

**MINUTES OF THE SPECIAL OF THE  
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK  
JUNE 3, 2020**

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[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 the Council Chamber (Room A-108) of City Hall located at 56 Church Street, Mountain Brook, Alabama 35213 at 3 p.m. on the 3rd 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  
Alice B. Womack  
Stewart Welch III, Mayor

Absent: Lloyd C. Shelton

Also present were City Attorney Carl Johnson, City Manager Sam Gaston (by teleconference), 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 certified (Appendix 1) that the subject matter of the executive session is permissible under the Open Meetings Act. The motion was seconded by Council President Smith. 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  
Alice B. Womack

Nays: None

Council President Smith thereupon declared that said motion carried by a vote of 4—0. She then announced that the City Council shall reconvene upon conclusion of the executive session in 15—20 minutes in Room A108.

**2. CONSIDERATION: RESOLUTION (NO. 2020-083) MODIFYING THE CURFEW PREVIOUSLY DECLARED UPON THE ADOPTION OF RESOLUTION NO. 2020-082 ON JUNE 1, 2020 (EXHIBIT 1)**

Council President Smith reconvened the meeting of the City Council at approximately 3:15 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 Pro Tempore Pritchard 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  
Alice B. Womack

Nays: None

The Council President Smith declared that the said resolution (No. 2020-083) is hereby adopted by a vote of 4—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 3:16 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 3, 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. 2020-083

#### 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 31<sup>st</sup>;

**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~~ 8:00 p.m. on June 13, 2020, no person shall between the hours of ~~7:00~~ 8:00 p.m. and ~~6:00~~ 5:00 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.

Provided, however, that the Mayor or the City Manager of Mountain Brook shall be authorized to modify the temporal duration of the curfew established above when, in his judgment, and upon consultation with appropriate City officials, such action is required or deemed necessary to meet exigent circumstances that threaten the public health, safety, and welfare of the City of Mountain Brook.

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.
7. This resolution amends and supersedes Resolution No. 2020-082, heretofore adopted on June 1, 2020.

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

CARL JOHNSON  
[carljohnson@bishopcolvin.com](mailto:carljohnson@bishopcolvin.com)



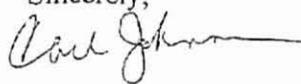
June 3, 2020

Mr. Steve Boone  
City Clerk  
City of Mountain Brook  
56 Church Street  
Mountain Brook, AL 35213

Re: Executive Session (Council Meeting of June 3, 2020)

Dear Mr. Boone:

An executive session will be called at the June 3, 2020 special city council meeting to discuss matters that are properly the subject of an executive session under the Alabama Open Meetings Law, including matters related to security plans, procedures, assessments, measures, or systems, or the security or safety of persons, structures, facilities, or other infrastructures.

Sincerely,  
  
Carl Johnson

CJ/mr

c: Mayor Stewart Welch  
Council President Virginia Smith  
City Manager Sam Gaston

APPENDIX I

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