

# Baldwin County Commission

Baldwin County Commission Regular  
Meeting Minutes  
Tuesday, July 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

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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 8:30 a.m. After the prayer led by Minister Darran Watts, Morning Star Missionary Baptist Church, Foley, and the Pledge of Allegiance led by Commissioner James E. Ball, the Commission transacted the following business to-wit:

### A ADOPTION OF MINUTES

July 6, 2021, Regular Meeting

Motion by Commissioner Charles F. Gruber, seconded by Commissioner BillieJo Underwood, to adopt the minutes of the July 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 several Items under Administration that need to be addressed separately: BA1, BA2, BA3, and BA4.

**BA1** Baldwin Regional Area Transit System Hub Property Located in Foley, Alabama - Termination of Lease Agreement, Acceptance of Property from City of Foley and Reciprocal Easement Agreement

[21-0892](#)

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

- 1) Approve the termination of the Lease Agreement between the City of Foley and the Baldwin County Commission originally entered into on June 2, 1969, for the property leased by the County and used as a BRATS Hub (between N. Poplar Street and Juniper Street) in Foley, Alabama, said termination to be effective once the eastern half of the property has been conveyed to the Baldwin County Commission by the City of Foley; and
- 2) Authorize the Chairman to execute a notice of termination of the Lease Agreement to the City of Foley; and
- 3) Authorize the Chairman to execute the Statutory Warranty Deed along with any other necessary documents accepting the subject property from the City of Foley; and
- 4) Authorize the Chairman to execute a Reciprocal Easement Agreement between the City of Foley and the Baldwin County Commission, which allows either party to park vehicles on the other party's portion of the subdivided property and walk between the parcels. The agreement will be effective upon full execution of the document.

The approval of the acceptance of the subject property by Baldwin County and the approval of the Reciprocal Easement Agreement are contingent upon County Attorney's review and approval of the final documents to be received from the City of Foley.

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

**BA2** Proclamation / Declaration of a Termination and Lifting of a State of Local Emergency - Coronavirus (COVID-19) Pandemic

[21-1058](#)

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to adopt Proclamation/Declaration of a Termination and Lifting of a State of Local Emergency terminating and lifting a Declaration of a State of Local Emergency in regard to the Coronavirus (COVID-19) Pandemic effective July 20, 2021, at 9:00 a.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

**BA3** Proclamation / Declaration of a Termination and Lifting of a State of Local Emergency - Hurricane Sally [21-1057](#)

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to adopt Proclamation/Declaration of a Termination and Lifting of a State of Local Emergency terminating and lifting a Declaration of a State of Local Emergency in regard to Hurricane Sally effective July 20, 2021, at 9:00 a.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

**BA4** Request from the Vaughn Community for a Community Garden on County-owned Property off Canaan Road in Stockton [21-1085](#)

Wayne Dyess, County Administrator, said Item BA4 has been removed from the agenda; staff recommends approval of the balance of the Administration Items, Items BA5 - BA9.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to approve Items BA5 - BA9.

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

**BA5** Voting Administration - Various Changes to Baldwin County Voting Precincts [21-0771](#)

Adopt Resolution #2021-072 which amends Resolution #2020-132, to provide for certain changes affecting voting in Baldwin County, Alabama, in conformance with applicable

Alabama law, specifically to accomplish the following:

1) DIVISION OF EXISTING VOTING PRECINCTS TO CREATE AN ADDITIONAL, NEW VOTING PRECINCT AND DESIGNATION OF VOTING LOCATION FOR THE NEWLY CREATED VOTING PRECINCT

Authorize the division of Baldwin County Voting Precinct No. 41 (Orange Beach), said division creating a new Baldwin County Voting Precinct No. 51 (Ono Island) and designating The Harriett Cockrell Center, located at 31692 Dolphin Drive, Orange Beach, Alabama, as the Voting Place for said new Voting Precinct No. 51.

[Current Precinct No. 41 will be split by separating Ono Island from the precinct with the Ono Island portion being designated as a new Precinct No. 51 and the rest of the precinct remaining as Precinct No. 41. The Orange Beach Community Center will remain as the polling place for Precinct No. 41.]

2) RELOCATION OF VOTING PLACES

Relocate the Voting Place for Baldwin County Voting Precinct No. 49 (Fairhope East) from the Fairhope Avenue Baptist Church to the Homestead Village of Fairhope (Ballroom), located at 924 Plantation Boulevard, Fairhope, Alabama.

3) NOTIFICATION OF COMMISSION ACTION

- a) Authorize the Chairman to execute correspondence informing the voting place(s) involved of the changes affecting voting in Baldwin County, Alabama.
- b) Authorize the Chairman to execute correspondence to all county election officials (Probate Judge, Sheriff, Absentee Election Manager and Board of Registrars) informing them of the voting changes for Baldwin County Voting Precinct No. 41 and No. 49.
- c) Authorize the Chairman to execute correspondence to the Board of Registrars ordering them to immediately issue new voting cards for the affected voters of Baldwin County Voting Precincts No. 41 and No. 49.

**BA6** E-911 Address Changes for Magnolia Landfill and MacBride Landfill

**21-0689**

Take the following actions:

1) Acknowledge and make part of the record the following address changes and new address designations, effective September 1, 2021, for the County-owned Magnolia Landfill property as designated/recommended by Baldwin County Emergency Communication District E-911 Addressing:

- a) Road leading to Magnolia Landfill off County Road 49 to be renamed as Landfill Drive

- b) Road around Magnolia Landfill to be renamed as Landfill Loop
- c) Bldg. 1 - Administration Building, 15093 Landfill Drive, Summerdale, Alabama 36580 (also to be used as mailing address for solid waste billing)
- d) Bldg. 2 - Maintenance Shop, 15152 Landfill Drive, Summerdale, Alabama 36580
- e) Bldg. 3 - Wash Bay, 15118 Landfill Drive, Summerdale, Alabama 36580
- f) Bldg. 4 - Residential Garbage Collection, 15186 Landfill Drive, Summerdale, Alabama 36580
- g) Bldg. 5 - Scale House, 15297 Landfill Drive, Summerdale, Alabama 36580
- h) Bldg. 6 - Recycle Building, 15609 Landfill Loop, Summerdale, Alabama 36580
- i) Bldg. 7 - Bio Solids Building, 15725 Landfill Loop, Summerdale, Alabama 36580

2) Acknowledge and make part of the record the following address changes and new address designations, effective September 1, 2021, for the County-owned MacBride Landfill property as designated/recommended by Baldwin County Emergency Communication District E-911 Addressing:

- a) Road to MacBride Landfill off County Road 64 to be renamed as McBride Road
- b) Bldg. 1 - Office/Warehouse Building, 26945 McBride Road, Loxley, Alabama 36551
- c) Bldg. 2 - Scale House, 26941 McBride Road, Loxley, Alabama 36551 (also to be used as physical and mailing address for MacBride Landfill)

**BA7** Correction to Minutes of the Baldwin County Commission September 20, 2019, Regular Meeting

[21-1059](#)

Due to a scrivener's error in the minutes of the September 20, 2019, Regular meeting of the Baldwin County Commission, related to Agenda Item KA1 - Proposed Amendment to that Certain Lease Agreement Dated June 15, 2005, as Amended, between Regions Bank and Baldwin County, correct for the record the omission of the vote tally for the action taken regarding Item KA1, to reflect four "ayes" (James E. Ball, Joe Davis III, Billie Jo Underwood, and Charles F. Gruber).

**BA8** Correction to Minutes of the Baldwin County Commission March 2, 2021, Regular Meeting

[21-1064](#)

Due to a scrivener's error in the minutes of the March 2, 2021, Regular meeting of the Baldwin County Commission, related to Agenda Item HA1 - Magnolia Landfill Recycling

Center - Alabama Department of Natural Resources (ADCNR) - Gulf of Mexico Energy Security Act (GOMESA) Submittal of Grant Request, correct for the record the motion approved by the Commission to read as follows:

“Approve and authorize Baldwin County Commission through its Solid Waste Department to submit a grant application to Alabama Department of Natural Resources (ADCNR) for additional for \$3,395,000.00 Gulf of Mexico Energy Security Act (GOMESA) funds allocated to Coastal Alabama.

The awarded funds would be used by the Baldwin County Commission for the construction of a Single Stream Recycling Center located adjacent to Magnolia Landfill.”

**BA9** City of Fairhope - Annexation Notification

[21-1073](#)

Authorize placement of the City of Fairhope’s Annexation Ordinance No. 1713, an Ordinance Amending Ordinance No. 1253 known as the Zoning Ordinance, annexing property into the corporate limits of the City of Fairhope, Alabama, into the minutes of the July 20, 2021, Baldwin County Commission meeting with proper notification to the following departments/organizations:

Baldwin County Commission Departments:  
Baldwin County Commission  
Building Inspection Department  
Communications/Information Systems Department  
Environmental Management/Solid Waste Department  
Highway Department  
Planning and Zoning Department

Elected Officials:  
Baldwin County Revenue Commission  
Baldwin County Sheriff’s Office

Other Agencies:  
Board of Registrars Office  
Emergency 911  
South Alabama Regional Planning Commission

**BE BUDGET/PURCHASING**

Wayne Dyess, County Administrator, said there are six Items under Budget/Purchasing for the Commission’s approval with Item BE6 to be voted on separately.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to approve Items BE1 - BE5.

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 #WG21-03 - Provision of Microcomputer Systems and Peripheral Equipment for the Baldwin County Commission [21-1088](#)

Due to SHI International Corporation submitting a letter dated July 8, 2021, informing the County that the company will no longer be able to provide the County with several items in "Group 1-2.1: Laptops", "Group 1-3.1: Desktop PCs" and "Group 1-4: Monitors" at the awarded bid prices, as was required in the bid specifications relating to Competitive Bid #WG21-03 - Provision of Microcomputer Systems and Peripheral Equipment for the Baldwin County Commission, take the following action:

1) Cancel the bid award that was made to SHI International Corporation during the 01/05/2021 Baldwin County Commission regular meeting (Agenda Item BE1).

**BE2** Competitive Bid #WG21-33 - Provision of Painting and Drywall Services for the Baldwin County Commission [21-1021](#)

Award Bid #WG21-33 for the provision of painting and drywall services for the Baldwin County Commission to the lowest bidder, Melvin Pierce Painting, Inc., as per the Award Listing and authorize the Chairman to execute the Contract. The Contract shall be effective immediately upon the same date as its full execution for a period of twelve (12) months.

**BE3** Competitive Bid #WG21-34 - Provision of Hydraulic Mulches for the Baldwin County Commission [21-1018](#)

Award Bid #WG21-34 for the provision of hydraulic mulches to the sole bidder, Evans & Company, Inc. as per the Award Listing.

**BE4** Competitive Bid #WG21-35 - Provision of Paint Striping Materials for the Baldwin County Commission [21-1019](#)

Award Bid #WG21-35 for the provision of paint striping materials for the Baldwin County Commission to PPG Architectural Finishes, Inc., Safety Coatings, Inc. and Ennis-Flint, Inc. as per the Award Listing.

**BE5** Rental of One (1) New Copy Machine for the Baldwin County Finance and Accounting Department Located in Bay Minette, Alabama for the Baldwin County Commission [21-1056](#)

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

Location: Finance and Accounting Department - Bay Minette

Model: MX-6071

Price: \$217.00/month

Excess Charge/copy: \$0.0054 BW; \$0.0400 Color

**BE6**    \*Request from the Baldwin County Board of Education to Confirm and Ratify Certain Existing Privilege Excise Taxes for Public School Purposes

[21-1091](#)

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, as requested by the Baldwin County Board of Education by electronic correspondence to the Baldwin County Commission, dated July 12, 2021, to take the following action:

Adopt Resolution #2021-103, a Resolution and Ordinance confirming the continued levy and collection of Baldwin County's Ala. Code § 40-12-4 et seq. (1975), as the same may be amended by the Legislature of the State of Alabama, sales and use tax and Act. No. 83-532, as the same may be amended by the Legislature of the State of Alabama, sales tax through the final maturity or prior payment of the County Board of Education of Baldwin County's proposed funding School Warrants, Series 2021, to provide unique educational and economic development opportunities for the County, to be dated the date of delivery, to which aforesaid sales and use taxes will be pledged thereby.

This Resolution (Ordinance) shall take effect immediately upon its adoption and all orders, ordinances, and resolutions of the Commission in conflict or inconsistent with the provisions hereof are, to the extent of such conflict or inconsistency, repealed.

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

**BK    EMERGENCY MANAGEMENT AGENCY (EMA)**

Wayne Dyess, County Administrator, said there is one Item under Emergency Management Agency (EMA) for the Commission's approval with a replacement attachment for Item BK1.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to approve Item BK1.

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

**BK1** \*Memorandum of Understanding with Retired and Senior Volunteer Program for Assisting Baldwin County Emergency Management Agency as Needed

[21-1047](#)

Take the following actions:

- 1) Approve a Memorandum of Understanding (MOU) between the Baldwin County Commission and Retired and Senior Volunteer Program (RSVP) to provide volunteers to assist the Baldwin County Emergency Management Agency (BCEMA) staff when needed during activations, events, and meetings. The term of this MOU shall commence on the date of full execution and renew annually until cancelled by either party.
- 2) Approve the use of the Waiver, Assumption of Risk, and Indemnity Agreement form for volunteers to execute when assisting with the BCEMA at events, meetings, and during activations.

## **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** Alabama Department of Corrections (ADOC) Loxley Community Work Center - Work Squad Agreement

[21-1050](#)

Approve the Work Squad Agreement with the Alabama Department of Corrections Loxley Community Work Center for inmate workers to assist the Solid Waste Department. (The term of the agreement shall begin on July 26, 2021, and shall continue for one (1) year. Upon mutual agreement of the parties, the agreement may be renewed.)

**BL2** Baldwin County Solid Waste Collection and Disposal Services in Certain Areas within the Municipal Limits of City of Bay Minette

[21-0981](#)

Take the following action:

Acknowledge receipt of the City of Bay Minette Resolution #0621-03, adopted June 7, 2021, by the City of Bay Minette for the Baldwin County Solid Waste Department to perform garbage collection and disposal services in certain areas within the municipal limits of the City of Bay Minette, specifically 10190 D'Olive Street, Bay Minette, Alabama.

**BN HIGHWAY**

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

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve Items BN1 - BN8.

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** Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0203716 - Bengston Road (Tract 8)

[21-1077](#)

Take the following actions:

1) Accept 0.030 acres on Bengston Road (Tract 8) as a right-of-way donated to Baldwin County by Matthew Jeffords and Hannah Lee Anne Jeffords on January 6, 2021 (Instrument No. 1881939 of Baldwin County Judge of Probate); and

2) Related to the aforesaid, authorize the Chairman to execute IRS Form 8283 for the donated right-of-way.

**BN2** Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0203716 - Bengston Road (Tract 9)

[21-1078](#)

Take the following actions:

1) Accept 0.023 acres on Bengston Road (Tract 9) as a right-of-way donated to Baldwin County by Dionicio Enriquez and Angelica Hernandez on January 28, 2021 (Instrument No. 1889433 of Baldwin County Judge of Probate); and

2) Related to the aforesaid, authorize the Chairman to execute IRS Form 8283 for the donated right-of-way.

**BN3**    Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0203716 - Bengston Road (Tract 10)

[21-1079](#)

Take the following actions:

1) Accept 0.023 acres on Bengston Road (Tract 10) as a right-of-way donated to Baldwin County by Sharon Renee Wheeler Woods on January 21, 2021 (Instrument No. 1884905 of Baldwin County Judge of Probate); and

2) Related to the aforesaid, authorize the Chairman to execute IRS Form 8283 for the donated right-of-way.

**BN4**    Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0203716 - Bengston Road (Tract 11)

[21-1080](#)

Take the following actions:

1) Accept 0.074 acres on Bengston Road (Tract 11) as a right-of-way donated to Baldwin County by Donald E. Lowe and Arlene A. Lowe on February 12, 2021, (Instrument No. 1891116 of Baldwin County Judge of Probate); and

2) Related to the aforesaid, authorize the Chairman to execute IRS Form 8283 for the donated right-of-way.

**BN5**    Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0203716 - Bengston Road (Tract 15)

[21-1081](#)

Take the following actions:

1) Accept 0.096 acres on Bengston Road (Tract 15) as a right-of-way donated to Baldwin County by Elizabeth Smith on January 25, 2021 (Instrument No. 1885725 of Baldwin County Judge of Probate); and

2) Related to the aforesaid, authorize the Chairman to execute IRS Form 8283 for the donated right-of-way.

**BN6**    Execution of IRS Form 8283 for a Donated Right-of-Way on Project No. 0203816 - Pate Road (Tract 10)

[21-1076](#)

Take the following actions:

2) Related to the aforesaid, authorize the Chairman to execute IRS Form 8283 for the donated right-of-way.

**21-1090**

(This agreement shall be effective upon full execution and terminate after twelve (12) months unless terminated by either party upon delivery of a thirty (30) day notice of termination.)

**21-1084**

The awarded funds would be used by the Baldwin County Commission to convert existing dirt pits into constructed wetlands and regional detention ponds to improve water quality and to mitigate flooding in the Magnolia River watershed.

Wayne Dyess, County Administrator, said the three Items under Juvenile Detention for the Commission's approval are the usual annual agreements.

The motion passed by the following vote:

**Nay:** 0

**Absent:** 0

**Abstain:** 0

**BO1** Memorandum of Agreement with Baldwin County Board of Education  
Concerning the Allocation of Education Trust Fund Monies

[21-1063](#)

Take the following actions:

1) Approve the Memorandum of Agreement between the Baldwin County Commission and the Baldwin County Board of Education for the allocation of the Education Trust Fund to be used to provide educational services to the Baldwin County Juvenile Detention Center. The term of this agreement will be October 1, 2021 through September 30, 2022 and is automatically renewed upon mutual agreement of each party; and

2) Authorize the Commission Chairman to sign the agreement and any related documents.

**BO2** Memorandum of Understanding with Baldwin County Board of Education  
for the Provision of Food Services at Baldwin County Regional Juvenile  
Detention Center

[21-1049](#)

Approve a Memorandum of Understanding between the Baldwin County Commission and the Baldwin County Board of Education for the provision of food services at the Baldwin County Regional Juvenile Detention Center effective September 12, 2021, and terminating September 12, 2022.

The following meals will be provided five (5) days a week by the Baldwin County High School kitchen at the rates listed:

Breakfast: \$2.50

Lunch: \$4.25

Dinner: \$4.25

**BO3** Memorandum of Understanding with Baldwin County Sheriff's Office for  
the Provision of Food Services at Baldwin County Regional Juvenile  
Detention Center

[21-1069](#)

Approve a Memorandum of Understanding between the Baldwin County Commission and the Baldwin County Sheriff's Office for the provision of food services at the Baldwin County Regional Juvenile Detention Center.

The Memorandum of Understanding shall take effect on the date of its full execution and shall expire in twelve (12) months at which time it shall terminate; however, it may be renewed by mutual agreement between the Baldwin County Commission and the Baldwin County Sheriff's Office. Notwithstanding the aforementioned, the Baldwin County Commission or the Baldwin County Sheriff's Office may terminate the Memorandum of Understanding by written notification to the other at any time thereafter for any purpose.

## **BQ PERSONNEL**

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

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve Items BQ1 - 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 Highway Department (Bay Minette) - Personnel Changes**

[21-1065](#)

Take the following actions:

1) Approve the promotion of Luke Killingsworth from the Operator Technician Trainee position (PID #5562), grade 304 (\$13.250 per hour/\$27,560.00 annually) to fill the open Operator Technician I position (PID #4046) at a grade 307 (\$15.330 per hour/\$31,886.40 annually), to be effective no sooner than August 2, 2021; and

2) Approve the promotion of James Bradley from the Operator Technician II position (PID #356), grade 308 (\$16.815 per hour/\$34,975.20 annually) to fill the open Operator Technician III position (PID #876) at a grade 309 (\$18.160 per hour/\$37,772.80 annually), to be effective no sooner than August 2, 2021; and

3) Approve the employment of Cole Brown to fill the open Operator Technician Trainee position (PID #5562) at a grade 304 (\$13.250 per hour/\$27,560.00 annually), to be effective no sooner than July 26, 2021; and

4) Approve the employment of Christopher Duddy to fill the open Operator Technician Trainee position (PID #5487) at a grade 304 (\$13.250 per hour/\$27,560.00 annually), to be effective no sooner than July 26, 2021.

### **BQ2 Juvenile Detention Center - Employment of One (1) Detention Technician Position**

[21-1074](#)

Approve the employment of Roy Robinson to fill the open Detention Technician position (PID #5341) at a grade 306 (\$14.600 per hour/\$30,368.00 annually) to be effective no sooner than July 26, 2021.

### **BQ3 Parks Department - Position and Personnel Changes**

[21-1066](#)

Take the following actions:

- 1) Approve the re-title/reclassification of the vacant part-time Park Manager position (PID #85) grade 309, to a part-time Park Attendant position grade 303; and
- 2) Approve an increase in pay for Caleb Hacker, Landscape Technician I, from grade 306 (\$15.119 per hour/\$31,447.00 annually) to grade 306 (\$15.497 per hour/\$32,233.76 annually) due to increase in Live Oak Landing duties, effective no sooner than August 2, 2021; and
- 3) Approve an increase in pay for Joel Valenti, Landscape Technician I, from grade 306 (\$15.119 per hour/\$31,447.00 annually) to grade 306 (\$15.497 per hour/\$32,233.76 annually) due to increase in Live Oak Landing duties, effective no sooner than August 2, 2021; and
- 4) Approve the updated position description for the Mechanic II position; and
- 5) Approve the updated organizational chart for the Parks Department.

**BQ4    Solid Waste Department - Personnel Changes**

**21-1071**

Take the following actions:

- 1) Approve the promotion of Amy Galemore from the Deputy Solid Waste Officer I position (PID #5391) grade 310 (\$18.461 per hour/\$38,398.88 annually) to fill the open Deputy Solid Waste Officer II position (PID #5584) at a grade 311 (\$19.938 per hour/\$41,471.04 annually), in the Solid Waste Collections Department (54800), to be effective no sooner than August 2, 2021; and
- 2) Approve the promotion of Charles Stanford from the Assistant Collections Supervisor position (PID #5197) grade 313 (\$27.717 per hour/\$57,651.36 annually) to fill the open Collections Supervisor position (PID #4066) at a grade 314 (\$29.934 per hour/\$62,262.72 annually), in the Solid Waste Collections Department (54800), to be effective no sooner than August 2, 2021; and
- 3) Approve the promotion of Roy Kelley from the Landfill Equipment Operator III position (PID #1050) grade 309 (\$17.868 per hour/\$37,165.44 annually), at the Magnolia Landfill (54300), to fill the open Landfill Equipment Operator IV position (PID #376) at a grade 311 (\$19.297 per hour/\$40,137.76 annually), at the Solid Waste MacBride Landfill (54330), to be effective no sooner than August 2, 2021; and
- 4) Approve the employment of Larry Briggs to fill the open Landfill Equipment Operator III position (PID #1050) grade 309 (\$16.910 per hour/\$35,172.80 annually), at the Magnolia Landfill (54300), to be effective no sooner than July 26, 2021; and

5) Approve the employment of Thomas Norris to fill the open Landfill Equipment Operator II position (PID #1049) grade 308 (\$16.100 per hour/\$33,488.00 annually), at the Magnolia Landfill (54300), to be effective no sooner than July 26, 2021; and

6) Approve the updated organizational chart for the Solid Waste Department.

**BQ5** Personnel Department - One-time Additional Paid Holiday for County Employees - December 23, 2021

[21-1068](#)

Take the following actions:

1) In accordance to Baldwin County Commission Employee Handbook, Policy IV. F. Holidays, approve a one-time additional paid holiday for Baldwin County employees to be observed on Thursday, December 23, 2021; and

2) Adopt Resolution #2021-095, in regard to exercising the authority provided at Section 11-1-8 of the Code of Alabama 1975, and without limitation, to close certain public buildings owned or leased by and under the control of the Baldwin County Commission, only on Thursday, December 23, 2021.

**BQ6** Personnel Department - Employee Handbook Change

[21-1070](#)

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 July 20, 2021, to policies IV.F. Holidays, 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.

**C PRESENTATIONS**

**D PUBLIC HEARINGS**

**DR PLANNING AND ZONING**

**DR1** Case No. Z-21016 - Pate Property Rezoning

[21-1075](#)

Celena Boykin, Senior Planner, appeared before the Commission and provided background information on the subject property.

Chairman Davis opened the public hearing at 8:39 a.m. and asked if there is anyone present who wishes to speak.

Ms. Karen Pate, co-owner of the property, appeared before the Commission and said the property is adjacent to her daughter's property and the plan is to have



horses, leave the trees, build a building to house the horses and to provide shade and storage for hay and farm equipment.

Mr. Stephen Pate, co-owner of the property, appeared before the Commission and reiterated what Ms. Pate said and added that this was a great answer to a need that the family had.

There being no further requests to address the Commission, Chairman Davis closed the public hearing at 8:41 a.m.

After the motion, Commissioner Ball asked to clarify the Case No. for the motion to which Wayne Dyess, County Administrator, read the Case No. for the record as Z-21016.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to adopt Resolution #2021-083, which approves Case Z-21016, Pate Property, as it pertains to the rezoning of 2.26 acres, more or less, as located in Planning (Zoning) District 32, from RSF-1, Single-Family District, to RSF-E, Single-Family Estate 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

**DR2** Case No. Z-21017 - Kings Court Trust Property Rezoning

[21-1067](#)

Celena Boykin, Senior Planner, appeared before the Commission and provided background information on the subject property.

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

Mr. Bobby King, appeared before the Commission and said he represents Kings Court Trustholders which includes his wife Renee King and Mr. Scott Curtis. Mr. King said the three properties would be combined to put in an RV park with tropical landscaping and a home for he and his wife would be placed somewhere on the property as well.

There being no further requests to address the Commission, Chairman Davis closed the public hearing at 8:45 a.m.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to adopt Resolution #2021-084, which approves Case No. Z-21017, Kings Court Trust Property, as it pertains to the rezoning of 3.0 acres, more or less, as located

in Planning District 21, from RSF-1, Residential Single-Family District, to RV-2, Recreational Vehicle Park 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

**DR3** Resolution #2021-104 - Adoption of a Moratorium on Billboards in Municipal Planning Jurisdictions of Baldwin County

[21-1092](#)

Wayne Dyess, County Administrator, said as discussed during work session, in anticipation of some of the municipal planning jurisdictions pulling back related to Act 2021-297, this may create a potential gap in the County's billboard coverage. Mr. Dyess said County-wide billboard regulations, adopted by the local legislature, have been in place for 15 years and the County has to abide by sign restrictions inside the corporate limits. Staff is requesting that a moratorium be placed on this issue until there is a chance to review the County-wide billboard regulations and see how potential agreements with the municipal planning jurisdictions unfold.

Chairman Davis asked if the moratorium stops any billboard development in process, to which Mr. Dyess replied currently the Extra Territorial Jurisdictions are still in place but the changes related to Act 2021-297 leave potential for unregulated billboard development. The majority of cities do not allow billboards so none will be able to be placed and this will keep the status quo going forward.

Chairman Davis opened the public hearing at 8:48 a.m. and asked if there is anyone present who wishes to speak.

Commissioner Gruber said if the municipalities pull back due to Act No. 2021-297, the County may get caught without an opportunity to look at this issue which could create unintended consequences.

There being no further requests to address the Commission, Chairman Davis closed the public hearing at 8:49 a.m.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner BillieJo Underwood, to adopt Resolution #2021-104, which establishes a moratorium on the construction of new billboards located within the boundaries of all municipal planning jurisdictions in Baldwin County until February 18, 2022.

The motion passed by the following vote:

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

## **E COMMITTEE REPORTS**

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

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

[21-1062](#)

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to pay bills totaling \$4,184,863.27 (four million, one hundred eighty-four thousand, eight hundred sixty-three dollars and twenty-seven cents).

Of this amount, \$494,489.92 (four hundred ninety-four thousand, four hundred eighty-nine dollars and ninety-two cents) is payable to the Baldwin County Board of Education and \$30,157.14 (thirty thousand, one hundred fifty-seven dollars and fourteen 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**

[21-1060](#)

Wayne Dyess, County Administrator, informed the Commission that the Baldwin County Commission interim payments made by the Clerk/Treasurer totaling \$2,652,494.85 (two million, six hundred fifty-two thousand, four hundred ninety-four dollars and eighty-five cents) are a part of the record.

## **F DISCUSSION ITEMS**

Wayne Dyess, County Administrator, said the items under the Discussion section do not require any action today.

### **FA ADMINISTRATION**

#### **FA1 Agreements with Baldwin County Municipalities Regarding the Exercise of Subdivision Regulations within the Planning Jurisdiction of the Municipal Planning Commissions**

[21-1089](#)

No action taken.

**FA2**    Implementation Plan Update for the Baldwin County Strategic Plan

[21-0781](#)

No action taken.

**FR    PLANNING AND ZONING**

**FR1**    Amendments to Baldwin County Subdivision Regulations

[21-1083](#)

No action taken.

**G    COMMISSIONER REQUESTS**

**H    ADDENDA**

**HA    GENERAL**

**HA1**    Baldwin County Coroner's Office - Site Work and Paving of Parking Area  
on the North Side of the Coroner's Office

[21-1039](#)

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to authorize the Highway Department to construct and pave the parking lot area on the north side of the Coroner's Office in Robertsdale, Alabama, at an estimated cost of \$9,192.84 for materials. The Baldwin County Coroner's Office will be invoiced the actual cost of materials upon completion of the project.

The motion passed by the following vote:

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

**Nay:**            0

**Absent:**        0

**Abstain:**      0

**HA2**    The Baldwin County Public Building Authority - First Supplemental Lease  
Agreement (Baldwin County Jail Project)

[21-1087](#)

Mr. Bob Young, Bond Counsel with Frazer Lanier, appeared before the Commission and said the net proceeds for the Jail Project will be 22 million dollars due to a number of the maturities being sold at a premium. The Commission received excellent ratings from Moody's and Standard & Poors. This issue sold by The Public Building Authority is not chargeable against the County's constitutional debt limit. This is secured by a lease agreement and subject to annual appropriations. Mr. Young said the interest rate on the bond issue is 2.21 percent which extends to March 2046. The closing will take place on July 27, 2021. Mr. Young thanked the Commissioners for placing their trust and confidence in him.

Mr. Reid Cavnar, Managing Director with Stifel Public Finance, appeared before the Commission and said the Commission has a AA+ credit rating and reserves to be able to handle issues like the devastation of Hurricane Sally last year. Mr. Cavnar complimented the Commissioners for their management of the County and commended Ron Cink, Budget Director, and Cian Harrison, Clerk/Treasurer, for all of the preparation and work put in to this project.

Chairman Davis recognized Ms. Harrison, Mr. Cink, and Mr. Dyess, and said these individuals are the reason the Commission has a sound, solid financial reputation and position.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, related to The Public Building Authority of Baldwin County and Building Additional Revenue Warrants, Series 2021 (Jail Project), to take the following action:

Adopt Resolution #2021-105 which approves the execution and delivery of a First Supplemental Lease Agreement between the County and The Public Building Authority of Baldwin County, Alabama (PBA) in connection with the issuance, sale and delivery by the PBA of its \$19,735,000 principal amount of Building Revenue Warrants, Series 2021 (Jail Project), to be dated the date of delivery.

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	

## **I ADMINISTRATIVE REPORT**

## **J COUNTY ATTORNEY'S REPORT**

Brad Hicks, County Attorney, said there are five items to be discussed during executive session.

## **K PUBLIC COMMENTS**

Pastor Ulysses McCowin, Triumph Holiness Church, representing the Vaughn Community, appeared before the Commission and asked the reason for delaying action on the item for a community garden to be established on County-owned property.

Commissioner Ball and Chairman Davis commented they needed more time to consider the request due to this being on County-owned property.

Pastor McCowin said he has prepared a presentation regarding the request which is ready whenever the Commission is ready to discuss further.

**L PRESS QUESTIONS**

**M COMMISSIONER COMMENTS**

The Commissioners provided their closing comments.

**N ADJOURNMENT**

Brad Hicks, County Attorney, recommended the Commission adjourn this meeting and convene in executive session for multiple purposes including:

- 1) to discuss the general reputation and character, physical condition, professional competence, or mental health of individuals, or, subject to the limitations set out herein, to discuss the job performance of certain public employees; and
- 2) 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
- 3) 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; and
- 4) to discuss preliminary negotiations involving matters of trade or commerce in which the governmental body is in competition with private individuals or entities or other governmental bodies in Alabama or in other states or foreign nations or to discuss matters or information of the character defined or described in the Alabama Trade Secrets Act.

Mr. Hicks said he is an attorney licensed to practice law in the State of Alabama and these exceptions are applicable to the planned discussion.

Mr. Lee Lawson, President and CEO of the Baldwin County Economic Development Alliance, appeared before the Commission and said he has been involved in the recruitment effort, and made an oral declaration that he has personal knowledge that the discussion may involve matter or information of the character defined or described in the Alabama Trade Secrets Act and that the discussion would have a detrimental effect upon the competitive position to the negotiations or upon the location, retention, expansion or upgrading of a business entity in the area served by the Baldwin County Commission if disclosed outside of executive session or would reveal information protected by the Alabama Trade Secrets Act.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to adjourn into executive session at 9:11 a.m. to:

- 1) discuss the general reputation and character, physical condition, professional

competence, or mental health of individuals, or, subject to the limitations set out herein, to discuss the job performance of certain public employees; and

2) 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

3) 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; and

4) to discuss preliminary negotiations involving matters of trade or commerce in which the governmental body is in competition with private individuals or entities or other governmental bodies in Alabama or in other states or foreign nations or to discuss matters or information of the character defined or described in the Alabama Trade Secrets Act.

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 vote, Chairman Davis said the Commission will adjourn into an executive session at 9:11 a.m. and the Commission will not reconvene.

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