

**MINUTES OF THE SPECIAL OF THE  
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK  
JUNE 29, 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 elected officials met by way of Internet video conference and allowed the public to listen, observe and participate by the same means.]

The City Council of the City of Mountain Brook, Alabama met by way of Internet video conference at 8:30 a.m. on the 29th 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 Carl Johnson, 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. CONSIDERATION OF AN ORDINANCE (NO. 2071) AMENDING CHAPTER 26 OF THE CITY CODE WITH RESPECT TO BUSINESSES REQUIRING PATRONS TO WEAR FACE COVERINGS AS ORDERED BY THE JEFFERSON COUNTY HEALTH OFFICER OR FACE THEIR CITY BUSINESS LICENSE BEING REVOKED (EXHIBIT 1)**

The ordinance was introduced in writing by Council President Smith who described the intent of the ordinance is to give business owners some cover in their enforcement efforts by being able to tell their patrons that if they do not enforce the County Health Officers face mask order the business faces the risk of having the City revoke their business license.

Mayor Welch:

- The City needs to create success in the implementation of the new face covering order or risk seeing another round of business closures
- The issue has become very polarized with people taking strong positions for and against the face covering requirement. The City does not want to place business owners in the middle of these debates and views this ordinance as giving them some protection as they require their employees, patrons and visitors to wear face coverings.
- If the required face covering initiative is going to be successful in stemming the spread of the virus it will be due to the efforts of the business owners/operators
- If the ordinance is not passed today, the elected officials need to discuss how it intends the Police Department to respond to complaints about people not wearing face coverings
- Violators will likely first receive a warning, followed by a suspension of their license. Revocation of the license is the last resort.

The ordinance allows some discretion on the part of the City Council in its license revocation proceedings.

Business owners will be notified that the ordinance is intended to serve as a support tool and not to be punitive and that the City expects business owners to enforce the face covering order.

Chief Cook:

- Police officers will continue to enforce by educating the public
- The ordinance does not include a law enforcement component
- If patrons do not comply with the business owners' instructions, a secondary charge may be in order that does include a law enforcement element.

Council member Shelton:

- Does not like putting the business owners in an adversarial position with their patrons
- Understands the need for the face mask order and supports the City's efforts to assist businesses with their enforcement efforts

Council President Pro Tempore Pritchard stated that he thinks this ordinance will help rather than hurt businesses and thinks that it will be well received by the business community.

Businesses are not required to provide their patrons with face masks.

There being no further comments or questions, President Smith called for a motion. Council President Pro Tempore Prichard made a motion that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance is given and that the reading of the ordinance at length be waived. 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 the motion passed by a vote of 5—0.

After said ordinance had been considered in full by the Council, Council member Black moved for the adoption of said ordinance. The motion was seconded by Council member Shelton. 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

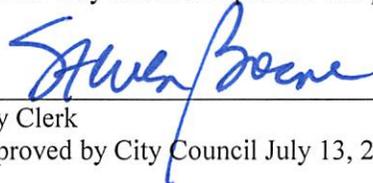
The Council President Smith declared that the said ordinance (No. 2071) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

## 2. ADJOURNEMENT

There being no further business or matters for discussion, Council President Smith adjourned the meeting at approximately 9:10 a.m.

### 3. CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct transcript of the regular meeting of the City Council of the City of Mountain Brook, Alabama by Internet teleconference on June 29, 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.

  
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 City Clerk  
 Approved by City Council July 13, 2020

### EXHIBIT 1

#### ORDINANCE NO. 2071

**AMEND SEC. 26 OF THE CITY CODE WITH RESPECT TO BUSINESSES REQUIRING THE USE OF FACE COVERINGS PURSUANT TO AN EMERGENCY ORDER ISSUED BY THE JEFFERSON COUNTY HEALTH OFFICER AND PENALTIES FOR VIOLATIONS THEREOF**

**WHEREAS**, the City of Mountain Brook is, along with the rest of the state in the midst of the COVID-19 pandemic; and;

**WHEREAS**, despite measures put in place by the Governor, the County Health Offices and the City, the number of new cases continue to rise; and

**WHEREAS**, social distancing measures and face coverings are prescribed by national and local health offices as effective ways of managing transmission risks; and

**WHEREAS**, the Jefferson County Health Officer has issued emergency orders making the use of face coverings in public places mandatory under the circumstances outlined in the Order of June 26, 2020 due to the continued widespread community spread of COVID-19 in Jefferson County over the last week; and

**WHEREAS**, the Order applies in the City of Mountain Brook and must be followed; and

**WHEREAS**, the City Council believes it appropriate and necessary to adopt this additional measure to ensure that businesses which are open to the public respect, follow and require patrons to adhere to the mandatory face covering Order of the Jefferson County Health Officer.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Mountain Brook, Alabama as follows:

1. **Requirement.** All businesses, as defined in Sec. 26-206 of the Mountain Brook City Code, which are open to the public, shall require the use of face coverings by patrons, guests and employees in accordance with the terms, conditions and directives of the Jefferson County Health Officer in the Order dated June 26, 2020, as may be amended from time to time.
2. **Violation.** The business license of any business that violates the provisions of this Ordinance shall be subject to revocation or suspension pursuant to Mountain Brook City Code Sec. 26-223.
3. **Repealer.** All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.
4. **Severability.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

5. **Effective Date.** This Ordinance shall become effective immediately upon adoption and publication as provided by law and shall remain in effect until such time as the Order of the County Health Officer requiring face coverings in public places is no longer in effect.