

Baldwin County Commission

Baldwin County Commission Regular
Meeting Minutes
Tuesday, April 20, 2021
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

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. After the prayer led by Commissioner BillieJo Underwood and the Pledge of Allegiance led by Commissioner James E. Ball, the Commission transacted the following business to-wit:

A ADOPTION OF MINUTES

April 6, 2021, Regular Meeting

Motion by Commissioner Charles F. Gruber, seconded by Commissioner BillieJo Underwood, to approve the minutes of the April 6, 2021, 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 ACTION ITEMS

BA ADMINISTRATION

Wayne Dyess, County Administrator, said there are three Items under Administration for the Commission's approval.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E.

Ball, to approve Items BA1 - BA3.

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

BA1 Acknowledgement of Tax Abatement - Loxley Industrial Development Board - Imperial Bag & Paper Co LLC, and I-10/Gulf Coast Logistics Center, LLC

[21-0751](#)

In observance with §40-9B-5(d), Code of Alabama (1975), take the following actions:

1) Acknowledge the receipt, on March 30, 2021, by certified mail, of a Resolution by the Loxley Industrial Development Board granting a Tax Abatement to Imperial Bag & Paper Co LLC, and I-10/Gulf Coast Logistics Center, LLC; and

2) Forward to the Office of Revenue Commissioner of Baldwin County and Office of Probate Judge of Baldwin County the Resolution(s) and associated attachments informing the Baldwin County Commission of the aforementioned grant of such Tax Abatement.

BA2 Revision of County Take Home Vehicle List - April 2021

[21-0778](#)

Approve the revised County Take Home Vehicle List - April 2021 of the County employees and officers who drive County vehicles home as identified in the report.

The total number of Baldwin County Commission departmental staff driving public taxpayer owned County vehicles is 202.

BA3 Tent Rental for the Annual Law Enforcement Memorial Event on May 13, 2021

[21-0749](#)

Authorize the expenditure of \$975.00 from budget line item 10051125.51500 to rent a 40'x60' tent from A Grand Affair for the Baldwin County Sheriff's Office Annual Law Enforcement Memorial Event on May 13, 2021, at 11:00 a.m., at the Law Enforcement Memorial Park in Robertsedale, Alabama.

BE BUDGET/PURCHASING

Wayne Dyess, County Administrator, said there are eight Items under Budget/Purchasing for the Commission's approval. Item BE8 - Resolution #2021-063 - Authorization for the Issuance, Sale, Delivery and Payment of a

\$30,000,000.00 Maximum Principal Amount General Obligation Taxable Warrant, Series 2021-A will need to be voted on separately.

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to approve Items BE1 - BE7.

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

BE1 Competitive Bid #WG21-18 - Provision of Police Vehicle Accessories for the Baldwin County Commission [21-0705](#)

Award Bid #WG21-18 for the provision of police vehicle accessories as per the Award Listing: Group #1 to Floyd's Exhaust & Performance Accessories, Inc. and Group #2 to Prologic ITS, LLC.

BE2 Competitive Bid #WG21-19 - Provision of Concrete Sidewalk Repair on County Right-of-Ways for the Baldwin County Commission [21-0709](#)

Award Bid #WG21-19 for the provision of concrete sidewalk repair on County right-of-ways to the lowest responsible bidder, McElhenney Construction Company, LLC, as per the Award Listing and authorize the Chairman to execute the Contract. (Contract is effective immediately upon the same date as its full execution for twelve (12) months.)

BE3 Competitive Bid #WG21-20 - Provision of Police Vehicle Equipment for the Baldwin County Commission [21-0750](#)

Award Bid #WG21-20 for the provision of police vehicle equipment to Dana Safety Supply, Inc., as per the Award Listing.

BE4 Competitive Bid #WG21-25 - Roof Repairs and Replacement of Various County Buildings due to Hurricane Damage for the Baldwin County Commission [21-0745](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for Roof Repairs and Replacement of Various County Buildings due to Hurricane Damage; 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 #WG21-26 - Plumbing System Upgrades in the Baldwin County Courthouse located in Bay Minette, Alabama, for the Baldwin County Commission

[21-0755](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for plumbing system upgrades in the Baldwin County Courthouse located in Bay Minette, 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.

BE6 Competitive Bid #WG21-27 - Labor and Incidental Materials for Roof Replacement and Maintenance to Various County Buildings for the Baldwin County Commission

[21-0762](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for labor and incidental materials for roof replacement and maintenance to various County buildings; 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; and
- 3) Approve and authorize the Purchasing Director to issue a Purchase Order to Garland/DBS, Inc., in the amount of \$141,066.45 but not to exceed \$143,000.00 for the roofing materials which are being purchased via the OMNIA Partners Public Sector National Purchasing Cooperative.

BE7 Quote for the Installation of a Permanent Foundation for the Baldwin County MacBride Landfill Truck Scale Located in Loxley, Alabama, for the Baldwin County Commission

[21-0756](#)

Award the quote to G. T. Michelli, Co., Inc., in the amount of \$29,860.00 for moving and installing the truck scale on a permanent foundation at the Baldwin County MacBride Landfill located in Loxley, Alabama, and authorize the Chairman to execute the Public Works Contract and the Certificate of Compliance.

BE8 *Resolution #2021-063 - Authorization for the Issuance, Sale, Delivery and Payment of a \$30,000,000.00 Maximum Principal Amount General Obligation Taxable Warrant, Series 2021-A

[21-0685](#)

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, as relates to the General Obligation Taxable Warrant, Series 2021-A, to take the following actions:

- 1) Approve and adopt Resolution #2021-063 authorizing the issuance, sale, delivery and payment of a \$30,000,000.00 maximum principal amount general obligation taxable warrant, Series 2021-A, to be dated the date of delivery, to Trustmark National Bank, 236 N. Greeno Road, Fairhope, Alabama, 36532, ATTN: Lee Webb; and
- 2) Approve and authorize the execution of any and all documents necessary to complete the process of securing the line of credit related to the General Obligation Taxable Warrant, Series 2021-A.

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

BH COMMUNICATIONS/INFORMATION SYSTEMS (CIS)

Wayne Dyess, County Administrator, said there are two Items under Communications/Information Systems (CIS) for the Commission's approval.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to approve Items BH1 - BH2.

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

BH1 DocuSign Agreement for Electronic Signatures

[21-0758](#)

Due to DocuSign not being a listed vendor with Baldwin County Commission, take the following action:

- 1) RESCIND the action taken by the Baldwin County Commission, during its regularly

scheduled meeting on August 4, 2020, more specifically, the staff recommendation regarding Agenda Item BA1, which approved as follows:

“Approve a Master Services Agreement between DocuSign and Baldwin County Commission and accept the DocuSign Terms and Conditions for the provision of e-signatures to be used by various Baldwin County Commission departments.”

BH2 Tensaw Volunteer Fire Department - Agreement Regarding Baldwin County Commission Interoperability Communications System

[21-0757](#)

Approve and authorize the Chairman to sign an Agreement Regarding Baldwin County Interoperability Communications System for Tensaw Volunteer Fire Department.

This Agreement shall be for a term of three (3) years from the date of full execution, unless otherwise terminated by the parties as set forth herein. Any party may cancel or terminate the Agreement by giving ninety (90) days written notice of such termination to the other party.

BN HIGHWAY

Wayne Dyess, County Administrator, said there are three Items under Highway for the Commission's approval, with an addendum attachment for Item BN2 - Resolution #2021-070 - Small Wireless Facilities on Public Rights-of-Way.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve Items BN1 - BN3 including the addendum attachment for Item BN2.

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

BN1 Disclaimer, Extinguishment, and Release of Purported Right-of-Way Easements on Knox Landing

[21-0773](#)

Authorize the Chairman to execute the Disclaimer, Extinguishment, and Release of Purported Right-of-Way Easement documents for Knox Landing.

BN2 Resolution #2021-070 - Small Wireless Facilities on Public Rights-of-Way

[21-0776](#)

Adopt Resolution #2021-070 which establishes guidelines for the permitting, installation and construction of small wireless facilities and support structure poles in Baldwin County rights-of-way.

BN3 Town of Toxey, Alabama - Sale of One (1) Used Vehicle

[21-0770](#)

Take the following action:

- 1) Approve the sale of one (1) 2007 Ford F-150 (VIN #1FTRF12W87NA39588) from the Baldwin County Highway Department to the Town of Toxey, Alabama, for \$2,800.00; and
- 2) Authorize the Chairman to execute the Fixed Asset Change Form.

BQ PERSONNEL

Wayne Dyess, County Administrator, said there are seven Items under Personnel for the Commission's approval. Mr. Dyess noted at the request of the Personnel Director, Staff Recommendation #2 has been withdrawn from Item BQ6 - Revenue Commission - Position Changes. The Commission should only consider approval of Staff Recommendations #1 and #3.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve Items BQ1 - BQ7 including the revised staff recommendation for Item BQ6.

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

BQ1 Finance and Accounting Department - Creation of Position

[21-0774](#)

Take the following actions:

- 1) Approve the creation of an Accounting Manager position (PID #TBD) grade S319 (S319 range: \$63,676.00 - \$104,341.00 annually); and
- 2) Approve the updated organizational chart for the Finance and Accounting Department.

BQ2 Highway Department (Bay Minette) - Promotion of Employees

[21-0763](#)

Take the following actions:

- 1) Approve the promotion of Blake Agerton from the Operator Technician Trainee position (PID #5486) grade 304 (\$13.380 per hour/\$27,830.40 annually) to fill the open Operator Technician I position (PID #5386) at a grade 307 (\$15.330 per

hour/\$31,886.41 annually); and

2) Approve the promotion of Dillon Anderson from the Operator Technician Trainee position (PID #5487) grade 304 (\$13.380 per hour/\$27,830.40 annually) to fill the open Operator Technician I position (PID #5007) at a grade 307 (\$15.330 per hour/\$31,886.41 annually).

These actions will be effective no sooner than April 26, 2021.

BQ3 Highway Department (Geospatial) - Promotion of Employee

[21-0768](#)

Approve the promotion of Eric Edwards from the Design Technician II position (PID #5176) grade 311 (\$19.547 per hour/\$40,657.76 annually) to fill the open Survey Manager position (PID #1099) at a grade 314 (\$22.670 per hour/\$47,153.60 annually) to be effective no sooner than April 26, 2021.

BQ4 Highway Department (Maintenance Engineering) - Employment of One (1) Engineering Technician I Position

[21-0764](#)

Take the following actions:

1) Approve the employment of Chris Devine to fill the open Engineering Technician I position (PID #5432) at a grade 310 (\$17.920 per hour/\$37,273.60 annually) to be effective no sooner than April 26, 2021; and

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

BQ5 Highway Department (Silverhill) - Promotion of Employee

[21-0767](#)

Approve the promotion of Douglas Watts from the Operator Technician III position (PID #898) grade 309 (\$18.772 per hour/\$39,045.76 annually) to fill the open Operator Technician IV position (PID #881) at a grade 311 (\$20.274 per hour/\$42,169.92 annually) to be effective no sooner than April 26, 2021.

BQ6 Revenue Commission - Position Changes

[21-0765](#)

Take the following actions:

1) Create one (1) Collections Support Technician I position (PID #TBD) grade 305 (grade 305 range: \$13.910 - \$22.790 per hour); and

3) Approve the updated organizational chart for the Revenue Commission - Collections Division.

BQ7 Sales, Use, and License Tax Department - Employment of One (1)
Revenue Clerk I Position

[21-0766](#)

Approve the employment of Cynthia Guarisco to fill the open Revenue Clerk I position (PID #5598) at a grade 306 (\$14.60 per hour/\$30,368.00 annually) to be effective no sooner than April 26, 2021.

BR PLANNING AND ZONING

Wayne Dyess, County Administrator, said there is one Item under Planning and Zoning for the Commission's approval which was discussed at a previous work session where a representative from the Town of Elberta was also present for the discussion. Mr. Dyess said it is a mutually agreed upon decision to terminate the Planning Jurisdiction agreement.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to approve Item BR1.

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

BR1 Town of Elberta - Termination of Planning Jurisdiction Agreement

[21-0772](#)

At the request of Town of Elberta, adopt Resolution #2021-069 which terminates the Agreement between the Baldwin County Commission and the Town of Elberta concerning the exercise of extraterritorial planning jurisdiction authority over subdivisions.

This Agreement, which was executed on October 2, 1992, shall be terminated effective on the latest of the following dates: adoption of the Resolution by the Commission, adoption of this Resolution by the Municipality, or April 30, 2021.

C PRESENTATIONS

CA GENERAL

CA1 Proclamation - Older Americans Month - May 2021

[21-0748](#)

After Wayne Dyess, County Administrator, read the Proclamation, Kelly Childress, Council on Aging (COA) Coordinator, and Ms. Betty Dryden, Loxley S.A.I.L. Center Manager, appeared before the Commission to accept the Proclamation, which proclaims the month of May 2021, as Older Americans Month in Baldwin County, Alabama.

Ms. Dryden thanked the Commissioners for the recognition and the opportunity for the Council on Aging to serve the senior citizens of Baldwin County.

Ms. Childress said seniors are the foundation of Baldwin County and commented on how appreciative the seniors are that the COA remained open during the Covid-19 pandemic. She thanked the Commissioners for the proclamation on behalf of all the senior citizens in Baldwin County.

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to adopt a Proclamation which proclaims May 2021, as Older Americans Month in Baldwin County, Alabama.

The motion passed by the following vote:

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

D PUBLIC HEARINGS

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills

[21-0754](#)

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to pay bills totaling \$9,079,493.19 (nine million, seventy-nine thousand, four hundred ninety-three dollars and nineteen cents).

Of this amount, \$4,012,362.66 (four million, twelve thousand, three hundred sixty-two dollars and sixty-six cents) was paid to the Baldwin County Board of Education and \$250,058.70 (two hundred fifty thousand, fifty-eight dollars and seventy cents) was paid 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

[21-0753](#)

Wayne Dyess, County Administrator, informed the Commission that the Baldwin County Commission Interim Payments - April 20, 2021, made by the Clerk/Treasurer, totaling \$1,315,376.60 (one million, three hundred fifteen thousand, three hundred seventy-six dollars and sixty cents) are a part of the minutes.

F DISCUSSION ITEMS

Wayne Dyess, County Administrator, said Items FF1 and FR1 were discussed during the work session and no action is needed today.

FF BUILDING INSPECTION

FF1 City of Orange Beach - Memorandum of Understanding for Fire Code Services [21-0760](#)

No action taken.

FR PLANNING AND ZONING

FR1 *Pensacola and Perdido Bays Estuary Program (PPBEP) Update [21-0777](#)

No action taken.

G COMMISSIONER REQUESTS

H ADDENDA

HA1 Request for Leave of Absence - Central Annex [21-0769](#)

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve a Leave of Absence for employee #188085 beginning April 13, 2021, 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

I ADMINISTRATIVE REPORT

Wayne Dyess, County Administrator, recognized Ms. Monica English, Assistant

Administrative Services Manager, who is retiring this month. Mr. Dyess thanked Ms. English for her service to the County and said she is a very valued member of the Commission Administration staff.

Ms. English appeared before the Commission and said she has enjoyed her years of service to the County and is very thankful for her co-workers and the great leadership provided by her supervisors. She thanked the Commissioners for the work they do for the County and for the opportunity to have been a part of it.

The Commissioners commented on Ms. English's 26 years of public service and congratulated her on her retirement.

Mr. Dyess said the second item in his Administrative Report concerns Senate Bill 107 which recently passed regarding planning and police jurisdictions as it pertains to areas outside of municipal limits for building inspections/permitting. This will require discussion amongst the municipalities regarding how they want to move forward with the changes outlined in the bill. There is a 24-month window to discuss the impacts and decide how to move forward.

Commissioner Ball said once this bill becomes law, there are decisions to make with the municipalities concerning their ability to continue with permitting and requested that a courtesy letter be drafted from the Commission stating the County is ready to work with the municipalities through this process and accommodate the forthcoming changes. Commissioner Ball expressed concern the County Building Department could become short-staffed with extra workload, if the municipalities no longer do permitting.

Eddie Harper, Building Inspector, appeared before the Commission and commented on the audits, fee structure and the possibility of municipalities finding it may not be beneficial for them to continue permitting and how this may increase the County's areas of responsibility.

The Commissioners, Mr. Dyess, and Mr. Harper discussed staffing concerns, audit criteria in the bill, importance of timely turnaround for permits, possibility of bringing in additional personnel, and how the permitting process should be clear, consistent and simplified for the citizens.

The Commissioners agreed the municipalities should decide what they would like to do and asked Mr. Dyess and Brad Hicks, County Attorney, to draft correspondence to the municipalities contingent upon this bill becoming law, to discuss how the County and the municipalities work together through this process and make the transition as smooth as possible.

Commissioner Gruber discussed possible National Flood Zone flood insurance increases due to risk ratings and the importance in finding out if the new bill affects

this and for the maps to be updated accordingly.

Mr. Dyess said the Community Rating System (CRS) program applies to all unincorporated areas in the County; yet, historically, some areas that are not under the County Building Department's jurisdiction are penalized.

Chairman Davis said the Commission is the entity being looked at to run this and the Commission wants to include the municipalities and citizens to ensure that all are treated fairly and consistently.

Mr. Hicks said a motion is needed to initiate this action by the Commission.

Motion by Commissioner James E. Ball, seconded by Charles F. Gruber, to draft and send correspondence to Baldwin County municipalities regarding Senate Bill 107.

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 second, and before the vote, Chairman Davis said each Commissioner will have the opportunity to review the drafted letter before it is submitted.

J COUNTY ATTORNEY'S REPORT

Brad Hicks, County Attorney, said there are two items for the Commissioners to discuss during an executive session.

K PUBLIC COMMENTS

L PRESS QUESTIONS

M COMMISSIONER COMMENTS

The Commissioners provided their closing comments.

N ADJOURNMENT

Brad Hicks, County Attorney, recommended the Commission enter into an executive session to discuss with their attorney the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action and to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property.

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to

adjourn the April 20, 2021, Baldwin County Commission Regular meeting into an executive session at 9:18 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 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

After the motion and second, and before the vote, Mr. Hicks said he is an attorney licensed to practice law in the State of Alabama and this exception is applicable to the planned discussion.

After the vote, Chairman Davis said it is 9:18 a.m. and the April 20, 2021, Baldwin County Commission Regular meeting will adjourn into an executive session.