

Baldwin County Commission

Baldwin County Commission Regular
Meeting Minutes
Tuesday, August 2, 2022
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 Matthew P. McKenzie
District 3 – Commissioner Billie Jo Underwood
District 4 – Commissioner Charles F. Gruber

All supporting documentation for the minutes can be viewed in the File ID link of each item and are denoted by an asterisk.

WELCOME BY CHAIRMAN, INVOCATION AND PLEDGE OF ALLEGIANCE

Present: 4 - Commissioner James E. Ball, Commissioner Matthew P. McKenzie, Commissioner BillieJo Underwood, and Commissioner Charles F. Gruber

Absent: 0

Also present were, Ron Cink, Budget Director/Interim County Administrator, and Brad Hicks, County Attorney.

The Chairman called the meeting to order at 8:30 a.m. After the prayer led by Pastor Marty Hamilton of First United Methodist Church, Bay Minette, and the Pledge of Allegiance led by Commissioner BillieJo Underwood, the Commission transacted the following business to-wit:

OATH OF OFFICE - COMMISSIONER MATTHEW P. MCKENZIE

The Honorable Jody W. Bishop, Circuit Court Judge, appeared before the Commission to administer the Oath of Office to Matthew P. McKenzie as Baldwin County Commissioner for District 2.

Chairman Ball said Commissioner McKenzie is the newly appointed District 2 Baldwin County Commissioner; Commissioner Joe Davis has retired. Chairman Ball welcomed Commissioner McKenzie to the dais.

A ADOPTION OF MINUTES

July 19, 2022, Regular Meeting

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Matthew P. McKenzie, to adopt the minutes of the July 19, 2022, Regular Meeting.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Matthew P. McKenzie, BillieJo Underwood, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

B CONSENT

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Matthew P. McKenzie, to approve the Consent Agenda.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Matthew P. McKenzie, BillieJo Underwood, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

BA ADMINISTRATION

BA1 Correction to Agenda Item FA2 - July 19, 2022, Baldwin County Commission Regular Meeting [22-1293](#)

Due to the identification of a typographical error in Policy #2.23 - Reservation of Live Oak Landing and Bicentennial Park Facilities (Agenda item FA2), which was approved during the July 19, 2022, Regular meeting, correct for the record the Live Oak Landing Recreational Vehicle (RV) Park Reservations section of Policy #2.23 to read as follows:

(Duration of extended stay is 28 days. Extended stays are limited to a maximum of 84 days per site.)

BA2 Librarian of Public Law Library - Considerations Related to Employment Contract [22-1291](#)

As requested by the Presiding Judge of the Circuit Court of Baldwin County, authorize and approve the execution of an Employment Contract between the Baldwin County Commission and Lynn Biles applicable to the position of Librarian of the public law library at an annual compensation of \$35,360.00.

The effective date of this Employment Contract shall be August 2, 2022. This Employment Contract shall continue in full force and effect through and including August 2, 2023.

BA3 Optimist Club of Perdido Bay 36th Annual Labor Day Mullet Festival 5K and 1-mile Fun Run [22-1270](#)

Approve the requested route for the Optimist Club of Perdido Bay's 36th Annual Labor Day Mullet Festival 5K Race and 1-mile Fun Run on September 5, 2022, 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 of Widell Avenue 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.

BD BALDWIN REGIONAL AREA TRANSIT SYSTEM (BRATS)

BD1 Price Increase of Public Transit Vehicles for Baldwin Regional Area Transit System (BRATS) under 5307 Urban Transportation Grant Program [22-1286](#)

Take the following actions:

- 1) Approve the local match portion of the price increase for two (2) Model Year 2023 Ford High Roof Transit Vans under the 5307 Urban Transportation Grant Program; and
- 2) Authorize the Clerk/Treasurer to issue a check to the Alabama Department of Transportation in the amount of \$4,319.20.

BD2 Price Increase of Public Transit Vehicles for Baldwin Regional Area Transit System (BRATS) under 5311 Rural Transportation Grant Program [22-1285](#)

Take the following actions:

- 1) Approve the local match portion of the price increase for four (4) Model Year 2023 Ford High Roof Transit Vans under the 5311 Rural Transportation Grant Program; and
- 2) Authorize the Clerk/Treasurer to issue a check to the Alabama Department of Transportation in the amount of \$8,055.20.

BE BUDGET/PURCHASING

BE1 Competitive Bid #WG21-36A - Provision of HVAC Chiller Annual Preventative Maintenance Services for the Baldwin County Commission [22-1249](#)

Extend Bid #WG21-36A - Provision of HVAC Chiller Annual Preventative Maintenance Services with Trane U.S., Inc. d/b/a Trane Technologies, for an additional twelve (12) months at the same prices and terms as stated in the original bid award dated September 7, 2021. The Contract extension will expire on September 7, 2023.

BE2 Competitive Bid #WG22-44 - Provision of Bottled Water for the Baldwin County Commission [22-1289](#)

Award Bid #WG22-44 - Provision of Bottled Water to the lowest bidder, Coca-Cola Bottling Co. United - Central LLC, as per the Award Listing.

BE3 Competitive Bid #WG22-45 - Provision of Painting and Drywall Services for the Baldwin County Commission

[22-1239](#)

Take the following actions:

- 1) Authorize the Purchasing Director to re-bid the Provision of Painting and Drywall Services; 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 #WG22-46 - Provision of Off-site Printing, Imaging and Mailing of Tax Notices for the Baldwin County Revenue Commissioner

[22-1281](#)

Award Bid #WG22-46 to the lowest bidder, Peregrine Corporation, for the Provision of Off-site Printing, Imaging and Mailing of Tax Notices per the Award Listing.

BE5 Competitive Bid #WG22-48 - Plumbing System Upgrades in the Baldwin County Courthouse Located in Bay Minette, Alabama for the Baldwin County Commission

[22-1277](#)

Award Bid #WG22-48 - Plumbing System Upgrades in the Baldwin County Courthouse located in Bay Minette to HLH Construction Services, Inc., in the bid amount of \$319,751.00; Completion time: 210 days, and authorize the Chairman to execute the Contract.

BE6 Competitive Bid #WG22-49 - Provision of Pest Control for the Baldwin County Commission

[22-1242](#)

Award Bid #WG22-49 to the lowest bidder, Guardian Pest Services, Inc. d/b/a Knox Pest Control for the Provision of Pest Control Services as per the Award Listing.

BE7 Competitive Bid #WG22-50 - Annual Sand Removal, Sifting and Disposition of Sand from County Right-of-ways onto the Beach on Fort Morgan Peninsula for the Baldwin County Commission

[22-1265](#)

Award Bid #WG22-50 to Greenco Services, LLC, as per the Award Listing for the Annual Sand Removal, Sifting and Disposition of Sand from County Right-of-ways onto the Beach on the Fort Morgan Peninsula and authorize the Chairman to execute the Contract.

Effective date of Contract begins on the same date as its full execution for twenty-four (24) months with a twelve (12) month renewal option.

BE8 Competitive Bid #WG22-52 - Provision of Hydraulic Mulches for the Baldwin County Commission

22-1251

Award Bid #WG22-52 to Evans & Company, Inc., for the Provision of Hydraulic Mulches as per the Award Listing.

BE9 Competitive Bid #WG22-53A - Provision of On-call Equipment Rental (Forklift Services) with Operator for the Baldwin County Commission

22-1259

Take the following actions:

- 1) Authorize the Purchasing Director to re-bid the Provision of On-call Equipment Rental (Forklift Services) with Operator 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 Competitive Bid #WG22-59 - Provision of Baldwin County Cigarette Stamps for the Baldwin County Commission

22-1250

Take the following actions:

- 1) Approve the specifications and authorize the Purchasing Director to place a competitive bid for the Provision of Cigarette Stamps; 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.

BE11 Competitive Bid #WG22-60 - Provision of Fiber Optic
Network-maintenance and Locates for the Baldwin County Commission

22-1279

Take the following actions:

- 1) Approve the specifications for the Provision of Fiber Optic Network-Maintenance and Locates 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.

BE12 Project No. HW21095000 Bridge Replacement on Pine Grove Road Ext. over Styx River for the Baldwin County Commission

[22-1258](#)

Award the bid for Project No. HW21095000 Bridge Replacement on Pine Grove Road Ext. over Styx River to the lowest bidder, Newell & Bush, Inc., in the Bid Amount of \$1,152,754.19; Construction Time: 140 working days; and authorize the Chairman to execute the Contract.

BE13 Quotes for Project No. HW22145 - Baldwin Beach Express (BBE) Southbound Bridge Repairs over Rock Creek Located in Robertsedale, Alabama for the Baldwin County Commission

[22-1248](#)

Take the following actions:

- 1) Reject the two (2) quotes received for Project No. HW22145 - Baldwin Beach Express (BBE) Southbound Bridge Repairs over Rock Creek located in Robertsedale, Alabama; and
- 2) Authorize the Purchasing Director to place a competitive bid for Project No. HW22145 - Baldwin Beach Express (BBE) Southbound Bridge Repairs over Rock Creek located in Robertsedale, Alabama.

BE14 Request for Proposals (RFP) for Inmate and Juvenile Medical Services Program for Baldwin County Corrections Center and Juvenile Detention Facility

[22-1274](#)

Authorize the Purchasing Director to solicit a Request for Proposals (RFP) for Inmate and Juvenile Medical Services Program for the Baldwin County Corrections Center and Juvenile Detention Facility.

BL ENVIRONMENTAL MANAGEMENT

BL1 Alabama Department of Corrections (ADOC) Loxley Community Work Center - Work Squad Agreement

[22-1284](#)

Take the following actions:

- 1) 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 August 2, 2022 and shall continue for (1) year. Upon mutual agreement of the parties, the agreement may be renewed.); and
- 2) Execute the Letter of Understanding between the Baldwin County Commission and the Alabama Department of Corrections.

BL2 Baldwin County Solid Waste Uncollectible Residential Accounts - August 2022 [22-1288](#)

Approve the uncollectible residential garbage accounts list for write-offs in the amount of \$96.00.

BN HIGHWAY

BN1 Adopt-A-Mile - County Road 13 from State Highway 104 North One (1) Mile in Fairhope, Alabama [22-1235](#)

Authorize the Chairman and County Engineer to execute an Adopt-A-Mile Program application submitted by Gregory Resmondo for County Road 13 from State Highway 104 north one (1) mile in Fairhope, Alabama.

BN2 Case No. S-18038a - Cottages of Aventura, Phase IIIa - Release Maintenance Bond [22-1290](#)

Authorize staff to release the Surety Document (Maintenance Bond) from NGM Insurance Company on behalf of S J & L, Inc. for Cottages of Aventura, Phase IIIa, in the amount of \$101,535.30 which guarantees the workmanship and materials of the roadways and drainage improvements within the public rights-of-way as shown on the approved Final Plat and "As-Built" construction plans.

BN3 Letter of Support - Industrial Access Road and Bridge Corporation Funding - Novelis Project Application [22-1292](#)

Take the following actions:

1) Authorize the execution of a letter of support to the Industrial Access Road and Bridge Corporation through the Alabama Department of Transportation for the application for funding to prepare Highway 287 and the industrial parkway that will serve the Novelis facility at the South Alabama Mega Site; and

2) Authorize the Chairman to execute any further documentation related to the Industrial Access Road and Bridge Corporation grant application.

BN4 Letter of Support - U.S. Department of Transportation 2022 Bridge Investment Program Grant - I-10 Mobile River Bridge and Bayway Project [22-1301](#)

Authorize the execution of a letter of support to the Alabama Department of Transportation for the U.S. Department of Transportation 2022 Bridge Investment Program Grant application for the I-10 Mobile River Bridge and Bayway project.

BN5 *License Agreement No. 22001 - Higbee Road - Right-of-Way [22-1261](#)

Take the following actions:

1) Approve License Agreement No. 22001 permitting Belforest Water System to install a 12-inch water main on the south side of Higbee 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 August 31, 2023. License for maintenance shall be indefinite according to the terms of the agreement.); and

2) Authorize the County Engineer to execute Utility Permit #22131-W.

BO JUVENILE DETENTION

BO1 Memorandum of Understanding with Baldwin County Board of Education for the Provision of Food Services at the Baldwin County Regional Juvenile Detention Center [22-1276](#)

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, 2022, and terminating September 12, 2023.

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

BO2 Memorandum of Understanding with Baldwin County Sheriff's Office for the Provision of Food Services at Baldwin County Regional Juvenile Detention Center [22-1269](#)

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

BQ1 Animal Control Department - Employment of Two (2) Animal Control [22-1253](#)

Technician Positions

Take the following actions:

- 1) Approve the employment of Gabriel Busch to fill the open Animal Control Technician position (PID #5358) at a grade 304 (\$13.38 per hour / \$27,830.40 annually); and
- 2) Approve the employment of Haegan Wilson to fill the open Animal Control Technician position (PID #5438) at a grade 304 (\$13.38 per hour / \$27,830.40 annually).

These actions shall be effective no sooner than August 8, 2022.

BQ2 Council on Aging - Employment of Two (2) Part-time Center Manager Assistant Positions

[22-1254](#)

Take the following actions:

- 1) Approve the employment of Carolyn Bittle to fill the open part-time Center Assistant (Little River) position (PID #5670) at a grade 302 (\$12.13 per hour); and
- 2) Approve the employment of Treasa Johnson to fill the open part-time Center Assistant (Loxley) position (PID #5671) at a grade 302 (\$12.13 per hour); and
- 3) Approve the updated organizational chart for Council on Aging.

These actions shall be effective no sooner than August 8, 2022.

BQ3 Highway Department (Foley) - Personnel Changes

[22-1294](#)

Take the following actions:

- 1) Approve the promotion of Jeffrey Beck from the Operator Technician II position (PID #897) grade 308 (\$20.52 per hour / \$42,681.60 annually), in the Silverhill Highway Department (53112), to fill the open Operator Technician III position (PID #292) at a grade 309 (\$22.16 per hour / \$46,092.80 annually), in the Foley Highway Department (53113), to be effective no sooner than August 15, 2022; and
- 2) Approve the promotion of Joseph Nelson from the Operator Technician II position (PID #894) grade 308 (\$17.15 per hour / \$35,672.00 annually) to fill the open Operator Technician III position (PID #296) at a grade 309 (\$18.55 per hour / \$38,521.60 annually) to be effective no sooner than August 15, 2022; and
- 3) Approve the employment of William Kensler to fill the open Operator Technician Trainee position (#5494) at a grade 304 (\$13.38 per hour / \$27,830.40 annually) to be effective no sooner than August 8, 2022.

BQ4 Highway Department (Silverhill) - Employment of One (1) Operator Technician I Position

[22-1255](#)

Approve the employment of Michael Szilagyi to fill the open Operator Technician I position (#5628) grade 307 (\$15.48 per hour / \$32,198.40 annually) to be effective no sooner than August 8, 2022.

BQ5 Highway Department (Traffic Operations) - Promotion of Employee

[22-1256](#)

Approve the promotion of Rodney Jacob Boutwell from the Traffic Control Technician I (Stripe) position (PID #5497) grade 307 (\$15.48 per hour / \$32,198.40 annually) to fill the open Traffic Control Technician II (Stripe) position (PID #5173) at a grade 308 (\$16.72 per hour / \$34,777.60 annually) to be effective no sooner than August 15, 2022.

BQ6 Juvenile Detention Center - Employment of One (1) Detention Worker I Position

[22-1283](#)

Approve the employment of Tyler Gardner to fill the Detention Worker I position (PID #5604) at a grade 308 (\$16.26 per hour / \$33,820.80 annually) to be effective no sooner than August 8, 2022.

BQ7 Probate Office - Personnel Change

[22-1257](#)

Approve as increase in pay for Lindsey Sellers, License Revenue Officer I, from 306 (\$15.27 per hour / \$31,761.60 annually) to 306 (\$16.80 / \$34,944.00 annually) due to increase in duties, to be effective no sooner than August 15, 2022.

BR PLANNING AND ZONING

BR1 Baldwin County Commission Board of Adjustment #1 - Board Appointment(s)

[22-1264](#)

Related to the Baldwin County Commission Board of Adjustment #1 take the following actions:

- 1) Appoint Ms. Clarice Hall-Black as a regular member (Planning District 8 Designee) for a pro-rata reduced three (3) year term, to fill the place seat for new Planning District 8, said term commencing August 2, 2022, and expiring March 16, 2025; and
- 2) Appoint Mr. Mark Davis as an alternate member (Planning District 8 Designee) for a pro-rata reduced three (3) year term, to fill the place seat for new Planning District 8, said term commencing August 2, 2022, and expiring March 16, 2025; and
- 3) Appoint Mr. Leslie Stejskal as a regular member (Planning District 37 Designee) for a pro-rata reduced three (3) year term, to fill the place seat for new Planning District 37,

said term commencing August 2, 2022, and expiring March 16, 2025; and

4) Appoint Ms. Elizabeth Wilson as an alternate member (Planning District 37 Designee) for a pro-rata reduced three (3) year term, to fill the place seat for new Planning District 37, said term commencing August 2, 2022, and expiring March 16, 2025.

BR2 Baldwin County Commission Board of Adjustment #2 - Board Appointment(s)

[22-1272](#)

Related to the Baldwin County Commission Board of Adjustment #2 take the following action:

Appoint Ms. Noreen Kendle as a regular member (Planning District 25 Designee) for a pro-rata reduced three (3) year term, to fill the vacant place seat, said term commencing August 2, 2022, and expiring March 16, 2025.

BR3 Baldwin County Planning and Zoning Commission - Board Appointment(s)

[22-1268](#)

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

1) Appoint Mr. Mike McKenzie 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 8, said term to commence August 2, 2022, and expire August 2, 2025.

2) Appoint Ms. Rebecca Teel 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 37, said term to commence August 2, 2022, and expire August 2, 2025.

3) Reappoint Mr. Jason Padgett as a regular member of the Board (BCC District 1 Nominee) for a four (4) year term, said term continuing from July 17, 2022, and expiring July 17, 2026.

BR4 Planning Jurisdiction Agreement with City of Foley

[22-1278](#)

Adopt Resolution #2022-141 which approves the Planning Jurisdiction Agreement between the Baldwin County Commission, the City of Foley, and the Planning Commission of the City of Foley, governing the regulation of subdivisions outside the City's corporate limits but within the municipal planning jurisdiction.

BR5 Proposed Planning (Zoning) District 39 - Acceptance of Notice of Intent to Form a Planning (Zoning) District, Determination Regarding Infeasibility of Using Precinct Boundaries, and Acceptance of Proposed District Boundaries

[22-1273](#)

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 39; and
- 2) Make a determination that it is not feasible to utilize the Voting Precinct boundaries of precinct 43 as the proposed Planning (Zoning) District 39 boundary; and
- 3) Accept the proposed Planning (Zoning) District 39 boundaries subject to a subsequent affirmative referendum vote pursuant to Alabama Code §45-2-261.07.

C PRESENTATIONS

CA GENERAL

CA1 240th Anniversary of National Purple Heart Day - August 7, 2022

22-1275

After Commissioner Gruber read the Proclamation proclaiming August 7, 2022 as "National Purple Heart Day" in Baldwin County, Alabama, Mr. Bill Bergman, Commander of Southwest Alabama Chapter 2206 of the Military Order of the Purple Heart appeared before the Commission and commented on the origin of the Purple Heart, originally known as the Badge of Military Merit. Commander Bergman said the current membership is nearly 48,000 nationwide and spoke about the mission of Chapter 2206 to support veterans at the William Green Veterans' Home in Bay Minette, Alabama, and the Jr. Reserve Officers' Training Corps and the Reserve Officers' Training Corps in the Southwest Alabama area. Commander Bergman thanked the Commissioners for the opportunity to remember and recognize the sacrifices of those awarded the Purple Heart.

Also present to accept the Proclamation were veterans Mr. Kenneth W. Atchison, Sr., Mr. Bob Hileman, Mr. Larry Bailey, Mr. Ramon Donald, Mr. Ed Evans, Mr. Talmadge Cain, and Mr. Allen W. Russell.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner BillieJo Underwood, to adopt a Proclamation proclaiming August 7, 2022 as "National Purple Heart Day" in Baldwin County, Alabama.

After the motion and second, and before the vote, the Commissioners provided their comments.

Chairman Ball said he is proud to be a part of recognizing the Military Order of the Purple Heart organization for their service and the work they do for the William F. Green Veterans' Home.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Matthew P. McKenzie, BillieJo Underwood, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

D PUBLIC HEARINGS

DF BUILDING INSPECTION

DF1 *Case No. UNA21-000047 - Unsafe Nuisance Abatement - 646 Bonita Court, Gulf Shores, Alabama

[22-1142](#)

Eddie Harper, Building Official, appeared before the Commission and gave an overview of the process and timeline that must be followed regarding unsafe nuisance structures and provided background information on the subject property.

Mr. Harper said he was contacted by the property owner's representative to express the owner's understanding that if the structure was not removed he would be able to rebuild in the exact location. Mr. Harper explained due to the structure being damaged more than 50 percent it would have to meet the new flood requirements and site setbacks. Mr. Harper said it is before the Commission to decide if no nuisance exists or to adopt Resolution #2022-112 to deem the structure is a nuisance and authorize the Building Official to either get bids or decide to tear down the structure using County equipment and personnel with the expenses being accessed back to the property taxes. Mr. Harper said a 90-day extension has been granted on some previous cases to allow the owner additional time to remedy the situation.

Commissioner Underwood asked for clarification on what would need to be done to remedy the situation, to which Mr. Harper replied the owner would need to remove the structure.

Chairman Ball opened the public hearing at 8:53 a.m. and asked if there is anyone present who wishes to speak.

Mr. Mike Murray with Outdoor Life Construction said he was told by the owner to remove any access to the structure. Mr. Murray said the owner is hesitant to remove the structure because he wants to rebuild at that exact location. Mr. Murray said the owner is in agreement to remove the structure leaving the pilings or the sub-floor.

The Commissioners, Mr. Harper, and Mr. Murray discussed whether or not the entire structure has to come down. Mr. Harper said this cannot be determined at this time due to the owner needing to provide an elevation certificate and work with Planning and Zoning Department to determine if it meets the setbacks. Mr. Harper said if the owner removed the structure down to the pilings that would eliminate the

nuisance due to no more danger of loose flying debris during a storm.

Chairman Ball asked if the abatement would need to be adopted with a 90-day extension in order to allow time to remove the structure down to the pilings only, with no sub-floor.

The Commissioners, Mr. Harper, and Mr. Murray discussed the seawall being re-permitted, leaving the pilings and the sub-floor, confirming the strapping and securement of the sub-floor, if the existing pilings will meet the new building codes, and if the sub-floor will meet the flood requirements.

Mr. Murray said the owner is wanting to ensure that the same footprint of the existing structure is preserved for rebuilding.

Chairman Ball asked the duration of this project, to which Mr. Harper replied 389 days.

Mr. Murray discussed the volume of work for contractors, personnel issues, and the availability of containers delaying progress.

Mr. Harper said whether the pilings will meet the current building code requirements will be determined during the permitting process.

There being no further requests to address the Commission, Chairman Ball closed the public hearing at 9:01 a.m.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Matthew P. McKenzie, to grant a 90-day extension provided the owner remove the structure with nothing but the pilings remaining.

After the motion and second, and before the vote, Brad Hicks, County Attorney, said a resolution number is needed in the motion.

Chairman Ball said the staff recommendation does not give an option for the 90-day extension, to which Mr. Harper replied a replacement resolution was emailed this morning with the same resolution number. Chairman Ball asked Commissioner Underwood to restate her motion.

Mr. Harper explained Resolution #2022-112 has been revised to include a 90-day extension.

Commissioner Underwood withdrew her motion.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Matthew P. McKenzie, to adopt Resolution # 2022-112 which exercises the authority provided by Ala. Code 11-53A-24 and orders the Baldwin County Building Official to demolish and

remove a public nuisance located at 646 Bonita Court, Gulf Shores, Alabama subject to the following conditions:

Within 90 days commencing August 2, 2022, the structure on the property, including without limitation, the sub-floor, must be demolished and removed down to the pilings by the property owner. All removed debris and materials must be disposed of in compliance with federal, state, and local laws. Should the property owner fail to demolish and remove the structure down to the pilings within 90 days, the Baldwin County Building Official shall demolish and remove the structure pursuant to Alabama law.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Matthew P. McKenzie, BillieJo Underwood, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills

[22-1263](#)

Motion by Commissioner Charles F. Gruber, seconded by Commissioner BillieJo Underwood, to pay bills totaling \$17,737,861.59 (seventeen million, seven hundred thirty-seven thousand, eight hundred sixty-one dollars and fifty-nine cents).

Of this amount, \$13,365,724.53 (thirteen million, three hundred sixty-five thousand, seven hundred twenty-four dollars and fifty-three cents) is payable to the Baldwin County Board of Education and \$990,268.82 (nine hundred ninety thousand, two hundred sixty-eight dollars and eighty-two 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, Matthew P. McKenzie, 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

[22-1262](#)

Chairman Ball said no action is needed on Item EA2.

F OTHER STAFF RECOMMENDATIONS

FK EMERGENCY MANAGEMENT AGENCY (EMA)

FK1 Third Addendum to Agreement with Community Action Agency of South Alabama and Baldwin Together

[22-1280](#)

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Matthew P. McKenzie, to approve and authorize the Chairman to execute the Third Addendum to 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, 2022, allowing more time for the utilization of the allocated \$25,000.00 of funds appropriated to Baldwin Together for long-term recovery. Any funds allocated by the County and not expended in furtherance of Baldwin Together prior to any termination of the Agreement and this Second Addendum shall be returned to the County.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Matthew P. McKenzie, BillieJo Underwood, and Charles F. Gruber

Nay: 0

Absent: 0

Abstain: 0

FM FINANCE AND ACCOUNTING

FM1 Response to Alabama Department of Economic and Community Affairs (ADECA) Letter Related to Closeout of Community Development Block Grant (CDBG) Project CY-CM-PF-18-009

[22-1266](#)

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Matthew P. McKenzie, to approve the response letter to Alabama Department of Economic and Community Affairs (ADECA) regarding closeout concerns notated in ADECA's letter dated June 10, 2022, related to CDBG Project CY-CM-PF-18-009.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Matthew P. McKenzie, BillieJo Underwood, and Charles F. Gruber

Nay: 0

Absent: 0

Abstain: 0

G COMMISSIONER REQUESTS

Commissioner Underwood requested an update on the use of American Rescue Plan Act funds received by Baldwin County.

H ADDENDA

HA1 Case No. Z22-9 - Bertolla Property Rezoning - Correction to Resolution #2022-093 [22-1313](#)

Chairman Ball said the correction needed is due to a scrivener's error in Resolution #2022-093 which stated incorrect zoning criteria.

Motion by Commissioner Charles F. Gruber, seconded by Commissioner BillieJo Underwood, to make part of the record the correction to the zoning designation in Resolution #2022-093, which was adopted by the Commission on July 19, 2022 (Agenda Item DR3), more specifically, the last paragraph of Resolution #2022-093 to rezone the Bertolla Property from RSF-2, Single Family District and RSF-E, Estate Single Family District, to RSF-3, Single Family District.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Matthew P. McKenzie, BillieJo Underwood, and Charles F. Gruber

Nay: 0

Absent: 0

Abstain: 0

HA2 Referendum Election - The Alabama Limited Self-Governance Act [22-1306](#)

Motion by Commissioner Charles F. Gruber, seconded by Commissioner BillieJo Underwood, regarding the upcoming referendum on the Alabama Limited Self-Governance Act to be held during the election on November 8, 2022, to approve the ballot language as follows:

"Should the provisions of Act No. 2005-200 (Ala. Code ? 11-3A-1 et seq.) apply in Baldwin County?" ☐ Yes ☐ No

The motion passed by the following vote:

Aye: 4 - James E. Ball, Matthew P. McKenzie, BillieJo Underwood, and Charles F. Gruber

Nay: 0

Absent: 0

Abstain: 0

HA3 Resolution #2022-143 - Tax Abatement Agreement between Baldwin County Commission and CHONEX, Inc. [22-1308](#)

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Matthew P. McKenzie, to take the following actions:

- 1) Adopt Resolution #2022-143, which grants a tax abatement to CHONEX, Inc.; and
- 2) Approve the Tax Abatement Agreement between the Baldwin County Commission and CHONEX, Inc.; and
- 3) Forward to the Office of the Revenue Commissioner of Baldwin County and the Office of Probate Judge of Baldwin County, Resolution #2022-143 and associated attachments informing the Probate Judge and Revenue Commissioner of the aforementioned grant of such Tax Abatement; and
- 4) Authorize the Chairman to execute any and all documents deemed necessary to effect such abatement.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Matthew P. McKenzie, BillieJo Underwood, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

HA4 South Alabama Mega Site - Assumption of Responsibility for Regulating and Issuing Building Permits

[22-1307](#)

Motion by Commissioner Charles F. Gruber, seconded by Commissioner Matthew P. McKenzie, to adopt Resolution #2022-142 with Exhibit A which identifies the final plat area and Exhibit B which executes an Intergovernmental Agreement between the Baldwin County Commission and the City of Bay Minette with the County assuming all responsibility for regulating and issuing building permits for the South Alabama Mega Site.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Matthew P. McKenzie, BillieJo Underwood, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

HA5 Resolution #2022-147 - Tax Abatement Agreement between Baldwin County Commission and Novelis Corporation

[22-1314](#)

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Matthew P. McKenzie, to take the following actions:

- 1) Adopt Resolution #2022-147, which grants a tax abatement to Novelis Corporation; and
- 2) Approve the Tax Abatement Agreement between the Baldwin County Commission and Novelis Corporation; and
- 3) Forward to the Office of the Revenue Commissioner of Baldwin County and the Office of Probate Judge of Baldwin County, Resolution #2022-147 and associated attachments informing the Probate Judge and Revenue Commissioner of the aforementioned grant of such Tax Abatement; and
- 4) Authorize the Chairman to execute any and all documents deemed necessary to effect such abatement.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Matthew P. McKenzie, BillieJo Underwood, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

I SENIOR STAFF REPORT

Ron Cink, Budget Director/Interim County Administrator, invited everyone to stay after the meeting for a reception to welcome Commissioner McKenzie.

J COUNTY ATTORNEY'S REPORT

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

K PUBLIC COMMENTS

None.

L PRESS QUESTIONS

None.

M COMMISSIONER COMMENTS

Commissioner McKenzie thanked the citizens for coming out today and for their support during his campaign, and his family for their support. Commissioner McKenzie said he will give 110%.

The Commissioners provided their closing comments, welcomed Commissioner McKenzie and thanked the Purple Heart veterans for their service to the nation.

Chairman Ball said prayers go out to the family of Mr. Tom Bryars, Lieutenant with

the Baldwin County Sheriff's Office Corrections Department, for their loss.

EXECUTIVE SESSION

Brad Hicks, County Attorney, said there are two items to be discussed in an executive session which will take approximately 10 minutes each and the Commission will need to reconvene for one of the items after executive session for a vote. Mr. Hicks said one item is a litigation item being handled by David Conner, Legal Counsel, and the second item involves a conflict of interest for his firm, so he will not be in attendance.

Brad Hicks, County Attorney, recommended the Commission to 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; and 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.

Mr. Conner said he is an attorney licensed to practice law in the State of Alabama and the discussion is appropriate for executive session.

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Matthew P. McKenzie, to convene into an executive session at 9:27 a.m. for approximately 20 minutes to:

1) 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; and

2) discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property.

The motion passed by the following vote:

Aye:	4 -	James E. Ball, Matthew P. McKenzie, BillieJo Underwood, and Charles F. Gruber
Nay:	0	
Absent:	0	
Abstain:	0	

After the vote, Chairman Ball said the meeting is still open until the Commission reconvenes from executive session.

The meeting reconvened at 9:42 a.m.

BN5 *License Agreement No. 22001 - Higbee Road - Right-of-Way - cont.

[22-1261](#)

Chairman Ball noted for the record the maps for Item BN5 - License Agreement No. 22001 - Higbee Road - Right-of-Way have been updated and replaced.

Chairman Ball noted there are two action items resulting from the executive session. Chairman Ball explained the fight continues against industries that produce opioid medicines which have contributed to the opioid epidemic across the country and the County has been working diligently to pursue these pharmaceutical companies.

Resolution #2022-149 - McKesson Settlement

22-1327

Motion by Commissioner Matthew P. McKenzie, seconded by Commissioner BillieJo Underwood, to adopt Resolution #2022-149, a resolution authorizing Baldwin County, Alabama, to join the State of Alabama and other local governments as participants in the McKesson Settlement.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Matthew P. McKenzie, BillieJo Underwood, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

Resolution #2022-150 - Janssen Settlement

22-1328

Motion by Commissioner BillieJo Underwood, seconded by Commissioner Charles F. Gruber, to adopt Resolution #2022-150, a resolution authorizing Baldwin County, Alabama, to join the State of Alabama and other local governments as participants in the Janssen Settlement.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Matthew P. McKenzie, BillieJo Underwood, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

The Commissioners commented regarding the far reaching effects of the opioid crisis and thanked the attorneys involved for their efforts on behalf of the Commission.

N ADJOURNMENT

Motion by Commissioner BillieJo Underwood, seconded by Matthew P. McKenzie, to adjourn the August 2, 2022, Regular Meeting at 9:48 a.m.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Matthew P. McKenzie, BillieJo Underwood, and Charles F. Gruber
Nay: 0
Absent: 0
Abstain: 0

A handwritten signature in black ink, appearing to read "James E. Ball". The signature is written in a cursive style with a large initial "J" and "B".