

The McAlester City Council met in a Special session on Thursday, July 23, 2020, at 5:30 P.M. after proper notice and agenda was posted, July 20, 2020 at 11:34 A.M.

Call to Order

Mayor Browne called the meeting to order.

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, Steve Cox & Zach Prichard
Absent: None
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

Shannon Rowell gave the invocation and led the Pledge of Allegiance.

Mayor Browne addressed the audience explaining that normally he asked individuals to wait to speak on an item when the item was being addressed. He stated that tonight he asked that they speak during the Public Hearing. He also commented that as this was an emotional topic, he asked that everyone stay civil so this meeting could be conducted in an orderly manner.

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

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

Mayor Browne declared the motion carried, and the Public Hearing opened at 5:32 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 AND EMERGENCY.

Mayor Browne addressed the Council and audience relaying statistical information of the impact of the Coronavirus (COVID-19). He stated that cases were on the rise in Oklahoma as well as around the country. He commented that many of the medical organizations and physicians encouraged the wearing of masks especially in situations that did not allow social distancing.

John Titsworth, 1010 Douglas addressed the Council expressing his concerns about an ordinance that would mandate the wearing of masks in the City of McAlester. He furnished statistical information as well.

Cathy Sly, 216 E. Electric Avenue addressed the Council expressing her concerns about an ordinance that would mandate the wearing of masks in the City of McAlester and commented about the conflicting information that was being furnished to the public.

Attorney Ervin commented that the constitutionality is related to the health of community and legal for the Council to address.

Robin Glasco addressed the Council expressing concern about how the wearing of masks could affect individuals that were deaf or hearing impaired and how an individual could prove their impairment.

Lauren Nelson, 108 Granite Road addressed the Council expressing concerns about the amount of CO₂ that wearing a mask could contribute to an individual breathing.

Howard Kennedy, 1402 E. Osage addressed the Council expressing his concerns with the wearing of masks.

Charlie Baker, 2214 Sycamore addressed the Council expressing his concerns about mandated mask wearing.

Jimmy Williams, 803 Village Boulevard addressed the Council expressing his support for the mandate that would require the wearing of masks.

Brad Bevin, 2019 N. Main addressed the Council expressing his concerns about mandated mask wearing.

Connie Day, 225 Apple Blossom addressed the Council regarding mandated wearing masks.

Joyce Carlson, 312 W. Fillmore addressed the Council concerning the mandated wearing of masks and concerns that the Wellness Center would be closing.

Karen Kennedy, 1402 E. Osage addressed the Council expressing her concerns about mandated wearing of masks.

Brian Smith, 2001 N. 4th addressed the Council expressing his concerns regarding the wearing of masks.

Julie Montgomery, Pittsburg County Health Department addressed the Council regarding the number of tests that had been administered to the public and the benefits of wearing masks.

There was a brief discussion, regarding the number of tests administered per day, the maximum number of tests that could be administered, how long it takes to get the results, how the cases were trending, the number of individuals that had recovered, contract tracing, how contact tracing was performed, the help that the Oklahoma National Guard had furnished to the Health Department and if an individual tested positive how many times that test was counted.

Kevin Enloe, Emergency Management Director addressed the Council explaining that his office was available to answer any questions and to help in any way. He commented that he supported the wearing of masks and that it was not a political issue but a public health issue. Director Enloe commended the City and County officials for the job they did at the beginning of this event and stated that the citizens had done a great job also. he added that the numbers had started to spread.

Alyssa Latty, Director McAlester Main Street, 119 E. Choctaw addressed the Council commenting that she had seen a lot of comparisons of statistics and this was actually dealing with lives versus livelihoods.

Tina Kathy addressed the Council regarding the wearing of masks and asked what the OSHA regulations were regarding masks.

Mayor Browne read from a bulletin for a “Frequently asked questions and answers” from OSHA.

John Titsworth, 1010 Douglas addressed the Council regarding the statistics that were being used to make decisions concerning the wearing of masks.

Cathy Sly, 216 E. Electric Avenue addressed the Council regarding the information that was being used to make decisions concerning the wearing of masks.

Roll was called at 6:22 P.M.

Mike Nolen, 8 W. Tyler addressed the Council expressing his concerns over the proposed mandate to wear masks and how long the mandate to wear masks would be in effect.

Mayor Browne commented that the proposed ordinance explained everything.

Charlie Baker addressed the Council regarding the information that was being used to make decisions.

Blake Jennings, 308 Bluebird addressed the Council expressing concern over the possible mask mandate.

Chief Brewer addressed the Council explaining how a higher number of cases could effect the City and County.

Shannon Rowell, 18 E. Carl Albert Pkwy. addressed the Council regarding the effects on law enforcement and if the City was concerned with litigation.

Manager Stasiak commented that the Police Department was currently understaffed by five (5) officers. He stated his concern was contamination within the forces and being able to respond to the needs of the City.

Tammy Kykendall, 380 SE Buchanan, Krebs addressed the Council concerning how the Police Department would handle the workload from people refusing to wear masks.

There was a brief discussion concerning the EMS Department's ability to handle the workload of calls related to COVID-19, and if there had been any calls related to the virus.

There was a five (5) minute recess at 7:24 P.M.

Roll was called at 7:28 P.M. and the meeting was reconvened.

Calua Watts-Stanfield, 1403 E. Wade Watts Avenue addressed the Council speaking on behalf of the individuals that believed that masks were necessary.

A motion to close the Public Hearing was made by Councilman Smith, and seconded by Councilman Brown. There was no further discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried, and the Public Hearing was closed at 7:32 P.M.

Scheduled Business

1. Discussion and possible action authorizing the Mayor to sign an Ordinance amending Chapter 54, Health and Public Welfare, of the McAlester, City Code, to create Article IV, COVID-19 Pandemic Face Coverings mandating the use of face coverings in public areas and declaring an emergency. (*John Browne, Mayor*)

Executive Summary

Staff recommends approval and authorization for the Mayor to sign the ordinance and due to the state of emergency rendered by the COVID-19 Pandemic, shall become effective upon signature of the Mayor.

Councilman Smith stated that he loved political discourse and that there were a lot of different opinions regarding the wearing of masks. He stated that the basic point was if a person felt threatened by the virus, they could wear a mask and for those that did not feel threatened they could choose not to wear a mask.

Councilman Brown commended the Mayor for trying to do what he felt was right. He stated that students in public schools will be wearing masks. He added that we needed to find a way to balance.

Councilman Boatright commented that he felt the majority of the citizens had common sense and would know when they needed to wear a mask.

Councilman Prichard asked if there was a motion on the floor.

Councilman Cox questioned how the age of children wearing masks was chosen.

Attorney Ervin stated that the CDC recognizes that children under the age of two (2) and should be guided by the guidance of their parents. He added that individuals with breathing impairments and special needs had trouble with wearing masks.

Mayor Browne stated that one of the ideas behind wearing masks was to keep the numbers down so that businesses would not have to shut down. This was not a case of trying to impose authority over others, but more like the decree on smokers. He stated that the medical field local and nationally supported the wearing of masks. He quoted a statistic from the Institute of Health Metrics and Evaluations that suggested that 33,000 deaths could be avoided by October 1st if 95% of people wore masks.

Councilman Prichard commented on the fine portion of the ordinance. He stated that this reminded him of a tornado warning where some will go to shelter and others will go out and look for the tornado. He commented that some were taking this more seriously and others were not.

Mayor Browne stated that he intended to have the fine portion removed.

Councilman Cox commented that he agreed with Councilman Prichard but he was not sure that a mandated ordinance was the way to do this. He stated that education could be more of the way to address this.

Vice-Mayor Stevens recommended reviewing the penalty section of the ordinance and the sunset section and adjust that as needed. He stated that what concerned him was how the transmission of this virus could be reduced and maybe encouraging people to wear masks might be how this could be accomplished. He added that this community needed to figure out a way to help each other.

ORDINANCE NO. 2690

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.

A motion to approve **ORDINANCE NO. 2690**, as presented was made by Councilman Smith. The motion was seconded by Councilman Boatright.

Before the vote, Councilman Prichard asked for clarification of the motion. Mayor Browne stated that the motion had been made to approve the ordinance as presented.

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

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

Mayor Browne declared the motion carried.

A motion to approve the EMERGENCY CLAUSE was made by Mayor Browne and seconded by Councilman Prichard.

Before the vote, Councilman Prichard asked if the EMEERGENCY CLAUSE was not approved then it would not go into effect for thirty (30) days and it needed a “yes” vote of five (5) to pass.

Attorney Ervin stated that was correct.

Councilman Prichard urged one of the members that voted no on the ordinance to vote yes on the EMERGENCY CLAUSE, so this could go into effect.

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

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

Mayor Browne declared the motion failed.

There was a brief discussion concerning amending **ORDINANCE NO. 2690**, how it could be amended, if there was any way to bring it up to be discussed for amendments and how it could be amended.

Adjournment

There being no further business to come before the Council, Councilman Smith 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 Smith, Boatright, Stevens, Cox, Brown, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 8:01 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk