



Baldwin County Commission
Emergency Special Meeting Minutes

Thursday, March 19, 2020
8:30 PM

Baldwin County Emergency Operations Center
Training Room, 2nd Floor
23100 McAuliffe Drive, Robertsedale, Alabama

Upon an emergency special meeting being called by the Chairman of the Baldwin County Commission at 8:30 a.m., members present in the Operations Room of the Baldwin County Emergency Operations Center, located at 23100 McAuliffe Drive, Robertsedale, Alabama were:

Commissioners present:

District 1 – Commissioner James E. Ball
District 2 – Commissioner Joe Davis, III (Via Teleconference)
District 3 – Commissioner Billie Jo Underwood
District 4 – Commissioner Charles F. Gruber

Commissioners absent:

None.

Staff present:

Wayne Dyess, County Administrator
Zach Hood, Emergency Management Agency (EMA) Director
Brian Peacock, Communications/Information Systems (CIS) Director
Joey Nunnally, County Administrator
Eddie Harper, Building Official
Ron Ballard, Juvenile Detention Center Director
Tim Doerr, Systems Engineer
Jenni Guerry, Logistics & Education Outreach Coordinator
Anu Gary, Administrative Services Manager
Sherry-Lea Bloodworth Botoy, CEM/PIO
Monica English, Assistant Administrative Services Manager

Staff present via teleconference:

N/A

Also present:

Brad Hicks, County Attorney
Sheriff Huey Hoss Mack
Chief Deputy Anthony Lowery, Baldwin County Sheriff's Office
Major Jimmy Milton, Baldwin County Sheriff's Office

Said emergency special meeting topics were as follows:

- [1] Make the Special Meeting Call Letter part of the record; and
- [2] Discuss current situation in Baldwin County, Alabama, due to the Coronavirus (COVID-19) pandemic which poses a public health hazard to the safety and welfare of the general public; and
- [3] Consider and/or authorize the Baldwin County Commission to request the Governor of Alabama to close public beaches located in the unincorporated Baldwin County areas due to the Coronavirus (COVID-19) pandemic; and
- [4] Consider and/or authorize any other actions necessary to be taken by the Baldwin County Commission related to the Coronavirus (COVID-19) pandemic.

The Chairman called the meeting to order at 8:32 a.m. After the Invocation by Sheriff Huey Hoss Mack, and the Pledge of Allegiance led by Commissioner James E. Ball, the Commission transacted the following business to-wit:

Insert Special Meeting Call Letter into the Record

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to insert the **March 19, 2020, Baldwin County Commission Emergency Special Meeting Call Letter** into the record.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

Discuss Current Situation In Baldwin County, Alabama, Due to the Coronavirus (COVID-19) Pandemic Which Poses a Public Health Hazard to the Safety and Welfare of the General Public and Consider and/or Authorize the Baldwin County Commission to Request the Governor of Alabama to Close Public Beaches Located in the Unincorporated Baldwin County Areas Due to the Coronavirus (COVID-19) Pandemic

Chairman Underwood said there are three items on today's agenda. The next item is to discuss the current situation in Baldwin County, Alabama, due to the Coronavirus (COVID-19) pandemic. Chairman Underwood read a **prepared statement** for the record and said she hopes this explains why the Commissioners are meeting today. Chairman Underwood said a conference call was held with Mayors of the Cities Gulf Shores, Orange Beach and Dauphin Island; Commissioner Chris Blankenship with Alabama Department of Conservation and Natural Resources (ADCNR); Mr. Scott Harris, with the Alabama Department of Public Health; and Mr. Jo Bonner, Governor Kay Ivey's Chief of Staff. Chairman Underwood said they were asked to come up with a consensus and get back to the Governor's Office with a statement by 10:00 a.m. today. She hopes to conclude this meeting and join the conference call at 9:00 a.m. with the other entities. The Cities of Gulf Shores and Dauphin Island have made known what they want to do. Chairman Underwood said everyone was given three options to choose from:

- 1) Do nothing.
- 2) Close the beaches.
- 3) Close public access to the beaches.

The Cities of Gulf Shores and Dauphin Island want to close access. Chairman Underwood asked the Commissioners which of the three options they want to propose. If the Commission proposes something different than what the other entities want, it still has to be a consensus. She hopes to reach that consensus at the 9:00 a.m. conference call. Chairman Underwood asked if the Commissioners are ready to make or motion or if they would like to discuss the options.

Motion by Commissioner Charles F. Gruber to close the County's accesses and parking lot on the Fort Morgan Peninsula to come in compliance with Governor Kay Ivey's wishes.

Commissioner Gruber said there are approximately 19 access points and the Morgantown parking lot within the County's jurisdiction.

Chairman Underwood said she is unsure if this is what the Governor's wishes are; Governor Ivey is asking what the Commissioners' wishes are. Chairman Underwood said the Governor's Office has not made a statement at this point.

Commissioner Gruber said he feels this is what the Commission can do, and it is within its power.

Chairman Underwood said Commissioner Gruber's motion is to close the County's access points. Chairman Underwood referred to map on the wall of delineated areas.

Commissioner Ball asked what were the options from the Mayors of Dauphin Island and Gulf Shores.

Chairman Underwood said the Mayor of the City of Gulf Shores stated earlier that all City public accesses the City owns and controls will be closed for two weeks. The City of Dauphin Island closed its parking lot. This action will be close the public access to the beaches to help contain the crowds.

Commissioner James E. Ball seconded the motion.

Commissioner Davis said it is important to be in consensus with other property owners.

Commissioner Ball said what the elected officials are doing is what is best for the public and Baldwin County. Sometimes the decisions made are not the most popular. In this case, the unforeseen is what is most different about this. Commissioner Ball said he is in agreement with Commissioner Davis to be on the same page and support the Cities of Gulf Shores and Dauphin Island.

Chairman Underwood said this is unprecedented and there has been nothing like this before. For the health, safety and welfare of the citizens and others and for the guidance from Center for Disease Control (CDC), the Alabama Department of Public Health (ADPH), the White House and others and out

of an abundance of caution, it is time to come together.

Commissioner Gruber said what the Commissioners are doing is something they do not love to do. They have to protect everyone from this virus. It is unprecedented to close the beaches. The Commissioners are trying to help everyone. Commissioner Gruber said sooner or later, it will create possible hardships on some, but if these actions are not taken, the County could lose a lot of people. That is not something he wants to see.

Commissioner Ball said the Commissioners are recommending closing the beach portions with public accesses. He thought this is what everyone was in agreement on. Is everyone just talking about a parking lot?

Chairman Underwood said the County can recommend closing the beaches, but all it can actually close is the portion it controls.

Brad Hicks, County Attorney, said the only thing the Commission can close are the access points and the land owned up to the mean high tide line, the State owns everything else. If the parking lots include beach stands that go to the mean high tide line, then yes, those portions of the beaches will be closed.

Commissioner Ball said he wants to clarify that Commissioner Gruber's motion is to close the access points and sand on the portions the County controls.

Mr. Hicks said the motion is broad enough to encompass this.

Commissioner Ball said the public is concerned the County is just shutting down the parking lot. There are questions coming up now regarding this motion, the Commission has not considered the public accesses to boat ramps and launching sites.

Chairman Underwood said she believes those are all included.

Mr. Hicks said those are included in Commissioner Gruber's motion.

Commissioner Gruber said if the waters are closed that includes every access point the County has to the water.

Commissioner Ball suggested the Commission go with original motion.

Chairman Underwood said this action will close access points in the Fort Morgan area and the beach areas the County controls. If the Commissioners need to address anything further, it will.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

Chairman Underwood said she has faith in Baldwin county residents that they will help in this matter. The County is "Baldwin Strong," it is resilient, and it will overcome.

Consider and/or Authorize Any Other Actions Necessary to be Taken by the Baldwin County Commission Related to the Coronavirus (COVID-19) Pandemic

Chairman Underwood said the Baldwin County Commission is required to have two meetings every month. Those two meetings for March have already been held. The next scheduled meeting for the Baldwin County Commission is a work session. There is a fifth Tuesday in March where no meetings are scheduled to be held. This will place the next regular meeting to be held on April 7, 2020.

Chairman Underwood said she proposes the Commission cancel the March 24, 2020, Work Session and combine it with the April 7th meeting. The items will be discussed individually during the April 7th meeting. The agenda will be approved and out to the Commissioners to give them plenty of time to review it and ask questions about the items.

Motion by James E. Ball, seconded by Commissioner Charles F. Gruber to cancel the March 24, 2020, Baldwin County Commission Work Session and add those items for discussion to the April 7, 2020, Regular Meeting agenda.

Chairman Underwood said this action is for the safety of the Commissioners and employees. It will give everyone three weeks to see where everything stands.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

Commissioner Gruber said he would like the Commission to authorize the Highway Department to take any action needed to obtain the materials to close the accesses and get everything under the control.

Commissioner Ball said that is a part of the day-to-day activities.

Chairman Underwood said this will be dependent upon aid from the County's law enforcement and everyone else to help with this.

ADDENDA

None.

PUBLIC COMMENT

Brad Hicks, County Attorney, reminded Chairman Underwood of her 9:00 a.m. conference call and

suggested adjourning the meeting.

PRESS QUESTIONS

None.

COMMISSIONER COMMENTS

None.

W ADJOURNMENT

Motion by Commissioner James E. Ball, seconded by Commissioner Charles F. Gruber, to adjourn the March 19, 2020, Baldwin County Commission Emergency Special Meeting at 9:49 a.m.

The motion passed by the following vote:

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

Nay: 0

Absent: 0

Abstain: 0

Chairman Underwood said the March 19, 2020, Baldwin County Commission Emergency Special meeting is adjourned at 9:49 a.m.

A handwritten signature in black ink that reads "Billie Jo Underwood". The signature is written in a cursive, flowing style.



COUNTY COMMISSION

BALDWIN COUNTY
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www.baldwincountyal.gov

MEMBERS
DISTRICT 1. JAMES E. BALL
2. JOE DAVIS, III
3. BILLIE JO UNDERWOOD
4. CHARLES F. GRUBER

March 18, 2020

Mr. Wayne Dyess
County Administrator
Baldwin County Commission
312 Courthouse Square, Suite 12
Bay Minette, Alabama 36507

Dear Mr. Dyess:

Pursuant to Section 11-3-8 (b), Code of Alabama 1975, "A county commission may schedule a special meeting [of the Baldwin County Commission] when determined necessary in writing by a majority of the members of the commission, or in the case of an emergency, upon call of the chair."

Therefore, taking into account the aforementioned, coupled with the fact that this request is styled an 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 poses a hazard to the safety and welfare of the general public, please be advised that I have determined in writing and by this instrument that it is necessary to conduct an Emergency Special Meeting of the Baldwin County Commission for the date/time/place as follows:

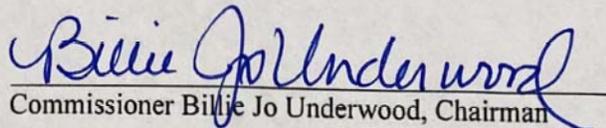
Thursday, March 19, 2020
8:30 a.m.
Baldwin County Emergency Operations Center
Training Room, 2nd Floor
23100 McAuliffe Drive, Robertsdale, AL

The purpose for the Emergency Special Meeting is to:

- [1] Discuss current situation in Baldwin County, Alabama, due to the Coronavirus (COVID-19) pandemic which poses a public health hazard to the safety and welfare of the general public; and
- [2] Consider and/or authorize the Baldwin County Commission to request the Governor of Alabama to close public beaches located in the unincorporated Baldwin County areas due to the Coronavirus (COVID-19) pandemic; and
- [3] Consider and/or authorize any other actions necessary to be taken by the Baldwin County Commission related to the Coronavirus (COVID-19) pandemic.

Please make the necessary arrangements for the conduct of the Emergency Special Meeting.

Sincerely,


Commissioner Billie Jo Underwood, Chairman

Statement:

First of all, let me be clear about one thing - the Baldwin County Commission only has authority over a very limited portion of Fort Morgan's beaches. We have been asked by the Governor's office to make recommendations for potential safety measures at Alabama beaches with guidance from Dr. Harris from the Alabama Department of Public Health.

When I say "we" I mean Mayors from Dauphin Island, Gulf Shores and Orange Beach, the Alabama Department of Conservation and Natural Resources, US Fish and Wildlife Service and the Alabama Historical Commission. Our role is very, very small, but because of the small portion of Fort Morgan's beachfront that falls under our jurisdiction, we have been included in the discussion. I think many citizens are confused about this issue and believe that we have more authority than we actually have. We take our role very seriously and called a meeting so we could discuss this publicly before offering our option as asked of us by the governor.