

7 October 2020

NOTICE AND CALL OF SPECIAL MEETING

Notice is hereby given of a special emergency meeting of the City Council of the City of Fairhope, Alabama, to be held at the Fairhope Municipal Complex on Wednesday, 7 October 2020, at 10:00 a.m., for the purpose of:

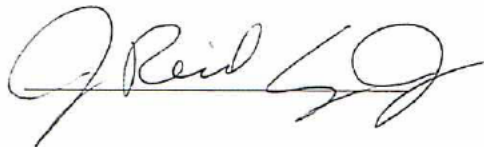
- ❖ Resolution to declare a State of Emergency for the City of Fairhope due to Hurricane Delta;
- ❖ Resolution to establish "Trigger Points" for shutting down the City in case of a storm;
- ❖ Resolution concerning eligibility for Disaster Debris Removal on Publicly Serviced Roadways/Right-of-Ways that are Privately Owned, Privately Maintained and/or Gated; and
- ❖ Establish and Discuss Curfew related to Hurricane.


 Jack Burrell, Council President

CONSENT TO HOLDING OF MEETING

The undersigned members of the City Council of the City of Fairhope, Alabama, do hereby acknowledge service of the Notice and Call of Special Emergency Meeting hereinabout set forth and do hereby consent to the holding of such meeting as such time in such place for the purpose set forth therein







Attest:


 Lisa A. Hanks, MMC
 City Clerk

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STATE OF ALABAMA)
 :
 COUNTY OF BALDWIN)(

The City Council, City of Fairhope, met in Special-Called Emergency Session at 10:00 a.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Wednesday, 7 October 2020.

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

There being a quorum present, Council President Burrell called the meeting to order at 10:00 a.m. and explained the reason for the special-called meeting was Hurricane Delta. The invocation was given by Councilmember Kevin Boone and the Pledge of Allegiance was recited. Prior to voting on the following resolutions, Council President Burrell either read or explained each one.

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution to declare a State of Emergency for the City of Fairhope due to Hurricane Delta. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 3835-20

WHEREAS, Governor Kay Ivey declared a “State of Emergency in the State of Alabama effective on Tuesday, October 6, 2020” which was associated with Hurricane Delta with the potential to make landfall in or near Mobile and Baldwin counties; and

WHEREAS, the City Council of the City of Fairhope hereby declares a State of Emergency within the City of Fairhope effective at 5:00 p.m. on October 7, 2020 due to Hurricane Delta within the meaning of Alabama Code Section 39-2-2(e); and

WHEREAS, that the Mayor/Mayor Pro Tempore and City Clerk are hereby authorized and directed to execute and attest, respectively, all contracts determined to be necessary to meet the emergency without public advertisement pursuant to the Code of Alabama; and

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NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, WHILE IN SPECIAL EMERGENCY SESSION ON OCTOBER 7, 2020 as follows: The City Council of the City of Fairhope hereby declares an emergency effective at 5:00 p.m. on Wednesday, October 7, 2020 associated with Hurricane Delta with the potential to make landfall in or near Mobile and Baldwin counties; and hereby authorizes and directs the Mayor/Mayor Pro Tempore and City Clerk to execute and attest, respectively, all contracts determined to be necessary to meet this emergency.

ADOPTED THIS 7TH DAY OF OCTOBER, 2020


 Jack Burrell, Council President

ATTEST:


 Lisa A. Hanks, MMC
 City Clerk

Councilmember Boone introduced in writing and moved for the adoption of a resolution to establish “Trigger Points” for shutting down the City as it relates to Hurricane Delta. The motion was seconded by Councilmember Conyers. Councilmember Brown said he was concerned it did not specify residents. The City Council discussed this more in-depth and decided to add the words “for the City of Fairhope” in trigger point number one after “is in effect.”

Councilmember Boone rescinded his motion.

Councilmember Conyers moved for the adoption of the following resolution as amended above. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

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RESOLUTION NO. 3836-20


BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council hereby authorizes the following “Trigger Points” for shutting down the City as it relates to Hurricane Delta:

- 1) At any such time a state ordered mandatory evacuation order is in effect for the City of Fairhope, City buildings will be closed, and non-essential personnel will not be required to report to work;
- 2) At any such time a hurricane warning is in effect, City buildings will be closed, and non-essential personnel will not be required to report to work; and
- 3) If as of 3:00 p.m. on Thursday, October 8, 2020, or any time thereafter, a tropical storm warning is in effect for the City of Fairhope, City buildings will be closed on Friday October 9, 2020, and non-essential personnel will be asked to stay home. City officials will make the determination as to whether or not to reopen on Monday, October 12, 2020, no later than Sunday October 11, 2020 at noon. All staff will report to work on Monday, October 12, 2020, unless notified by their supervisor that the City is still closed.

Adopted on this 7th day of October, 2020


Jack Burrell, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution concerning eligibility for Disaster Debris Removal on Publicly Serviced Roadways/Right-of-Ways that are Privately Owned, Privately Maintained and/or Gated. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

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RESOLUTION NO. 3837-20

**RESOLUTION CONCERNING ELIGIBILITY FOR DISASTER DEBRIS
REMOVAL ON PUBLICLY SERVICED ROADWAYS/RIGHT-OF-WAYS
THAT ARE PRIVATELY OWNED, PRIVATELY MAINTAINED
AND/OR GATED**

WHEREAS, the City of Fairhope (City) has Ordinance No. 541, § 1, 7-10-74; Ordinance No. 842, § 1, 9-11-89; Ordinance No. 1296, 3-9-06 authorizing debris removal from all roads within the City; and

WHEREAS, the nuisance or condition has caused difficulties in providing emergency medical, fire, police, utility, and municipal sanitation services because of debris on streets in all communities; and

WHEREAS, the debris resulting from natural or man-made disasters can block streets and can hinder the City's ability to provide emergency medical services and to fight fires, provide basic services and save lives; and

WHEREAS, this condition can exist on Publicly Serviced Roadways/Right-Of-Ways that are Privately Owned, Privately Maintained and/or have Gated streets (private communities) as well as publicly maintained streets; and

WHEREAS, the situation can jeopardize the residents in private communities and the City at large as the City's ability to fight and limit fires is compromised; and

WHEREAS, in an emergency condition, constituting an immediate threat to the life, health and safety of the citizens of the City, it is necessary to eliminate an immediate threat of significant damage to improved property; and

WHEREAS, the City has jurisdiction over all private roads in the City for the purposes set forth herein; and

WHEREAS, the City has the obligation, authority, and responsibility to enforce its laws on private streets and to provide government services; this obligation, authority, and responsibility exists independent of this Resolution, but is affirmed hereby as a matter of record.

NOW, THEREFORE, BE IT RESOLVED, that the CITY:

The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

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- a. The City has the authority and responsibility to protect the public health and safety, to enter upon and clear debris from public and private streets, to clear and remove debris to permit access by public emergency vehicles and other municipal service providers.
- b. In a natural or man-made disaster that has been declared a public emergency by the City Council (County, State and Federal), the City may exercise its authority to implement the measures set forth herein.
- c. In order to respond to emergency conditions, the City must expeditiously clear debris from all roads, including roads in private communities. This is necessary to eliminate an imminent threat to the public health, safety, and welfare.
- d. The City is hereby authorized to remove debris from private roads, rights-of-ways, and ingress/egress easements in private communities. The actions authorized hereby do not permit debris removal except from streets (and rights-of-ways and ingress/egress easements), to clear streets for emergency vehicle travel and delivery of services essential to the public health and safety. No other property will be cleared in a private community. This shall apply only to streets where the City regularly provided access for emergency vehicles and the enforcement of City regulations as well as access for municipal and other public service vehicles. Debris will be removed only where there is unrestricted access during removal times.
- e. The City shall conduct similar operations on public streets.

DULY ADOPTED THIS 7TH DAY OF OCTOBER, 2020


Jack Burrell, Council President

ATTEST:


Lisa A. Hanks, MMC
City Clerk

Council President Burrell said that Agenda Item 4 was put on the agenda to mention a possible curfew at the recommendation of Chief Hollinghead. He stated this will not go into effect unless absolutely necessary.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 10:11 a.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk