

# Baldwin County Commission

Baldwin County Commission Regular  
Meeting Minutes  
Tuesday, July 6, 2021  
10:00 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 10:03 a.m. After the prayer led by Chaplain Mel Hacker with the Baldwin County Sheriff's Office, and the Pledge of Allegiance led by Commissioner James E. Ball, the Commission transacted the following business to-wit:

### A ADOPTION OF MINUTES

June 15, 2021, Regular Meeting

Motion by Commissioner Charles F. Gruber, seconded by Commissioner BillieJo Underwood, to adopt the minutes of the June 15, 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 five Items under Administration for the Commission's approval and noted for the record the correct entity name in the staff recommendation for Item BA4 is Family Promise of

Baldwin County, Inc.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to approve Items BA1 - BA5.

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** Absentee Election Duties Related to the September 21, 2021, Special School Tax Election in the District 5 (Am. 382) School Tax District in Baldwin County (Robertsdale, Silverhill, Loxley), Alabama

[21-1000](#)

Related to the September 21, 2021, Special School Tax Election in the District 5 (Am. 382) School Tax District in Baldwin County (Robertsdale, Silverhill, Loxley), Alabama, take the following actions:

1) Pursuant to Section 17-11-2 of the Code of Alabama (1975), recognize the performance at and designate the place/office where the Absentee Election Manager shall perform such public duties for the applicable absentee election time period recognized by state law as follows:

Place: Baldwin County (Main) Courthouse at the County Seat in Bay Minette  
Office: Office of Circuit Clerk of the 28th Judicial Circuit  
8:00 a.m. - 4:30 p.m. (Monday - Friday)

2) Approve the request of the Absentee Election Manager, the Honorable Jody Wise, and authorize the execution of a Contract for Services with Evelina Hernandez for her services as Assistant to the Absentee Election Manager at a rate of compensation of \$75.00 per day worked for the applicable absentee election time period recognized by law. The term of the Contract shall commence no earlier than 12:01 a.m. on July 28, 2021, and expire no later than September 28, 2021, unless sooner terminated as set forth in the Contract.

**BA2** East Central Baldwin County Water, Sewer, and Fire Protection Authority - Board Appointment(s)

[21-0996](#)

As relates to the East Central Baldwin County Water, Sewer, and Fire Protection Authority, take the following actions:

1) Accept the resignation of Ms. Cheryl Russell (place seat #2), effective June 30, 2021, and thank Ms. Russell for her prior civic service as a member of the Board; and

2) Appoint Ms. Rebecca Mills as a regular member of the Board (place seat #2), for a pro-rata reduced six (6) year term, to fill the place seat and unexpired term formerly held by Ms. Cheryl Russell, said term to commence on July 6, 2021, and expire on March 1, 2027.

**BA3** Optimist Club of Perdido Bay 34th Annual Labor Day Mullet Festival 5K and 1-Mile Fun Run

[21-1013](#)

Approve the requested route for the Optimist Club of Perdido Bay's 34th Annual Labor Day Mullet Festival 5K Race and 1-Mile Fun Run on September 6, 2021, beginning at 7:25 a.m. and ending at 9:45 a.m. Said request will close a section of Perdido Street from the intersection Widell Street to the intersection of County Road 99 from 7:30 a.m. to 9:30 a.m.

The Baldwin County Sheriff's Office will provide deputies to assist with the event and road closure.

**BA4** Request from Family Promise of Baldwin County, Inc. - Certification Regarding ADECA (ESG-CV) Coronavirus Grant

[21-1003](#)

Authorize Chairman to execute the Certification of Local Government Approval which approves Family Promise of Baldwin County, Inc. to enter into an Agreement (HESG-CV-20-006) with the Alabama Department of Economic and Community Affairs (ADECA) as the subrecipient of the 2020 Emergency Solutions Grants (ESG-CV) Coronavirus Funds.

This approval does not in any way constitute any financial involvement, obligation of reporting or administrative follow-up for compliance from the Baldwin County Commission.

**BA5** Request to Use Byrnes Lake Landing and the Bicentennial Park Grounds for Overnight Camping and a Movie Screening Event

[21-0993](#)

Take the following actions:

- 1) Authorize Mr. Kenny Caperton to utilize the County-owned Byrnes Lake Landing site for a movie screening event, "On Set Cinema," on October 25, 2021, and October 26, 2021, for approximately three (3) hours after sunset; and
- 2) Authorize Mr. Caperton to utilize the County-owned Bicentennial Park grounds for overnight camping and an additional movie viewing event October 25, 2021, and October 26, 2021.

This approval is contingent upon Mr. Caperton providing the County with a Certificate of

Liability Insurance that meets County requirements prior to the event taking place and executing a standard Facility Event Space Rental Agreement for both events.

## **BC ARCHIVES AND HISTORY**

Wayne Dyess, County Administrator, thanked the Highway department for the donation of equipment and labor to the Fort Mims Restoration Association for tree stump removal at the State Historic Fort Mims Site.

Ms. Claudia Slaughter-Campbell, President of the Fort Mims Restoration Association, appeared before the Commission and discussed storm damage, the need for storm cleanup at Fort Mims, new kiosks, the possibility of purchasing the 70-acres that adjoins the property, and the availability of a historic battlefield grant. Two years ago, the estimate given was \$3,000 per acre which was prior to the property being clear cut.

Commissioner Gruber asked if there was any money set aside for purchase of property for historical sites, to which Ron Cink, Budget Director responded there is an account that could be used for purchase of a historical site.

Commissioner Underwood asked about the possibility of entering the property from another direction and whether the property owner has considered selling part of the property.

Chairman Davis asked if there were prior discussions about this with the property owner and asked Mr. Dyess and Mr. Cink to reach out to the property owner to see if he is interested in selling.

Ms. Campbell invited everyone to the 2021 Historic re-enactment at Fort Mims on August 28-29, 2021, and handed out a flyer for the event to the Commissioners. Ms. Campbell mentioned the Volunteer Fire Department in Tensaw will have an open house soon for their new building and the Commissioners will be invited.

Mr. Dyess said Fort Mims currently has no handicap accessible parking or sufficient parking for buses so the addition of property would allow for that to be added.

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

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	

**Abstain:** 0

**BC1** Fort Mims Historic Site - Stump Removal at the Fort Mims Historic Site

[21-1004](#)

Approve the Baldwin County Highway Department to remove tree stumps that are piled in a non-archaeological area at the Historic Fort Mims Site in Tensaw, Alabama.

The cost of the stump removal is \$3,271.92, which will be donated by the Baldwin County Highway Department to the Fort Mims Restoration Association.

**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 Charles F. Gruber, 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** Acquisition of One (1) Baldwin Regional Area Transit System (BRATS) Replacement Vehicle

[21-1017](#)

Take the following actions:

1) Approve Baldwin Regional Area Transit System (BRATS) to request Escambia County Area Transit (ECAT) to acquire one (1) replacement transit vehicle for BRATS utilizing FY2020 5307 Grant Funds allocated to Baldwin County Commission/BRATS under the Florida-Alabama Transportation Planning Organization Project and managed by ECAT; and

2) Authorize the Chairman to sign any related documents.

**BE BUDGET/PURCHASING**

Wayne Dyess, County Administrator, said there are 17 Items under Budget/Purchasing for the Commission's approval.

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to approve Items BE1 - BE17.

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 #WG21-25A - Roof Repairs and Replacement of Various County Buildings due to Hurricane Damage for the Baldwin County Commission [21-1026](#)

Award Bid #WG21-25A for roof repairs and replacement of various county buildings due to hurricane damage to the lowest bidder, Double AA Construction Company, LLC, as per the Award Listing and authorize the Chairman to execute the Contract.

**BE2** Competitive Bid #WG21-31 - Purchase of Four Hundred (400) Pedestrian Barricade Wall Units for the Baldwin County Commission [21-0990](#)

Award Bid #WG21-31 for the purchase of four hundred (400) pedestrian barricade wall units to the lowest bidder, Coastal Industrial Supply, LLC as per the Award Listing.

**BE3** Competitive Bid #WG21-32 - Provision of Bottled Water for the Baldwin County Commission [21-0998](#)

Award Bid #WG21-32 for the provision of bottled water to Coca-Cola Bottling Company United, Inc., per the Award Listing.

**BE4** Competitive Bid #WG21-37 - Provision of Pressure Washing Services for the Baldwin County Commission [21-0974](#)

Take the following actions:

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

**BE5** Competitive Bid #WG21-38 - Provision of Instant Pre-cooked Meals for the Baldwin County Commission [21-0975](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a

competitive bid for the provision of instant pre-cooked meals 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 #WG21-39 - Provision of Vehicle Detergent for the Baldwin County Commission

[21-0976](#)

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.

**BE7** Competitive Bid #WG21-40 - Provision of Industrial Fittings, Hoses, and Accessories for the Baldwin County Commission

[21-0984](#)

Take the following actions:

1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of industrial fittings, hoses, and accessories 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.

**BE8** Competitive Bid #WG21-41 - Annual Scrap Metal and White Good Recycling Services for the Baldwin County Commission

[21-0986](#)

Take the following actions:

1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the annual scrap metal and 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 #WG21-42 - Provision of Annual Traffic Signal Repair for the Baldwin County Commission

**21-0999**

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of annual traffic signal repair 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** Lease of One (1) Postage Machine for the Baldwin County Foley Satellite Courthouse

**21-0978**

Authorize the Chairman to execute the Lease Agreement with Quadient Leasing USA, Inc. (Accurate Control Equipment Inc.) for the lease of a postage machine and meter off the State of Alabama Bid for the Foley Satellite Courthouse for thirty-six (36) months as follows (Lease Agreement effective upon delivery of equipment):

- 1) Quadient Model IX7 Series Base w/ Mixed Size Feeder, Sealer, Drop Tray & Ink Cartridge
- 2) Quadient Model IXWP10 IX Series 10 lb Weighing Platform
- 3) Quadient Model IX7ERR iX-7 Series Base e-RR Feature & Activation Kit w/bc scanner. Inc e-RR SW & Rate File w/200 eDel/Sig
- 4) Quadient Model WP10STDN 10lb Scale Stand for IXWP10, ISWP10 & INWP10
- 5) Quadient Model IXDS7 Dynamic Weighing Platform for IX Series 7/7PRO Bases

\$1,374.15 per quarter - \$5,496.60 per year

**BE11** Purchase of Two (2) New 5-Ton HVAC Units for the Baldwin County Annex IV Building (CIS) Located in Bay Minette, Alabama

**21-0985**

Approve and authorize the Purchasing Director to issue a Purchase Order to Trane U.S. Inc, d/b/a Trane for the purchase of two (2) new 5-ton HVAC units (equipment only) off the Omnia National Purchasing Contract for the Baldwin County Annex IV Building located in Bay Minette in the amount of \$45,635.00.

**BE12** Quotes for Installing Two (2) New HVAC Units at the Baldwin County Health Department Building in Bay Minette, Alabama, for the Baldwin

**21-0994**



County Commission

Approve and authorize the Chairman to execute the Public Works Contract and Certificate of Compliance with Wiley Services in the amount \$17,932.00 for labor only to install two (2) new HVAC units at the Baldwin County Health Department building located in Bay Minette.

**BE13** Quote for the Purchase and Delivery of Two (2) Pre-cast Concrete Restroom Buildings at the Intracoastal Waterway (ICW) Boat Launch Located in Orange Beach, Alabama, for the Baldwin County Commission [21-1035](#)

Approve and authorize the Chairman to execute the Contract with CXT, Inc., for the purchase and delivery of two (2) pre-cast concrete restroom buildings at the Intracoastal Waterway (ICW) Boat Launch located in Orange Beach with CXT, Inc., in the amount of \$197,995.18; Delivery Time: 120 days after receipt of order which is being purchased via the Sourcewell National Purchasing Contract.

**BE14** Quotes for Repairs to the Josephine Park Fishing Pier located in Josephine, Alabama, for the Baldwin County Commission [21-1041](#)

Approve Change Order #1 for repairs to the Josephine Park fishing pier located in Josephine, Alabama, with Blade Construction, LLC in the amount of \$4,800.00 and authorize the Chairman to execute the Change Order.

**BE15** Service Agreement for the Restoration and Preservation of Old Baldwin County Probate Deed Books and Documents for the Baldwin County Commission [21-1016](#)

Approve and authorize the Chairman to execute the Service Agreement with Kofile Technologies, Inc., in the amount of \$398,879.25 for the restoration and preservation of the old Baldwin County Probate Deed Books and Documents.

This Agreement will become effective on July 6, 2021, and will remain in effect for one (1) year unless terminated as set forth in the attached Service Agreement. This Agreement will automatically renew for up to three (3) consecutive one (1) year terms unless a party provides no less than sixty (60) days-notice of non-renewal to the other party.

**BE16** Engagement Agreement between Silver, Voit & Thompson, Attorneys at Law, P.C. and the Baldwin County Commission for Legal Services for the Baldwin County Sales & Use Tax Department [21-0982](#)

Authorize the Chairman to execute an Engagement Agreement for Silver, Voit & Thompson, Attorneys at Law, P.C. to represent the Baldwin County Sales & Use Tax Department as a creditor in miscellaneous bankruptcy matters.

This Agreement shall commence upon full execution and approval by the Baldwin County Commission and terminate at any time with or without cause by written notification.

**BE17** Sales and Use Tax Department - Computer Software Support Agreement and Addendum with Delta Computer Systems, Inc.

[21-0997](#)

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. 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 \$1,155.00, effective October 1, 2021.

**BF BUILDING INSPECTION**

Wayne Dyess, County Administrator, said there is one Item under Building Inspection for the Commission's approval.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to approve Item BF1.

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

**BF1** Building Inspection Department - Computer Software Support Agreement and Addendum with Delta Computer Systems, Inc.

[21-1034](#)

Related to the Building Inspection Department software, take the following actions:

- 1) Approve the Computer Software Support Agreement with Delta Computer Systems, Inc., commencing on the first day of the delivery of the software or upon acceptance of the addendum(s) by both parties and shall remain in effect for one year. This agreement shall remain in effect for one year and automatically renew annually; and
- 2) Authorize the Chairman to sign the Computer Software Support Agreement Addendum with Delta Computer Systems, Inc. with the new monthly rate in the amount of \$250.00 effective October 1, 2021.

## **BJ ELECTED OFFICIALS**

Wayne Dyess, County Administrator, said there is one Item under Elected Officials for the Commission's approval.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to approve Item BJ1.

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

**BJ1** Revenue Commission Office - Computer Software Support Agreement and Addendum with Delta Computer Systems, Inc.

[21-1020](#)

Related to the Revenue Commission software, take the following actions:

- 1) Approve the Computer Software Support Agreement and Addendum between the Baldwin County Commission (Revenue Commission Office) and Delta Computer Systems, Inc., commencing on the first day of delivery of the software or upon acceptance of the addendum(s) by both parties and shall remain in effect for one year. The terms of this agreement shall automatically renew at each annual period; and
- 2) Authorize the Chairman to sign the Computer Software Support Agreement Addendum with Delta Computer Systems, Inc. with the new monthly rate in the amount of \$6,010.83, effective October 1, 2021.

## **BL ENVIRONMENTAL MANAGEMENT**

Wayne Dyess, County Administrator, said there are two Items under Environmental Management for the Commission's approval.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to approve Items BL1 - BL2.

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

**BL1** Baldwin County Solid Waste Uncollectible Residential Accounts - June 2021

[21-0973](#)

Approve the June 2021 uncollectible residential garbage accounts list for write-offs in the amount of \$550.00.

**BL2** Baldwin County Solid Waste Uncollectible Residential Accounts - July 2021

[21-1028](#)

Approve the July 2021 uncollectible residential garbage accounts list for write-offs in the amount of \$372.00.

**BM FINANCE AND ACCOUNTING**

Wayne Dyess, County Administrator, said there are five Items under Finance and Accounting for the Commission's approval. Mr. Dyess said based on the discussion during the work session related to Item BM2, the staff recommendation has been modified to reflect a change in funding source from GOMESA to ARPA funds, and Items BM3 and BM5 include replacement agreements.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve Items BM1 - BM5.

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** First Addendum to the Agreement with Community Action Agency of South Alabama and Baldwin Together

[21-1033](#)

Approve and authorize the Chairman to execute the First Addendum to the Fiscal Sponsor/Partnership Agreement between the Baldwin County Commission, Community Action Agency of South Alabama (CAA), and Baldwin Together Long-Term Recovery Project (Baldwin Together), originally approved during the July 21, 2020, regular meeting.

This Addendum extends the program termination date to December 31, 2021, allocating \$25,000.00 of American Rescue Plan Act (ARPA) funds to provide additional funding for Baldwin Together, and increases the hourly rate for case managers from \$17.00 per hour to \$19.00 per hour. Any funds allocated by the County and not expended in furtherance of Baldwin Together prior to any termination of the Agreement and this First Addendum shall be returned to the County.

**BM2** \*Magnolia Landfill Recycling Facility - Request to Amend the Alabama Department of Natural Resources (ADCNR) - Gulf of Mexico Energy Security Act (GOMESA) Grant Submittal and to Allocate American Rescue Plan Act (ARPA) Funds

[21-1015](#)

Take the following actions:

- 1) Nullify the previously approved Commission action on March 2, 2021, specifically agenda item HA1, for the Alabama Gulf of Mexico Energy Security Act (GOMESA) grant application; and
- 2) Approve the allocation of American Rescue Plan Act (ARPA) funds to design, construct, and purchase equipment for the Recycle Facility, located adjacent to the Magnolia Landfill in Summerdale, Alabama:

Recycle Facility	Estimated Cost	\$5,500,000.00
10% Contingency		\$550,000.00
10% Administrative Costs		\$550,000.00

Total Estimated Cost \$6,600,000.00

\*estimated costs may increase due to material costs

**BM3** \*Motorola Solutions, Inc. - Communications Products Agreement

[21-1031](#)

Authorize the Chairman to execute the Communications Products Agreement for Motorola 5-Channel 4-sites P25 Channel Adds between the Baldwin County Commission and Motorola Solutions, Inc. which supplements the first responder communication radio system increasing support County wide.

Unless terminated in accordance with other provisions of this Agreement or extended by mutual agreement of the parties, the term of this Agreement begins on the effective date and continues until the expiration of the warranty period or three (3) years from the effective date, whichever occurs last.

**BM4** Motorola Equipment Lease Purchase Agreement #24671 - Change Order 002

[21-1032](#)

Authorize the Chairman to execute Change Order 002 for Motorola Equipment Lease Purchase Agreement #24671 2-Site Add to Baldwin County Master Core ALA18P124A which adds Radio Management Licenses.

**BM5** \*Tyler Technologies - Amendment to License and Services Agreement

[21-1027](#)

Related to the License and Services Agreement between Baldwin County Commission

and Tyler Technologies, take the following actions:

- 1) Approve the Amendment to the License and Services Agreement and authorize the Chairman to sign any related documents; and
- 2) Authorize the Chairman to sign the Sales Quotation for Implementation Assistance in the amount of \$28,000.00 and any related documents.

## **BN HIGHWAY**

Wayne Dyess, County Administrator, said there are five Items under Highway for the Commission's approval including a replacement item for Agenda Item BN1 which corrects the road name from Cedar Point to Cedar Street, and a replacement attachment which has additional information added to the license agreement noting the driveway may be modified or removed if the right-of-way is opened in the future. Mr. Dyess said Agenda Item BN4 includes letters of support for the RAISE grant.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to approve Items BN1 - BN5.

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 \*License Agreement #21006 - Cedar Street - Right-of-Way**

**21-1030**

Approve License Agreement #21006 permitting Mr. Thomas James Wolff to maintain the existing driveway on Cedar Street right-of-way to access his property. (The term of this agreement shall commence on the date of full execution. License for Maintenance shall be indefinite according to the terms of the agreement.)

### **BN2 License Agreement #21009 - Ferry Road - Right-of-Way**

**21-1022**

Take the following actions:

- 1) Approve License Agreement #21009 permitting Baldwin County Sewer Service, LLC, c/o Richie Barnett to install a 2-inch sewer force main on the west/south side of Ferry Road right-of-way. (The term of this agreement shall commence on the date of full execution. License for Installation shall terminate at 11:59 p.m. on January 6, 2022. License for Maintenance shall be indefinite according to the terms of the agreement.)
- 2) Authorize the County Engineer to execute Utility Permit #21119-S.

**BN3** Rebuild Alabama - Baldwin County Fiscal Year 2021 County  
Transportation Plan - County Rebuild Alabama Contractor Report

[21-1023](#)

Approve the Chairman to execute the Fiscal Year 2021 County Rebuild Alabama Contractor Report for awarded projects funded with County Rebuild Alabama Funds.

**BN4** \*Rebuilding American Infrastructure with Sustainability and Equality  
(RAISE) Grant - Resolution #2021-089 and Application Submittal

[21-1002](#)

Take the following actions:

1) Adopt Resolution #2021-089 and approve the Highway Department engineering staff to prepare and submit an application for the Fiscal Year 2021 Rebuilding American Infrastructure with Sustainability and Equality (RAISE) Grant to connect the Eastern Shore Trail to the City of Foley's existing trail system and extend/improve the County Road 65 corridor; and

2) Approve the Chairman to execute any project related documents, as needed.

**BN5** Sale of Vehicles on GovDeals.com by the Highway Department

[21-1029](#)

Approve the sale of the following surplus vehicles by the Highway Department through the Clerk/Treasurer via GovDeals.com:

Year	2007	2007
Make/Model	Ford F-150	Ford F-150
Equipment #	39594	39590
Unit #	0007757	0007751
Location	Robertsdale	Robertsdale
Comments	4x2 Reg. Cab	4x2 Reg. Cab
Reserve \$	\$1,000.00	\$1,000.00
Lot #	Lot #14	Lot #15
Cost Center	53113	53113

**BQ PERSONNEL**

Wayne Dyess, County Administrator, said there are 10 Items under Personnel for the Commission's approval.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve Items BQ1 - BQ10.

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** Animal Shelter - Personnel Changes

[21-1006](#)

Take the following actions:

- 1) Approve the reclassification/re-title of the vacant Senior Animal Control Technician position (PID #5601), grade 307, to Animal Control Technician, grade 304; and
- 2) Approve the employment of Timothy Flowers to fill the open Animal Control Technician position (PID #5357) at a grade 304 (\$13.250 per hour / \$27,560.00 annually); and
- 3) Approve the employment of Destiny Kinsey to fill the open Animal Control Technician position (PID #5358) at a grade 304 (\$13.250 per hour / \$27,560.00 annually); and
- 4) Approve the updated organizational chart for the Animal Shelter.

These actions will be effective no sooner than July 12, 2021.

**BQ2** Baldwin Regional Area Transit System (BRATS) Department - Position Changes

[21-1007](#)

Take the following actions:

- 1) Abolish the Administrative Support Specialist I position (PID #5279) grade 306; and
- 2) Create a Baldwin Regional Area Transit System (BRATS) Driver Supervisor position (PID #TBD) at a grade 309; and
- 3) Approve the position description for BRATS Driver Supervisor; and
- 4) Approve the updated organizational chart for BRATS.

**BQ3** Building Inspection Department - Employment of Two (2) Building Inspector III Positions

[21-1011](#)

Take the following actions:

- 1) Approve the employment of George Fralic to fill the Building Inspector III position (PID #5605), grade 315 (\$24.03 per hour/\$49,982.40 annually); and
- 2) Approve the employment of Michael Hart to fill the Building Inspector III position (PID



#5606), grade 315 (\$24.03 per hour/\$49,982.40 annually).

These actions will be effective no sooner than July 12, 2021.

**BQ4** Building Inspection Department - Promotion of Employee

[21-1038](#)

Approve the promotion of Danielle Brazwell from the Permit Technician I position (PID #5470) grade 306 (\$17.974 per hour/\$37,385.92 annually) to fill the open Chief Permit Technician position (PID #5607) at a grade 312 (\$20.13 per hour/\$41,870.40 annually) to be effective no sooner than July 19, 2021.

**BQ5** Finance and Accounting Department - Promotion of Employee

[21-1005](#)

Take the following actions:

1) Approve the promotion of Dana Austin from the Senior Accountant position (PID #5596) grade S317 (\$56,410.00 annually), to fill the open Accounting Manager position (PID #5603) at a grade S319 (\$63,676.00 annually), to be effective no sooner than July 19, 2021; and

2) Approve the updated organizational chart for the Finance and Accounting Department.

**BQ6** Highway Department (Silverhill) - Promotion of Employee

[21-1010](#)

Approve the promotion of Michael Royster from the Operator Technician II position (PID #447) grade 308 (\$18.42 per hour/\$38,313.60 annually) to fill the open Operator Technician III position (PID #898) at a grade 309 (\$19.894 per hour/\$41,379.52 annually) to be effective no sooner than July 19, 2021.

**BQ7** Planning and Zoning Department - Position and Personnel Changes

[21-1008](#)

Take the following actions:

1) Create one (1) Planning Technician position (PID #TBD), grade 309; and

2) Approve the promotion of Matthew Brown from the Director of Transportation (PID #253) grade S320 (\$91,773.08 annually), in the Baldwin Regional Area Transit System (BRATS) Administration Department (51930) to fill the open Planning and Zoning Director (PID #793) at a grade S321 (\$99,114.93 annually) in the Planning and Zoning Department (52730), to be effective no sooner than July 19, 2021; and

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

**BQ8** Parks Department - Re-classification of Position

[21-1037](#)

Approve the re-classification of the vacant Mechanic I position (PID #5524) grade 306, to a Mechanic II position at a grade 311.

**BQ9** Revenue Commission - Title Change for Personal Property Support Technician I Position

[21-1009](#)

Take the following actions:

- 1) Approve the title change for the Personal Property Support Technician I position (PID #5593) to Personal Property Appraiser Trainee, with no change in pay grade; and
- 2) Approve the updated organizational chart for the Revenue Commission - Personal Property Division.

**BQ10** Solid Waste Department (Collections/Maintenance) - Position Changes

[21-1012](#)

- 1) Abolish the Solid Waste Technician positions (PID #5228, 5231, 5248, 868); and
- 2) Create one (1) Mechanic II position (PID #TBD), grade 311, in the Solid Waste Maintenance Department (54370); and
- 3) Create (1) Solid Waste Driver II position (PID #TBD) grade 308, in the Solid Waste Collections Department (54800); and
- 4) Approve the updated organizational chart for the Solid Waste Department; and
- 5) Approve the updated position descriptions for the Collections Supervisor, Staff Accountant, and Deputy Solid Waste Officer II positions.

**BR PLANNING AND ZONING**

Wayne Dyess, County Administrator, said there are two 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 - BR2.

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

As relates to the Baldwin County Planning and Zoning Commission, take the following action:

1) Appoint Mr. William (Bill) Booher as a temporary one-time member of the Board (BCC District 2 Nominee) for a three (3) year term to fill the place seat for the new Planning District 19, said term to commence on July 6, 2021 and expire on July 6, 2024.

**BR2** Correction to Agenda Item DR1 - June 15, 2021, Baldwin County Commission Regular Meeting

[21-1040](#)

Due to the identification of a typographical error in Agenda Item DR1 - Case No. S-21047 - Blackwater Farms Subdivision, in the June 15, 2021, Regular meeting, more specifically the number of lots listed in the staff recommendation for the proposed subdivision, correct for the record the staff recommendation as follows:

“Discuss and grant public comments regarding Case No. S-21047, Blackwater Farms Subdivision, appeal from the Baldwin County Planning and Zoning Commission denial of a Development Permit for a proposed five lot subdivision in the Elsanor area and take one of the following actions (please select one):

1) Affirm the decision of the Baldwin County Planning and Zoning Commission and deny the Development Permit for Case No. S-21047, Blackwater Farms Subdivision; or

2) Reverse the decision of the Baldwin County Planning and Zoning Commission and approve the Development Permit for Case No. S-21047, Blackwater Farms Subdivision; or

3) 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.”

**C PRESENTATIONS**

**D PUBLIC HEARINGS**

**E COMMITTEE REPORTS**

**EA FINANCE/ADMINISTRATION DIVISION**

**EA1** Payment of Bills

[21-0989](#)

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to pay bills totaling \$18,320,050.51 (eighteen million, three hundred twenty thousand, fifty dollars and fifty-one cents) with the exception of Vendor #165 which is listed in the Baldwin County Accounts Payable Payments - July 6, 2021, for a revised total of \$18,319,715.18.

Of this amount, \$12,155,037.71 (twelve million, one hundred fifty-five thousand, thirty-seven dollars and seventy-one cents) is payable to the Baldwin County Board of Education and \$753,806.03 (seven hundred fifty-three thousand, eight hundred six dollars and three cents) is payable to the Gulf Shores Board of Education for their portion of the County Sales and Use Tax.

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

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to pay Vendor #165 in the amount of \$335.33.

Vendor #165: Davis, Joseph L., III - \$335.33

The motion passed by the following vote:

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

**EA2** Notification of Interim Payments Approved by Clerk/Treasurer as Allowed Under Policy 8.1 [21-0988](#)

Wayne Dyess, County Administrator, informed the Commission that the Baldwin County Commission interim payments made by the Clerk/Treasurer totaling \$4,839,580.58 (four million, eight hundred thirty-nine thousand, five hundred eighty dollars and fifty-eight cents) are a part of the record.

## **F DISCUSSION ITEMS**

### **FA ADMINISTRATION**

**FA1** American Veterans (AmVets) Post 316 - New Post Introduction [21-0966](#)

Wayne Dyess, County Administrator, requested Discussion Item FA1 be tabled until a future meeting due to the absence of Mr. Isaac Brownlow with the American Veterans Post 316.

### **FQ PERSONNEL**

**FQ1** Discussion of County Holiday Schedule [21-1014](#)

Wayne Dyess, County Administrator, said Item FQ1 as discussed during work

session does not require action at this time to allow the Personnel Director to check with the State offices.

Commissioner Ball said he understood the Juneteenth holiday would be voted on at this time and the additional day for the Christmas holiday would be voted on at a later meeting.

Commissioner Ball said as of right now, the State offices will be open on Thursday, December 23rd which would include the Courthouses and it is his understanding the Courthouses will be staffed if necessary. Commissioner Ball said the additional date of closure would not affect County offices.

It was decided the Commission would vote on the addition of Juneteenth as a recognized County holiday on June 19th, consistent with the State and national holiday schedule.

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to recognize June 19th as Juneteenth recognition consistent with the State and the national holiday schedule.

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

## **FR PLANNING AND ZONING**

### **FR1 Amendment to the Baldwin County Subdivision Regulations**

**21-1025**

Buford King, Development Review Planner, appeared before the Commission to give an overview of the proposed amendments to the Baldwin County Subdivision Regulations and the timeline for submitting those changes to the Commission as follows:

- Review of post-2008 regulation changes and potential reversion to 2008 language as appropriate.
- Providing additional options to applicants regarding wetlands on proposed subdivisions, while simultaneously ensuring protection of those wetlands.
- Adjustment to sidewalk construction timing requirements
- Incorporation of provisions related to broadband access for new developments.
- General clean-up and clarification changes to remove ambiguity for the public and incorporate industry standard language
- Changing "Development Permit" to "Preliminary Plat."
- Changing "Planned Development" to "Multi-Unit Development" or "Multiple

Occupancy Project”

Commissioner Gruber asked for further clarification of the proposed changes to the appeals process to which Mr. King replied a possible amendment would be to remove the appeal process from the Commission which would result in the applicant going before the Circuit Court if they wish to appeal.

Wayne Dyess, County Administrator, said this is the first of what may be a series of updates to the subdivision regulations based on conversations with the municipalities.

## **G COMMISSIONER REQUESTS**

Chairman Davis said it should be considered to offer a reward for the capture of the thieves who stole catalytic converters from the BRATS buses recently.

Commissioner Ball said the buses are in a school parking lot in Bay Minette with no security currently in place; Brian Peacock, Communications and Information Systems Director, is looking into installing a surveillance system.

The Commissioners discussed the possibility of modifying the vehicles in an effort to secure them and the Commission's authority in regard to offering a reward.

Chairman Davis said if it can be done officially as a Commission, he would like to see that done.

Brad Hicks, County Attorney, said he would look into what the Commission is able to commit to in regard to offering a reward.

## **H ADDENDA**

Action Related to Chapter 11 Plan of Reorganization in Connection with  
that Certain Bankruptcy Case Styled In Re Purdue Pharma, L.P., et al.,  
Case No. 19-23649 (RDD) (Bankr. S.D. N.Y.)

**21-1098**

Wayne Dyess, County Administrator, said there is one addendum item as discussed during the executive session that followed work session earlier.

Brad Hicks, County Attorney, said he has confirmed that he does not have a conflict in the Purdue Pharma bankruptcy. Mr. Hicks said he has the required language for the motion needed in order for the Commission to take advantage of the potential settlement and he recommends the Commission make a motion to approve the Chapter 11 Plan of Reorganization in connection with that certain Bankruptcy Case styled In Re Purdue Pharma, L.P., et al., Case No. 19-23649 (RDD) (Bankr. S.D. N.Y.), and authorize the Chairman, staff and the County's attorneys to execute any documents and to take any and all actions deemed necessary to affect and/or confirm the County's vote in favor of the plan.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve the Chapter 11 Plan of Reorganization in connection with that certain Bankruptcy Case styled In Re Purdue Pharma, L.P., et al., Case No. 19-23649 (RDD) (Bankr. S.D. N.Y.), and authorize the Chairman, staff and the County's attorneys to execute any documents and to take any and all actions deemed necessary to affect and/or confirm the County's vote in favor of the plan.

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**

**J COUNTY ATTORNEY'S REPORT**

Brad Hicks, County Attorney, said there is one item to discuss during an executive session and the Commission will need to reconvene afterward.

**K PUBLIC COMMENTS**

**L PRESS QUESTIONS**

**M COMMISSIONER COMMENTS**

The Commissioners provided their closing comments.

**EXECUTIVE SESSION**

Brad Hicks, County Attorney, recommended the Commission adopt a motion to go into 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 BillieJo Underwood, to go into executive session at 10:51 a.m. to discuss with their attorney the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action.

The motion passed by the following vote:

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

After the motion and 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.

The Chairman recessed the meeting at 10:51 a.m.

The meeting reconvened at 11:55 a.m.

Changes Pursuant to Act 2021-297 Regarding the Exercise of Subdivision  
Regulations within the Planning Jurisdiction of the Municipalities

**21-1096**

Wayne Dyess, County Administrator, said there is one item to be discussed regarding Senate Bill 107 at this time.

Commissioner Ball stated for the record this discussion is in regard to Act 2021-297. It is no longer a Senate bill, it is now a law.

Hope Hicks, Legal Counsel, appeared before the Commission and said Senate Bill 107 was passed into law as Act 2021-297.

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, pursuant to Act 2021-297, provide notice to the municipalities in Baldwin County that the Baldwin County Commission currently enforces regulations regarding the inspection of construction, building permits and enforcement of the building codes and that as of July 26, 2023, the Baldwin County Commission will enforce these regulations in the areas of Baldwin County outside of municipal corporate limits, unless agreements are reached with the municipalities.

After the motion, second and vote, Commissioner Ball requested a roll call vote be taken.

James E. Ball: Aye  
Joe Davis, III: Aye  
Billie Jo Underwood: Aye  
Charles F. Gruber: Aye

The motion passed by the following vote:

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

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to provide notice to the municipalities in Baldwin County that the Baldwin County Commission would like to enter into agreements with the municipalities to allow the municipalities who



were regulating subdivision planning on January 1, 2021, to continue to regulate subdivision planning in areas outside of their municipal corporate limits that are inside the police jurisdiction as it lawfully existed on January 1, 2021, and for agreements to be considered by this Commission at the next meeting on July 20, 2021.

The motion passed by the following vote:

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

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to provide notice to the municipalities of Baldwin County that the Baldwin County Commission adopted subdivision regulations in 1984 and currently regulates subdivision developments within the unincorporated areas of Baldwin County and that on July 26, 2023, the Baldwin County Commission will begin regulating subdivision developments in all areas of Baldwin County outside municipal corporate limits pursuant to §11-52-30 as modified by Act 2021-297, unless agreements are made with municipalities.

The motion passed by the following vote:

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

Motion by Commissioner Charles F. Gruber, seconded by James E. Ball, to authorize the Chairman to send written notice to each of the municipalities notifying them of the three previous votes.

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 ADJOURNMENT**

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to adjourn the July 6, 2021, Baldwin County Commission Regular meeting at 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

Chairman Davis said the July 6, 2021, Baldwin County Commission Regular meeting is adjourned.

A handwritten signature in black ink, appearing to read "Joe Davis III". The signature is stylized with a large, looped "J" and a prominent "D".