

July 9, 2020

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

The City Council of the City of Athens, Alabama met in a special session at the Athens Municipal Building, 200 Hobbs Street West in Athens on July 9, 2020, at 2:00 p.m. Council President, Frank Travis, called the meeting to order by describing the order of the meeting for those without an agenda. He stated that there will be a roll call followed by a prayer and the Pledge of Allegiance. He announced that there would be an opportunity for those who wanted to address the Council to speak, allowing about 3 people to speak from both sides of the issue. Mr. Travis asked everyone to hold their comments to allow Dr. Paul Frye to address the Council, after which he would open the floor again for discussion. Upon roll call, the following were found to be present: Councilmembers Harold Wales, Frank Travis, Wayne Harper, and Chris Seibert. Mayor Marks led the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Council President Travis offered the invocation. The Chairperson stated that a quorum was present and that the meeting was open for transaction of business.

Council President Travis opened by remarking that the meeting was called to discuss the COVID-19 issue and how it is affecting our community. He stated that we all want what is best for our community and to determine the best solution for all of our citizens. Mr. Travis noted that the discussion at this meeting was to discuss whether an ordinance shall be passed to make wearing masks mandatory.

Mayor Marks asked to make some opening remarks. He stated that the original intent of this special called meeting was to discuss protocols to be followed by our department heads and whether those protocols are consistent. Mayor Marks noted that this is a health and safety issue and not a political statement, but that it has quickly turned into a barrage of social media comments. Mayor Marks further commented that we have looked at some of the recently passed mask regulations adopted by both Madison County and Decatur, and that this is a draft of a similar ordinance that could be adopted here, if it is the wish of the City Council. He also stated that criticism has been received that the City has no protocols. Mayor Marks then read the COVID-19 protocols for City of Athens employees, which represent an order from the Mayor that would be signed by him on Friday, July 10, 2020. Mayor Marks also noted that he is not concerned about an election but concerned about the public health and safety of the community.

Council President Travis recapped that the Mayor had just read the policy for City employees. He stated, "What we're here for today is to discuss what to do about the citizens of our city and to address how to effectively support the public's desires." He then stated that this meeting would be to hear from the public and to take information and that the Council would come back at a later date and decide what to do officially.

Mr. Travis then opened the floor for public comment and emphasized that comments would be limited to 3 minutes but no more than an additional minute and a half, strictly enforced.

John Plunk, 112 North Lindsay Lane, Athens, stated that he had the virus the last two weeks in February and that he is in favor of anything the community can do to prevent the spread of this disease.

Al Bush, Redbud Street, Athens, spoke in favor of an ordinance to wear masks, citing his experience as a child with the polio outbreak.

Kelly Range, 303 Brookwood Drive, Athens, spoke in favor of a mask ordinance and stated that wearing a mask is for the protection of yourself and others and is a matter of health and safety.

Stephen Wilder, Kingston Place, Mooresville Road, then addressed the Council and stated that his concern is that whatever decision is made, how will the City get out of the decision or what protocol will end the requirement to wear masks, if the decision is made to adopt such a requirement?

Ali Turner, Athens, then addressed the Council and thanked them for taking the time to let this process work and to try to balance personal health with individual freedom. She stated her opinion was that it would be better to let wearing a mask be a matter of personal conscience rather than a government mandate. She cited conflicting evidence as to the effectiveness of masking in the prevention and spread of COVID-19 even among highly trained medical professionals.

Karen Sample, Crutcher Circle, Athens, stated that she is not against masks, but believes in personal responsibility. She also stated that she doesn't believe that such a mandate can be enforced and that there is conflicting information as to whether masks are effective. She commented that the best way would be to ask everyone to be personally responsible.

Dr. Paul Frye, Chief of Staff of Athens-Limestone Hospital, then addressed the Council. Dr. Frye remarked that he is here not only for himself but on behalf of the entire medical community. He gave the background that the virus started in China in 2019 and made it to the United States in December and January. In March, initially through the hospital and then with the County and the City, he stated that this community took steps to bend the curve, ahead of even the State of Alabama. He commented that those steps ranged from getting people to social distance, to shutting down non-essential surgeries in an effort to flatten the curve and it worked. He then gave national and state statistics, including an overall mortality rate of 4.5%, and stated that this is a disease of historical perspective. He stated that the state was reopened, the economy rebounded but that COVID-19 cases have rebounded to dramatic degrees. He said that the only thing to reverse this trend is to shut the economy down again or to compromise by wearing masks and social distancing. He stated that he is strongly in favor of wearing masks to prevent the transmission of this disease and that while masks don't protect the person wearing it, they do protect others. Dr. Frye stated that studies have shown that if 80% of the population wore masks, there would be a 60% reduction in the infection rate. He remarked that the only way to prevent the spread of this virus, short of shutting down the economy, is the wearing of masks.

Caleb Vilander, Thomas Street, Athens, spoke in opposition to an ordinance requiring the wearing of masks. He stated that he does not take the virus or the effects of the virus lightly and that he believes high-risk citizens should take extra precautions to protect themselves. He stated that requiring healthy, law-abiding citizens to wear masks is wrong and that government has no right to do so.

Jackie Bud, 15306 McCormick, Athens, addressed the Council in opposition to a requirement to wear masks. She stated that this decision should be between the individual and his or her doctor or if you choose to wear a mask, you should do that. She also stated the City shouldn't have the right to mandate this.

David Owen, Turnberry Lane, Canebrake Subdivision, Athens, addressed the Council as to how such an ordinance would be enforced, particularly how would this requirement work in schools, which are scheduled to return in a month? He asked the Council to please consider the school issue when making their decision.

Council President Travis then invited comments from each of the Council members. Councilman Wales stated that this is a tough issue involving the safety of all of our residents and that he wears a mask to protect himself and others. He said that he would like to read more data in order to do the right thing and that he could come to grips with the public safety issue but can't come to grips with the enforcement issue surrounding the ordinance.

Councilman Harper stated he has had numerous emails and phone calls against a mask ordinance and that if he had to vote today, he would not vote for it. He further commented that he also agrees with Councilman Wales on the enforcement issue and that he felt that the same people who will wear a mask will do it anyway. He also doesn't want to put our police officers in that position to try to enforce this and commented that this is a tough issue and that we all want to keep our constituents healthy and safe and that he would also like more time to consider the issue.

Councilman Seibert stated that he's spent 15 years in the field of medical and surgical equipment development, and with all due respect to everyone in the room, he felt that Dr. Frye was the most important opinion in the room to help make decisions about public health. He further commented that he doesn't think this is a political issue but a public health issue. He said that he's at a similar point with the other council members and that he needs more data before making a decision, and that most of that data will be from public health officials like Dr. Frye, someone that he respects from a medical standpoint. He also stated that we need to make sure that (1) we take care of our citizens but (2) we give our businesses some top cover. He expressed his concern about the enforcement issue and that his decision would be 100% based on medical data.

Council President Travis then ended the meeting with a few remarks. He stated that he is grateful to live in the City of Athens and this country because it allows us to have this discussion. He also stated that we all still love our country and each other and so he is disappointed that we have to discuss mandating measure to protect other people. He commented that this is a country of freedom and that everyone has a right to have an opinion. Mr. Travis further commented that we are a rule-based country and that 80% of the citizens will follow those rules whether they agree with them or not. He said that he feels conflicted and that COVID-19 affects his community disproportionately, citing that 45% of COVID-related deaths are African-American and Hispanic, although they only represent 27% of the population. He also stated that he has personal knowledge of people who have died and that he will take all the information into consideration and

try to make the best decision possible. He urged the other members of the Council to pray about this issue and let their conscience rule their decision.

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There being no further business to come before the meeting, Council President Travis asked if there were any objections to adjourning the meeting. There being none, the meeting was duly and properly adjourned.

/s/Frank Travis
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK