

The Saraland City Council convened in special session on March 18, 2020, at the Saraland Municipal Annex meeting room. The meeting was called to order at 6:01 p.m. by Council President Joseph McDonald. Roll call was as follows:

Present: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Newton Cromer
Councilmember Veronica Hudson

Absent: Councilmember Paul Stanley

City Attorney, Larry Wettermark, was present.

Councilmember Cromer opened the meeting with prayer.

Council President McDonald advised the purpose of this meeting is to consider an emergency declaration. Other municipal business may be considered at this time.

Councilmember Cromer introduced a Resolution supporting Mayor Rubenstein's decision to declare a state of emergency.

RESOLUTION 2133

WHEREAS, a Worldwide Health Pandemic constitutes a serious hazard to lives in the City of Saraland; and

WHEREAS, Governor, Kay Ivey has issued an Executive Order declaring a state of emergency in the State of Alabama; and

WHEREAS, on March 18, 2020, the City of Saraland due to the Coronavirus ("covid-19") is desirous to ensure the safety and welfare of its citizens, community and City employees; and

WHEREAS, the City of Saraland will be taking precautionary measures and preparations related to the (Covid-19) which poses a hazard to the safety and welfare of the general public, and exercising the authority provided by at Section 31-9-10(B)(6) of the Code of Alabama 1975, to close certain public buildings owned or leased by and under the Control of the City of Saraland; and

WHEREAS, that the Governing Body of the City of Saraland hereby declares that all City facilities will be closed to the public until further notice; except for the offices providing essential services to the public; and

WHEREAS, the City of Saraland recommends that all business be done via telephone or on-line if feasible.

WHEREAS, ALA CODE §31-9-10(1975) provides the power and authority for a political subdivision such as the City of Saraland to declare a state of local emergency and also, to waive the procedures and formalities otherwise required of political subdivision by law, including but not limited to:

- a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community
- b. Entering into contracts.
- c. Incurring obligations.
- d. Employment of temporary workers.
- e. Utilization of volunteer workers.
- f. Rental of Equipment.
- g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
- h. Appropriation of expenditure of public funds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SARALAND, declares on March 18, 2020, a State of Local Emergency and all City facilities will be closed to the public until further notice; with the exception of the offices providing essential services to the public.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF SARALAND, that the spending limit for non-budgeted items be increased to \$10,000.00 during this time of emergency.

ADOPTED THIS 18th DAY OF MARCH 2020

Motion was made by Councilmember Cromer, seconded by Councilmember Biggs to suspend the rules to allow for immediate consideration of the proposed resolution supporting Mayor Rubenstein's decision to declare a state of emergency.

The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Newton Cromer
Councilmember Veronica Hudson

Motion carried.

Unanimous consent being given to allow for immediate consideration of the proposed resolution supporting Mayor Rubenstein's decision to declare a state of emergency.

The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Newton Cromer
Councilmember Veronica Hudson

Motion carried.

Councilmember Cromer introduced an Ordinance establishing guidelines to follow the Order of the Health Officer of Mobile County.

ORDINANCE 1161

BE IT ORDAINED BY THE CITY COUNCIL OF SARALAND as follows:

1. The Order of the Health Officer of Mobile County No. 01-2020, Coronavirus COVID-19 (2019-nCoV) (hereafter the "Order") is hereby ADOPTED as a temporary ordinance of the City of Saraland.

2. Sworn law enforcement officers of the City of Saraland are hereby authorized and directed to enforce the provisions of the Order against all restaurants, bars, breweries, Priority Category 3 food service establishments, nursing homes, long-term care facilities, and daycare centers and schools with twelve (12) or more persons so long as the Order is in effect.

3. If, after written warning from any such law enforcement personnel, any persons or entities made the subject of the Order shall continue to violate the Order, then such entity or person shall be guilty of a misdemeanor subject to prosecution by the Municipal Court of the City of Saraland and a fine of \$100 for each day such entity or person continues to violate the terms of the Order.

4. Continued violation of the Order after written warning shall be grounds for a revocation of the business license of any such entity or person.

5. This Ordinance shall be effective at the first point in time permitted by law either at its approval by this Council or at the time of publication.

ADOPTED this 18th day of March 2020.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to suspend the rules to allow for immediate consideration of the proposed ordinance establishing guidelines to follow the Order of the Health Officer of Mobile County.

The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Newton Cromer
Councilmember Veronica Hudson

Motion carried.

Unanimous consent being given to allow for immediate consideration of the proposed ordinance, motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to adopt the ordinance establishing guidelines to follow the Order of the Health Officer of Mobile County.

The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Newton Cromer
Councilmember Veronica Hudson

Motion carried.

Motion was made by Councilmember Hudson, seconded by Councilmember Cromer to pass an Emergency Proclamation pursuant to Saraland Municipal Ordinance 8-16 through 19.
Motion carried.

EMERGENCY PROCLAMATION
PURSUANT TO
SARALAND MUNICIPAL ORDINANCE §8-16 through 19

This Emergency Proclamation is made pursuant to §8-16 through 19 of the Code of Ordinances for the City of Saraland by the Mayor, as ratified by the Council, regarding the emergencies that exist as a result of the coronavirus (COVID-19) being spread and transmitted within the general population.

WHEREAS, the State Board of Health and the State Health Officer have extraordinary powers pursuant to Code of Alabama §22-2-1, *et seq.*, to promulgate rules and regulations pertaining to the health and quarantine laws of the state which have the force and effect of law

and shall be executed and enforced by the courts, bodies, officials, agents and employees of the state;

WHEREAS, the State Board of Health and the State Health Officer have supervision and control over County Boards of Health and over County Health Officers in the enforcement of public health laws;

WHEREAS, pursuant to Code of Alabama §22-3-1, *et seq.*, Mobile County Board of Health has been established under the general supervision and control of the State Board of Health;

WHEREAS, the County Health Officer, acting for the Mobile County Board of Health, operates under the direction of the State Health Officer and has sole direction of all sanitary and public health work within the County, including incorporated municipalities;

WHEREAS, pursuant to Code of Alabama §22-3-5, the County Health Officer is charged with the general supervision of the sanitary interests of the County and, should he discover any cause of disease or the existence of any condition detrimental to the health of the people, he is required, as authorized by law, to compel the removal or abatement of such detrimental condition caused by the disease;

WHEREAS, pursuant to Code of Alabama §22-3-5, the County Health Officer is required, should he determine that a disease is in imminent danger of spreading to, in accordance with the law, institute immediate measures to prevent the spread of such disease;

WHEREAS, the County Health Officer has now issued the attached Order (the "Order") which prohibits any restaurant, bar, brewery or Priority Category 3 food service establishment from permitting on premises consumption of food: and

WHEREAS, pursuant to Section 8-16 of the Saraland Code of Ordinances, the Mayor and the City Council have the authority to close or restrict business establishments anywhere within the City during a health emergency as determined by the County Health Officer.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AS FOLLOWS:

1. No restaurant, bar, brewery or Priority Category 3 food service establishment, except those exempted by the Order, may permit on-premises consumption of food so long as the Order is in effect.

2. Pursuant to Section 8-16 of the Saraland Code of Ordinances, the Saraland Municipal Police Department and its officers are hereby authorized and directed to enforce the provisions of this Emergency Proclamation and the Order.

3. Section 8-18 notwithstanding, the City Council does hereby determine by resolution that this Emergency Proclamation shall not terminate until such time as the

County Health Officer determines that this emergency no longer exists, and the Order is no longer in effect.

ADOPTED this 18th day of March 2020.

Motion was made by Councilmember Cromer, seconded by Councilmember Biggs, to authorize the Mayor to explore options for alternative methods for Council meetings and make that decision. Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to authorize the Mayor to have discussions with JLL and gather further information concerning options with the former K-Mart property. Motion carried.


Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to authorize the Mayor to enter into a contract with Geotechnical Engineering-Testing, Inc. for the construction

materials testing and special inspection services required for the Saraland Splash Pad – Phase II project in an amount not to exceed \$5,489.60. Motion carried.

Motion was made by Councilmember Cromer to adjourn.

There being no further business to come before the Council, the meeting adjourned at 6:45 p.m.

ACCEPTED AND APPROVED this the 26th day of March 2020.



Joe McDonald, Council President



Judi Smith, CMC
City Clerk

