; and
 - b) Necessary for the continued operation of County, state or local government; and
 - c) Due to be paid in the amount authorized.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

After the motion, and before the vote, Commissioner Davis said it is obvious the

Commissioners are in uncharted waters and they want to be prepared to keep the County government functioning, potentially the essential services. To be able to do this empowers the Chair to act in the event the Commissioners are unable to have a quorum and conduct business. Commissioner Davis said the Commissioners want to provide services to the citizens, this is what is expected. The Commissioners will set this in motion to continue to provide the services in these trying times and he is in favor of this.

Chairman Underwood said one of the main concerns after the health and safety of the people, is the financial aspect. The Commissioners want the County to be able to pay its bills in the event there is no quorum. There are conditions that are set forth that must be met before this is enacted.

I ADDENDA

IA GENERAL

IA1 *Personnel Department - Approval of Planned Response to the Coronavirus (COVID-19) Pandemic for County Employees

[20-0977](#)

Deidra Hanak, Personnel Director, appeared before the Commission and said the item before the Commissioners today is a Planned Response for employees for the COVID-19 pandemic outbreak. Ms. Hanak commented on what the Planned Response consists of and said unfortunately, this is an unprecedented policy. The County has not experienced anything like this before; the closest thing being a hurricane which this is nothing like. Ms. Hanak encouraged employees to ban together, hunker down and take care of the County's business. This pandemic is ever fluid and changes every day and this document may be ever-changing. She may have to bring it before the Commissioners several times as this progresses and as the Federal and State governments make changes. Ms. Hanak said she does not want employees to worry about the amount of sick leave they have if they have been exposed or have the potential to be exposed. If an employee has been exposed, they should notify their supervisor and the supervisor notify the Personnel Department. Each situation will be on a case-by-case basis. Ms. Hanak said employees should not worry or panic. The proposed leave is not for abuse, it is to help employees who are sick, exposed, or lacking child care. If anyone abuses this, they will be dealt with swiftly. This is the time to ban together and work together through this. Ms. Hanak said this will be given to supervisors to distribute to the employees and speak to the employees about the graciousness of the Commission and what will be allowed and to prevent abuse of it as well.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to approve the Baldwin County Commission Planned Response to the Coronavirus (COVID-19) Pandemic for County Employees.

The motion passed by the following vote:

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

After the motion and before the vote, Commissioner Ball said he wishes to express his sincere gratitude and thanks to Ms. Hanak and the Personnel Department for getting on this on such short notice and putting a plan together that may eventually be followed by everyone in the State. This has been something staff has tirelessly worked on for the last few days. Commissioner Ball said to come up with this on such short notice advocates for the quality of County employees. He is humbled to be a part of this.

Commissioner Davis said he joins Commissioner Ball's comments related to Ms. Hanak and her staff and asked that she pass that along to them. Commissioner Davis said he is married to an English teacher and wants to point out to Ms. Hanak that the document states "The plan will supersede all other County policies 'if' the pandemic impacts Baldwin County." He asked if this should instead be changed to "The plan will supersede all other County policies 'as' the pandemic impacts Baldwin County?"

Ms. Hanak said she will make that change.

Commissioner Davis said everyone is in uncharted waters.

Ms. Hanak said originally, this was an "if" pandemic.

Commissioner Davis asked Ms. Hanak to make sure all County departments understand this will be the new normal for a while.

Commissioner Gruber thanked Ms. Hanak and her staff and said this is a time no one thought they would ever see. He is happy with the document and thanks staff for getting it done quickly.

Chairman Underwood thanked Ms. Hanak and said out of respect for the times everyone is in right now, she appreciates Ms. Hanak's steadfastness and knows she worked many, many hours since this past weekend. This will probably be an evolving policy and the Commissioners appreciate Ms. Hanak's diligence and hard work on this. She wants the employees to know the Commissioners care for them. Chairman Underwood said she would rather be safe than sorry. She would rather be criticized for this than for something to happen to one person.

After the vote, Ms. Hanak said it was a group effort and she appreciates everyone's help.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, at the request of the Juvenile Detention Director, to approve a Leave of Absence for employee #182214 beginning March 19, 2020, for up to a 3-month period as outlined in the Baldwin County Employee Handbook, Section IV.I. "If an employee exhausts all of his or her annual, sick and FMLA leave and still needs additional time off for personal or health reasons, he or she may apply for an unpaid leave of absence for a period of up to three (3) months. The request for leave must be given to the employee's supervisor and Appointed Department Head at least thirty (30) days prior to the start of the requested leave date unless the leave is an emergency. Any request for leave of absences must be approved or denied by the County Commission."

The motion passed by the following vote:

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

IA3 Postponing the Baldwin County Strategic Plan Conference

[20-0976](#)

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, as relates to the Baldwin County Strategic Plan Conference, scheduled for March 24 - 26, 2020, in Montgomery, Alabama, to take the following actions:

- 1) Approve postponing the Conference until a date TBD; and
- 2) Upon rescheduling, authorize the Chairman to sign any necessary event related documents regarding the Baldwin County Strategic Plan Conference.

The motion passed by the following vote:

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

After the motion and before the vote, Commissioner Gruber asked staff to make sure the reservations have been cancelled.

Wayne Dyess, County Administrator, said staff has been in contact with the hotel and the reservations are in the process of being cancelled.

J ADMINISTRATIVE REPORT

Wayne Dyess, County Administrator, thanked everyone for their hard work. The County is experiencing different things, and everyone is coming together during

these times. There are exciting things in place to address the issues for employees to make sure they are in good shape. Mr. Dyess thanked staff for their efforts.

K COUNTY ATTORNEY'S REPORT

Brad Hicks, County Attorney, said Ms. Hope Hicks, Conflicts Counsel, is here for an executive session matter at the conclusion of the meeting.

Chairman Underwood asked if the Commission will adjourn into the executive session, to which Mr. Hicks replied yes, the Commissioners will not come back into the meeting.

Mr. Hicks said Ms. Hicks anticipates the executive session to take approximately 20 to 30 minutes.

L ANNOUNCEMENTS

Zach Hood, Emergency Management Agency (EMA) Director, appeared before the Commission to provide a brief update on the EMA operations and provide guidance from the County's Health Department on precautions to take during this time. Mr. Hood thanked the Commissioners for the opportunity to speak and said he is here to answer any questions.

Wayne Dyess, County Administrator, said a press conference will be held tomorrow at noon at the EMA which will be live streamed.

M PUBLIC COMMENTS

N PRESS QUESTIONS

O COMMISSIONER COMMENTS

Commissioner Ball said Zach Hood, Emergency Management Agency (EMA) Director, has been instrumental in leading the County during the COVID-19 pandemic on such short notice. This has been a learning experience for everyone. Mr. Hood has led the Commissioners to do what is not only best for the people of Baldwin County, but for the Commission's employees as well. As Chairman Underwood stated earlier, it is better to be safe than sorry. Commissioner Ball said that is the Commissioners' goal. He wants to express his sincere thanks to everyone who has been working with the Commissioners on this. He thanked Sherry-Lea Botop, Public Information Officer/Community Engagement Manager; Wayne Dyess, County Administrator, and his staff and Brad Hicks, County Attorney. The Commissioners have a well-oiled machine and he is proud to serve with them.

Commissioner Davis said Commissioner Ball said everything he wanted to say. He wants the public to know County government does not keep bankers' hours. They deal with whatever they have to deal with whenever they have to deal with it. This weekend was a blur in terms of where and who the Commissioners met. Commissioner Davis said he and the County Attorney came to the meeting in short

pants because they were called in quick notice. The Commissioners' job is to make sure the County does what is needed for the citizens. The County is in unchartered waters and this is a serious circumstance. The County is making sure essential services are maintained. Commissioner Davis said he commends the entire team. The public needs to recognize that the Commissioners' job is to make sure everyone is safe and that their concerns are set aside or not there because they know the County has good people in good places. Commissioner Davis said good people do good things in good times and in bad times. This is bad right now and will be ongoing for a while. The Commissioners need to be ready to take whatever steps needed to provide the services the County needs and expects in a safe and manageable way. Commissioner Davis thanked Mr. Hood for being a leader and said the Commissioners empower staff to do their jobs. He is honored and privileged to be a part of a good team doing good things.

Commissioner Gruber said no one knows when this will end or how long it will last. Any time there is a situation like this, it could go on for a quite a bit of time because it can spread. It is very important for everyone to be careful where they go and what they do. He encouraged everyone to take precaution. Commissioner Gruber thanked staff for all they do. He thanked Governor Kay Ivey for honoring the request for flags to be flown at half-mast during the recent passing of former Commissioner Dean Hansen. Chairman Underwood sent a copy of the letter to Commissioner Hansen's family. Commissioner Gruber said Governor Ivey did not have to do this, but he thanks her for doing it.

Chairman Underwood asked Sheriff Huey Hoss Mack if he has any comments or updates?

Sheriff Mack appeared before the Commission and said he echoes everything EMA is doing. Sheriff Mack commented on a recent meeting held with Presiding Judge Scott Taylor regarding the implementation of the Order of the Alabama Supreme Court, the status of court proceedings, visitation of inmates at the Baldwin County Corrections Center, and how to renew conceal carry permits. Sheriff Mack said he has been in contact with the Police Chiefs in the County and commented on the status of Spring Break activities in Baldwin County. Sheriff Mack said he appreciates the Commissioners' cooperation and leadership in all they are doing for the County.

Commissioner Ball encouraged the public to follow the County's, EMA's and the Alabama Department of Public Health's social media pages to get reliable information.

Chairman Underwood asked Judge Harry D'Olive, Baldwin County Judge of Probate, if he has any comments?

Judge D'Olive appeared before the Commission and thanked the Commissioners for the action they have taken. Judge D'Olive commented on his employees' concerns

and how proud he is of his staff. He commented on the status of the tag and title renewal deadlines and the run-off election scheduled for March 31, 2020. Judge D'Olive said he and his staff thank the Commissioners for all they have done.

Chairman Underwood said she echoes everything everyone has said. This is all out of respect for what is happening right now. The Commissioners care a lot about Baldwin County. Chairman Underwood said she thanks her fellow Commissioners; they have all been great, unified and have stepped up to the plate. The Commissioners are doing everything they can during this type of a state of emergency. Chairman Underwood said a County Commissioner from another part of the State reached out to her. Some of the other counties do not have the resources or staff like Baldwin County and she is glad to give them assistance and guidance. The Commissioners are not just helping Baldwin County, but other counties as well. She is thankful the County is able to lend assistance. Chairman Underwood said at the beginning of the year, she said this was the year for people to be kind. This is the time for everyone to exhibit kindness and respect others.

Commissioner Ball said Mr. David White, Baldwin County District Attorney's Office Lead Investigator, is here and asked if he has any comments?

Mr. White appeared before the Commission and said although the Courthouse has been shut down, the District Attorney's Office is still taking payments through a lockbox in front of the Courthouse or online and the office is staffed.

Chairman Underwood said the County's Citizens Service Center (Call Center) is well equipped to answer many questions. The County's website has the numbers listed to contact the Call Center and its social media has all of the latest updates.

P ADJOURNMENT

Brad Hicks, County Attorney, recommended the Commission adjourn into an executive session to discuss with its attorney the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action. Mr. Hicks said after the motion and second and before the vote, Ms. Hope Hicks, Conflicts Counsel, will make her oral declaration. After the vote, Chairman Underwood will announce that the Commission will not reconvene.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, adjourn into an executive session at 9:23 a.m. to discuss with their attorney the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action.

The motion passed by the following vote:

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

Nay: 0

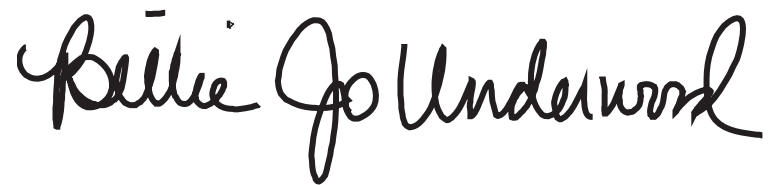
Absent: 0

Abstain: 0

After the motion and before the vote, Ms. Hicks appeared before the Commission and said she makes the oral declaration that the matters to be discussed during the executive session meets the exception under the Alabama Law.

After the vote, Chairman Underwood said the March 17, 2020, Baldwin County Commission meeting will adjourn into an executive session.

Commissioner Davis said for the record the meeting is convening at 9:23 a.m.

A handwritten signature in black ink that reads "Billie Jo Underwood". The signature is written in a cursive style with a large, prominent "B" and "U".