

**MINUTES OF
COMMITTEE OF THE WHOLE MEETING
ORANGE BEACH CITY COUNCIL
AUGUST 18, 2020 – 5:28 P.M.
ORANGE BEACH COMMUNITY CENTER**

The Orange Beach City Council met to review potential items for the September 1, 2020, agenda.

The following members were present:

Councilmember Jeff Silvers
Councilmember Jerry Johnson
Councilmember Annette Mitchell
Councilmember Joni Blalock
Councilmember Jeff Boyd
Mayor Tony Kennon

The following members were absent:

None

The following items were discussed:

1. Resolution authorizing the execution of a license agreement with PowerSouth Energy Cooperative for use of an easement.
2. Resolution reappointing Shawn Goe and Rusty Hart to the Fire Code Board of Appeals.
3. Ordinance amending Section 10-29 of the Code of Ordinances for the City of Orange Beach, Alabama, entitled, "Inhumane Treatment of Animals: Confinements and Leashes Generally," to add restrictions regarding animal tethering.
4. Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0803-PUDA-20, Wharf PUD Modification - Wharf East Side Storage. Public hearing set for September 15, 2020, at 5:00 P.M

At 5:32 PM, Mayor Kennon announced a five minute break before starting a town-hall style question and answer session.

At 5:38 PM, the meeting resumed.

Public Comments

Mayor Kennon set guidelines for the meeting. He asked that there be no personal attacks and for commentary to be respectful and professional.

1. Joe Fierro, municipal election candidate, read a statement stating that no proper notification was received for this forum, and that he is uncomfortable with the format. Mayor and Council responded that this is not a campaign forum, and that this is the standard public comment portion of a regular Committee of the Whole Meeting.
2. Shirley McCabe, resident of Bay Drive, stated dissatisfaction with the way that this question and answer session was portrayed on the City's social media outlets.
3. Jeb Smith, resident, asked if it was in the City's best interest to break away from the Baldwin County school system. Councilmember Jeff Boyd responded that the City has a win-win relationship with Baldwin County where the County pays for teachers and schools, and the City funds bonus programs like Expect Excellence. Councilmember Boyd stated that the City has language in place as legal protection in case the relationship ever falters for the purpose of responsible stewardship of taxpayer dollars, but that city officials currently have zero intention of breaking away from the County.

4. John McCabe, resident of Bay Drive, stated dissatisfaction with the Mayor acting as moderator. Mayor and Council reiterated that this is not a campaign forum and that the Mayor typically chairs Committee of the Whole Meetings.
5. Mark Dickhute, resident of Perdido Beach Boulevard, asked what the City is going to do to encourage the growth of small businesses. He asked if business license fees could be reduced. Mayor Kennon responded that everyone pays the business license fee, and that the City is undertaking initiatives such as the fiber-to-the-home project to create a better business environment. Mr. Dickhute asked what the City could do to incentivize companies to come to Orange Beach. He stated that it seems as if many businesses are choosing Gulf Shores over Orange Beach. Councilmember Jeff Boyd stated that companies, such as Chick-Fil-A, have seriously considered locating in Orange Beach, but certain factors like the price of land and private company formulas often show that Gulf Shores has a preferable demographic. Councilmember Johnson stated his philosophy is to create a safe, clean, robust, "build it and they will come" economy so that government incentives are not needed. He stated that Mayor and Council are trying to make Orange Beach a beautiful community, and that the fiber project is geared towards attracting young professionals with families. Ford Handley, Finance Director, stated that business license fees have not been raised in years, and that they are in line with surrounding communities. Mr. Handley stated that there were between 100 and 170 new non-condo-rental business licenses issued in 2019.
6. Tina D'Aversa, resident of East Beach Boulevard, stated that she did not realize that this question and answer session was happening, and wished that it had been advertised better. She suggested that candidates approach the front for open dialogue.
7. Robert Stuart, 5550 Pine Wood Circle, shared his experience with rumors and accusations when running for Baldwin County School Board Representative. He stated that this hardship is a part of running for public office. Mr. Stuart stated that he has heard that the individuals running against incumbents think that too much money is being spent on the school and would rather use the public funds to purchase a beach for residents instead. He asked clarification on the rumors regarding Joe Fierro's resignation from Police Chief for the City of Orange Beach. Joe Fierro, municipal election candidate, responded that he supports the school, and has supported a beach for residents since the beginning of his campaign based on concerns he has heard from the community regarding limited access to the beach. Regarding his resignation as Police Chief, Mr. Fierro stated that it was due to differences in philosophy with Mayor Kennon. Mayor Kennon gave a rebuttal statement and summarized the process the City is undergoing as a result of public records requests submitted by citizens on the topic of Mr. Fierro's resignation.
8. Tina D'Aversa asked if the City Attorney was available to give guidance regarding perceived impropriety of certain topics being brought up. Wanda Cochran, City Attorney, stated that traditionally there is a public comment section during the Committee of the Whole Meeting. Ms. Cochran gathers from the comments that there was some sort of expectation that this was a candidate forum. This is not that. Debates are usually sponsored by third parties. She stated that two public records requests regarding Mr. Fierro have been received by the City. It is not entirely clear what is and what is not public. Her recommendation as City Attorney was to file action in Baldwin County Circuit Court to ask the judge to review the records and make a determination on what qualifies as public records. That process is ongoing.

[Councilmember Jeff Silvers left the meeting at around 6:50 PM.]

9. David McLain, former City employee, opined on his time as an Orange Beach police officer, his service as a community coach, and his experience with former Chief Fierro.
10. Joe Cardwell, municipal election candidate, stated that he is not running as any part of a political coalition, and that his intention is to give people a choice and to be involved.

11. David Shank, 5350 Pompano Avenue, expressed dissatisfaction regarding the perceived portrayal of this question and answer session as a candidate debate.
12. Robert Stuart spoke again.
13. Joe Cardwell spoke again.
14. Mickey Robinson, 4311 Harbor Cove Drive, former employee, asked the audience to educate themselves on the history of Orange Beach. Mr. Robinson recounted a failed public transportation bus service, and a land swap that fell through with the State of Alabama for public beaches that occurred in 1996.
15. Mayor Kennon expressed regret for the divisiveness of tonight's meeting.
16. Jeb Smith expressed appreciation for all comments.

The public comment section concluded at 7:18 PM.

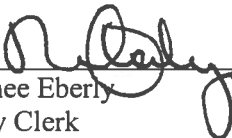
Executive Session

1. Executive session to discuss (1) threatened and pending litigation, and (2) the purchase of real property. **Motion made (Blalock/Boyd) to enter executive session to discuss (1) threatened and pending litigation, and (2) the purchase of real property.** The City Attorney advised the Council that a declaration was required by the Open Meetings Act for an Executive Session; therefore, she stated for the record that she was duly qualified and had the personal knowledge to provide the requisite declaration for the stated purposes of the Executive Session authorized by the Act. Vote unanimous in favor. The Mayor announced that Council would not reconvene following the executive session.

There being no further business, the meeting adjourned.

Time: 7:28 P.M.

APPROVED this 6th day of October, 2020.



Renee Eberly
City Clerk