

The McAlester City Council met in a Special session on Thursday, August 20, 2020, at 5:30 P.M. after proper notice and agenda was posted, August 14, 2020 at 4:55 P.M.

**Call to Order**

Mayor Browne called the meeting to order and clarified that the public call in number had been transposed. He then furnished the correct number.

**Roll Call**

Council Roll Call was as follows:

Present in Person: Weldon Smith, James Brown, Billy Jack Boatright & John Browne  
Present via Teleconference: Cully Stevens & Zach Prichard  
Absent: Steve Cox  
Presiding: John Browne, Mayor

Staff Present in Person: Peter Stasiak, City Manager & Cora Middleton, City Clerk  
Staff Present via Teleconference: William J. Ervin, City Attorney

Mayor Browne inquired about Councilman Cox's absence and Councilman Smith stated that Councilman Cox had indicated that he would not be able to attend due to a conflict with his work.

A motion to open Public Hearing, addressing one (1) proposed ordinance, was made by Councilman Boatright, and seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

AYE: Councilmembers Boatright, Smith, Stevens, Brown, Prichard & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried, and the Public Hearing opened at 5:33 P.M.

**Public Hearing**

*All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter*

**AN ORDINANCE AMENDING CHAPTER 54, HEALTH AND PUBLIC WELFARE, OF THE MCALESTER CITY CODE, TO CREATE ARTICLE IV, COVID-19 PANDEMIC FACE COVERINGS; CREATING AND ESTABLISHING FINES FOR CHAPTER 54, HEALTH AND PUBLIC WELFARE, ARTICLE IV, COVID-19 PANDEMIC FACE**

**COVERINGS, SECTION 54-52, FACE COVERINGS MANDATED IN PUBLIC PLACES; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.**

Ben Kennedy, 1402 E. Osage addressed the Council regarding the Oklahoma Open Meeting Act requirements. He commented that if the statute was correct this meeting and the previous meeting on July 23, 2020 were not legal meetings.

Attorney Ervin addressed the Council explaining that the definition in the statute, as amended, was defining both options. He informed the Council that they were in compliance with the Statute and the meeting was legal.

Harry Gibson, 807 E. Creek addressed the Council expressing his views on the proposed ordinance and stating that as of 3:52 P.M. today Ordinance No. 2690 had been suspended when the Referendum Petition had been submitted to the City Clerk.

Raymond Brown, 28 W. Railroad Street addressed the Council expressing his thoughts regarding the mask ordinance. He distributed a copy of a study that had been done in 2015 regarding the N95 masks.

Shane Schlueter, 604 Lampton Lane addressed the Council expressing his opinion and concerns regarding the mask ordinance and asked Mayor Browne about the photo of him not wearing a mask at a gathering.

Mayor Browne explained the circumstances surrounding the photo.

Natosha Schlueter, 604 Lampton Lane addressed the Council stating that she was an RN and expressing her concerns regarding the mask ordinance and asked what the drive was behind the ordinance.

Mayor Browne commented that the ordinance was to keep people safe and help prevent them from getting sick.

Harry Gibson addressed the Council asking if they were adopting another ordinance and stated that the Referendum Petition had stopped **ORDINANCE NO. 2960**.

Ben Kennedy, 1402 E. Osage addressed the Council stating that he had been incorrect with his interpretation of the amended Open Meeting Act.

Roll was called at 6:08 P.M.

There were no further comments, and a motion to close the Public Hearing was made by Vice-Mayor Brown. The motion was seconded by Councilman Boatright, and the vote was taken as follows:

A YE: Councilmembers Brown, Boatright, Prichard, Smith, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the Public Hearing was closed at 6:09 P.M.

### **Scheduled Business**

1. Discussion and possible action, to amend Chapter 54, Health and Public Welfare, Section 58, Sunset and Section 59, Penalties, of the McAlester, City Code and declaring an emergency. (*John Browne, Mayor*)

Executive Summary

Staff recommends approval of amendment.

Mayor Browne addressed the Council furnishing the Statute that allowed the City to ability to enact an ordinance requiring face coverings. He then furnished the current statistics related to the COVID-19 pandemic.

Councilman Smith commented that he was in general agreement to not have an ordinance and asked if could make a motion to repeal **ORDINANCE NO. 2960**.

Attorney Ervin explained that the agenda item contained “Repealing Conflicting Ordinances” he felt a motion to repeal **ORDINANCE NO. 2960** would be allowed.

Councilman Smith moved to repeal **ORDINANCE NO. 2960**. The motion was seconded by Councilman Boatright.

There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Smith, Boatright & Mayor Browne

NAY: Councilmembers Prichard, Stevens & Brown

Mayor Browne declared the motion failed.

Councilman Prichard requested that the Clerk read the vote.

Clerk Middleton read the motion, second and the vote.

### **ORDINANCE NO. 2692**

**AN ORDINANCE AMENDING CHAPTER 54, HEALTH AND PUBLIC WELFARE, OF THE MCALESTER CITY CODE, TO CREATE ARTICLE IV, COVID-19 PANDEMIC FACE COVERINGS; CREATING AND ESTABLISHING FINES FOR CHAPTER 54, HEALTH AND PUBLIC WELFARE, ARTICLE IV, COVID-19 PANDEMIC FACE COVERINGS, SECTION 54-52, FACE COVERINGS MANDATED IN PUBLIC PLACES; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AND EMERGENCY.**

Mayor Browne moved to approve the ordinance as presented. The motion was seconded by Vice-Mayor Brown.

Before the vote, there was discussion regarding what the proposed ordinance did, the striking of the fines for individuals, if the Council had received language for an amendment to the proposed ordinance, and how the amendment would affect the proposed ordinance.

Councilman Prichard moved to amend the proposed ordinance. The amendment was seconded by Councilman Stevens.

Mayor Browne asked for clarification of procedure.

Attorney Ervin stated that the Council had a motion and a second. Councilman Prichard's motion was not a priority motion. So, the Council would consider the first motion and second first and then consider Councilman Prichard's motion if it received a second.

Councilman Stevens asked if Mayor Browne if he would consider addressing the Sunset and then go back to consideration of the fines.

Councilman Boatright commented on the added fees for a fine that was \$10.00 or more.

After another brief discussion regarding the proposed amendment to the ordinance, the vote on the motion to approve **ORDINANCE NO. 2692**, as presented was taken as follows:

AYE: Councilmembers Brown, Smith, Boatright & Mayor Browne

NAY: Councilmembers Prichard & Stevens

Mayor Browne declared the motion carried.

Mayor Browne stated that the Council would now consider Councilman Prichard's amendment.

Attorney Ervin reminded the Mayor that the EMERGENCY CLAUSE needed to be considered before the amendment.

Councilman Smith moved to approve the EMERGENCY CLAUSE. The motion was seconded by Vice-Mayor Brown, and the vote was taken as follows:

AYE: Councilmembers Smith, Brown, Boatright, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

Councilman Prichard withdrew his motion and Councilman Stevens withdrew his second.

2. Discussion on initiating a Strategic Planning effort for McAlester's city government, including development of Performance Measurements for all City Departments. (*Weldon Smith, Ward One Councilman*)

Executive Summary  
Discussion.

Councilman Smith stated that he would like the Councilmembers to read over the documents that had been emailed to them. He added that it was not a rush, the City had enough problems. He stated that he would bring more information and in the next few months look at when the virus could be put behind everyone.

Mayor Browne commented that he thought this was a great idea and the performance measurements had been a top priority for Councilman Smith for some time. He stated that having a Strategic Plan would have helped during the pandemic. He added that a good job had been done but with a plan the City could have been ahead of this and not reactive.

Councilman Smith stated that if there were any questions to email or call.

No action was taken on this item.

### **Adjournment**

There being no further business to come before the Council, Vice-Mayor Brown moved for the meeting to be adjourned. The motion was seconded by Councilman Boatright. There was no discussion, and the vote was taken as follows:

AYE: Councilmembers Brown, Boatright, Smith, Stevens, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 6:31 P.M.

ATTEST:

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John Browne, Mayor

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Cora Middleton, City Clerk