

**MINUTES OF THE SPECIAL OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK
JUNE 1, 2020**

[Pursuant to a proclamation issued by Governor Kay Ivey on March 18, 2020, elected officials are allowed to meet remotely by means of Internet or telephone conference and the public was invited to listen to, observe, or participate in the meeting by such means.

The City Council of the City of Mountain Brook, Alabama met in public session in the Council Chamber (Room A-108) of City Hall located at 56 Church Street, Mountain Brook, AL 35213 at 3:00 p.m. on the 1st day of June, 2020. The Council President called the meeting to order and the roll was called with the following results:

Present: Virginia C. Smith, Council President
William S. Pritchard III, Council President Pro Tempore
Philip E. Black
Lloyd C. Shelton
Alice B. Womack
Stewart Welch III, Mayor

Absent: None

Also present were City Attorney Whit Colvin, City Manager Sam Gaston, and City Clerk Steven Boone.

The Council President stated that a quorum was present and that the meeting was open for the transaction of business

1. EXECUTIVE SESSION

Council President Pro Tempore Pritchard made a motion that the City Council convene in executive session to discuss security plans, procedures, assessments and measures and/or security or safety of persons, structures, facilities the public disclosures of which could reasonably be expected to be detrimental to public safety or welfare. The City Attorney verbally certified that the subject matter of the executive session is permissible under the Open Meetings Act. The motion was seconded by Council member Black. There being no further discussion, the vote was called with the following results:

Ayes: Virginia C. Smith, Council President
William S. Pritchard III, Council President Pro Tempore
Philip E. Black
Lloyd C. Shelton
Alice B. Womack

Nays: None

Council President Smith thereupon declared that said motion carried by a vote of 5—0. She then announced that the City Council shall reconvene upon conclusion of the executive session at approximately 3:30 p.m. in Room A 108.

2. CONSIDERATION: RESOLUTION (NO. 2020-082) DECLARING A CURFEW DAILY BETWEEN THE HOURS OF 7 P.M. UNTIL 6 A.M EFFECTIVE JUNE 1, 2020 UNTIL FURTHER NOTICE (EXHIBIT 1)

Council President Smith reconvened the meeting of the City Council at approximately 3:34 p.m. in Room A-108 of City Hall.

The resolution was introduced in writing by Council President Smith who then invited comments. There being no comments or questions, President Smith made a motion for adoption of the resolution. The motion was seconded by Council member Black. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith
William S. Pritchard, III
Philip E. Black
Lloyd C. Shelton
Alice B. Womack

Nays: None

The Council President Smith declared that the said resolution (No. 2020-082) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same

3. ADJOURNMENT

There being no further business or matters for discussion, Council President Smith adjourned the meeting at approximately 3:35 p.m.

4. CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct transcript of the special meeting of the City Council of the City of Mountain Brook, Alabama on June 1, 2020, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that a quorum was present.



City Clerk
Approved by City Council June 8, 2020

EXHIBIT 1

RESOLUTION NO. 2020-082

RESOLUTION DECLARING CURFEW

WHEREAS, recent national events have resulted in outrage and protest regarding the treatment of African American citizens; and

WHEREAS, most of those protests have been peaceful but many have resulted in violence and destruction in many cities across the country; and,

WHEREAS, on May 31, 2020, following peaceful events in downtown Birmingham, crowds destroyed, damaged, defaced, and set fire to numerous buildings, businesses, automobiles and structures in the central business district of City of Birmingham, throwing bricks, breaking windows, and causing harm to property and to person; and

WHEREAS, in response to the civil unrest, the City of Birmingham implemented a mandatory curfew on June 1, 2020 until further notice as a result of the threat to public safety and health posed by activities such as those that occurred on the evening of May 31st;

WHEREAS, authority is granted to the City by Alabama Code Section 31-9-10 to implement a public safety curfew to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state under the conditions stated therein;

WHEREAS, the City Council of Mountain Brook finds that implementation of a curfew with appropriate restrictions is necessary to protect the public peace, health, safety and to preserve the lives and property of those who live, work, and visit the City of Mountain Brook.

NOW, THEREFORE, BE IT RESOLVED as follows by the City Council of the City of Mountain Brook:

1. Pursuant to state law and due to the civil unrest and destruction occurring in the City of Birmingham on the night of May 31, 2020, the continuing threat of further rioting in surrounding communities such as the City, and the danger of such unrest to the lives, safety, health, welfare and the property of the people of the City, a public safety curfew shall be implemented in the City beginning June 1, 2020 and continuing in effect until further notice.
2. Beginning at 7:00 p.m. on June 1, 2020, no person shall between the hours of 7:00 p.m. and 6:00 a.m. each day while this curfew is in effect:
 - a. Hold or participate in any demonstration, parade, march, or vigil, on any of the public ways or upon any public property; and
 - b. Travel upon any public street, alley, or roadway or upon any other public property, except those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof; those traveling through the City from one location outside of the City to another location outside the City; those returning to one's place of residence or place of employment; or as necessary to comply with legally mandated government purposes, or an order of law enforcement or a court; or those attending school related events or activities.
3. These restrictions shall apply within the corporate limits of the City of Mountain Brook.
4. These restrictions shall not apply to such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the citizens, including City law enforcement officers, firefighters and other public employees; doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations.
5. It shall be unlawful for any person to violate any provisions of this resolution.
6. If any part, section or subdivision of this resolution shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this resolution, which shall continue in full force and effect notwithstanding such holding.

This resolution shall become effective immediately upon its approval, adoption, and publication as provided by law.