

Bessemer, Alabama

April 6, 2020

The Council of the City of Bessemer, Alabama met in regular session via teleconference at the City Hall in said City on Tuesday, April 6, 2020 at 9:00 a.m. Central Time. The meeting was called to order by Council President Cynthia Donald who was Chairman of the meeting. Upon roll call, the following Council members were found to be present: Councilors Kimberly Alexander, Jarvis Collier, Ron Marshall, Jesse Matthews, Donna Thigpen, Latricia Crusoe and Cynthia Donald. Absent: None. City Clerk Wanda D. Taylor stated that a quorum was present and the meeting was opened for the transaction of business.

Memorandum

**From: Cynthia S. Donald, President
City Council of the City of Bessemer, Alabama**

To: City Clerk of the City of Bessemer, Alabama

Date: April 3, 2020

RE: I am hereby calling a Special Meeting of the City Council of the City of Bessemer, Alabama to be held on April 3, 2020 at 9:00 a.m., to consider matters within the Council's authority that are (a) necessary to respond to COVID-19 or (b) necessary to perform essential minimum functions of the governmental body. The meeting will be held by teleconference permitting all members to participate and to hear one another at the same time. Not less than twelve hours following the conclusion of the meeting, the city clerk will post a summary of the meeting on the entry doors to City Hall and on the City of Bessemer's Website.

Councilor Cynthia S. Donald

NOTICE OF SPECIAL MEETING

CITY COUNCIL OF THE CITY OF BESSEMER, ALABAMA

The City Council of the City of Bessemer, Alabama, hereby gives notice that it will hold a Special Meeting of the Council, as follows:

TIME: 9:00 A.M.

DATE: Monday, April 6, 2020

PLACE: BY VIDEO CONFERENCE

in accordance with Section III of the Governor's Supplemental Emergency Proclamation issued March 18, 2020; And Section IV of the Governor's Supplemental Emergency Proclamation Issued April 2, 2020

AGENDA: The City Council of the City of Bessemer, Alabama, will meet in Special Session by Video Conference to consider matters limited to matters within the body's statutory authority that are (a) necessary to respond to COVID-19; and/or (b) necessary to perform essential minimum functions of the governmental body.

Not less than 12 hours following the meeting, a summary of the meeting will be posted on the City of Bessemer's Website and the public entrance doors to City Hall.

If a more formal agenda for this meeting has not been prepared as of the posting of this notice, if and when such an agenda is prepared, it will be posted next adjacent to this notice.

Councilor Donald stated that we have two matters to discuss (1) Resolution to continue the State of Emergency in the city of Bessemer to May 5, 2020, and (2) Resolution extending the closing date of the old city hall located at 1800 3rd Avenue No. Bessemer, Al.

Bessemer City Clerk Wanda Taylor read the following resolution:

RESOLUTION NO. 042-20

**A RESOLUTION CONTINUING THE STATE OF EMERGENCY IN THE CITY OF BESSEMER, ALABAMA
THROUGH MAY 5, 2020**

WHEREAS, the President of the United States, The Governor of the State of Alabama and the Jefferson County Commission have declared a state public health emergency due to the COVID-19 Coronavirus pandemic; and

WHEREAS, on March 27, 2020, the State Health Officer issued an Order suspending all non-work related gatherings of ten (10) person or more, or non-work related gatherings of any size that cannot maintain a consistent six-feet of separation to slow the spread of the pandemic to assist healthcare providers in keeping the number of those experiencing severe symptoms at a manageable level; and

WHEREAS, operations of local schools have been ordered to institute alternative methods of instruction for the remainder of the 2019-2020 school year; and

WHEREAS, the City Council of the City of Bessemer declared a state of emergency on March 16, 2020 in Resolution No. 041-20 to protect the public health and ordered the cessation of routine operations within the City; and

WHEREAS, Congress enacted the Families First Coronavirus Response Act (FFCRA) which requires certain employers to provide their employees, subject to exclusions for health care providers and emergency responders, with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19; and

WHEREAS, it is anticipated that additional orders and recommendations from the State and Federal level will make it increasingly difficult to return to routine operations through May 5, 2020;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Bessemer at a duly assembled video conference meeting held in accordance with Governor Kay Ivey's Proclamation of March 18, 2020, suspending portions of the Open Meetings Act, with a quorum being present as follows:

- 1. A State of Emergency continues to exist in the City of Bessemer due to the COVID-19 pandemic. Emergency conditions affecting public health and safety exist throughout the City of Bessemer warranting the exercise of emergency powers as provided by law.**
- 2. That all City of Bessemer facilities shall continue to be closed to the public through May 5, 2020 with the following exceptions:**

- a. Members of the public needing to make payments of their utility bills can make payments at Bessemer Utilities drive-through window located at 1600 1st Avenue N., Bessemer, Alabama.
 - b. Payments required through Municipal Court may be made at the payment window located at 23 15th Street N., Bessemer, Alabama.
 - c. Persons having been diagnosed with COVID-19, who are showing symptoms of COVID-19, or who have family members who have been so diagnosed are prohibited from using the drive-through window at Bessemer Utilities or the payment window at Municipal Court.
 - d. Parks will be open to the public between the hours of 6:00 a.m. and 6:00 p.m., provided, social distancing requirements as set forth by the State Health Officer shall be followed.
 - e. The Frank House Municipal Golf Course will be open to the public, subject to restrictions regarding social distancing and other necessary health measures as determined by the Mayor.
3. The Mayor will continue to determine the employees necessary to carry on the essential functions of government and the times and manner of their work operations.
 4. The previous Resolution of the City Council regarding a special paid leave of absence to employees for up to ten (10) days for self-quarantine, treatment and recovery for positive diagnosis to the coronavirus is hereby rescinded due to the benefits provided pursuant to the FFCRA with the exception that emergency responders that are excluded from FFCRA benefits shall still be qualified for said special leave of absence.
 5. That the Mayor is authorized to expend up to the sum of \$50,000 on equipment, goods and services deemed necessary by the Mayor to deal with this emergency and he shall report any such purchases to the Council within ten (10) days or at the next City Council meeting, whichever is less.
 6. That the City Council meetings set for Tuesday, April 7, 2020 and April 21, 2020 and the Planning Session scheduled for April 14, 2020 are hereby cancelled until re-scheduled by the City Council.
 7. That the status of continued suspension of routine operations will be re-evaluated at the City Council meeting scheduled for Tuesday, May 5, 2020 and communicated to employees and the public.
 8. This resolution shall become effective immediately upon its adoption as required by law.

ADOPTED this the 6th day of April, 2020.

Councilor Collier joined the Special Meeting at 9:04 a.m.

Councilor Matthews stated did he hear in the reading of the resolution that an individual has to quarantine themselves for 10 days.

Mayor Gulley stated that's 10 days are for an individual that has tested positive and are exhibiting symptoms. Mayor Gulley stated that they are sent home. Mayor Gulley stated that the resolution is saying that the city will pay you up to ten days if you test positive. Mayor Gulley stated that this resolution exempts essential employees i.e. police, fire, public works and Bessemer Utilities.

City Attorney Shan Paden stated that when the first resolution was passed (March 16, 2020) the FFCRA had not been enacted by congress. Attorney Paden stated that if any employee tests positive, they will be covered by those 10 days. Attorney Paden stated that when congress passed FFCRA it gave better coverage than those 10 days. Attorney Paden stated that we rescinded the ten days as it applies to all non-emergency providers because they are covered under the Cares Act, and since emergency responders are not covered under the Cares Act; leaving those ten days in there grant those emergency responders coverage if they test positive.

Councilor Matthews made a motion to adopt the resolution. Councilor Marshall seconded the motion and upon roll call the following votes were recorded: Ayes: Councilors Alexander, Collier, Marshall, Matthews, Thigpen, Crusoe and Donald Nays: None: The motion carried.

Councilor Donald announced the next item on the agenda.

A resolution extending the closing date of the old city hall located at 1800 3rd Avenue No. Bessemer, Al to May 30, 2020

Attorney Shan Paden stated that was last item in the resolution and it has already been approved.

Councilor Donald made a motion to adjourn.

**Wanda Taylor
City Clerk
City of Bessemer**

Presiding Officer

