

# Baldwin County Commission

Baldwin County Commission Regular  
Meeting Minutes  
Tuesday, June 15, 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

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## 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 8:31 a.m. After the prayer led by Pastor Paul Matthews with Jubilee Baptist Church, Daphne, and the Pledge of Allegiance led by Commissioner James E. Ball, the Commission transacted the following business to-wit:

## A ADOPTION OF MINUTES

June 1, 2021, Regular Meeting

Motion by Commissioner Charles F. Gruber, seconded by Commissioner BillieJo Underwood, to adopt the minutes of the June 1, 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. Item BA2 will need to be voted on

separately.

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to approve Items BA1 and 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** Alabama Department of Senior Services/Senior Community Service Employment Program Host Agency Agreement

[21-0944](#)

Approve and authorize the Chairman to execute the Alabama Department of Senior Services (ADSS), Senior Community Service Employment Program (SCSEP) Host Agency Agreement between the Baldwin County Commission and South Alabama Regional Planning Commission (SARPC) for the provision of two Information Attendant (IA) positions to the Baldwin County Commission. The Commission's contribution for the program will be \$1,150.00 per Senior Aide per contract year. The term of this agreement shall commence on July 1, 2021, and shall terminate on June 30, 2022.

**BA3** Revision of County Take Home Vehicle List - June 2021

[21-0943](#)

Approve the revised County Take Home Vehicle List - June 2021.

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

**BA2** Resolution #2021-086 of the Baldwin County Commission - September 21, 2021, Special School Tax Election Regarding the Adoption, Levy, Assessment and Collection of a Special Three (3) Mill Ad Valorem Tax in the District 5 (Am. 382) School Tax District in Baldwin County (Robertsdale, Silverhill, Loxley), Alabama

[21-0965](#)

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to take the following actions:

1) Pursuant to a June 8, 2021, Baldwin County Board of Education resolution submitted to the Baldwin County Commission on June 9, 2021, adopt Resolution #2021-086 of the Baldwin County Commission which authorizes, among other things associated thereto, the submission of the question if a special ad valorem district school tax shall be levied and collected annually in District 5 (Am. 382) School Tax District in Baldwin County, Alabama, pursuant to Amendment No. 382 to the Constitution of Alabama of 1901, as

amended, and in addition to all ad valorem taxes now or hereafter levied in the District, for public school purposes in the District at the uniform rate of thirty cents (\$0.30) on each one hundred dollars of taxable property in the District for a period of 8 years beginning with the levy for the tax year October 1, 2021, to September 30, 2022, (the tax for which year becoming due and payable on October 1, 2022) and ending with the levy for the tax year October 1, 2028, to September 30, 2029, (the tax for which year becoming due and payable on October 1, 2029).

Said matter shall be put to a vote of the qualified electors of District 5 (Am. 382) School Tax District in Baldwin County, Alabama at the special election to be held on September 21, 2021, with said tax proceeds used, less the cost of collection, exclusively for public school purposes.

2) Memorialize for the record, a Petition signed by 200+ qualified electors of Baldwin County, Alabama, which was filed and presented to the Baldwin County Commission, requesting that the Commission call and order an election to be held in said District 5 (Am. 382) School Tax District in Baldwin County, Alabama on the 21st day of September, 2021, to determine whether or not a special ad valorem district school tax shall be levied and collected annually in District 5 (Am. 382) School Tax District in Baldwin County, Alabama, for the support and furtherance of education within said district.

The motion passed by the following vote:

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

#### **BC ARCHIVES AND HISTORY**

Wayne Dyess, County Administrator, said there are two Items under Archives and History for the Commission's approval.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to approve Item BC1.

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

**BC1** Gulf Coast Resource Conservation and Development Grant for Historic Sites in Baldwin County for Educational Outreach and Economic

[21-0939](#)

## Development and Tourism

Take the following actions:

- 1) Authorize staff to apply for a Gulf Coast Resource, Conservation & Development (RC&D) Council Grant in the amount of \$5,000.00 to expand the Baldwin County Historic Driving Tour and Walking App Phase III for Educational Outreach, Economic Development and Tourism purposes; and
- 2) Authorize the Chairman to execute documents related to the above grant application.

If the grant is awarded, a Grant Agreement will be brought back for Commission approval.

### **BD BALDWIN REGIONAL AREA TRANSIT SYSTEM (BRATS)**

Wayne Dyess, County Administrator, said there is one Item under Baldwin Regional Area Transit System (BRATS) for the Commission's approval.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve Item BD1.

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

**BD1** Submission of Fiscal Year 2022 Section 5311 Rural Public Transportation Grant and 5311 CARES Rural Public Transportation Grant Application

[21-0963](#)

Take the following actions:

- 1) Adopt Resolution #2021-080 authorizing the execution and submittal of the Fiscal Year 2022 Section 5311 CARES Act Grant Application to the Alabama Department of Transportation relating to public transportation; and
- 2) Adopt Resolution #2021-081 authorizing the Baldwin County Commission to commit up to \$371,744.00 as local non-federal match for administration and capital expenditures under the Section 5311 Non-Urbanized Area Public Transportation Program during Fiscal Year 2022; and
- 3) Adopt Resolution #2021-082 authorizing the execution and submittal of the Fiscal Year 2022 Section 5311 Grant Application to the Alabama Department of Transportation relating to public transportation; and

- 4) Authorize the Chairman to sign the application and any related documents and any related reporting documents; and
- 5) Authorize Baldwin Regional Area Transit System (BRATS) staff to submit the Fiscal Year 2022 5311 CARES and 5311 Application/Agreement to the Alabama Department of Transportation (ALDOT).

## **BE BUDGET/PURCHASING**

Wayne Dyess, County Administrator, said there are seven Items under Budget/Purchasing for the Commission's approval.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, 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 #WG21-26 - Plumbing System Upgrades in the Baldwin County Courthouse Located in Bay Minette, Alabama, for the Baldwin County Commission [21-0926](#)

Reject the bid received for plumbing system upgrades in the Baldwin County Courthouse located in Bay Minette, Alabama, because the amount bid exceeded the anticipated cost for this project and staff will request permission to re-bid the project at a later date.

**BE2** Competitive Bid #WG21-28 - Provision of Regular Unleaded Gasoline and No. 2 Diesel Fuel for the Baldwin County Commission [21-0949](#)

Reject all the bids received for the provision of regular unleaded gasoline and No. 2 diesel fuel and allow staff to utilize the SAPA (South Alabama Purchasing Association) Bid to purchase the fuel from Davison Oil Company, Inc., per the Award Listing. (Expiration date of SAPA Bid is July 31, 2022).

**BE3** Competitive Bid #WG21-29 - Provision of Aftermarket Heavy Duty Truck Parts for the Baldwin County Commission [21-0934](#)

Award Bid #WG21-29 for the provision of aftermarket heavy duty truck parts for the Baldwin County Commission to FleetPride, Inc., as per the Award Listing.

**BE4** Competitive Bid #WG21-30 - Provision of Finished Road Signs for the Baldwin County Commission

[21-0924](#)

Award Bid # WG21-30 to the lowest responsible bidder, Vulcan, Inc., for the provision of finished road signs as per the Award Listing.

**BE5** Competitive Bid #WG21-36 - Provision of HVAC Chiller Annual Preventative Maintenance Services for the Baldwin County Commission

[21-0942](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of HVAC chiller annual preventative maintenance 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.

**BE6** Final Design of the Baldwin County Magnolia Landfill Wash Bay Expansion Located in Summerdale, Alabama, for the Baldwin County Commission

[21-0928](#)

Approve the final design of the Baldwin County Magnolia Landfill Wash Bay Expansion located in Summerdale, Alabama, and authorize the Purchasing Director and Engineer to bid the project.

**BE7** Request for Qualifications (RFQ) for Engineering/Environmental/Design Services for a New Pedestrian Bridge Connecting Bicentennial Park and Live Oak Landing

[21-0932](#)

Authorize staff to begin negotiations with Dewberry Engineers, Inc., so that a final award recommendation can be made to the Baldwin County Commission for Engineering/Environmental/Design Services for a new pedestrian bridge which will connect Bicentennial Park and Live Oak Landing.

**BM FINANCE AND ACCOUNTING**

Wayne Dyess, County Administrator, said there is one Item under Finance and Accounting for the Commission's approval.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Charles F. Gruber, to approve Item BM1.

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

**BM1** Allocation of American Rescue Plan Act (ARPA) Funds

[21-0950](#)

Based on the internal advisory committee recommendations, approve the immediate Allocation of American Rescue Plan Act (ARPA) projects:

COA Main Office COVID Upgrades - Estimated Cost: \$11,875.00  
Baldwin Together Case Manager - Estimated Cost: \$25,000.00  
Tyler Technologies Software Training- Estimated Cost: \$28,000.00  
Countywide Touchless Bathroom Equipment - Estimated Cost: \$80,459.00  
Set aside for Nonprofits - Estimated Cost: \$100,000.00  
Ionizer in Buildings - Estimated Cost: \$175,000.00  
Document Library - Estimated Cost: \$285,000.00  
BCSO Hazard Pay and Law Enforcement - Estimated Cost: \$400,000.00  
Motorola Projects (2) - Estimated Cost: \$469,181.00  
10% Contingency - Estimated Cost: \$157,451.50  
10% Administrative Cost - Estimated Cost: \$157,451.50

Total Estimated Cost: \$1,889,418.00

\*Estimated costs may increase due to material costs.

**BN HIGHWAY**

Wayne Dyess, County Administrator, said based on the discussion during the work session staff requests Item BN3 be removed from the Agenda.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve Items BN1, BN2, and BN4.

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** Case No. S-17014 - Hidden Lakes, Phase II - Release Maintenance Bond

[21-0947](#)

Authorize staff to release the Surety Document (Maintenance Bond) from Liberty Mutual Insurance Company on behalf of D.R. Horton, Inc. for Hidden Lakes, Phase II in the

- BN2** Eastern Shore Metropolitan Planning Organization - Resolution #2021-085 [21-0960](#)  
and Agreement for Administering U.S. Department of Transportation  
Financial Assistance for Transportation Planning

Adopt Resolution #2021-085 and an Agreement between the State of Alabama and the Baldwin County Commission for administering U.S. Department of Transportation financial assistance for transportation planning.

- BN3** License Agreement #21006 - Cedar Point - Right-of-Way **21-0933**

Removed from the Agenda. No action taken.

- BN4** Memorandum of Agreement Regarding the Administration of Federal Transit Administration 5307 Funds for the Pensacola, Florida-Alabama Urbanized Area [21-0914](#)

Approve a Memorandum of Agreement between Baldwin County, Escambia County, Florida and the City of Orange Beach regarding the administration of Federal Transit Administration (FTA) 5307 Funds apportioned to the Orange Beach and Lillian areas in Baldwin County. (This agreement shall be effective upon date of its full execution and shall continue for a term of three (3) years as long as Escambia County, Florida is the direct recipient and manager of the FTA 5307 funds.)

**BQ PERSONNEL**

Wayne Dyess, County Administrator, said there are nine items under Personnel for the Commission's approval including a replacement item for Item BQ1, as discussed during the work session.

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to approve Items BQ1 - BQ9.

The motion passed by the following vote:

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

- BQ1** \*Building Inspection Department - Personnel and Position Changes **21-0951**



Take the following actions:

- 1) Reclassify Murray Authement from the Chief Building Inspector position (PID #5539) grade S316 (\$59,490.64 annually) to a Deputy Building Official, grade S318 (\$68,685.00 annually); and
- 2) Reclassify Mindy Smith, Permit Administrator, from grade S313 (\$51,898.49 annually) to grade S316 (\$58,000.00 annually); and
- 3) Reclassify Danielle Brazwell, Permit Technician I, from grade 305 (\$17.536 per hour/\$36,474.88 annually) to grade 306 (\$17.974 per hour/\$37,385.92 annually); and
- 4) Reclassify Fabia Waters, Permit Technician I, from grade 305 (\$14.898 per hour/\$30,987.84 annually) to grade 306 (\$15.270 per hour/\$31,761.60 annually); and
- 5) Approve the promotion of Ashley Anderson from the Building Inspector II position (PID #5595), grade 310 (\$20.00 per hour/\$41,600.00 annually), to fill the open Building Inspector III position (PID #5278) grade 315 (\$24.030 per hour/\$49,982.40 annually); and
- 6) Create two (2) Building Inspector III positions (PIDs #TBD), grade 315; and
- 7) Create one (1) Chief Permit Technician position (PID #TBD), grade 312; and
- 8) Abolish the Building Inspector II position (PID #5595); and
- 10) Approve the updated organizational chart for the Building Inspections Department; and
- 11) Approve the updated position descriptions for Chief Permit Technician, Deputy Building Official, Permit Administrator, and Permit Technician I.

These actions will be effective no sooner than June 21, 2021.

**BQ2** Communications and Information Systems Department - Title Change for Web Developer II Position

[21-0952](#)

Take the following actions:

- 1) Approve the title change for the Web Developer II position (PID #983) to Senior Systems Analyst, with no change in pay grade; and
- 2) Approve the updated organizational chart for the Communications and Information Systems Department (CIS) Department.

**BQ3** Highway Department (Construction Engineering) - Employment of One (1) Engineering Technician I Position

[21-0953](#)

Approve the employment of Matthew Hamel to fill the open Engineering Technician I position (PID #865) at a grade 310 (\$19.50 per hour/\$40,560.00 annually), with said salary due to experience, to be effective no sooner than June 21, 2021.

**BQ4** Highway Department (Pre-construction Engineering) - Personnel Changes

[21-0954](#)

Take the following actions:

1) Approve the promotion of Christopher Williams from the Engineering Technician I position (PID #3048) grade 310 (\$18.370 per hour/\$38,209.60 annually), in the Highway Maintenance Department (53130), to fill the open Design Technician II position (PID #5176) grade 311 (\$19.840 per hour/\$41,267.20 annually), in the Highway Pre-Construction Department (53600); and

2) Approve the promotion of Tracey Cason from the Right-of-Way Technician I position (PID #3046) grade 310 (\$18.461 per hour/\$38,398.88 annually) to fill the open Right-of-Way Technician II position (PID #5018) grade 311 (\$19.938 per hour/\$41,471.04 annually).

These actions will be effective no sooner than June 21, 2021.

**BQ5** Juvenile Detention Center - Employment of Two (2) Detention Technician Positions

[21-0956](#)

Take the following actions:

1) Approve the employment of Trevion Johnson to fill the open Detention Technician (PID #5341) at a grade 306 (\$14.600 per hour/\$30,368.00 annually); and

2) Approve the employment of Rahsaan Covington to fill the open Detention Technician (PID #5604) at a grade 306 (\$14.600 per hour/\$30,368.00 annually).

These actions will be effective no sooner than June 21, 2021.

**BQ6** Personnel Department - Employment of One (1) Benefits Specialist Position

[21-0957](#)

Approve the employment of Brittany Shealy to fill the open Benefits Specialist position (PID #5455) at a grade 307 (\$17.00 per hour/\$35,360.00 annually), with said salary due to experience, to be effective no sooner than June 21, 2021.

**BQ7** Solid Waste Department (MacBride Landfill) - Promotion of Employee into Landfill Equipment Operator III Position

[21-0958](#)

Approve the promotion of Gary Ashmore from the Landfill Equipment Operator II position (PID #1049) grade 308 (\$16.815 per hour/\$34,975.20 annually) to fill the open Landfill Equipment Operator III position (PID #580) grade 309 (\$18.160 per hour/\$37,772.80 annually) to be effective no sooner than June 21, 2021.

**BQ8** Correction to Agenda Item BQ2 - May 18, 2021, Baldwin County Commission Regular Meeting

[21-0948](#)

Due to the identification of a typographical error in Agenda item BQ2 - Baldwin Regional Area Transit System (BRATS) Department - Personnel Change, which was approved during the May 18, 2021, Regular meeting of the Baldwin County Commission, more specifically the salary listed in the staff recommendation, correct for the record the hourly and annual pay grade as follows:

Approve the transfer of Angela Andrews from the full-time Bus Driver (PID #2080) grade 305 (\$13.91 per hour/\$28,932.80 annually) to fill the open part-time Bus Driver (PID #30), with no change in hourly rate to be effective no sooner than May 24, 2021.

**BQ9** Personnel Department - Employee Handbook Changes

[21-0955](#)

As authorized pursuant to Section 45-2-120, et. seq., Code of Alabama 1975, and without limitation, and related to the Baldwin County Commission Employee Handbook, approve revisions, effective June 15, 2021, to policies IV.A. Annual Leave, IV.C. Sick Leave, IV.G. Part-Time Employee Paid Time Off (PTO), IV.H. Leave without Pay, IV.K. Family Medical Leave Act (FMLA), and IV.N. Jury Duty, as set forth in the Employee Handbook as expressly amended by these provisions. All other terms, provisions and policies contained in the Employee Handbook shall remain in full force and effect. In the event of a conflict between the amended provisions and the remaining provisions contained in the Employee Handbook, the amended provisions shall govern, and the contrary or conflicting provision in the Employee handbook shall be deemed repealed.

**BR PLANNING AND ZONING**

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

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve Items BR1 - BR3.

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** Alabama Department of Conservation and Natural Resources - Letter in Support of Acquisition of Land along the Bon Secour River - National Coastal Wetlands Conservation Grant Program [21-0962](#)

Take the following actions:

1) Approve and authorize the Chairman to execute a letter of support to The National Coastal Wetlands Conservation Grants Program Review Committee for the property purchase and installation of a walking trail on eighty-one (81) acres adjacent to the Swift-Coles Historic Home, which is owned and operated by the Baldwin County Historic Development Commission; and

2) If the grant is awarded for the property purchase and installation of the walking trail, authorize the donation of 25 tons of gravel, with an approximate cost of \$1,000.00, to be used for a gravel parking area along Bon Secour Highway.

**BR2** 2021-2026 Municipal Separate Storm Sewer Systems (MS4) Permit Renewal [21-0961](#)

Authorize the Chairman to delegate the Planning and Zoning Director (principal executive officer), with the authority (authorized agent) to execute all documents required by the Alabama Department of Environmental Management (ADEM) for the County's Municipal Separate Storm Sewer Systems (MS4) Permit ALR #40042.

**BR3** Text Amendments to Baldwin County Zoning Ordinance - Incorporation of Site Plan Approvals for Certain Developments [21-0964](#)

Authorize the Planning and Zoning staff to start the amendment process and begin advertising proposed text amendments to the Baldwin County Zoning Ordinance related to the Incorporation of Site Plan Approvals for Certain Developments.

## **C PRESENTATIONS**

## **D PUBLIC HEARINGS**

### **DA ADMINISTRATION**

**DA1** Case No. LV-202101 - Alcohol License Application for Lucky Dogg, LLC d/b/a Lillian's Front Porch [21-0871](#)

Chairman Davis opened the public hearing at 8:36 a.m. and asked if there is anyone present who wishes to speak.

Mr. John Barbato, the applicant, appeared before the Commission to answer any

questions regarding the application.

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

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to approve the 020-Restaurant Retail Liquor license application for Lucky Dogg, LLC d/b/a Lillian's Front Porch, located at 33925 US Highway 98, Lillian, Alabama 36549, and approve the issuance of said license 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

#### **DR PLANNING AND ZONING**

**DR1** \*Case No. S-21047 Blackwater Farms Subdivision - Appeal from the Baldwin County Planning and Zoning Commission Denial of Subdivision Development Permit

[21-0936](#)

Chairman Davis opened the public hearing at 8:40 a.m. and asked if there is anyone present who wishes to speak.

Buford King, Development Review Planner, appeared before the Commission and gave background information on the subject property. Mr. King said this is a request for appeal of the Planning Commission denial of a development permit for a five-lot subdivision in the Elsanor area on May 6, 2021. Mr. King said he wanted to highlight some of the previous issues which included rezoning in December 2020, drainage and re-subdivision possibilities which may require future zoning changes. Mr. King further said the decision before the Commission today is to affirm, reverse or modify the previous decision.

Commissioner Ball asked why the development permit was previously denied by the Planning Commission, to which Mr. King replied the adjoining property owners were uncomfortable with the development.

Commissioner Gruber pointed out that the plat looked as if there were plans for future development of the larger lot. Mr. King said there is a 60-foot wide corridor to one side of the plat which is sufficient to provide access for future development.

Mr. David Shumer, P. E., applicant representing the property owner, appeared

before the Commission and said the 60-foot width was set based on the requirements at the time of the initial application. Mr. Shumer said this would be a single family development and all regulations, zoning and development criteria have been met. Drainage issues may be slightly decreased due to lawns and landscaping as opposed to farm land; this is a viable project which is needed for future residents.

Mr. B.J. Blanchard, the property owner and developer, appeared before the Commission and said he has other projects similar to this which were rezoned from RA to RSF-1 and were approved. Mr. Blanchard gave a brief history of his property and his background and added he has no future plans of subdividing the property further. Mr. Blanchard showed signs to the Commissioners and said when his property was rezoned someone put them up near his property.

Mr. James Horark, an adjacent property owner, said the property is sloped and if the existing timber is removed, the runoff would increase significantly. Mr. Horark said the property is not suitable for a subdivision development and he and other neighbors are against it.

Mr. Roman Bonner, an adjacent property owner and farmer, appeared before the Commission and showed an aerial photo showing the sandy topography of the property and said he planted trees to help with erosion. Mr. Bonner said he is a good steward of the land and opposes the subdivision.

Chairman Davis asked if the runoff would negatively affect Mr. Bonner's crops, to which Mr. Bonner replied yes, the runoff all goes toward Highway 90.

Mr. Blake Harrison, resident of Highway 85, appeared before the Commission and said there are so many problems with water runoff due to subdivisions; he is asking for justice for home owners who want to protect their property. Mr. Harrison said he believes any development on this property will increase the possibility of flooding the surrounding properties and that there is more to the story regarding the remaining 12 acres.

Commissioner Gruber asked if there was existing terracing, to which Mr. Harrison replied yes and further explained that the previous owner left trees in the back of the property to avoid further loss of property due to water.

Mr. William Forrester, an adjacent property owner, appeared before the Commission in opposition to the development and said he had concerns about the changes to the plat from the first Planning and Zoning meeting, the drainage, and that the subdivision development was denied previously.

Mr. Shumer said the drainage calculations used were established by Baldwin County. Mr. Shumer said the location is a mile from Baldwin Beach Express so it

is a desired, convenient location. Mr. Shumer pointed out that complete clearing of the 1.6 acre lots is not necessary.

Mr. Blanchard explained the location of existing culverts which are adjacent to his property and said Mr. Bonner's property drains into a trough on the south portion of his property where the trees are. Mr. Blanchard said he has no intention of clearing any trees.

Commissioner Underwood asked how regional detention plays into this, to which Mr. King replied that is not currently contemplated by the subdivision regulations.

Mr. Blanchard said if and when he sells the back portion of the property he would stipulate in the rules and regulations to leave the trees so as not to cause drainage problems.

Chairman Davis asked if there was any other discussion needed before a motion was made.

There being no further requests to address the Commission, Chairman Davis closed the public hearing at 9:25 a.m.

After Mr. King displayed the staff recommendation motion options on the screen, Commissioner Ball asked what staff recommendation option #3 (modify) entails.

Matthew Brown, Planning Director, appeared before the Commission and said one modification could be to remand the plat back to the Planning and Zoning Commission to reconsider the plat with the additional consideration of including a buffer by leaving the trees.

Brad Hicks, County Attorney, asked if Mr. Blanchard would object to the plat being remanded back to the Planning and Zoning Commission to consider including the trees as a buffer.

Mr. Brown reiterated if this option is chosen, it would mean modifying the Planning Commission decision which in effect reverses the previous denial, but does not approve it, and remands the Case back to the Planning and Zoning Commission to review extra conditions and reconsider with leaving trees as buffer.

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to modify the decision of the Baldwin County Planning and Zoning Commission as it relates to the Development Permit for Case No. S-21047, Blackwater Farms Subdivision by reversing the denial and remanding the case back to the Planning and Zoning Commission to consider proposed changes by the applicant that address the concerns of neighboring property owners.

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

Mr. Hicks said due to the previous motion failing, another motion can be entertained but if there is not a majority vote, the Planning and Zoning Commission's previous decision stands.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Charles F. Gruber, to affirm the decision of the Baldwin County Planning and Zoning Commission and deny the Development Permit for Case No. S-21047, Blackwater Farms Subdivision.

The motion failed by the following vote:

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

After the vote, Mr. Hicks said if there is a two-two deadlock, the Planning and Zoning Commission's previous decision of denial stands.

## **E COMMITTEE REPORTS**

### **EA FINANCE/ADMINISTRATION DIVISION**

#### **EA1 Payment of Bills**

**21-0941**

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to pay bills totaling 19,524,814.65 (nineteen million, five hundred twenty-four thousand, eight hundred fourteen dollars and sixty-five cents).

Of this amount, \$9,789,965.18 (nine million, seven hundred eighty-nine thousand, nine hundred sixty-five dollars and eighteen cents) is payable to the Baldwin County Board of Education and \$607,309.67 (six hundred seven thousand, three hundred nine dollars and sixty-seven 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

[21-0940](#)

Wayne Dyess, County Administrator, informed the Commission that the Baldwin County Commission interim payments made by the Clerk/Treasurer totaling \$2,419,739.74 (two million, four hundred nineteen thousand, seven hundred thirty-nine dollars and seventy-four cents) a part of the record.

## **F DISCUSSION ITEMS**

### **FB ANIMAL CONTROL**

**FB1** United States Department of Agriculture Wildlife Services - Discussion of Collecting Wildlife for Rabies Samples

[21-0945](#)

No action taken.

## **G COMMISSIONER REQUESTS**

### **H ADDENDA**

#### **HA GENERAL**

**HA1** Real Estate Lease Agreement with Baldwin County E-911 Emergency Communication District for Old E-911 Building in Robertsdale, Alabama

[21-0946](#)

Wayne Dyess, County Administrator, said staff requests Item HA1 be removed from the Agenda to be brought back before the Commission at a later date.

Removed from the Agenda. No action taken.

**HA2** Tyler Technologies - Purchase of Asset Performance Module

[21-0979](#)

Wayne Dyess, County Administrator, said Item HA2 was discussed during the work session and staff recommends approval of the Item.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to approve and authorize the Chairman to execute all documents related to the Tyler Technologies sales quotation for the Asset Performance Module in the amount of \$39,480.00 and an estimated travel expense of \$1,370.00.

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

**21-0980**

**21-0983**

## N      **ADJOURNMENT**

Brad Hicks, County Attorney, recommended the Commission adjourn 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.

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to adjourn into an executive session at 9:50 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

N

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 the June 15, 2021, Regular meeting will adjourn into an executive session at 9:50 a.m. and the Commission will not reconvene.

A handwritten signature in black ink, appearing to read "Joe Davis III" with a stylized flourish at the end.