

Baldwin County Commission

**Baldwin County Commission Regular
Meeting Minutes
Tuesday, September 7, 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

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 10:02 a.m. After the prayer led by Scott Wallace, Emergency Operations Officer with Baldwin County Emergency Management Agency, and the Pledge of Allegiance led by Commissioner James E. Ball, the Commission transacted the following business to-wit:

A ADOPTION OF MINUTES

August 6, 2021, Special Meeting (Budget Deliberations)
August 12, 2021, Special Meeting (Budget Deliberations)
August 17, 2021, Regular Meeting
August 20, 2021, Special Meeting (Budget Deliberations)
August 27, 2021, BCC Emergency Special Meeting (Hurricane Ida)

Motion by Commissioner Charles F. Gruber to adopt the minutes of the August 6, 2021, Special Meeting (Budget Deliberations).

Commissioner Charles F. Gruber amended his motion, seconded by James E. Ball, to adopt the minutes of the following Baldwin County Commission meetings:

August 6, 2021, Special Meeting (Budget Deliberations)
August 12, 2021, Special Meeting (Budget Deliberations)
August 17, 2021, Regular Meeting
August 20, 2021, Special Meeting (Budget Deliberations)
August 27, 2021, BCC Emergency Special Meeting (Hurricane Ida)

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 seven Items under Administration for the Commission's approval; Item BA3 will be in effect as of 12 noon today, September 7, 2021.

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to approve Items BA1 - BA7.

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 City of Robertsdale - Annexation Notification

[21-1226](#)

Authorize the placement of the City of Robertsdale's Annexation Ordinance No. 007-2021, annexing property into the corporate limits of the City of Robertsdale, Alabama, into the minutes of the September 7, 2021, Baldwin County Commission regular meeting with proper notifications to the following departments/organizations:

Baldwin County Departments:
Baldwin County Commission
Building Inspection Department
Communication/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

BA2 Town of Elberta - Annexation Notification

[21-1232](#)

Authorize the placement of the Town of Elberta's Annexation Ordinance No. 2021-03-ORD and Annexation Ordinance No. 2021-04-ORD, annexing property into the corporate limits of the Town of Elberta, Alabama, into the minutes of the September 7, 2021, Baldwin County Commission regular 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

BA3 Declaration of a State of Local Emergency - Coronavirus (COVID-19) Pandemic Response

[21-1223](#)

Adopt a Declaration of a State of Local Emergency beginning September 7, 2021, at 12:00 Noon, declaring a state of local emergency due to the necessity of precautionary measures and preparations that must be taken by the Baldwin County Commission related to the Coronavirus (Covid-19) pandemic which pose a hazard to the safety and welfare of the general public.

BA4 Resolution #2021-120 of the Baldwin County Commission - Amending the "Divisional Resolution of the Baldwin County Commission"

[21-1245](#)

Adopt Resolution #2021-120 (Divisional Resolution of the Baldwin County Commission), which amends Resolution #2020-089 of the Baldwin County Commission, said amendment related to revising the location where certain Baldwin County Commission Regular meetings shall be held, said changes being effective on October 1, 2021.

BA5 Baldwin County Emergency Rental Assistance Program (ERAP) Case

[21-1235](#)

Management Services Agreement with Baldwin Together

Approve and authorize the Chairman to execute the Agreement for Emergency Rental Assistance Program (ERAP) Case Management Services between the Baldwin County Commission and Baldwin Together.

This Agreement shall be in effect for a period of twelve (12) months, or a shorter time as may be determined by the Commission, commencing on the date of execution of the agreement.

BA6 Eligibility for Urban County Entitlement Status Fiscal Year (FY) 2022
Community Development Block Grant (CDBG) Program

[21-1253](#)

Approve and authorize the Chairman to defer status as an Urban County Entitlement grantee and participate through the State Community Development Block Grant Program.

BA7 Issuance of Payment to Hagerty Consulting for Consulting Services for
the Emergency Rental Assistance Program (ERAP)

[21-1274](#)

Approve the full and final payment of \$202,733.21 to Hagerty Consulting for all services rendered for the Emergency Rental Assistance Program (ERAP).

BC ARCHIVES AND HISTORY

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

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve Item BC1.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

BC1 National Association of Realtors Diversity and Inclusion Grant Acceptance

[21-1234](#)

Accept the National Association of Realtors Diversity and Inclusion Grant in the amount of \$5,000.00 from Baldwin Realtors to assist in the implementation of the Baldwin County Historic Driving Tour and Park Walking App.

BE BUDGET/PURCHASING

Wayne Dyess, County Administrator, said there are eight Items under

Budget/Purchasing for the Commission's approval.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner BillieJo Underwood, to approve Items BE1 - BE8.

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 #WG21-36A - Provision of HVAC Chiller Annual Preventative Maintenance Services for the Baldwin County Commission

[21-1227](#)

Award Bid #WG21-36A for the provision of HVAC chiller annual preventative maintenance services for the Baldwin County Commission to the lowest bidder, Trane U.S., Inc. dba Trane Technologies, 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 with an option to extend for two (2) additional twelve (12) month terms.

BE2 Competitive Bid #WG21-43 - Provision of Fiber Optic Network - Maintenance and Locates for the Baldwin County Commission

[21-1236](#)

Award Bid #WG21-43 for the provision of fiber optic network - maintenance and locates to the lowest bidder, Two-Way Communications, Inc., d/b/a 2-Way, Inc., as per the Award Listing and authorize the Chairman to execute the Contract.

Contract is effective immediately upon the same date as its full execution for twelve (12) months with the option to extend for two (2) additional twelve (12) month terms.

BE3 Competitive Bid #WG21-45 - Provision of Closed Top Recycling Roll-off Containers for the Baldwin County Commission

[21-1207](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of closed top recycling roll-off containers; 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.

BE4 Competitive Bid #WG21-46 - Provision of Alternate Daily Cover Material for the Baldwin County Commission

[21-1209](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of alternate daily cover material; 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 #WG21-47 - Provision of Bituminous Materials for the Baldwin County Commission

[21-1210](#)

Take the following actions:

- 1) Approve the specifications for the provision of bituminous materials and authorize the Purchasing Director to place a competitive bid; 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 #WG21-48 - Provision of Labor and Equipment for Asphalt Placement for the Baldwin County Commission

[21-1211](#)

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the provision of labor and equipment for asphalt placement; 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 Emergency Water Pipe Replacement Project at the Baldwin County Corrections Center Located in Bay Minette, Alabama

[21-1212](#)

Approve Change Order #1 in the amount of \$100,334.42 from PlumCore, Inc., for the Emergency Water Pipe Replacement Project at the Baldwin County Corrections Center and authorize the Chairman to execute the Change Order.

BE8 Request for Qualifications (RFQ) for Engineering / Environmental / Design Services for New Recycling Facility to be Located Adjacent to Magnolia

[21-1228](#)

Landfill

Approve the Request for Qualifications (RFQ) for Engineering / Environmental / Design Services for a new recycling facility to be located adjacent to the Magnolia Landfill and authorize the Purchasing Director to advertise the Request for Qualifications (RFQ).

BK EMERGENCY MANAGEMENT AGENCY (EMA)

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

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 Alabama Mutual Aid System (AMAS) Agreement with State of Alabama, Alabama Emergency Management Agency and Counties

21-1208

Approve and authorize the Chairman to execute the Alabama Mutual Aid System (AMAS) Agreement for reciprocal emergency aid and assistance between the State of Alabama, Alabama Emergency Management Agency, and among each political sub-division of the state for reciprocal emergency aid and assistance in case of emergencies too extensive to be dealt with unassisted.

The Agreement shall be in effect for one (1) year from the date of full execution and shall be renewed in successive one (1) year terms unless terminated in writing by the participating political subdivision. The agreement will need to be brought before the Commission each year for renewal.

BL ENVIRONMENTAL MANAGEMENT

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

Motion by Commissioner Charles F. Gruber, seconded by Commissioner BillieJo Underwood, to approve Items BL1 - BL3.

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 Amendment to J & J Rhodes Farm, Inc. Lease Agreement of County
Property at Magnolia Landfill for Farmland

[21-1221](#)

Approve the Amendment to Lease Agreement between Baldwin County Commission and J & J Rhodes Farm, Inc., which reduces the amount of land subject to the Lease Agreement by thirty (30) acres and reduces the rental payment from \$6,000.00 annually to \$4,650.00 annually.

The original Lease Agreement was approved by the Baldwin County Commission during its June 2, 2020, regular meeting. The Amendment to the Lease Agreement does not affect the two (2) year term of the Lease Agreement which commenced on July 3, 2020, and expires on July 3, 2022, unless terminated as set forth in the Lease Agreement.

BL2 Baldwin County Solid Waste Uncollectible Residential Accounts -
September 2021

[21-1265](#)

Approve the uncollectible residential garbage accounts list for write-offs in the amount of \$223.00.

BL3 Annual Premises Pollution Liability Insurance Premium for Magnolia
Landfill

[21-1276](#)

Take the following actions:

- 1) Approve the Annual Premium Payment to John A Robertson Insurance Agency for the Premises Pollution Liability Insurance for Magnolia Landfill, effective September 15, 2021, through September 15, 2022.
- 2) Authorize the Chairman to execute the Premises Pollution Liability Quote and any other related documents; and
- 3) Authorize the Clerk/Treasurer to make an interim payment to Robertson Insurance Agency Inc in the amount of \$25,600.06.

BN HIGHWAY

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

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to approve Items BN1 - BN6.

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 Baldwin Beach Express at Foley Beach Express Overhead Directional Signs and Intersection Improvements - Permission to Advertise [21-1238](#)

Approve the Purchasing Director to place a competitive bid for the Baldwin Beach Express at Foley Beach Express overhead directional signs and intersection improvements project once plans and contract documents are complete.

BN2 Baldwin County Mitigation Bank Timber Thinning and Prescribed Burn - Permission to Advertise for Bids [21-1242](#)

Approve the Purchasing Director to place a competitive bid for the Baldwin County Mitigation Bank timber thinning and prescribed burn project once plans and contract documents are complete.

BN3 Bridge Replacement Projects - Permission to Advertise for Bids [21-1231](#)

Approve the Purchasing Director to place a competitive bid for the following bridge replacement projects once plans and contract documents are complete:

- 1) Project HW21092000 - Davis Road over Baker Branch
- 2) Project HW21093000 - County Road 34 S over East Tributary to Baker Branch
- 3) Project HW21094000 - County Road 34 S over West Tributary to Baker Branch
- 4) Project HW21125000 - Paul Cleverdon Road over East Tributary to Baker Branch

BN4 Bon Secour Dredge Site Prescribed Burn - Permission to Advertise for Bids [21-1241](#)

Approve the Purchasing Director to place a competitive bid for the Bon Secour Dredge Site prescribed burn project once plans and contract documents are complete.

BN5 Foley Beach Express at Wahoo Plaza Overhead Directional Signs and Intersection Improvements - Permission to Advertise for Bids [21-1239](#)

Approve the Purchasing Director to place a competitive bid for the Foley Beach Express at Wahoo Plaza overhead directional signs and intersection improvements.

BN6 Florida-Alabama Transportation Planning Organization (TPO) Technical [21-1240](#)

Coordinating Committee - Board Appointment(s)

Take the following actions:

- 1) Appoint Tyler Mitchell (Construction Manager, Highway Department) as a member of the Florida-Alabama TPO Technical Coordinating Committee, replacing the place seat formerly held by Seth Peterson, effective September 7, 2021, with term continuing until further action taken by the Baldwin County Commission; and
- 2) Appoint Ann Simpson (Director, Baldwin Regional Area Transit System) as a member of the Florida-Alabama TPO Technical Coordinating Committee, replacing the place seat formerly held by Taylor Rider, effective September 7, 2021, with term continuing until further action taken by the Baldwin County Commission.

BQ PERSONNEL

Wayne Dyess, County Administrator, said there are 14 Items under Personnel for the Commission's approval.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to approve Items BQ1 - BQ14.

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 - Salary Change for Acting and Interim Animal Shelter Manager

[21-1213](#)

Take the following actions:

- 1) Approve the appointment of George Majors as the Acting and Interim Animal Shelter Manager, to be effective September 7, 2021, and approve the salary for George Majors in the amount of \$21.38 per hour/\$44,470.40 annually, to be effective on date of approval; and
- 2) Upon the hiring of a permanent Animal Shelter Manager, recognize George Majors shall return to his former position of Office Manager at the same exact compensation for said position that existed prior to acting designation.

BQ2 Commission Administration (Central Annex I) - Employment of One (1) Custodian Position

[21-1251](#)

Approve the employment of Shelshi Flowers to fill the open Custodian position (PID #5404) at a grade 303 (\$12.620 per hour/\$26,249.60 annually) to be effective no sooner than September 13, 2021.

BQ3 Highway Department (MPO) - Employment of One (1) Administrative Support Specialist III Position

[21-1249](#)

Approve the employment of Jessica Mayo to fill the open Administrative Support Specialist III position (PID #5350) at a grade 309 (\$17.50 per hour/\$36,400.00 annually), with said salary due to experience and education, to be effective no sooner than September 13, 2021.

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

[21-1214](#)

Approve the employment of Chandler Tolbert to fill the open Engineering Technician I position (PID #5432) at a grade 310 (\$17.920 per hour/\$37,273.60 annually) to be effective no sooner than September 13, 2021.

BQ5 Highway Department (Bay Minette) - Promotion of Employee

[21-1225](#)

Approve the promotion of Dillon Smith from the Operator Technician I position (PID #5561), grade 307 (\$16.561 per hour/\$34,446.88 annually) to fill the open Operator Technician II position (PID #356) at a grade 308 (\$17.886 per hour/\$37,202.63 annually) to be effective no sooner than September 13, 2021.

BQ6 Juvenile Detention Center - Employment of Two (2) Detention Technician Positions

[21-1252](#)

Take the following actions:

- 1) Approve the employment of Jason Bryars to fill the open Detention Technician (PID #5162) at a grade 306 (\$14.600 per hour/\$30,368.00 annually); and
- 2) Approve the employment of Zirre McDole-Leonard to fill the open Detention Technician (PID #5316) at a grade 306 (\$14.600 per hour/\$30,368.00 annually).

These actions to be effective no sooner than September 13, 2021.

BQ7 Highway Department (Silverhill) - Personnel Changes

[21-1217](#)

Take the following actions:

- 1) Approve the promotion of Treavor Thicklen from the Operator Technician Trainee position (PID #5489), grade 304 (\$13.581 per hour/\$28,248.48 annually) to fill the open

Operator Technician I position (PID #3079) at a grade 307 (\$15.330 per hour/\$31,886.40 annually); and

2) Approve the employment of Bryan Farnham to fill the open Operator Technician I position (PID #1057) at a grade 307 (\$15.330 per hour/\$31,886.40 annually).

These actions will be effective no sooner than September 13, 2021.

BQ8 Solid Waste Department - Personnel and Position Changes

[21-1218](#)

Take the following actions:

1) Approve the employment of Donald Wilson to fill the open Solid Waste Technician position (PID #5229) grade 304 (\$13.25 per hour/\$27,560.00 annually), at the Magnolia Landfill (51054300) to be effective no sooner than September 13, 2021; and

2) Create an Accounts Receivable Manager (Landfill) position (PID #TBD), grade 312, at the Magnolia Landfill (51054300); and

3) Reclassify/Retitle the Staff Accountant position (PID #5580) grade S313, to an Operations Support Manager position, grade 312, in Solid Waste Administration (51054100); and

4) Create a Billing Specialist and Customer Relations Manager position (PID #TBD), grade 312, in Solid Waste Collections (51154800); and

5) Abolish the Customer Service Manager position (PID #5193), grade S314, in Solid Waste Collections Administration (51154801); and

6) Approve the position descriptions for the Billing Specialist and Customer Relations Manager, Accounts Receivable Manager (Landfill), and Operations Support Manager; and

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

BQ9 Planning and Zoning Department - Promotion of Employee

[21-1215](#)

Approve the promotion of Fabia Waters from the Permit Technician position (PID #1091) grade 306 (\$15.500 per hour/\$32,240.00 annually) in the Building Inspection Department (52710) to fill the open Planning Technician position (PID #5612) at a grade 309 (\$16.910 per hour/\$35,172.80 annually) to be effective no sooner than September 13, 2021.

BQ10 Revenue Commission (Assessment) - Reclassification of Position

[21-1216](#)

Take the following actions:

- 1) Approve the re-title and reclassification of the vacant Assessment Specialist I position (PID #5513) grade 309, to an Assessment Support Technician I position at a grade 305; and
- 2) Approve the updated organizational chart for the Revenue Commission, Assessment Division.

BQ11 Highway Department (Geospatial) - Updated Position Description for GIS Coordinator

[21-1250](#)

Approve the updated position description for the GIS Coordinator position.

BQ12 Personnel Department - Baldwin County Commission Policy #11.1 - Temporary Labor Policy

[21-1254](#)

Amend Baldwin County Commission Policy #11.1 - Temporary Labor Policy and incorporate said policy in the Baldwin County Commission Policies and Procedures Book.

BQ13 Personnel Department - Employee Handbook Changes

[21-1255](#)

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 September 7, 2021, to policies I.A. Classification of Employees, I.D. Probationary Employees, I.E. Part-Time Employment, II.A. Equal Employment/Workplace Discrimination and Harassment Policy, II.B. Equal Employment Opportunity/Employment Grievance Procedures, II.I. Dress Code, II.K. Work Hours and Time Records, III.F. Appeal Procedures for Adverse Action, VIII.D. Workers Compensation, VII.E. Workers Compensation Payments, and VIII. Forms to include Personnel Appraisal Form, Grievance Appeal Form, and Leave Request Form, 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.

BQ14 Reciprocal Clinic Usage Agreement with the City of Fairhope for Symbol Health Clinics

[21-1272](#)

Authorize the Chairman to sign a Reciprocal Clinic Usage Agreement between the City

of Fairhope and Baldwin County Commission to allow City of Fairhope employees (and their spouses and dependents) to be treated at the clinic(s) established by Symbol Health Solutions, Inc. for Baldwin County.

Neither Baldwin County nor City of Fairhope shall charge the other, Symbol, or the patients for reciprocal access.

BR PLANNING AND ZONING

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

Motion by Commissioner Charles F. Gruber, seconded by Commissioner James E. Ball, to approve Items BR1 - BR4.

The motion passed by the following vote:

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

Wayne Dyess, County Administrator, said Ms. Regina Worth has requested to speak to the Commission regarding Planning District 34.

Commissioner Ball asked for clarification of the district, to which Matthew Brown, Planning Director replied Planning District 34 is now being proposed as the new Planning District 35.

Ms. Worth appeared before the Commission and said the request for a new district to be formed is in order to better regulate RV parks and mobile homes, protect land values and maintain safety of the area. Ms. Worth discussed the area flooding, her concerns regarding proper drainage in the area due to proximity to Bon Secour River, and zoning enforcement.

BR1 Proposed Planning (Zoning) District 35 - Acceptance of Notice of Intent to Form a Planning (Zoning) District, Determination Regarding Infeasibility of Using Precinct Boundaries, and Acceptance of Proposed District Boundaries

[21-1244](#)

Pursuant to Alabama Code §45-2-261.07, take the following actions:

1) Accept the notice of intent to form a Planning (Zoning) District and request a referendum for Planning and Zoning purposes for the proposed Planning District to be known as Planning (Zoning) District 35; and

- 2) Make a determination that it is not feasible to utilize the Voting Precinct boundaries of precincts 37 or 47 as the proposed Planning (Zoning) District 35 boundary; and
- 3) Accept the proposed Planning District 35 boundaries subject to a subsequent affirmative referendum vote pursuant Alabama Code §45-2-261.07.

BR2 Proposed Planning (Zoning) District 36 - Acceptance of Notice of Intent to Form a Planning (Zoning) District and Acceptance of Proposed District Boundaries

[21-1247](#)

Pursuant to Alabama Code §45-2-261.07, take the following actions:

- 1) Accept the notice of intent to form a Planning (Zoning) District and request a referendum for Planning and Zoning purposes for the proposed Planning District to be known as Planning (Zoning) District 36; and
- 2) Accept the proposed Planning District 36 boundaries subject to a subsequent affirmative referendum vote pursuant Alabama Code §45-2-261.07.

BR3 Proposed Land Disturbance Ordinance for Flood Prone Areas or Territories with Probable Exposure to Flooding in Unincorporated Baldwin County - Permission to Advertise for Public Hearing

[21-1257](#)

Authorize the Planning and Zoning Department to advertise for public hearing related to the proposed Land Disturbance Ordinance for Flood Prone Areas or Territories with Probable Exposure to Flooding in Unincorporated Baldwin County.

BR4 Baldwin County Planning and Zoning Commission - Board Appointment(s)

[21-1258](#)

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

- 1) Accept the resignation of Ms. Bonnie Lowry dated August 24, 2021, and thank Ms. Lowry for her former civic service as a regular member of the Board (BCC District 4 Nominee); and
- 2) Appoint Mr. Ernest Anthony Church, Jr., as a regular member of the Board (BCC District 4 Nominee) for a four (4) year pro-rata reduced term, to fill the place seat and unexpired term formerly held by Ms. Bonnie Lowry, said term to commence on September 7, 2021, and expire on November 16, 2021.

C PRESENTATIONS

Wayne Dyess, County Administrator, said the presentations by the Baldwin County Sheriff's Office for Items CA1 and CA2 were handled during the Work Session.

CA GENERAL

CA1 Baldwin County Sheriff's Office Lifesaver Award Presentations [21-1201](#)

No action taken.

CA2 Presentation to Baldwin County Sheriff's Deputies - 92nd Division Buffalo Soldiers and Patriot Guard Riders [21-1202](#)

No action taken.

CA3 Proclamation - Baldwin County Fair Week - September 21-25, 2021 [21-1222](#)

Wayne Dyess, County Administrator, read the Proclamation proclaiming September 21-25, 2021, as "Baldwin County Fair Week" as Chairman Davis presented the Proclamation to Mr. Sonny Hankins, with the Baldwin County Cattle and Fair Association.

Mr. Hankins gave a brief history of the Baldwin County Fair, and said the Association was looking forward to everyone coming out for the fair and exhibits.

Mr. Hankins asked if the Commission had requested the Legislative Delegation to re-district the County based on the 2020 Census.

Commissioner Ball said the county district lines are not redrawn, the legislative lines are being redrawn.

Commissioner Underwood said Representative McMillan recently spoke on this topic and mentioned the need to look into it. Since the County is not run by districts, it is the duty of the legislature to look into it; there are re-districting meetings being held currently throughout the State on this topic.

Chairman Davis said if the district lines are going to be redrawn, he would like to see five districts.

Mr. Hankins said the current law is four districts with each district having a certain percentage of the county population. Mr. Hankins thanked the Commission for looking into this and for the proclamation.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to adopt a Proclamation which proclaims September 21-25, 2021, as "Baldwin County Fair Week" in Baldwin County, Alabama, and encourages the public to attend and enjoy the Baldwin County Fair.

The motion passed by the following vote:

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

D PUBLIC HEARINGS

DR PLANNING AND ZONING

DR1 Case No. S-20069 Hookbone RV Park Appeal from the Baldwin County Zoning Administrator Denial of Final Site Plan Application

[21-1260](#)

Matthew Brown, Planning Director, appeared before the Commission and provided background information on the subject property. Mr. Brown noted the previous denial led the case to be brought back before the Commission today.

Chairman Davis opened the public hearing at 10:29 a.m. and asked if there is anyone present who wishes to speak.

Mr. John Hudson, owner of Hookbone RV Park, appeared before the Commission and said this zoning request was initially approved, went before the Town of Summerdale's Planning Commission where changes to the plat were needed to satisfy their requirements, and was remanded back to Planning and Zoning for Administrative Review. At that time, the lack of a 30-foot setback from any exterior property line or wetland was noted and therefore the re-zoning was denied. Mr. Hudson said Mr. Brown suggested he could apply for a variance, but since no hardship was recognized and a variance would be contradictory to the subdivision regulations, Mr. Brown recommended denial. Mr. Hudson said he felt his due diligence was done and it was approved and he is hoping the Commission will allow the variance.

There being no further requests to address the Commission, Chairman Davis closed the public hearing at 10:34 a.m.

Commissioner Underwood asked about the implications of a mistake being made with the first approval and if that would change the subdivision regulations regarding when a variance is warranted, to which Mr. Brown replied a variance is not warranted if the property is able to be used for other purposes without a variance.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, regarding Case No. S-20069, Hookbone RV Park, appeal from the Baldwin County Zoning Administrator denial of a Final Site Plan application for a proposed 46-site recreational vehicle park in the Summerdale area, to take the following action:

1) Affirm the decision of the Baldwin County Planning Director and deny the Final Site

After the motion and second, Commissioner Ball said even though a mistake was made during the initial site plan approval, the Commission cannot vote to take an action which violates the County's Subdivision Regulations.

The Commissioners and Mr. Hudson discussed the approval process and the steps that lead up to the appeal.

Commissioner Ball withdrew his motion. Commissioner Underwood withdrew her second.

Wayne Dyess, County Administrator, said the definition of a subdivision in Alabama is very broad but it has been upheld numerous times by the Alabama Supreme Court.

Mr. Brown said the language in the regulations clearly states RV parks and campground sites/units shall be a minimum of 30-feet from any exterior property line or wetland, but it is ultimately the applicant's and the engineer's responsibility to carry out the regulations. The setback was clearly displayed on the plat but the sites were not pulled within the setback.

Mr. Hudson said it is his understanding of the 30-foot setback criteria that permanent structures are not allowed within that setback. He does not feel the RV sites are permanent structures.

The Commissioners, Mr. Hudson, and Mr. Brown further discussed the implications of approving the variance. It was decided that additional information from the engineer would be needed prior to making a decision. The Commission requested the engineer be present at the next regular meeting.

Motion by Commissioner James E. Ball, seconded by Commissioner BillieJo Underwood, to table Item DR1-Case No. S-20069 Hookbone RV Park Appeal from the Baldwin County Zoning Administrator Denial of Final Site Plan Application until the September 21, 2021, Baldwin County Commission 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	

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills

21-1220

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to pay bills totaling \$17,762,503.74 (Seventeen million, seven hundred sixty-two thousand, five hundred three dollars and seventy-four cents) which are listed in the Baldwin County Accounts Payable Payments.

Of this amount, \$13,067,959.39 (thirteen million, sixty-seven thousand, nine hundred fifty-nine dollars and thirty-nine cents) is payable to the Baldwin County Board of Education and \$806,365.19 (eight hundred six thousand, three hundred sixty-five dollars and nineteen 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

21-1219

Wayne Dyess, County Administrator, informed the Commission that the Baldwin County Commission interim payments made by the Clerk/Treasurer totaling \$4,894,954.25 (four million, eight hundred ninety-four thousand, nine hundred fifty-four dollars and twenty-five cents) are a part of the record.

F DISCUSSION ITEMS

Wayne Dyess, County Administrator, said there is one discussion item that was incomplete during Work Session. Mr. Dyess asked Matthew Brown, Planning Director, to complete the presentation regarding the Amendments to the Subdivision Regulations.

FA ADMINISTRATION

Wayne Dyess, County Administrator, said Items FA1 and FA3 will be brought back to a future meeting.

FA1 Baldwin County Animal Shelter Upgrades / New Intake Facility

21-1262

No action taken.

FA2 Lillian Recreational Center Park - Discussion Regarding Facilities

21-1229

No action taken.

- FA3** Request to the Baldwin County Legislative Delegation Regarding Compensation and Minimum Qualifications Criteria for Baldwin County Coroner [21-1206](#)

No action taken.

FE BUDGET/PURCHASING

- FE1** Review of Baldwin County Fiscal Year 2021-2022 Budget [21-1268](#)

No action taken.

FM FINANCE AND ACCOUNTING

- FM1** Finance and Accounting Department - Creation of One (1) Grants Administrator Position [21-1270](#)

No action taken.

FR PLANNING AND ZONING

- FR1** Amendment to the Baldwin County Subdivision Regulations - Update #2 [21-1263](#)

Matthew Brown, Planning Director, appeared before the Commission to discuss the proposed changes to the Subdivision Regulations, including broadband requirements to provide access to high-speed internet, sidewalks being constructed by the contractor before final plat approval to ensure ADA compliance is met, changes to the open space requirements and the impact on affordable housing.

Commissioner Underwood said the challenge is to meet the affordable housing situation without jeopardizing the regulations.

Mr. Brown said a public hearing is scheduled for September 21, 2021, to discuss the amendments to the Subdivision Regulations.

G COMMISSIONER REQUESTS

Commissioner Underwood said in looking to relocate the Baldwin County Library Cooperative, a commercial piece of property for rent has been brought to her attention that may be a good fit. Commissioner Underwood asked if the Commission would be willing to move forward to see if this property would work for the Library's needs.

The Commissioners and Brad Hicks, County Attorney, discussed the request and it was decided no formal motion was needed at this time.

Chairman Davis read a letter from Mobile and Baldwin County Eastern Shore Metropolitan Planning Organizations dated September 1, 2021, to Mr. John Cooper, ALDOT Director, regarding the I-10 bridge project, requesting ALDOT broaden its study regarding building each phase concurrently. Chairman Davis said it is critical that connectivity between Mobile and Baldwin Counties, which impacts the economy of this region, is fast-tracked.

H ADDENDA

I ADMINISTRATIVE REPORT

Wayne Dyess, County Administrator, said he has no administrative report at this time and asked if the presentation regarding Covid-19 given during the Work Session by Michelle Pennington with EMA could be repeated for the citizens watching the meeting.

**BA3 Declaration of a State of Local Emergency - Coronavirus (COVID-19)
Pandemic Response**

[21-1223](#)

Scott Wallace, Emergency Management Officer, introduced Michelle Pennington, intern with the Baldwin County Emergency Management Agency. Ms. Pennington gave a presentation regarding the COVID-19 situational report for Baldwin County.

The Commissioners commended Ms. Pennington for her presentation and her efforts in gathering the information.

Five Counties Initiative

Mr. Dyess asked Sherry-Lea Bloodworth-Botop, Public and Government Affairs Director, to discuss the Five Counties Initiative.

Ms. Bloodworth-Botop, said after the recent ACCA Conference and the 2020 Census, four counties were identified as having similar growth situations to Baldwin County: Madison, Tuscaloosa, Lee, and Shelby. Ms. Bloodworth-Botop asked if the Commissioners would like her to reach out to those counties in order to open up conversation regarding collaboration on the unique needs and requirements of accelerated growth.

Chairman Davis agreed and thanked Ms. Bloodworth-Botop for addressing this.

J COUNTY ATTORNEY'S REPORT

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

K PUBLIC COMMENTS

L PRESS QUESTIONS

M COMMISSIONER COMMENTS

The Commissioners provided their closing comments.

Commissioner Underwood recognized Zach Hood, Emergency Management Agency (EMA) Director, for receiving the Outstanding Community Service Award from the United Way of Baldwin County.

Mr. Hood came forward and said although the award was accepted by EMA, it is for all of the County departments.

Chairman Davis reminded everyone of the upcoming anniversary of September 11, 2001.

N ADJOURNMENT

Brad Hicks, County Attorney, recommended the Commission adjourn and convene in executive session to discuss 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.

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.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner James E. Ball, to adjourn into executive session at 11:28 a.m. to discuss 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

Chairman Davis said the Commission will adjourn into an executive session at 11:28 a.m. and the Commission will not reconvene.

