

The City Council, City of Fairhope, met in special emergency session at 4:30 p.m. via Teleconference for COVID-19 related items, 161 North Section Street, Fairhope, Alabama 36532, on Tuesday, 7 April 2020.

Present were Council President Jack Burrell, Councilmembers: Jay Robinson, Jimmy Conyers, Robert Brown, and Kevin Boone, Mayor Karin Wilson, City Attorney Marcus McDowell, and City Clerk Lisa A. Hanks.

There being a quorum present, Council President Burrell called the meeting to order at 4:33 p.m.

Council President Burrell announced that the Special Emergency Meeting was called to discuss a possible curfew.

Mayor Wilson began the discussion and said we have been taking precautions to flatten the curve. She said the City of Fairhope is doing great. Mayor Wilson said she has been watching the experts and other Cities ahead of us a couple of weeks. She named multiple Cities and Towns that have curfews; and once one is in place for the City it could help. She commented kids are bored and this will be easier for parents. Mayor Wilson said this will be a conservation to help and protect others.

Chief Hollinghead said she is concerned on the impact the Police Department. She said the curfew may make people stay inside. Chief Hollinghead said there is nothing in place to enforce, but we have only had to break up a few groups. She said we have had no major issues.

Councilmember Robinson stated he had just finished reading the Mobile Ordinance and said this would put more of a burden on our Police Department if enacted than not enacted. He said there would be more exposure to the Police Department and citizens. Councilmember Robinson stated no one should be out from 10:00 p.m. to 5:00 a.m.; and if not working we can look at this again. He commented we need teeth behind it. Councilmember Robinson said this would create more exposure; and it is not necessary at this time.

Councilmember Conyers stated he was in favor of the curfew; and we need to be more aggressive to fight the virus.

Councilmember Brown said a curfew would create more duty and exposure for the Police Department. He said it is not necessary and is more for civilian criminal acts like during a Hurricane.

Councilmember Boone stated he concurred with Councilmembers Robinson and Brown. He said this would create more exposure and there is no reason for a curfew at this time. He commented Mobile has 29 officers affected with the virus.

Mayor Wilson said the City has bought face shields and PPE for its employees; and it is all about being proactive. Councilmember Robinson said he was concerned with Mobile's Ordinance and pulling over each car; and has concerns with spreading the virus. He said we would have more problems than fixes.

Council President Burrell stated there is not a lot of lawlessness; and most everyone is social distancing. He said a curfew is for protecting from lawlessness. Council President Burrell stated the "Shelter in Place" should have more teeth. He said a curfew would add another layer on top of the Governor's "Shelter in Place."

Councilmember Robinson told Chief Hollinghead that is she came to him with the need for this, I would enact in a moment. Chief Hollinghead replied this may or may not help. She said we have been successful so far with what we are doing; and commented a County-wide curfew would be better.

Councilmember Conyers said he was not thinking we would pull over cars, but kids are out of school right now.

Council President Burrell asked for a motion to approve the Order for the Curfew. City Attorney McDowell said that this must be an Ordinance. City Clerk Hanks commented she did not know it had to be an ordinance. Mayor Wilson suggested to wait until Monday evening for adopting. Councilmember Robinson said we could introduce it tonight. Council President Burrell commented we could introduce it and suspend the rules and vote on it tonight. City Clerk Hanks stated the wording is exactly the same as an ordinance and just needs a number added and the introduction "be it resolved by the Governing Body, etc."

Councilmember Conyers introduced in writing an Ordinance to enforce a Stay at Home Order and Public Safety Curfew for the City of Fairhope, Alabama during the COVID-19 Public Health Emergency. In order to take immediate action, Councilmember Boone moved for immediate consideration. Seconded by Councilmember Brown, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY - None.

Councilmember Conyers then moved for final adoption of the Ordinance. Seconded by Councilmember Boone, motion for final adoption failed by the following voice votes: AYE - Conyers. NAY – Burrell, Robinson, Brown, and Boone.

Councilmember Robinson moved to adjourn the meeting. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 5:06 p.m.