

**CITY COUNCIL MINUTES
JULY 21, 2020**

The Council of the City of Fulton, Missouri, met in Special Session on Tuesday, July 21, 2020 in the Council Chambers of City Hall located at 18 E. 4th Street. Present and presiding were: Mayor Lowe Cannell; William R. Johnson, Director of Administration; and Courtney L. Crowson, City Clerk, and Steve Myers, Police Chief. The meeting was called to order by Mayor Cannell at 6:00 p.m. Roll call was taken by the City Clerk, and members of the Council present were: Braun, Pace-Snook, Rehklau, Sebacher, Shiverdecker, Simmons, Stone, and Washington. Also present were; Helen Wilbers of *THE FULTON SUN*; Darin Wernig and Mike Haldeman, Audio/Video; and visitors*: Parker Rehm, Ashley Eddy, Elizabeth Williams, Billy R. Kennedy, Clay Caswell, Tamara Tateosian, Eva Jones, Darrell Dillon, Renee Swaim, Bub Wilcox, Adam Kilmer, Madison Doyle, Michelle Krueger, Alan Combs, Barbara O'Donley, Sue Hruska, Bill Guinee, Will Shackelford, Kirt Kleindienst, Rita Pitt, Joshua Lococo, Wil Hoffman, Virginia McCoskrie, Whit McCoskrie, Matt Mason, Marla Mason, Lydia Mason, Beth Snyder, Bev Adams, Linda Ellis, Katherine Gant, Clint Smith, DeAnn Kern, Ron Milem, Jeralyn Williams, Sherri Lococo, Taylor Mortsey, Lori Bernicky, Duane Hobbs, Randall L. Kleindienst, Jerry Butcher Jr., Tracy Edwards, Gloria Joy Richmond, Curtis Warfield Jr., Kent Woods, Donnie Horstman, Mark Alexander, Mary Lou Barnes, Billy Cracken, Steve Moore, Brenda Saxe, Lynn Quick, Linda Smith, Anna Khoilan, John Dreyer II, Sandra Dreyer, Carolyn Bernicky, JB Winingear, Gary Jungermann, Doc Kritzer, Dan Smith, and Theresa Kennedy. *Some visitor names may appear incorrectly as signatures were illegible.

INVOCATION:

Invocation was given by Rev. Haldeman

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Rev. Haldeman.

COMMENTS FROM VISITORS:

Prior to the meeting, the city allowed interested city residents and business owners to register in-person to speak during tonight 's meeting. Registrations were taken on a first-come, first-served basis, and speakers were required to signify whether they would be speaking in favor or opposition of a face covering ordinance.

Mayor Cannell stated that all speakers would be given four minutes to speak, and the City Clerk would call speakers based on the order they registered. Speakers were alternated based on whether they were in favor or opposition to a face covering ordinance.

City Clerk Courtney Crowson administered the timer for each speaker and provided a one-minute warning to the expiration of their time.

Beth Snyder, 825 Court Street, spoke in favor of an ordinance. Snyder stated she believes all people should wear face masks although she feels an ordinance is not likely to pass. Snyder stated the virus is real and she believes it is important to protect others and to allow businesses to decide what is right for their establishment. Snyder requested a strong recommendation urging the use of masks in public places.

John Dreyer II, 707 Jefferson Street, spoke in opposition of an ordinance. Dreyer stated there are multiple kinds of the coronavirus, and masks haven ' t been worn or required for colds or other illnesses as their effectiveness is limited. Dreyer stated all masks are not created equal, and they are expensive and supply is limited.

Whit McCoskrie, 3207 Tanglewood Way, spoke in favor of an ordinance. McCoskrie stated there is a surge in coronavirus cases, and vaccines are months away. McCoskrie expressed concern with the return of college students and the safety of public-school students. McCoskrie urged the Council to enact an ordinance now to establish a protocol prior to the return of students.

Anna Dreyer Khoilan, 707 Jefferson Street, spoke in opposition of an ordinance. Khoilan stated it would be difficult for employees who work 10-hour shifts to wear masks as they continue to collect moisture over time. Khoilan stated she suffers from asthma, and it is difficult for a person with asthma to breath with a mask. Khoilan also stated that she believes America is enforcing socialism, and it is time to "make America great again".

Virginia McCoskrie, 3207 Tanglewood Way, spoke in favor of an ordinance. McCoskrie noted rising cases as a concern, and reported Callaway County cases rose from 62 to 80 in one week. McCoskrie expressed concern with the return of college students, and referenced a case from Springfield, Missouri where infected salon workers didn't transmit the virus to their clients because they wore masks. McCoskrie stated she is concerned with being forced to close her business during the fourth quarter and the income and sales tax money that will be lost.

Elizabeth Williams, 455 Law Court, spoke in opposition of an ordinance. Williams compared enacting a mask mandate to placing a chain-link fence to keep out mosquitos, as she reported masks are ineffective in keeping small coronavirus particles from entering. Williams stated masks will not stop COVID-19, but they limit the amount of oxygen a person is able to breathe. Williams noted President Trump reported that sunlight "helps", and we should encourage people to spend time outdoors. Williams stated she believes "terrorist organizations" such as "ANTIFA and Black Lives Matter" are more dangerous than the coronavirus, and she feels rights are being chipped away.

Adam Kilmer, 1502 Forest Avenue, spoke in favor of an ordinance. Kilmer stated there are 172 studies currently based on the effectiveness of masks, and currently Missouri is designated as a "yellow zone" meaning it has the potential to become a hot spot for coronavirus cases. Kilmer noted that President Trump's Coronavirus Task Force is asking counties across the country to enforce the usage of face masks. Kilmer stated transmission of the coronavirus is lowered by 89% when a mask is worn, but there are not nearly enough people choosing to wear them.

Sandra Dreyer, 707 Jefferson Street, spoke in opposition of an ordinance. Dreyer stated she is required to wear a mask at work and her glasses are frequently foggy as a result. Dreyer stated she was thankful the Fulton Street Fair was cancelled for 2020 as she was concerned with the risk of having a large gathering in town. Dreyer would like to see more signage regarding hand washing/sanitizing, and she believes businesses should be able to require what they feel is necessary. Dreyer also stated she thinks each person should take responsibility for themselves, and the United States is a democracy so that people are free to make their own decisions.

Bill Guinee, 10 E. 9th Street, spoke in favor of an ordinance. Guinee likened a mask mandate to the need for stop signs and speed enforcement, as theses are matters of public safety. Guinee stated all citizens have rights, but they also have responsibilities. Guinee believes people have been given the opportunity to voluntarily wear masks, but few have risen to the responsibility, and now is the time to enforce masks as a

matter of public safety. Guinee also asked if the city and community are complicit for rising numbers and deaths related to the coronavirus.

Mark Alexander, 2 Ann Street, spoke in opposition to an ordinance. Alexander stated he believes the main stream media is using the coronavirus as a political tool. Additionally, Alexander stated the tests are unable to distinguish between the various types of coronavirus, and the numbers are being inflated. Alexander reported that President Trump found that test results in Florida had been exaggerated by 10x as part of a "leftist agenda", and that COVID-19 deaths are "way down". Alexander stated he also believes many doctors are urged to write that a patient has the coronavirus.

Sue Hruska, 10 E. 9th Street, spoke in favor to an ordinance. Hruska stated she believes wearing face masks is easy, and after witnessing her mother on a ventilator in the past, she does not want to see anyone in the community have to experience it. Hruska said she works for the Callaway County Public Library, and the library is requiring face masks in order to enter the building. Hruska stated she feels more comfortable at work, and although no one likes wearing a mask, "it is necessary". Hruska noted she appreciates shopping and dining locally, but if businesses do not mandate face masks, she will go elsewhere.

Michele Krueger, 804 Nichols Street, spoke in opposition to an ordinance. Krueger stated she is fine with businesses requiring face masks, but the numbers locally do not warrant an ordinance. Krueger stated businesses have a responsibility to limit and ensure social distancing, but what is right for her many not be right for her neighbor. Krueger would like to see enforcement on social distancing.

Billy Ray Kennedy, 718 Bluff Street, spoke in favor of an ordinance. Kennedy stated he is a truck driver for Callaway Carriers, and he has been to many other cities and states where masks are required. Kennedy believes masks make a difference and feels the low number of truck drivers who have the coronavirus is a testament to the effectiveness of masks. Kennedy also noted the importance of cleaning his truck multiple times per day and the use of Vaseline to keep bacteria from penetrating the skin. Kennedy stated masks are not 100% effective, but "they make a difference", and he feels the community must enforce masks in order to protect children as they are the future.

Kirt Kleindienst, owner of 54 Country, spoke in opposition to an ordinance. Kleindienst stated he would like to apologize for his tone at last week's Council meeting, and he was thankful to have another opportunity to address the Council. Kleindienst stated he does not feel an ordinance is needed, as many businesses are choosing to require face masks, and he believes this decision should be left to the individual businesses. Kleindienst stated his business brings 10,000 to Fulton annually, and 54 Country offers an escape for people to socialize and dance. Kleindienst also believes it is important for businesses like his to have the freedom to self-regulate, as there is a mental health crisis across the country that takes many lives. Kleindienst stated he has gathered 150 signatures from people who oppose a face mask requirement.

Joshua Lococo, 805 Cote Sans Dessein, spoke in favor of an ordinance. Lococo stated he believes those in opposition contradict their own points, and that if a mask impedes breath, it also impedes the coronavirus. Lococo stated that President Trump recently said that "Patriots wear masks", and that the use of handkerchiefs has been a common practice for a long time.

Mayor Cannell thanked everyone for taking part in the discussion this evening and called for a brief recess of the Council at 7:04 p.m. The Council reconvened at 7:15 p.m.

NEW BUSINESS:

- a. COVID-19 discussion.

Mayor Cannell stated there are a few visitors with us this evening to discuss the ongoing COVID-19 pandemic and to answer questions regarding proposing a face covering ordinance.

Mayor Cannell introduced Kent Woods from the Callaway County Health Department (CCHD). Woods stated CCHD has been working closely with elected officials throughout the past few months, and CCHD strongly encourages the use of masks. Woods noted it is important to ensure the mask is worn correctly, as masks should cover both the nose and mouth completely.

Woods expressed that CCHD would assist the city no matter what direction the Council chooses to take regarding an ordinance mandating face masks. Woods did note that CCHD does not have the available staff to enforce a city ordinance, and believes that enforcement will be the most important factor to consider with enacting an ordinance.

CCHD has been actively working with the colleges and public schools to ensure safety for returning students, and all entities have contingency plans in place in the event that the situation in Callaway County changes. Woods noted masks go along with social distancing and personal responsibility, and that it takes everyone working together to be successful.

Councilman Braun asked about the number of contact tracers at CCHD. Woods stated there are 3-5 people who handle contact tracing depending upon the load of active cases. Councilman Braun asked is there is a need for additional staffing and if CARES Act money should be used to assist. Woods stated if CCHD becomes inundated, they may utilize staff from other counties to assist with contact tracing. If this is not an option, CCHD will look to Callaway County for assistance. Woods noted that these plans have been formulated and practiced many times, and he believes county staff are doing a great job managing COVID-19 in Callaway County. Woods noted that they would never turn down help, and are happy to take the names of anyone interested in assisting so that CCHD can assess how these individuals may be best utilized.

Councilman Washington asked about liability for businesses who do not require their employees or patrons to wear face coverings. Woods stated he believes it would be best to seek a legal opinion to answer these questions.

Mayor Cannell thanked Woods and CCHD for their dedicated work during a difficult time.

Mayor Cannell introduced Tamara Tateosian, Executive Director of the Callaway Chamber of Commerce. Tateosian stated the Chamber polled their membership and received 93 responses. A majority (53) of the businesses were not looking for a mandate or ordinance, but were looking to see a recommendation from the city. Tateosian stated the Chamber remains neutral on the issue, but she is concerned with the number of businesses suffering dramatically during this time. Tateosian stated there are a number of businesses who will not survive another shutdown, and she is fearful of a boom in cases. Tateosian noted the Chamber partnered with a local attorney to provide information on whether businesses are liable for their employees and customers in relation to COVID-19. According to Tateosian, businesses are responsible for the safety of their employees and customers, and Missouri does not have any additional protections in place for businesses at this time.

Some brief discussion followed. Councilman Braun thanked Tateosian and the Chamber for conducting the survey. Mayor Cannell and Tateosian noted that Callaway County has CARES Act money available to assist businesses with masks and signage.

Mayor Cannell asked Police Chief Myers to address possible enforcement of an ordinance. Chief Myers noted he understands the difficult decision the Council currently faces, and stated that the Fulton police Department does not have the man power to enforce a face mask ordinance. Chief Myers stated that refocusing officers to handle mask violations could cause a drop in response to other important calls, as emergency lines and staff would be inundated with mask complaints. Some discussion followed. Woods noted Columbia's mask complaint lines are full and backlogged.

City Clerk Crowson noted there was a great deal of confusion amongst attendees this evening, as many believed a mask ordinance had already been proposed and was up for final vote. City Clerk Crowson noted that the Council organized this meeting to hear from the residents and business owners of Fulton to establish a direction and general consensus from the community.

Councilwoman Pace-Snook stated she personally believes masks help, but she does not see how the Council can put forward an ordinance without a mechanism of enforcement.

Following some discussion, motion was offered by Councilman Braun and seconded by Councilwoman Pace-Snook to strongly recommend for the citizens of Fulton to wear masks.

Mayor Cannell asked if this recommendation should be made to the Callaway County Leadership group. Councilman Braun stated he thinks it is important to continue discussions with the Callaway County Leadership group and to see that they all come on board as well.

Councilwoman Rehklaue stated she would also like to see the other communities in the county get on board with this recommendation, and if things change in the future, the city's strategy can also change.

Councilman Washington added that he would like to encourage the businesses to mandate what they feel is appropriate for their establishments.

Councilman Simmons stated he does not like wearing a mask, but he believes it is an important step of consideration towards other citizens, friends, and neighbors. Councilman Simmons also agrees with encouraging businesses to require masks as they each deem appropriate, and he believes that if wearing a mask saves one life, then it is worth wearing the mask.

Councilman Stone stated he strongly supports the recommendation for Fulton citizens to wear masks as he works in healthcare and has seen the damage caused by COVID-19. Councilman Stone stated the virus will kill people, and he wears his mask to protect other people. Councilman Stone stated the county has jumped from 56 cases to 84 cases in less than two weeks, and he believes the recommendation is appropriate at this time; the Council can review this topic in the future if needed.

Councilman Washington noted he believes the city should have a plan to know when to move forward and what triggers a stronger response and resources.

Councilman Stone said he believes the city has handled this well and took steps to address the concerns and issues. Councilman Stone stated perhaps a mask mandate is something that can be added to the city's emergency declaration process if needed.

Councilwoman Sebacher asked for a clarification as to how the ordinance process works as there were many citizens confused this past week. City Clerk Crowson explained that the city is required by our Charter to read a potential ordinance three times, and unless it is an emergency measure, it must be read over a minimum of two meetings. Ordinances, once enacted, are laws that govern the city. The Missouri Sunshine Law mandates that public notice be given no less than 24 hours in advance of a meeting, and the city accomplishes this by placing the agenda for an upcoming meeting on the city bulletin board as well as the city website and social media pages.

City Clerk Crowson noted a large amount of incorrect information is often passed around through social media, and encouraged citizens to contact the City Clerk's office directly with questions or concerns, and noted that local government is only successful if citizens are informed and engaged. The City Clerk's office is available to assist Fulton residents in better understanding the processes and issues at hand, and encourages clear, transparent communication at all times.

Councilman Braun thanked the members of the audience, as well as the many people who have called or reached out with concerns recently for becoming involved.

Motion to strongly recommend for the citizens of Fulton to wear masks carried with eight members of the Council voting in favor.

ADJOURNMENT:

There being no further business to come before the council, motion was offered by Councilman Shiverdecker and seconded by Councilman Braun to adjourn this meeting. Motion carried with eight members of the Council voting in favor. The meeting adjourned at 8:01 p.m.

Lowe Cannell, Mayor

Courtney L. Crowson, CMC/MRCC
City Clerk