

Baldwin County Commission

Baldwin County Commission Regular
Meeting Minutes
Tuesday, July 7, 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.

WELCOME BY CHAIRMAN, 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 8:30 a.m. and introduced Reverend Billy Lambert, Pastor of Summerdale Church of Christ, who appeared before the Commission and led the Commission in prayer. After the Pledge of Allegiance led by Commissioner Joe Davis, III, the Commission transacted the following business to-wit:

A ADOPTION OF MINUTES

June 16, 2020, Regular Meeting

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to adopt the minutes of the June 16, 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

Wayne Dyess, County Administrator, introduced Ms. Katie Shepherd, Coordinator, and Mr. Ryan Mitchell, Forestry Wildlife and Natural Resource Regional Extension Agent, with the Baldwin County Extension Service, who appeared before the Commission and commented on the services the Baldwin County Extension Office

provides.

B ACTION ITEMS

Wayne Dyess, County Administrator, said staff is requesting the Commissioners remove Action Item BC2 - Request from Fort Mims Restoration Association - Re-enactment and Living History Event at Fort Mims August 29-30, 2020, from the Agenda. Mr. Dyess said staff is gathering additional information regarding the item and it will be brought back at a subsequent meeting.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to approve the Action Items with the exception of Item BC2.

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 *2020-2021 Association of County Commissions of Alabama (ACCA) Legislative Committee Appointment [20-1247](#)

Select Commissioner James E. (Jeb) Ball as the Baldwin County Commission's representative to the 2020-2021 Association of County Commissions of Alabama (ACCA) Legislative Committee.

BA2 *National Association of Counties (NACo) - 2020 Voting Credentials [20-1251](#)

Select Commissioner Joe Davis, III, to represent the Baldwin County Commission for the 2020 Virtual Annual Business Meeting for NACo (the Delegate will cast the County's vote in the election).

BC ARCHIVES AND HISTORY

BC1 Baldwin County Historic Development Commission - Board Appointment(s) [20-1189](#)

Related to the Baldwin County Historic Development Commission, take the following actions:

- 1) Appoint Ms. Ione Jurkiewicz for a pro-rata reduced four (4) year term, to the place seat formerly held by Ms. Gloria Bitto, said term to commence on July 7, 2020, and expire on July 3, 2024; and
- 2) Thank Ms. Gloria Bitto for her prior civic service as a member of the board; and

3) Appoint Mr. David Brandon Peed for a pro-rata reduced four (4) year term, to the place seat formerly held by Mr. Johnny Biggs, said term to commence on July 7, 2020, and expire on July 3, 2024; and

4) Thank Mr. Johnny Biggs for his prior civic service as a member of the board; and

5) Reappoint Ms. Sandra Stewart for a four (4) year term, said term continuing from July 3, 2020, and expiring on July 3, 2024; and

6) Reappoint Ms. Jeanette Bornholt for a four (4) year term, said term continuing from July 3, 2020, and expiring on July 3, 2024.

BC2 Request from Fort Mims Restoration Association - Re-enactment and Living History Event at Fort Mims August 29-30, 2020

[20-1231](#)

This Item was removed from the Agenda at the request of staff.

BD BALDWIN REGIONAL AREA TRANSIT SYSTEM (BRATS)

BD1 Authorization to Transfer One (1) Baldwin Regional Area Transit System (BRATS) Vehicle to the Town of Newton

[20-1254](#)

Take the following actions:

1) Approve Baldwin Regional Area Transit System (BRATS), through the Clerk/Treasurer, to transfer the following BRATS vehicle to Town of Newton at no cost:

1994 Dodge B350 Maxiwagon
Seat Capacity - 14 seats
Condition - Poor/Salvage
VIN #2B5WB35ZXRK572839
Mileage as of 7/2020 - Unknown
Tag #N/A
Bill of Sale Date - 07/14/1993

2) Authorize the Chairman to execute the Fixed Asset Change Form.

BD2 Supplemental Agreement No. 2 between Baldwin County Commission and the State of Alabama to Amend the Pass Through of Federal Funds for an Urbanized Area and Rural Public Transportation Project

[20-1253](#)

Take the following actions:

1) Approve the Supplemental Agreement No. 2 between the Baldwin County Commission and the State of Alabama relative to the Pass Through of the Federal Funds for an

Urbanized Area Public Transportation Project for the Eastern Shore Urbanized Area of Baldwin County and a Rural Non-Urbanized Area Public Transportation Project for Baldwin County. This will add language to include the requirements of the Federal Transit Administration's (FTA) Coronavirus Aid, Relief and Economic Security (CARES) Act of 2020; and

2) Adopt Resolution #2020-093 authorizing the Baldwin County Commission to enter into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation, relating to public transportation with partial funding by the Federal Transit Administration through Fiscal Year 2022.

BE BUDGET/PURCHASING

BE1 Competitive Bid #WG18-34 - Provision of Industrial Fittings, Hoses and Accessories for the Baldwin County Commission [20-1217](#)

Extend Bid #WG18-34 for the provision of industrial fittings, hoses and accessories with Bay Side Rubber & Products, Inc., for an additional twelve (12) months at the same prices and terms stated in the bid specifications as awarded on August 7, 2018. The extension will expire on August 7, 2021.

BE2 *Competitive Bid #WG19-58 - Interior Build-out of the Second Floor of the Baldwin County Satellite Courthouse Located in Fairhope, Alabama [20-1235](#)

Take the following actions:

1) Approve Change Order #2 in the amount of \$53,702.76 with Stuart Construction, LLC, for the interior build-out of the second floor of the Baldwin County Satellite Courthouse located in Fairhope, Alabama and authorize the Chairman to execute the Change Order; and

2) Authorize the Chairman to execute the Certificate of Substantial Completion for the Interior Build-out of the Second Floor of the Baldwin County Satellite Courthouse project located in Fairhope, Alabama.

BE3 Competitive Bid #WG20-31 - Purchase and Installation of Two (2) New 40 ft. x 50 ft. Metal Buildings in Little River, Alabama and Loxley, Alabama for the Baldwin County Commission [20-1226](#)

Award Bid #WG20-31 for the purchase and installation of two (2) new 40 ft. x 50 ft. metal buildings in Little River, Alabama and Loxley, Alabama to the lowest responsible bidder, who met all the specifications, J. Smith Contractors, LLC, as follows and authorize the Chairman to execute the Contract.

Bid Amount: \$83,463.45
Location: Little River, Alabama

Completion Time: 14 weeks

Bid Amount: \$83,463.45

Location: Loxley, Alabama

Completion Time: 14 weeks

BE4 Competitive Bid #WG20-32 - Provision of Emulsified Asphalt (Bituminous Materials) for the Baldwin County Commission [20-1211](#)

Award Bid #WG20-32 for the provision of emulsified asphalt (bituminous materials) to Blacklidge Emulsions, Inc. as per the Award Listing.

BE5 Competitive Bid #WG20-33 - Provision of Bottled Water for the Baldwin County Commission [20-1213](#)

Award Bid #WG20-33 for the provision of bottled water to Coca-Cola Bottling Company United, Inc., per the Award Listing.

BE6 Competitive Bid #WG20-39 - Purchase and Installation of One (1) New 300 kW Generator and One (1) New 400 AMP Automatic Transfer Switch for the Baldwin County Revenue Commission Building Located in Bay Minette, Alabama [20-1215](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the purchase and installation of one (1) new 300 kW generator and one (1) new 400 AMP automatic transfer switch for the Baldwin County Revenue Commission Building located in Bay Minette, Alabama; 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 #WG20-40 - Provision of Instant Precooked Meals for the Baldwin County Commission [20-1216](#)

Take the following actions:

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

BE8 Competitive Bid #WG20-41 - Annual Scrap Metal & White Good Recycling Services for the Baldwin County Commission

[20-1222](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the annual scrap metal & white good recycling services for the Baldwin County Commission; and
- 2) Further, authorize the Chairman/Purchasing Division Commissioner for the Baldwin County Commission to approve any necessary addendums or clarifications if required after the bid is advertised.

BE9 Competitive Bid #WG20-42 - Provision of Vehicle Detergent for the Baldwin County Commission

[20-1228](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of vehicle detergent 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.

BE10 Competitive Bid #WG20-43 - Provision of an Integrated Mosquito Management Program within the Unincorporated Areas of Baldwin County, Alabama for the Baldwin County Commission

[20-1252](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of an Integrated Mosquito Management Program within the unincorporated areas of Baldwin County, Alabama 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.

BE11 Pre-qualification of Contractors for the Construction of Two (2) New Baldwin County Highway Maintenance Buildings Located in Bay Minette and Silverhill, Alabama

[20-1209](#)

Authorize the Purchasing Director to advertise for the Pre-qualification of Contractors for the construction of two (2) new Baldwin County Highway maintenance buildings located in Bay Minette and Silverhill, Alabama.

BE12 Rental of Three (3) New Copy Machines for the Baldwin County Highway Maintenance Facilities Located in Bay Minette, Silverhill, and Foley, Alabama

[20-1229](#)

Approve and authorize the Chairman to execute the rental agreements with Sharp Electronics Corporation for the rental of three (3) new copy machines off the State of Alabama bid for thirty-six (36) months effective the date of execution as follows:

Location: Highway Area 100 Maintenance Facility - Bay Minette, AL
Model: MX-4071
Price: \$149.76/month
Excess Charge/copy: \$0.0079 BW and \$0.0450/color copy

Location: Highway Area 200 Maintenance Facility - Silverhill, AL
Model: MX-4071
Price: \$161.43/month
Excess Charge/copy: \$0.0079 BW and \$0.0450/color copy

Location: Highway Area 300 Maintenance Facility - Foley, AL
Model: MX-4071
Price: \$164.53/month
Excess Charge/copy: \$0.0079 BW and \$0.0450/color copy

BE13 Rental of Three (3) New Copy Machines for the Baldwin County Solid Waste Collections Department, Juvenile Detention Center, and the Sales and Use Tax Department for the Baldwin County Commission

[20-1210](#)

Approve and authorize the Chairman to execute the rental agreements with Sharp Electronics Corporation for the rental of three (3) new copy machines off the State of Alabama bid for thirty-six (36) months effective the date of execution as follows:

Location: Baldwin County Solid Waste Collections - Robertsdale, AL
Model: MX6071
Price: \$214.97/month
Excess Charge/copy: \$0.0054/bw, \$0.0400 color

Location: Baldwin County Juvenile Detention Center - Bay Minette, AL
Model: MX6071
Price: \$211.28/month
Excess Charge/copy: \$0.0054/bw, \$0.0400 color

Location: Sales and Use Tax Department - Robertsdale, AL
Model: MX6071
Price: \$219.67/month
Excess Charge/copy: \$0.0054/bw, \$0.0400 color

BE14 2020 General Obligation Warrants - Authorized Representative Form

[20-1227](#)

Approve and authorize the Chairman and necessary staff to execute the Authorized Representative Form provided by Regions Financial Corporation regarding the 2020 General Obligation Warrants.

BE15 Local Amendment of the Community Development Block Grant (CDBG)
Project Number CY-CM-PF-18-009, County Road 93 Public Water
System Extension

[20-1218](#)

Take the following actions:

- 1) Approve the requested local amendment to Community Development Block Grant (CDBG) Project Number CY-CM-PF-18-009 and;
- 2) Authorize the Chairman to execute the necessary documents and the local amendment request.

BE16 Resolution #2020-092 - Fiscal Year 2019 - 2020 Budget Amendment for
Parks Department

[20-1230](#)

Adopt Resolution #2020-092 amending the Fiscal Year 2019 - 2020 Budget (Resolution #2019-143 and Resolution #2019-144, adopted September 20, 2019) to move funding within the current Parks Department budget to accommodate the purchase of an ice maker.

BE17 Sales & Use Tax Collection Software

[20-1262](#)

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 software or upon acceptance of the addendum(s) by both parties and shall remain in effect for one year. This Agreement shall commence on the first day of delivery of the software and remain in effect for one year; 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 \$1,080.00, effective October 1, 2020.

BF BUILDING INSPECTION

BF1 Baldwin County Flood Damage Prevention Ordinance Board of Adjustments - Board Appointment(s)

[20-1219](#)

To accomplish the provisions set forth in the Alabama Department of Environmental Management Coastal Area Program, Division 335-8 regulations, and Resolution #2015-011 of the Baldwin County Commission, take the following actions related to the Baldwin County Flood Damage Prevention Ordinance Board of Adjustments:

- 1) Reappoint Mr. Cliff Pitman as a regular member for a three (3) year term, said term continuing from June 1, 2020, and expiring on June 1, 2023; and
- 2) Reappoint Mr. Mark Acremen, PE, as a regular member for a three (3) year term, said term continuing from June 1, 2020, and expiring on June 1, 2023; and
- 3) Reappoint Mr. Richard Peterson, PE, as a regular member for a three (3) year term, said term continuing from June 1, 2020, and expiring on June 1, 2023; and
- 4) Reappoint Mr. Timothy Barnhill as a regular member for a three (3) year term, said term commencing on August 1, 2020, and expiring on August 1, 2023; and
- 5) Reappoint Mr. J. Martin Pitts, PE, as a regular member for a three (3) year term, said term commencing on August 1, 2020, and expiring on August 1, 2023.

BK EMERGENCY MANAGEMENT AGENCY (EMA)

BK1 Civic Innovation Challenge Grant Application

[20-1234](#)

Take the following actions:

- 1) Approve the Baldwin County Commission, through the Baldwin County Emergency Management Agency (EMA), to partner with the National Preparedness Leadership Initiative (Harvard University) to apply for the “Civic Innovation Challenge (CIVIC): A Research and Action Competition in the Smart and Connected Communities Domain” grant, funded by the U.S. Department of Homeland Security (DHS), U.S. Department of Energy (DOE) and National Science Foundation (NSF); and

Said grant to be used to support pre- and post-disaster recovery planning activities, implement a business continuity and non-profit organization continuity training program and support community outreach and engagement related aspects of the emergency operations plan update process using the “meta-leadership” framework as a foundation.

- 2) Authorize the Chairman to execute any grant application related documents necessary to apply for the above grant.

BN HIGHWAY

BN1 Baldwin County Mitigation Bank - Prescribed Burn and Timber Thinning

[20-1260](#)

Take the following actions:

- 1) Authorize the Purchasing Director to place a competitive bid for a prescribed burn and timber thinning at the Baldwin County Mitigation Bank located north of County Road 4 in Gulf Shores; and
- 2) Authorize the Chairman to execute any project related documents.

BN2 Rebuild Alabama - Baldwin County Fiscal Year 2020 County
Transportation Plan - County Rebuild Alabama Contractor Report

[20-1258](#)

Approve the Chairman to execute the Fiscal Year 2020 County Rebuild Alabama Contractor Report for awarded projects funded with County Rebuild Alabama Funds.

BQ PERSONNEL

BQ1 Archives Department - Employment of One (1) Part-Time Gate Attendant

[20-1240](#)

Approve the employment of Cynthia Kelly to fill the open part-time Gate Attendant position (PID #PT35) at a grade E-EL (\$10.781 per hour) to be effective no sooner than July 13, 2020.

BQ2 Building Inspection - Position Changes

[20-1225](#)

Take the following actions:

- 1) Reclassify the Hazard Mitigation Coordinator (PID #347) from an hourly grade H (grade H range: \$29,631.68 - \$48,642.88 annually) to a salary grade EC-07 (EC-07 range: \$44,476.00 - \$70,450.00 annually); and
- 2) Reclassify the Permit Administrator (PID #5538) from salary grade EC-06 (EC-06 range: \$37,063.00 - \$58,709.00 annually) to salary grade EC-07 (EC-07 range: \$44,476.00 - \$70,450.00 annually), with a \$2,000.00 in increase in pay due to added responsibilities; and
- 3) Re-title the Office Manager position (PID #5472) to Bookkeeper, with no change in grade or pay; and
- 4) Re-title the Office Assistant IV positions (PID #5470 and #5471) to Permit Technician I, with no change in grade or pay; and
- 5) Approve the updated organizational chart for the Building Inspections Department; and

6) Approve the updated position descriptions for Hazard Mitigation Coordinator, Permit Administrator, Bookkeeper, and Permit Technician I.

These recommendations will be effective no sooner than July 20, 2020.

BQ3 Finance Department - Employment of One (1) Junior Staff Accountant

[20-1223](#)

Approve the employment of Rhonda Boutwell to fill the open Junior Staff Accountant position (PID #5543) at a salary grade EC-06 (\$37,063.00 annually) to be effective no sooner than July 13, 2020.

BQ4 Highway Department (Bay Minette) - Personnel Changes

[20-1224](#)

Take the following actions:

- 1) Approve the employment of Dillon Anderson to fill the open Laborer position (PID #5487) at a grade E-EL (\$10.781 per hour/\$22,424.48 annually); and
- 2) Approve the employment of Blake Agerton to fill the open Laborer position (PID #5486) at a grade E-EL (\$10.781 per hour/\$22,424.48 annually).

These recommendations will be effective no sooner than July 13, 2020.

BQ5 Highway Department (Maintenance Engineering) - Promotion of Employee

[20-1249](#)

Approve the promotion of Zachary Bodle from the Design Technician I position (PID #5443) grade I-01 (\$16.019 per hour/\$33,319.52 annually) in the Highway Pre-Construction Department (53600) to fill the open Engineering Technician III position (PID #5180) at a grade K-EL (\$18.856 per hour/\$39,220.48 annually) in the Highway Maintenance Department (53130) to be effective no sooner than July 20, 2020.

BQ6 Highway Department (Traffic Operations) - Personnel Changes

[20-1221](#)

Take the following actions:

- 1) Approve the promotion of Nicholas McCawley from the Traffic Control Technician II (Sign) position (PID #503) grade H-EL (\$14.246 per hour/\$29,631.68 annually) to fill the open Traffic Control Technician III (Sign) position (PID #914) at a grade I-EL (\$15.629 per hour/\$32,508.32 annually) to be effective no sooner than July 20, 2020; and
- 2) Approve the employment of Nathan Lane to fill the open Traffic Control Technician II (Sign) position (PID #5172) at a grade H-EL (\$14.246 per hour/\$29,631.68 annually) to be effective no sooner than July 13, 2020; and

3) Approve the employment of Blakley Patterson to fill the open Traffic Control Technician I (Stripe) position (PID #5497) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually) to be effective no sooner than July 13, 2020.

BQ7 Revenue Commission - Personnel Changes

[20-1214](#)

Take the following actions:

1) Approve the employment of Ana Gonzalez to fill the open Assessment Support Technician I position (PID #5542) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually); and

2) Approve the employment of Angel Hinote to fill the open Collections Support Technician I position (PID #5338) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually).

These actions will be effective no sooner than June 22, 2020.

BQ8 Solid Waste Department (Collection Administration) - Employment of One (1) Billing Account Specialist I Position

[20-1232](#)

Approve the employment of Rachel White to fill the Billing Account Specialist I position (PID #2082) at a grade G-EL (\$12.967 per hour/\$26,971.36 annually) to be effective no sooner than July 13, 2020.

BR **PLANNING AND ZONING**

BR1 Baldwin County Planning and Zoning Commission - Board Appointment(s)

[20-1263](#)

Related to the Baldwin County Planning and Zoning Commission, take the following actions:

1) Accept the resignation of Mr. Arthur Oken dated February 28, 2020 and thank Mr. Oken for his prior civic service as a member of the board; and

2) Appoint Mr. Jason Padgett as a regular member for a four (4) year pro-rata reduced term, to fill the place-seat and unexpired term formerly held by Mr. Arthur Oken, said term to commence on July 7, 2020, and expire on July 17, 2022.

BR2 Proposed Planning (Zoning) District 19

[20-1257](#)

Accept the notice of intent to form a Planning (Zoning) District and request a referendum for Planning and Zoning purposes for the proposed Planning District to be known as Planning (Zoning) District 19.

Accept the notice of intent to form a Planning (Zoning) District and request a referendum for Planning and Zoning purposes for the proposed Planning District to be known as Planning (Zoning) District 11.

C PRESENTATIONS

D PUBLIC HEARINGS

DA ADMINISTRATION

DA1 Case No. LV-20003 - Alcohol License Application for Circle K Stores, Inc. d/b/a Circle K Store #2704391

Chairman Underwood opened the public hearing at 8:37 a.m. and asked if there is anyone present who wishes to speak.

There being no requests to address the Commission, Chairman Underwood closed the public hearing at 8:38 a.m.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner Joe Davis, III, to consider the transfer application of 050 - Retail Beer (Off Premises Only) and 070 - Retail Table Wine (Off Premises Only) licenses from Amtel Petroleum, LLC d/b/a Lillian Express Mart, to Circle K Stores, Inc. d/b/a Circle K Store #2704391, located at 34531 Highway 98 Lillian, Alabama, 36549 and approve the issuance of said licenses by the Alabama Alcoholic Beverage Control (ABC) Board.

The motion passed by the following vote:

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

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, to pay bills totaling \$12,885,688.86 (twelve million, eight hundred eighty-five thousand, six hundred eighty-eight dollars and eighty-six cents).

Of this amount, \$9,602,422.81 (nine million, six hundred two thousand, four hundred twenty-two dollars and eighty-one cents) is payable to the Baldwin County Board of Education and \$568,254.44 (five hundred sixty-eight thousand, two hundred fifty-four

dollars and forty-four 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

EA2 Notification of Interim Payments Approved by Clerk/Treasurer as Allowed Under Policy 8.1 [20-1242](#)

Wayne Dyess, County Administrator, informed the Commission that the Baldwin County Commission Interim Payments - July 7, 2020, made by the Clerk/Treasurer totaling \$4,075,164.24 (four million, seventy-five thousand, one hundred sixty-four dollars and twenty-four cents) are a part of the record.

F DISCUSSION ITEMS

FE BUDGET/PURCHASING

FE1 DISCUSSION ITEM - Baldwin County Cattle and Fair Association, Inc. Lease Revisions [20-1239](#)

No discussion.

FE2 DISCUSSION ITEM - Purchase of Land from the City of Bay Minette (Bay Minette Police Department Complex) [20-1250](#)

No discussion.

HA5 Baldwin County Cattle and Fair Association, Inc. Real Estate Lease Amendment [20-1292](#)

Wayne Dyess, County Administrator, said before the Commissioners is a recommendation regarding the Baldwin County Cattle and Fair Association, Inc. lease revisions. There are some terms and dates the Commission will need to solidify.

Commissioner Gruber recommended leaving the expiration date of September 30, 2022, as it is.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, as related to the Real Estate Lease between the Baldwin County

Commission and the Baldwin County Cattle and Fair Association, Inc. for the Baldwin County Coliseum located at 19477 Fairground Road, Robertsdale, Alabama 36567, take the following actions:

- 1) Leave the expiration date of the Lease as originally stated, September 30, 2022; and
- 2) Change the financial rent amount to \$15,000.00, payable on October 1 of each year and exclude all other parameters associated with that.

After the motion and second, the Commissioners further discussed the "Rent" section of the Lease.

Commissioner Gruber clarified that his motion is to amend the Contract to change the annual rent to be \$15,000.00 payable on October 1 of each year of the lease and remove everything else in that section.

The Commissioners and staff further discussed the proposed recommendations before the Commission.

Brad Hicks, County Attorney, clarified that the motion made spoke to consideration in the lease and did not necessarily adopt all the changes referenced in the item. Mr. Hicks said if the Commissioners wish to adopt the agenda item with the change consideration and the other terms as marked and attached to the agenda item, then the motion would need to be amended accordingly.

At this time, Commissioner Gruber withdrew his motion.

After discussion related to the motion structure, Commissioner Gruber restated his motion as follows related to the Real Estate Lease between the Baldwin County Commission and the Baldwin County Cattle and Fair Association, Inc. for the Baldwin County Coliseum located at 19477 Fairground Road, Robertsdale, Alabama 36567:

- 1) Leave the expiration date of the Contract as originally stated as September 30, 2022; and
- 2) Strike everything in the "Rent" section except the annual rent of \$15,000.00 payable on October 1 of each year of the lease.

Commissioner Ball said for the record there is a brand-new motion that is on the floor at this time, to which Mr. Hicks agreed and said there is a now a new motion on the floor.

Motion by Commissioner Charles F. Gruber, as related to the Real Estate Lease between the Baldwin County Commission and the Baldwin County Cattle and Fair Association, Inc. for the Baldwin County Coliseum located at 19477 Fairground Road, Robertsdale, Alabama 36567, to take the following actions:

- 1) Leave the expiration date of the Contract as originally stated as September 30, 2022;
and
- 2) Strike everything in the "Rent" section except the annual rent of \$15,000.00 payable on October 1 of each year of the lease.

MOTION DIED FOR LACK OF A SECOND.

Motion by Commissioner Joe Davis, III, seconded by Commissioner James E. Ball, to take the following actions related to the Real Estate Lease between the Baldwin County Commission and the Baldwin County Cattle and Fair Association, Inc. for the Baldwin County Coliseum located at 19477 Fairground Road, Robertsedale, Alabama 36567:

- 1) Pursue the modification of the current Agreement by replacing it with an Agreement that identifies the changes in the payment and calculation schedule and that it be for a five (5) year period just like the Agreement approved in 2017 and expires on September 30, 2022;
and
- 2) Approve an Agreement that commences on July 7, 2020, or soon thereafter and that it goes through September of 2025.

The motion failed by the following vote:

Aye: 2 - James E. Ball, and Joe Davis III
Nay: 2 - BillieJo Underwood, and Charles F. Gruber
Absent: 0
Abstain: 0

After the motion and before the vote, Chairman Underwood said Commissioner Davis' motion is to extend the current Agreement to expire on September 30, 2025, and the "Rent" paragraph would read "The annual rent shall be Fifteen Thousand Dollars (\$15,000.00) payable on October 1 of each year of the lease" with the rest of that paragraph struck.

Commissioner Davis said that is correct. His motion is to create a new Agreement that starts in July and goes through 2025 with the provisions about the finances.

Mr. Hicks said he believes the intent of Commissioner Davis' motion is to pursue an Agreement and the Commission will take official action directing Mr. Hicks and Mr. Dyess to pursue a new Lease with Cattle & Fair with the terms ending on September 30, 2025, and the consideration provisions to be \$15,000.00 annually.

Further discussion followed regarding the proposed commencement and expiration dates of the Agreement.

Commissioner Davis commented regarding the meetings he had with the Cattle and Fair organization as the Baldwin County Commission Finance Chair to discuss the new agreement as Baldwin County Commission Finance Chairman. He brought three things to the table for everyone to agree on: seek payment and get Cattle & Fair caught up; deal with verbiage that dealt with revenue net and determine the date going forward with the new agreement. Commissioner Davis said he could not, in good conscious, bring the things he was asked to bring back to the Commission for approval which were utility bills that were contingent on when they were used in peak areas. He tried to do his job as he was asked to do. He wants the Commission to vote on what the Finance Chairman determined and what the Cattle and Fair agreed to do. Commissioner Davis commented on how the Cattle and Fair has caught up its rent and how it is making improvements. Commissioner Davis said if there is an organization with problems with Cattle and Fair, there are mechanisms to deal with it and the agreement shall not be held up by any of those other things. He has made his motion and if those things are not agreed upon, then someone should explain why not.

The Commission, Mr. Cink and Mr. Hlcks discussed the dates for the proposed Lease Agreement and who has the authority to approve the agenda.

Mr. Dyess said in the future, if there was a recommendation by a Committee Chair such as the Finance Chairman, it should be a part of the recommendation as recommended by that Committee Chairman (Finance).

The Commissioners discussed communication challenges between the Commissioners, changes to the agenda items, recommendations for the Commission, terms of the contract related to non-payment, and the termination or extension of the contract.

HA6 Purchase of Land from the City of Bay Minette (Bay Minette Police Department Complex)

[20-1288](#)

Sheriff Huey Hoss Mack appeared before the Commission and said he appreciates the Commission's support in this endeavor. This is the first tier of a four-tier project, which will ultimately result in the building of Tower B in the jail expansion previously approved. Sheriff Mack explained the jail expansion project and the reasons the property purchase is necessary. Sheriff Mack commented on the money collected over the years and how the Sheriff's Office will reimburse the County the \$895,000.00 from that money market account to partner in this purchase moving forward.

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

- 1) Approve and authorize the Chairman to execute the Purchase Agreement between the Baldwin County Commission and the City of Bay Minette, for Parcel Number 23-02-09-4-401-003.000 and Parcel Number 23-02-09-4-401-001.001 from the City of Bay

Minette for \$895,000 to be funded by the Law Enforcement Money Market Account (\$700,000) and the Sheriff's Department (\$195,000).

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

G COMMISSIONER REQUESTS

GA1 Request for Additional COVID-19 Testing Sites in Baldwin County

[20-1306](#)

Chairman Underwood said before the Commission is a letter to Governor Kay Ivey; Dr. Scott Harris, State Health Officer, and Mr. Brian Hastings, Director, Alabama Emergency Management Agency. The letter requests more COVID-19 testing sites in Baldwin County to give relief to the urgent care facilities and emergency rooms. Chairman Underwood said there is a desire for this to happen and there are certain areas that are overloaded due to the rise in COVID-19 cases. This request is on behalf of the entire County Commission.

Commissioner Ball asked that all four Commissioners sign the letter of request.

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to authorize the Commissioners to execute a letter of request for more COVID-19 testing sites in Baldwin County to Governor Kay Ivey, Dr. Scott Harris and Mr. Brian Hastings.

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 asked for staff to find out how many counties only have two testing sites. Baldwin County is the fourth or fifth largest county in the State.

Discussion followed related to testing sites in Baldwin County versus other counties in the State. The general consensus of the Commissioners is that Baldwin County should not be penalized because it is the only county that does not have a dominant city.

Commissioner Davis requested information from staff on the other testing sites in the State.

H ADDENDA

HA GENERAL

HA1 Right of Entry Agreement - Baldwin County Economic Development Alliance, Inc.

[20-1277](#)

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to authorize the Chairman to execute a Right of Entry Agreement between the Baldwin County Commission and the Baldwin County Economic Development Alliance, Inc. (BCEDA) to grant permission to BCEDA, its employees, agents, or contractors, to enter the Property and begin relocating its furniture, fixtures and equipment, setting up its office and preparing to occupy the Property under an amended lease.

The term of this Agreement shall be from the date on which this Agreement has been executed by both parties and terminate on July 21, 2020.

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

HA2 Space Allocation in County Facilities - Allocation of Space at the Baldwin County Fairhope Satellite Courthouse and Courthouse Campus in Fairhope, Alabama - Resolution #2020-100

[20-1271](#)

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

Baldwin County Fairhope Satellite Courthouse and Courthouse Campus - Fairhope:

In the City of Fairhope, Alabama, and pursuant to the authority granted the Baldwin County Commission at Section 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 #2020-100 of the Baldwin County Commission, which designates the rooms to be occupied in the Baldwin County Fairhope Satellite Courthouse and further, to authorize the space allocations and offices applicable to the Baldwin County Fairhope Satellite Courthouse Campus.

(Resolution #2020-100 repeals Resolution #2018-114, adopted by the Baldwin County Commission on August 21, 2018.)

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

HA3 GoRail Joint Letter to Congress

[20-1281](#)

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to authorize the Chairman to execute correspondence to the Surface Transportation Board (STB) with a copy to the members of the House Transportation and Senate Commerce Committees in support for continued balanced economic regulation and calls for no additional requirements to the freight rail industry.

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

Commissioner Davis commented on the purpose of the letter and the importance of the rail industry.

HA4 Intergovernmental Support Agreement between Naval Air Station Whiting Field, Florida and the Baldwin County Sheriff's Office for Conducting Emergency Vehicle Operations Course at NOLF Silverhill

[20-1282](#)

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to approve the Intergovernmental Support Agreement (IGSA) between Naval Air Station Whiting Field, Florida (NASWF) and the Baldwin County Sheriff's Office (BCSO) allowing NASWF to provide space on unused taxiways/runways at Naval Outlying Field (NOLF) Silverhill for the BCSO to conduct Emergency Vehicle Operations Course (EVOC) training. This Agreement shall be for one federal fiscal year from the last dated signature on this Agreement and renewable for successive, one-year option periods for nine (9) additional years. This IGSA may be terminated unilaterally by either Party upon 60 calendar day written notice to the Point of Contacts designated in this IGSA.

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

HA7 Request from Baldwin County Judge of Probate for Saturday Openings for the Probate Offices Located at Bay Minette, Robertsdale, Foley and Fairhope

[20-1291](#)

Wayne Dyess, County Administrator, said this is an effort to clear some of the backlog.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner Joe Davis, III, to approve the request from the Baldwin County Judge of Probate, the Honorable Harry D'Olive, to authorize the opening of the Probate Offices in Bay Minette (at Courthouse Square), Robertsdale Central Annex, and the Foley and Fairhope Satellite Courthouses on Saturdays in order to allow the Probate Offices to be opened to the public on two Saturdays (July 11, 2020, and July 18, 2020) from 8:00 a.m. to 12:00 p.m.

The motion passed by the following vote:

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

After motion and second, before the vote, Commissioner Ball clarified that the openings will only be for the two specific dates at this time.

Commissioner Davis said the Probate Judge opens those offices; the Commission is only the landlord of the buildings.

I ADMINISTRATIVE REPORT

J COUNTY ATTORNEY'S REPORT

K PUBLIC COMMENTS

KA1 Proposed Gun Range "Franks Place @ The Farm" on County Road 65

Mr. Mark Byrd appeared before the Commission and provided a letter opposing a new gun range "Frank's Place @ The Farm" including Exhibits 1-13 (slides) to the Commissioners. Mr. Byrd commented on the health and safety concern he has for him and his neighbors.

Chairman Underwood said she will need to look into it and have staff and the County Attorney research the matter.

Ms. Katheryn Scott appeared before the Commission and provided an aerial map of the proposed gun range. Ms. Scott commented on her property which she purchased after her retirement and on the plans she and her daughter have for the property. Ms. Scott commented on recent events that occurred when the owners of the property of the proposed gun range were target practicing. Ms. Scott said she cannot continue to build her home because her property is in the direct line of fire.

Ms. Jeanette Pridmore appeared before the Commission and said she and her son own the Foley Oaks RV Park. Ms. Pridmore said she is concerned for the safety and well-being of the residents in the RV park due to the target practicing.

A citizen who said he was the President of Riverside Subdivision Homeowners Association appeared before the Commission and said he opposes the gun range.

Mr. Jeff Fields appeared before the Commission and expressed his concern about bullets flying overhead and landing on his property.

Ms. Lydia Franz appeared before the Commission and said she and her daughter own Destination Development, the company she created to identify opportunities to serve the South Baldwin communities. Ms. Franz commented on the reasons she decided to open a gun range and said she is currently making final tweaks to the plans. Ms. Franz discussed her plans for noise abatement and safety for the property.

Commissioner Davis asked if this is the first gun range Ms. Franz has been a part of developing and how long she has owned the property to which Ms. Franz replied this is her first one and she purchased the property approximately one-year ago.

Further discussion followed regarding the ADEM Environmental Stewardship Program, the location of the nearest gun range in the area, target practices on the property, and the various permits required.

Ms. Kaitlin Turner appeared before the Commission, introduced herself and said she is the daughter of Ms. Franz and part owner of the property.

L PRESS QUESTIONS

M COMMISSIONER COMMENTS

The Commissioners provided their closing comments.

N ADJOURNMENT

Motion by Commissioner James E. Ball, seconded by Commissioner Joe Davis, III, to adjourn the July 7, 2020, Baldwin County Commission Regular meeting at 10:05 a.m.

Chairman Underwood said the July 7, 2020, Baldwin County Commission Regular meeting is adjourned at 10:05 a.m.